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Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Docket No. FV98–925–2 FIR]

Grapes Grown in a Designated Area of Southeastern California; Revision to Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, an interim final rule which revised the container requirements prescribed under the California grape marketing order. This rule continues in effect revised dimensions for three containers currently authorized for use by grape handlers regulated under the marketing order, the addition of two new containers, and several conforming and formatting changes to the container requirements. The revised container requirements conform with those recently adopted by the State of California, address the marketing and shipping needs of the grape industry, are expected to improve returns for handlers and producers, and are in the interest of consumers.

EFFECTIVE DATE: May 4, 1998.

FOR FURTHER INFORMATION CONTACT: Rose M. Aguayo, Marketing Specialist, or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901, Fax: (209) 487–5906, or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 925 (7 CFR Part 925), regulating the handling of grapes grown in a designated area of southeastern California, hereinafter referred to as the "order." The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues in effect language in § 925.304 of the order's rules and regulations which revised dimensions for three containers authorized for use by grape handlers, added two containers, and made several conforming and formatting changes to the grape container requirements. The revision to container requirements in § 925.304(b) brought the requirements into conformity with those recently adopted by the State of California, addressed the marketing and shipping needs of the grape industry, is expected to improve returns for handlers and producers, and is in the interest of consumers. In addition, this rule also continues in effect a change to paragraphs (a), (b), and (f) of § 925.304 wherein a California Department of Food and Agriculture (CDFA) reference was changed from "California Administrative Code (Title 3)" to "Title 3: California Code of Regulations" (CCR), continues in effect the removal of an incorrect CCR section number referenced in § 925.304(b), and the addition of the correct CCR section number in § 925.304(b) of the order's rules and regulations.

Section 925.52(a)(4) of the grape marketing order provides authority to regulate the size, capacity, weight, dimensions, markings, materials, and pack of containers which may be used in the handling of grapes.

Prior to the publication of the interim final rule (63 FR 655, January 7, 1998), § 925.304(b)(1) of the order's rules and regulations required grapes handled under the marketing order to meet the requirements of §§ 1380.19 (14), 1436.37, and 1436.38 of the California Administrative Code (Title 3); section 925.304(b)(1)(i) through (b)(1)(ix) of the order's rules and regulations authorized eight containers (28, 38J, 38K, 38Q, 38R, 38S, 38T, and a 5 kilo) for use by grape handlers and also authorized the Committee to approve other types of containers for experimental or research purposes; and § 925.304(f) stated that certain container and pack requirements cited in the container regulation are specified in the California Administrative Code (Title 3) and are incorporated by reference, and that notice of any change in these materials will be published in the **Federal Register.**

Several years ago, the California Table Grape Commission (Commission) funded a 3-year research project designed to determine if current practices were getting the product to the retailer and ultimately the consumer in the best possible condition. A study of grape packaging was conducted by Dr. Harry Shorey of the University of California at Davis and the University of

California at Kearney Agricultural Center at Parlier. Dr. Shorey looked at multiple varieties of grapes grown in California, packed in cartons of a wide variety of materials, dimensions, and packing depths. He monitored numerous shipments from the field to the grocery store. The study concluded that the California grape industry should modify container dimensions so that containers will fit better on the standard 48-× 40-inch pallets and that container minimum net weights should be reduced by 2 pounds.

Based on these conclusions, the Committee recommended and the Secretary approved in March 1996 (61 FR 11129, March 19, 1996) reducing the minimum net weight requirements, and adding the 38S and 38T containers to enhance the deliverability of grapes.

Since that time, the CDFA changed the name of the California Administrative Code (Title 3) to Title 3: California Code of Regulations (CCR), and published several amendments to the CCR which added the 38U and 38V containers. It was noted that the dimensions of the 38Q, 38R, and 38T authorized in § 925.304(b)(1)(iv), (v), and (vii) did not conform to those adopted by the State of California and that conforming changes were needed in those subparagraphs.

The Committee met on November 12, 1997, and unanimously recommended modifying the language in § 925.304 of the order's rules and regulations. The Committee recommended the following changes to § 925.304(b):

(1) That the width of the 38Q container be decreased from 11½ inches (inside) to 11¼ inches (inside), and that the depth be decreased from 6¾ inches (inside) to 6¼ inches (inside);

(2) That the width of the 38R container be expanded from 15¾ inches (outside) to 15¾ to 16 inches (outside), and that the length be expanded from 19 11/16 inches (outside) to 19 11/16 to 20 inches (outside);

(3) That the depth of the 38T container be decreased from 6⅝ to 7½ inches (inside) to 5½ to 7½ inches (inside), that the width be expanded from 13⅛ inches (outside) to 13⅛ to 13 5/16 inches (outside), and that the length be expanded from 15⅞ inches (outside) to 15 5/16 to 16 inches (outside);

(4) That containers 38U and 38V, as defined in the CCR, be added to the regulations; and

(5) That several conforming and formatting changes be made to clarify which sections of the CCR pertain to grapes, and make the regulations more reader friendly.

Specifically, the conforming and formatting recommendations included removing § 1380.19(14) because no such section existed in the CCR; adding CCR §§ 1380.14 and 1380.19(n) to the regulation to make the regulation consistent with the State of California's code; and listing the authorized containers and dimensions in chart form, rather than narrative form.

Imported grapes are not impacted by this action. Container and pack requirements are not required under the section 8e table grape import regulation (7 CFR part 944.503).

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 27 handlers of California grapes subject to regulation under the order and approximately 80 grape producers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5,000,000, and small agricultural producers have been defined as those having annual receipts of less than $500,000. Ten of the 27 handlers subject to regulation have annual grape sales of at least $5,000,000, excluding receipts from any other sources. In addition, 70 of the 80 producers subject to regulation have annual sales of at least $500,000, excluding receipts from any other sources, and the remaining 10 producers have annual sales less than $500,000, excluding receipts from any other sources. Therefore, a majority of handlers and a minority of producers are classified as small entities.

This rule continues in effect modifications to language in § 925.304 of the order's rules and regulations which revised the dimensions of three containers authorized for use by grape handlers, added two containers, and made several conforming and formatting changes. The revision to container requirements in § 925.304(b) brought the container requirements into conformity with those recently adopted by the State of California, addressed the marketing and shipping needs of the grape industry, is expected to improve returns for handlers and producers, and is in the interest of consumers. In addition, this rule continues in effect changes in paragraphs (a), (b), and (f) of § 925.304, wherein the term "California Administrative Code (Title 3)" was changed to "Title 3: California Code of Regulations" (CCR), continues in effect the removal of an incorrect CCR section number referenced in § 925.304(b), and the addition of the correct CCR section number in § 925.304(b) of the order's rules and regulations.

Section 925.52(a)(4) of the grape marketing order provides authority for size, capacity, weight, dimensions, markings, materials, and pack of containers which may be used in the handling of grapes.

Prior to the publication of an interim final rule (63 FR 655, January 7, 1998), § 925.304(b)(1) of the order's rules and regulations outlined container and pack requirements which required grapes to meet the requirements of §§ 1380.19 (14), 1436.37, and 1436.38 of the California Administrative Code (Title 3). Section 925.304(b)(1)(i) through (b)(1)(ix) of the order's rules and regulations authorized eight containers (28, 38J, 38K, 38Q, 38R, 38S, 38T, and a 5 kilo) for use by grape handlers and also authorized the Committee to approve other types of containers for experimental or research purposes. Section 925.304(f) stated that certain container and pack requirements cited in the container regulation are specified in the California Administrative Code (Title 3) and are incorporated by reference, and that notice of any change in these materials will be published in the **Federal Register**.

Several years ago, the Commission funded a 3-year research project designed to determine if current practices were getting the product to the retailer and ultimately the consumer in the best possible condition. A study of grape packaging was conducted by Dr. Harry Shorey of the University of California at Davis and the University of California at Kearney Agricultural Center at Parlier. Dr. Shorey looked at multiple varieties of grapes grown in California, packed in cartons of a wide variety of materials, dimensions, and packing depths. He monitored numerous shipments from the field to the grocery store. The study concluded that the California grape industry should modify container dimensions so that containers will fit better on the standard 48×40-inch pallets and that

container minimum net weights should be reduced by 2 pounds.

Based on these conclusions, the Committee recommended and the Secretary approved reducing the minimum net weight requirements, and adding the 38S and 38T containers in March 1996 to enhance the deliverability of grapes (61 FR 11129, March 19, 1996).

Since that time, the CDFA changed the name of the California Administrative Code (Title 3) to Title 3: California Code of Regulations (CCR), and published several amendments to the CCR which added the 38U and 38V containers. It was noted that the dimensions of the 38Q, 38R, and 38T authorized in § 925.304(b)(1)(iv), (v), and (vii) did not conform to those adopted by the State of California, and that the dimensions needed to conform with those requirements.

The Committee met on November 12, 1997, and unanimously recommended modifying the language in § 925.304 of the order's rules and regulations. The Committee recommended the following changes to § 925.304(b):

(1) That the width of the 38Q container be decreased from 11½ inches (inside) to 11¼ inches (inside), and that the depth be decreased from 6¾ inches (inside) to 6¼ inches (inside);

(2) That the width of the 38R container be expanded from 15¾ inches (outside) to 15¾ to 16 inches (outside), and that the length be expanded from 19 11/16 inches (outside) to 19 11/16 to 20 inches (outside);

(3) That the depth of the 38T container be decreased from 6⅝ to 7½ inches (inside) to 5½ to 7½ inches (inside), that the width be expanded from 13⅛ inches (outside) to 13⅛ to 13 5/16 inches (outside), and that the length be expanded from 15⅞ inches (outside) to 15 5/16 to 16 inches (outside);

(4) That containers 38U and 38V, as defined in the CCR, be added to the regulations; and

(5) That several conforming and formatting changes be made to clarify which sections of the CCR pertain to grapes and to make the regulations more reader friendly. Specifically, the conforming and formatting recommendations included removing § 1380.19(14) because no such section exists in the CCR; adding CCR §§ 1380.14 and 1380.19(n) to the marketing order regulation to make it consistent with the State of California's code; and listing the authorized containers and dimensions in chart form, rather than narrative form.

At the meeting, the Committee discussed the impact of these revisions on handlers and producers in terms of cost. The new width and length dimensions for the 38R and 38T containers listed in the marketing order fit within the dimensions for the new 38R and 38T containers as defined in the CCR. Therefore, handlers and producers will be able to continue using their current supply of 38R and 38T containers or purchase the new containers. This will have minimal impact on the industry as the cost for the new containers is expected to be less than the 38R and 38T containers utilized last shipping season.

The 38Q container depth and width dimensions listed in the marketing order did not fit within the new depth and width dimensions for the new 38Q container as defined in the CCR. Therefore, handlers need to utilize new containers. The Committee surveyed handlers and determined that none have stocks of 38Q containers. According to industry members, the new 38Q containers will cost handlers $0.20 less per container. This cost savings may be passed on to producers.

The Committee estimated that the 1998 crop will be approximately 8,000,000 lugs. It is estimated that 2 to 3 percent of the crop (160,000 to 240,000) lugs will be packed into 38Q containers. The Committee estimated that a minimal amount of grapes will be shipped in the new 38U and 38V containers this shipping season, but determined that handlers should have these containers available for use.

The benefits of this rule are not expected to be disproportionately greater or less for small handlers or producers than for larger entities.

The Committee discussed alternatives to this revision, including not revising the dimensions for the 38Q, 38R, and 38T containers, and not adding the 38U and 38V containers, but determined that handlers and producers should benefit from this change. The new and revised containers, which conform to California state requirements, fit on the standard 48x40-inch pallet, address the marketing and shipping needs of the grape industry, and accommodate the reduced net weight requirements established by the industry in March 1996. Thus, the Committee members unanimously agreed that the 38Q, 38R, and 38T container dimensions should be revised, that the 38V and 38U containers should be added to containers authorized under the marketing order, and that conforming and formatting changes should be made to reflect the appropriate sections of the CCR, and to make the regulations more reader friendly.

This action imposes no additional reporting or recordkeeping requirements on either small or large grape handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this final rule.

Further, the Committee's meeting was widely publicized throughout the grape industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the November 12, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. The Committee itself is composed of 12 members, of which 8 are handlers and producers, 1 is a producer only, and 2 are handlers only. The twelfth Committee member is the public member. Finally, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

An interim final rule concerning this action was published in the **Federal Register** on January 7, 1998. Copies of the rule were mailed by the Committee's staff to all Committee members and grape handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 60-day comment period which ended March 9, 1998. One comment was received during the comment period in response to the interim final rule. The commenter, representing the California Grape and Tree Fruit League, expressed support for this action. Accordingly, no changes will be made to the rule as published, based on the comments received.

This action does not impact the importation of grapes. Container and pack requirements are not required under the section 8e table grape import regulation (7 CFR part 944.503).

After consideration of all relevant material presented, including the Committee's recommendation, and other available information, it is found that finalizing this interim final rule, without change, as published in the **Federal Register** (63 FR 655, January 7, 1998) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 925

Grapes, Marketing agreements and orders, reporting and recordkeeping requirements.

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 925 which was published at 63 FR 655 on January 7, 1998, is adopted as a final rule without change.

Dated: March 30, 1998.

Sharon Bomer Lauritsen,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–8785 Filed 4–2–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

[Docket No. FV98–959–1 FIR]

Onions Grown in South Texas; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, an interim final rule which decreased the assessment rate established for the South Texas Onion Committee (Committee) under Marketing Order No. 959 for the 1997–98 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of onions grown in South Texas. Authorization to assess Texas onion handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period began on August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: May 4, 1998.

FOR FURTHER INFORMATION CONTACT: Cynthia Cavazos or Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 1313 East Hackberry, McAllen, Texas 78501; telephone: (956) 682–2833, Fax: (956) 682–5942; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632. Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 205–6632.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR part 959), regulating the handling of onions grown in South Texas, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, South Texas onion handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable onions beginning August 1, 1997, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues to decrease the assessment rate established for the Committee for the 1997–98 and subsequent fiscal periods from $0.07 per 50-pound container or equivalent to $0.05 per 50-pound container or equivalent.

The Texas onion marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of South Texas onions. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1996–97 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate that would continue in effect from fiscal period to fiscal period indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee, in a telephone vote, unanimously recommended 1997–98 administrative expenses of $100,000 for personnel, office, and the travel portion of the compliance budget. These expenses were approved in July 1997. The assessment rate and funding for research and promotion projects, and the road guard station maintenance portion of the compliance budget were to be recommended at a later Committee meeting.

The Committee subsequently met on November 6, 1997, and unanimously recommended 1997–98 expenditures of $245,000 and an assessment rate of $0.05 per 50-pound container or equivalent of onions. In comparison, last year's budgeted expenditures were $448,000. The assessment rate of $0.05 is $0.02 less than the rate previously in effect. At the former rate of $0.07 per 50-pound container or equivalent, the assessment income would have exceeded anticipated expenses by about $35,000, and the projected reserve of $220,000 on July 31, 1998, would have exceeded the level the Committee believes to be adequate to administer the program. The Committee voted to lower its assessment rate and use more of the reserve to cover its expenses. The reduced assessment rate is expected to bring assessment income closer to the amount necessary to administer the program for the 1997–98 fiscal period.

Major expenses recommended by the Committee for the 1997–98 fiscal period include $80,912 for personnel and administrative expenses, $45,000 for compliance, $33,088 for promotion, and $86,000 for onion breeding research. Budgeted expenses for these items in

1996–97 were $80,000, $120,000, $150,000, and $98,000, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of South Texas onions. Onion shipments for the year are estimated at 4 million 50-pound equivalents, which should provide $200,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently $185,000) will be kept within the maximum permitted by the order (approximately two fiscal periods' expenses; § 959.43).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The remainder of the Committee's 1997–98 budget was approved November 24, 1997, and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 70 producers of South Texas onions in the production area and approximately 38 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts less than $500,000 and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Since the interim final rule was issued, the Department received additional information from the Committee on handlers and producers in the South Texas onion industry. This information is summarized below. Most of the handlers are vertically integrated corporations involved in producing, shipping, and marketing onions. For the 1996–97 marketing year, onions produced on 12,175 acres were shipped by the industry's 38 handlers. The average acreage and median acreage handled was 310 acres and 177 acres, respectively. In terms of production value, total revenues from the 38 handlers were estimated to be $23.6 million; with average and median revenue being $620,000 and $146,000, respectively. The industry is highly concentrated as the largest 8 handlers (largest 25 percent) controlled 62 percent of the acreage and 77 percent of onion production.

The South Texas onion industry is characterized by producers and handlers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of onions. Alternative crops provide an opportunity to utilize many of the same facilities and equipment not in use when the onion production season is complete. For this reason, typical onion producers and handlers either produce multiple crops of alternate crops within a single year.

Based on the SBA's definition of small entities, the Committee estimates that all the 38 handlers regulated by the order would be considered small entities if only their spring onion revenues are considered. However, revenues from other productive enterprises would likely push a large number of these handlers above the $5,000,000 annual receipt threshold. All of the 70 producers may be classified as small entities based on the SBA definition if only their revenue from spring onions is considered. When revenue from all sources is considered, a majority of the producers would not be considered small entities because the income of many of the producers would exceed the $500,000 figure.

This rule continues in effect the assessment rate of $0.05 per 50-pound container or equivalent established for the Committee and collected from handlers for the 1997–98 and subsequent fiscal periods. The Committee unanimously recommended 1997–98 expenditures of $245,000 and an assessment rate of $0.05 per 50-pound container or equivalent of onions. In comparison, last year's budgeted expenditures were $448,000. The assessment rate of $0.05 is $0.02 less than the rate previously in effect. At the former assessment rate of $0.07 per 50-pound container or equivalent and an estimated 1998 onion production of 4 million 50-pound equivalents, the projected reserve on July 31, 1998, would have exceeded the level the Committee believes necessary to administer the program. The Committee decided that an assessment rate of less than $0.05 would not generate the income necessary to administer the program with an adequate reserve.

Major expenses recommended by the Committee for the 1997–98 fiscal period include $80,912 for personnel and administrative expenses, $45,000 for compliance, $33,088 for promotion, and $86,000 for onion breeding research. Budgeted expenses for these items in 1996–97 were $80,000, $120,000, $150,000, and $98,000, respectively.

Onion shipments for the year are estimated at 4 million 50-pound equivalents, which should provide $200,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently $185,000) will be kept within the maximum permitted by the order (approximately two fiscal periods' expenses; § 959.43).

Recent price information indicates that the grower price for the 1997–98 marketing season will range between $7.00 and $12.00 per 50-pound container or equivalent of onions. Therefore, the estimated assessment revenue for the 1997–98 fiscal period as a percentage of total grower revenue will range between .714 and .417 percent.

This rule continues to decrease the assessment obligation imposed on handlers. While this rule imposes some additional costs on handlers, the costs are minimal and in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs are

offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the South Texas onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the November 6, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This action imposes no additional reporting or recordkeeping requirements on either small or large South Texas onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

An interim final rule concerning this action was published in the **Federal Register** on December 30, 1997 (62 FR 67694). The interim final rule was made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons to respond to the interim final rule. The comment period ended March 2, 1998, and no comments were received.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

Accordingly, the interim final rule amending 7 CFR part 959 which was published at 62 FR 67694 on December 30, 1997, is adopted as a final rule without change.

Dated: March 30, 1998.

Sharon Bomer Lauritsen,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–8786 Filed 4–2–98; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Regulation B; Docket No. R–0978]

Equal Credit Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending certain model forms in its Regulation B to reflect statutory amendments to the Fair Credit Reporting Act (FCRA) disclosures contained in those forms. Creditors have the option of including the FCRA disclosures with the notice of action taken required under Regulation B. In addition, a technical revision has been made to Appendix A.

DATES: The rule is effective April 30, 1998.

FOR FURTHER INFORMATION CONTACT: Jane Jensen Gell, Senior Attorney, or Pamela Morris Blumenthal, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, at (202) 452–3667 or 452–2412; users of Telecommunications Device for the Deaf (TDD) *only,* contact Diane Jenkins at (202) 452-3544.

SUPPLEMENTARY INFORMATION:

I. Background

Regulation B, which implements the Equal Credit Opportunity Act, requires creditors to provide consumers with a notice of action taken if an application for credit is denied, an account is terminated, or the terms of an account are unfavorably changed. The Fair Credit Reporting Act (FCRA) (15 U.S.C. 1681a) requires creditors that take adverse action against a consumer, such as by denying an application for credit, to provide consumers with certain disclosures if the action is based on information provided by a third party or a consumer reporting agency. The required FCRA disclosures include, for example, the name and address of the consumer reporting agency that supplied the information. For information obtained from a third party, the required disclosures include a statement that the consumer has the right to request the reason for the denial within sixty days. Creditors have the option of including the FCRA disclosures with the notice of action taken required under Regulation B; Appendix C to Regulation B provides model forms that combine the FCRA and ECOA disclosures.

The Economic Growth and Regulatory Paperwork Reduction Act of 1996 (Pub. L. 104–208, 110 Stat. 3009) made extensive changes to the FCRA. Among other changes, the amendments require that additional disclosures be given to consumers who are denied credit based on information from an affiliate or from a consumer reporting agency.

On July 11, 1997, the Board published for public comment proposed amendments to several model forms in Regulation B (61 FR 37166). The Board is issuing a final rule amending the FCRA portion of Regulation B's model forms C–1 through C–5 and the general instructions for these forms to reflect the changes to the FCRA, which were effective September 30, 1997. The forms include language that may be used when credit is denied based on information obtained from a consumer reporting agency, from a third party other than a consumer reporting agency, or from an affiliate. To minimize the number of changes to the forms, and thereby ease compliance for creditors, the Board is changing the language only in the forms that are affected by the FCRA amendments.

II. New Model Language

Action Based on Information From a Consumer Reporting Agency

When adverse action is taken against a consumer based on information from a consumer reporting agency, section 615(a) of the FCRA now requires the following additional disclosures: a telephone number for the consumer reporting agency (toll-free if the agency compiles and maintains files on consumers nationwide); a statement that the consumer reporting agency did not make the decision to take the adverse action, and cannot state the reason why the adverse action was taken; the consumer's right to a free copy of the credit report from the consumer reporting agency, if the request is made within 60 days of receipt of the adverse action notice; and the consumer's right to dispute with the consumer reporting agency the accuracy or completeness of the credit report. These revisions have been incorporated into the model forms that may be used to comply with the FCRA when credit is denied, an account is terminated, or the terms of an account are unfavorably changed based on information from a consumer reporting agency.

Action Based on Information From an Affiliate

The Board specifically solicited comment on which, if any, disclosure should be provided when adverse action is based on a consumer report obtained from an affiliate. The Board proposed

that a creditor using information in a consumer report obtained from an affiliate must provide the same disclosures as would be provided if the report had come directly from the consumer reporting agency (disclosures required under 615(a) of the FCRA). Some commenters agreed with the Board's approach. These commenters believed that creditors should provide consumers the same disclosures under FCRA whether a consumer report is obtained from an affiliate or directly from a consumer reporting agency.

A number of commenters disagreed with the Board's approach. They believed that the Board's reading of the statute did not reflect congressional intent. These commenters argued that the amendments to the FCRA specifically require a different adverse action notice when a consumer report is obtained from an affiliate, if the affiliate has provided certain "opt-out" disclosures mentioned in the statute's amended definition of "consumer report."

After reviewing the comment letters and consulting with other federal financial regulatory agencies, the Board has determined that this issue merits further consideration and would more appropriately be addressed in an interpretation of the FCRA. The Board and the FTC anticipate that they will issue jointly for public comment a proposed interpretation of the FCRA that will clarify the disclosures that are to be provided when adverse action is based on a consumer report obtained from an affiliate. In the interim, institutions may provide either the 615(a) notice or the 615(b) notice.

Third Party Notice

In the case of information from an affiliate that is neither a consumer report nor the affiliate's own transactional experience, the Board proposed allowing creditors to use the current third-party notice, as amended. There is a difference, however, between the timing provisions of section 615(b)(1) (third-party notice) and of section 615(b)(2) (affiliate notice). Under the third-party provision, a consumer's request for the reasons for adverse action must be submitted to the creditor within 60 days after the consumer receives the notice. Under the affiliate provision, the request must be submitted within 60 days after the "transmittal of the notice."

The Board proposed that Regulation B's existing language for model form C–1 (used for information from a third party) also be used for information from an affiliate, and solicited comment on this approach. Commenters generally agreed with the Board that the proposed language—60 days from receipt of the notice—would ease compliance for creditors and provide a more understandable time frame for consumers. Accordingly, the Board has adopted this language in the final rule.

Technical Revisions

Commenters suggested several technical modifications to the forms. Several commenters believed that the Board was requiring the use of certain terms, such as "toll-free." The Board did not intend this result. The use of the words "toll-free" before "telephone" in model forms C–1 through C–5 is not required. Although a form need not state "toll-free," a creditor must provide a toll-free number established by the consumer reporting agency if the agency compiles and maintains files on consumers on a nationwide basis.

In addition, to be consistent with the language in the FCRA, the phrase "affiliate's own experience" in the second paragraph in Appendix C is modified to read "affiliates's own transactions or experiences." Finally, the proposed statement concerning consumers' right under the FCRA to know the information in their credit files in Model Form C–5 (included in brackets) need not be provided. Commenters noted that the revised FCRA does not require this notice, and that the notice of the right to receive a free copy of a credit report adequately informs consumers that they may obtain the information in their credit report.

III. Section-by-Section Analysis

In Appendix C, the second paragraph is amended by adding two sentences at the end of the paragraph explaining the FCRA disclosure requirements for information obtained from an affiliate. For model forms C–1 through C–5, the words "toll-free" are included in brackets to reflect that the telephone number for the consumer reporting agency must be toll-free if it compiles and maintains files on consumers on a nationwide basis. Creditors have the option of using the words "toll-free" before the reporting agency's telephone number when a toll-free number is provided.

Model Form C–1

Sample Notice of Action Taken and Statement of Reasons is amended in Part II by adding at the end of the first paragraph the FCRA disclosures notifying the consumer of the right to request a copy of the consumer report, and the right to dispute the accuracy of the report with the reporting agency. In addition, in cases where a toll-free number is provided, creditors have the option of adding the words "toll-free" before the reporting agency's telephone number. A reference to an affiliate is added in the second paragraph.

Model Form C–2

Sample Notice of Action Taken and Statement of Reasons is amended by adding to the first sentence in the second paragraph the words "toll-free" before the reporting agency's telephone number. The dispute disclosure is inserted before the last sentence.

Model Form C–3

Sample Notice of Action Taken and Statement of Reasons (Credit Scoring) is amended by adding to the fourth sentence in the fourth paragraph the words "toll-free" before the reporting agency's telephone number. The dispute disclosure is added at the end of the paragraph.

Model Form C–4

Sample Notice of Action Taken, Statement of Reasons and Counteroffer is amended by adding to the first sentence in the third paragraph the words "toll-free" before the reporting agency's telephone number. At the end of the paragraph the disclosure stating that the reporting agency played no part in the decision is added along with the dispute disclosure.

Model Form C–5

Sample Disclosure of Right to Request Specific Reasons for Credit Denial is amended by adding to the first sentence in the fourth paragraph the words "toll-free" before the reporting agency's telephone number. At the end of the paragraph the disclosure that the reporting agency played no part in the decision has been added, along with the dispute disclosure. In addition, the disclosure that the consumer has a right under the FCRA to know the information in the credit file may be provided, but is not required.

IV. Technical Change to Appendix A

Appendix A—Federal Enforcement Agencies has been revised to reflect a new address for the Office of the Comptroller of the Currency (OCC). Under section 202.9(b) of Regulation B, a creditor's notice of adverse action is required to include the name and address of the federal agency that has enforcement responsibility for that creditor. The OCC is the appropriate agency for national banks and federal branches and federal agencies of foreign banks. This is a technical revision and is not related to the FCRA amendments.

V. Regulatory Flexibility Analysis

In accordance with section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603), the Board's Office of the Secretary has reviewed the amendments to Regulation B. The amendments, which provide model language to facilitate compliance, are not likely to have a significant impact on institutions' costs, including the costs to small institutions.

VI. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), the Board reviewed the rule under the authority delegated to the Board by the Office of Management and Budget (5 CFR 1320 Appendix A.1).

The current estimated total annual burden for this information collection is 125,177 hours. This amount reflects the burden estimate of the Federal Reserve System for the 996 state member banks under its supervision. This regulation applies to all types of creditors, not just state member banks. However, under Paperwork Reduction Act regulations, the Federal Reserve accounts for the burden of the paperwork associated with the regulation only for state member banks. Other agencies account for the paperwork burden for the institutions they supervise.

The revised collection of information requirements are found in Appendix C to 12 CFR Part 202. The burden per response for any of the five revised disclosures is estimated to be two and one-half minutes, on average. As the revisions are minor, this amount is not expected to change. The Board estimates that there is no annual cost burden over the annual hour burden associated with the revisions. The start-up cost for modifying state member banks' current templates to conform to the revised models is estimated to be approximately $100,000 across all 996 state member banks. No comments specifically addressing the burden estimate were received.

This information collection is mandatory (15 USC 1691b(a)(1) and Pub. L. 104–208, § 2302(a)) to ensure that credit is made available to all creditworthy customers without discrimination on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to contract), receipt of public assistance, or the fact that the applicant has in good faith exercised any right under the Consumer Credit Protection Act (15 USC 1600 *et. seq.*). The respondents/recordkeepers are for-profit financial institutions, including small businesses. Creditors are required to retain records for twelve to twenty-five months as evidence of compliance.

Since the Federal Reserve does not collect any information, no issue of confidentiality normally arises. However, the information may be protected from disclosure under exemptions (b)(4), (6), and (8) of the Freedom of Information Act (5 USC 522 (b)). The adverse action disclosure is confidential between the institution and the consumer involved. An agency may not conduct or sponsor, and an organization is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OMB control number for the Recordkeeping and Disclosure Requirements in Connection with Regulation B is 7100–0201.

The Federal Reserve has a continuing interest in the public's opinions of our collections of information. At any time, comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, may be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551; and to the Office of Management and Budget, Paperwork Reduction Project (7100–0201), Washington, DC 20503.

List of Subjects in 12 CFR Part 202

Aged, Banks, banking, Civil rights, Credit, Federal Reserve System, Marital status discrimination, Penalties, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination.

For the reasons set forth in the preamble, 12 CFR part 202 is amended to read as follows:

PART 202—EQUAL CREDIT OPPORTUNITY (REGULATION B)

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

Authority: 15 U.S.C. 1691–1691f.

2. Appendix A is amended by revising the second paragraph to read as follows:

Appendix A to Part 202—Federal Enforcement Agencies

* * * * *

National Banks, and Federal Branches and Federal Agencies of Foreign Banks

Office of the Comptroller of the Currency, Customer Assistance Unit, 1301 McKinney Avenue, Suite 3710, Houston, Texas 77010.

* * * * *

3. Appendix C is amended as follows:

a. By revising the second paragraph;

b. By revising Form C–1;

c. By revising Form C–2;

d. By revising Form C–3;

e. By revising Form C–4;

f. By revising Form C–5.

The revisions read as follows:

Appendix C to Part 202—Sample Notification Forms

* * * * *

Form C–1 contains the Fair Credit Reporting Act disclosure as required by sections 615(a) and (b) of that act. Forms C–2 through C–5 contain only the section 615(a) disclosure (that a creditor obtained information from a consumer reporting agency that played a part in the credit decision). A creditor must provide the 615(a) disclosure when adverse action is taken against a consumer based on information from a consumer reporting agency. A creditor must provide the section 615(b) disclosure when adverse action is taken based on information from an outside source other than a consumer reporting agency. In addition, a creditor must provide the 615(b) disclosure if the creditor obtained information from an affiliate other than information in a consumer report or other than information concerning the affiliate's own transactions or experiences with the consumer. Creditors may comply with the disclosure requirements for adverse action based on information in a consumer report obtained from an affiliate by providing *either* the 615(a) or 615(b) disclosure.

* * * * *

BILLING CODE 6210–01–P

FORM C-1 -- SAMPLE NOTICE OF ACTION TAKEN AND STATEMENT OF REASONS

Statement of Credit Denial, Termination, or Change

Date: _____

Applicant's Name: _____

Applicant's Address: _____

Description of Account, Transaction, or Requested Credit:

_____

Description of Action Taken:

_____

_____

PART I - PRINCIPAL REASON(S) FOR CREDIT DENIAL, TERMINATION, OR OTHER ACTION TAKEN CONCERNING CREDIT.
This section must be completed in all instances.

___Credit application incomplete

___Insufficient number of credit references provided

___Unacceptable type of credit references provided

___Unable to verify credit references

___Temporary or irregular employment

___Unable to verify employment

___Length of employment

___Income insufficient for amount of credit requested

___Excessive obligations in relation to income

___Unable to verify income

___Length of residence

___Temporary residence

___Unable to verify residence

___No credit file

___Limited credit experience

___Poor credit performance with us

___Delinquent past or present credit obligations with others

___Garnishment, attachment, foreclosure, repossession, collection action, or judgment

___Bankruptcy

___Value or type of collateral not sufficient

___Other, specify: _____

FORM C-1, page 2

PART II -DISCLOSURE OF USE OF INFORMATION OBTAINED FROM AN OUTSIDE SOURCE.
This section should be completed if the credit decision was based in whole or in part on information that has been obtained from an outside source.

___ Our credit decision was based in whole or in part on information obtained in a report from the consumer reporting agency listed below. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. The reporting agency played no part in our decision and is unable to supply specific reasons why we have denied credit to you. You also have a right to a free copy of your report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency.

Name: _____

_____

Address: _____

_____

[Toll-free] Telephone number: _____

___ Our credit decision was based in whole or in part on information obtained from an affiliate or from an outside source other than a consumer reporting agency. Under the Fair Credit Reporting Act, you have the right to make a written request, no later than 60 days after you receive this notice, for disclosure of the nature of this information.

If you have any questions regarding this notice, you should contact:

Creditor's name: _____

Creditor's address: _____

Creditor's telephone number: _____

NOTICE

The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is (name and address as specified by the appropriate agency listed in appendix A).

FORM C-2-SAMPLE NOTICE OF ACTION TAKEN AND STATEMENT OF REASONS

Date

Dear Applicant:

Thank you for your recent application. Your request for [a loan/a credit card/an increase in your credit limit] was carefully considered, and we regret that we are unable to approve your application at this time, for the following reason(s):

Your Income:
___ is below our minimum requirement.
___ is insufficient to sustain payments on the amount of credit requested.
___ could not be verified.

Your Employment:
___ is not of sufficient length to qualify.
___ could not be verified.

Your Credit History:
___ of making payments on time was not satisfactory.
___ could not be verified.

Your Application:
___ lacks a sufficient number of credit references.
___ lacks acceptable types of credit references.
___ reveals that current obligations are excessive in relation to income.

Other: _____

The consumer reporting agency contacted that provided information that influenced our decision in whole or in part was [name, address and [toll-free] telephone number of the reporting agency]. The reporting agency is unable to supply specific reasons why we have denied credit to you. You do, however, have a right under the Fair Credit Reporting Act to know the information contained in your credit file. You also have a right to a free copy of your report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency. Any questions regarding such information should be directed to [consumer reporting agency].

If you have any questions regarding this letter, you should contact us at [creditor's name, address and telephone number].

NOTICE: The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is (name and address as specified by the appropriate agency listed in Appendix A).

FORM C-3 -- SAMPLE NOTICE OF ACTION TAKEN AND STATEMENT OF REASONS (CREDIT SCORING)

Date

Dear Applicant:

Thank you for your recent application for _____. We regret that we are unable to approve your request.

Your application was processed by a credit scoring system that assigns a numerical value to the various items of information we consider in evaluating an application. These numerical values are based upon the results of analyses of repayment histories of large numbers of customers.

The information you provided in your application did not score a sufficient number of points for approval of the application. The reasons why you did not score well compared with other applicants were:

- Insufficient bank references
- Type of occupation
- Insufficient credit experience

In evaluating your application the consumer reporting agency listed below provided us with information that in whole or in part influenced our decision. The reporting agency played no part in our decision other than providing us with credit information about you. Under the Fair Credit Reporting Act, you have a right to know the information provided to us. It can be obtained by contacting: [name, address, and [toll-free] telephone number of the consumer reporting agency]. You also have a right to a free copy of your report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency.

If you have any questions regarding this letter, you should contact us at

Creditor's Name: _____
Address: _____
_____
Telephone: _____

Sincerely,

NOTICE: The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (with certain limited exceptions); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is (name and address as specified by the appropriate agency listed in Appendix A).

FORM C-4 -- SAMPLE NOTICE OF ACTION TAKEN, STATEMENT OF REASONS AND COUNTEROFFER

Date

Dear Applicant:

Thank you for your application for _____. We are unable to offer you credit on the terms that you requested for the following reason(s): _____.

We can, however, offer you credit on the following terms: _____

_____.

If this offer is acceptable to you, please notify us within [amount of time] at the following address: _____.

Our credit decision on your application was based in whole or in part on information obtained in a report from [name, address and [toll-free] telephone number of the consumer reporting agency]. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. The reporting agency played no part in our decision and is unable to supply specific reasons why we have denied credit to you. You also have a right to a free copy of your report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency.

You should know that the federal Equal Credit Opportunity Act prohibits creditors, such as ourselves, from discriminating against credit applicants on the basis of their race, color, religion, national origin, sex, marital status, age because they receive income from a public assistance program, or because they may have exercised their rights under the Consumer Credit Protection Act. If you believe there has been discrimination in handling your application you should contact the [name and address of the appropriate federal enforcement agency listed in Appendix A.]

Sincerely,

FORM C-5 -- SAMPLE DISCLOSURE OF RIGHT TO REQUEST SPECIFIC REASONS FOR CREDIT DENIAL

Date

Dear Applicant:

Thank you for applying to us for_____ .

After carefully reviewing your application, we are sorry to advise you that we cannot [open an account for you/grant a loan to you/increase your credit limit] at this time.

If you would like a statement of specific reasons why your application was denied, please contact [our credit service manager] shown below within 60 days of the date of this letter. We will provide you with the statement of reasons within 30 days after receiving your request.

Creditor's Name
Address
Telephone number

If we obtained information from a consumer reporting agency as part of our consideration of your application, its name, address, and [toll-free] telephone number is shown below. The reporting agency played no part in our decision and is unable to supply specific reasons why we have denied credit to you. [You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency.] You have a right to a free copy of your report from the reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency. You can find out about the information contained in your file (if one was used) by contacting:

Consumer reporting agency's name
Address
[Toll-free] Telephone number

Sincerely,

NOTICE

The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is (name and address as specified by the appropriate agency listed in Appendix A).

* * * * *

By order of the Board of Governors of the Federal Reserve System, March 30, 1998.

William W. Wiles,

Secretary of the Board.

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FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 309

RIN 3064–AC10

Disclosure of Information

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulations governing the public disclosure of information to reflect recent changes to the Freedom of Information Act (FOIA) as a result of the enactment of the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA). Among other things, this final rule implements expedited and "multitrack" FOIA processing procedures; implements the processing deadlines and appeal rights created by E-FOIA; and directs the public to the expanded range of records available through the FDIC's Internet World Wide Web (www) page.

EFFECTIVE DATE: May 4, 1998.

FOR FURTHER INFORMATION CONTACT: Valerie J. Best, Assistant Executive Secretary, Office of the Executive Secretary, (202) 898–3812; Linda Rego, Senior Attorney, (202) 898–7408, Legal Division.

SUPPLEMENTARY INFORMATION:

The Proposed Rule

Part 309 of the FDIC's rules and regulations implements the Freedom of Information Act (FOIA), 5 U.S.C. 552. On December 9, 1997 (63 FR 29, January 2, 1998), the FDIC Board of Directors (Board) issued for public comment a proposed rule amending part 309 in order to incorporate the provisions of the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA), Public Law 104–231.

The proposed rule provided for the expedited processing of certain categories of requesters as mandated by E-FOIA; proposed "multitrack" processing requirements as permitted by E-FOIA; incorporated new processing deadlines and appeal rights as mandated by E-FOIA; implemented provisions requiring agencies to generally provide records in the form or format requested, as required by E-FOIA; implemented the E-FOIA provisions requiring agencies to make available for public access via electronic means agency materials previously available only through inspection and copying; clarified that FOIA and Part 309 of the FDIC's rules and regulations apply to records maintained in electronic format; and incorporated the electronic-search requirements specified by E-FOIA. The proposed rule advised the public that the FDIC's World Wide Web page (or the "FDIC's www page") is a primary source of FDIC information and further noted that extensive materials are available for inspection or copying at the FDIC's reading room or "Public Information Center" or "PIC."

The FDIC received three comment letters in response to the proposed rule, one from a trade association representing news editors and reporters, and two, which were largely identical in content, from community groups involved in community housing issues.

The community groups urged the FDIC to publish current lists of pending applications involving the Community Reinvestment Act (CRA) on the FDIC's www page. The community groups also indicated that FOIA requests seeking pending applications subject to the CRA should be entitled to expedited treatment and that, in this regard, the 10-day response period specified in E-FOIA for expedited FOIA requests should be shortened to three business days for such FOIA requests. Finally, the community groups asked the FDIC to incorporate provisions that would waive FOIA fees for non-profit or low income community groups.

In response to the community groups' request that the FDIC publish a list of pending applications on the FDIC's www page, we are pleased to advise that the FDIC's Division of Supervision (DOS) and Division of Compliance and Consumer Affairs (DCA) is currently developing just such a site in conjunction with a separately adopted proposed rule to revise the FDIC's regulations governing applications, notice and request procedures, and delegations of authority, published for public comment at 62 FR 52810 (Oct. 9, 1997). The page under development will promptly list those applications open for comment. It is anticipated that the page listing applications subject to CRA comment will be made available for public review this year.

For the present, however, it should be noted that the FDIC's regional offices maintain distribution lists of groups who have expressed an interest in receiving notice of pending applications involving CRA. Depository institutions seeking the FDIC's approval file their initial application with the appropriate regional office, and most routine agency orders are issued at the regional office level under guidelines adopted by the Board. Consequently, it is expected that the most current source of information regarding the initial filing of a pending application involving CRA will generally be at the regional office level. The DOS regional offices make every effort to send, via facsimile, a notice of pending applications to groups included on the distribution list. The FDIC's DCA works closely with community and banking groups in each region to advise them of the laws and regulations governing fair lending and community reinvestment, but community groups who have not already done so may contact the regional offices and ask that their group be added to the distribution lists.

With regard to the community groups' request that the FOIA regulations be revised to waive processing fees for certain groups and to implement a three-day response period for FOIA requests involving pending applications, it should be noted that the FDIC very seldom receives FOIA requests for pending applications. This is likely because such information is readily available without the necessity of filing a FOIA request. More specifically, 12 CFR 303.6(g) currently provides that any person may inspect the nonconfidential portions of an application file and that, for a period extending until 180 days after final disposition of an application, the nonconfidential portions of the file will be available for inspection in the regional office of the FDIC in which the application has been filed. No charge is imposed for the search for or review of the application file. Since the nonconfidential portions of an application are already available without charge (except for duplication costs), and in light of the fact that the FDIC seldom receives a FOIA request for such files, the FDIC believes that the regulations as proposed are appropriate.

Other issues raised by the community groups have been considered by FDIC staff but do not involve implementation of the FOIA or E-FOIA and are thus outside the scope of the current rulemaking.

The comment received from the association of news editors and reporters noted their general approval of the FDIC's proposal; noted their appreciation for the FDIC's embrace of electronic access in preparing its www page; endorsed the FDIC's initiative to accept FOIA requests electronically; and endorsed the FDIC's willingness to exercise its discretion in granting expedited review to requesters on its own initiative in addition to granting expedited review when a requester meets the standard of "compelling need."

The trade association did ask, however, that the FDIC incorporate a provision similar to that adopted by the Department of Justice in its FOIA regulations with regard to the formality of certifications needed to obtain expedited treatment. More specifically, and consistent with E-FOIA, the FDIC's proposed rule provided that a requester is entitled to expedited treatment only where failure to obtain the records expeditiously could pose an imminent threat to the life or physical safety of a person, or where the requester is a person primarily engaged in disseminating information and there is an urgency to inform the public concerning actual or alleged agency activity. A requester seeking expedited processing must submit a certified statement describing the basis for requesting expedited treatment.

The Department of Justice regulations, however, provide that the formality of the certification may be waived as a matter of administrative discretion. The trade association asks the FDIC to incorporate a similar waiver provision. They express concern that not all eligible requesters will know that they must submit a certification at the time the initial request is filed. They fear that eligible requesters will therefore experience delays even though they are operating under the extraordinary circumstances found to merit expedited treatment under the law.

The certification required by the FDIC is straightforward and, consequently, we do not expect that it will be burdensome for eligible requesters to submit a certification with their initial request. In order to fully respond to the concerns raised by the trade association, however, the FDIC is adopting in this final rule a provision similar to that found in the Department of Justice's regulations. Consequently, under the FDIC's final rule, the formality of the certification required to obtain expedited treatment may be waived by the FDIC as a matter of administrative discretion.

In the case of a defective FOIA request, the trade association asks that the FDIC contact the requester by telephone in order to facilitate clarification and correction of the request instead of engaging in an extended exchange of letters. The FDIC generally does contact requesters to clarify deficient or vague requests and will continue to do so, consistent with sound administrative practice. Consequently, we do not find it necessary or helpful to mandate such a requirement through the regulation.

The Final Rule

The provisions of the final rule are summarized below. The final rule tracks the proposed rule in all material respects. As described in the proposed rule, § 309.1 has been expanded to clarify the purpose and scope of the various sections found within part 309. Section 309.4 has been streamlined by eliminating the lengthy list of various offices to contact for different categories of publicly available records and, instead, directing the public to FDIC's www page, found at: http://www.fdic.gov, as a primary source of FDIC information. The FDIC is continually working to increase the resources available over the Internet on the FDIC's www page, and the public is encouraged to explore the wealth of information available from the FDIC through the Internet. For example, the FDIC has elected to publish various consumer aids, such as pamphlets explaining deposit insurance coverage; information of interest to the banking industry, such as statistical and call report data and institution forms; information concerning the FDIC's responsibilities and structure, such as the pamphlet entitled "Symbol of Confidence," which lists sources to contact for additional information about the FDIC; and asset information for those interested in purchasing owned real estate (ORE) held by the FDIC.

Section 309.4 also describes the categories of information available through the FDIC's public reading room, or "Public Information Center" or "PIC." The PIC maintains facilities for receiving and storing public documents and information which the FDIC generates in performing its mission. The PIC provides reference services and referrals, and certain documents are available for inspection or sale, such as the final orders issued in enforcement actions.

Finally, § 309.4 describes those categories of information that are required to be made available for inspection or copying, either in the FDIC's reading room or via computer telecommunications, as required by E–FOIA. The FDIC has also established an Electronic FOIA Office to provide information concerning the FDIC's FOIA program and to facilitate the filing of FOIA requests via the Internet. The regulatory text of the final rule has been clarified to explain that information on the FDIC's World Wide Web page is available to the public without charge. If, however, information available on the FDIC's World Wide Web page is provided pursuant to a FOIA request processed under § 309.5, then the fees prescribed by FOIA apply and will be assessed pursuant to § 309.5(f).

The final rule revises § 309.5, which describes the FDIC's procedures for processing FOIA requests, to incorporate the changes required by E–FOIA. The final rule provides for multitrack processing of FOIA requests, and explains that fast-track processing will apply to records that are easily identifiable by the Freedom of Information office staff (FOIA/PA Unit) and that have already been cleared for release to the public. Further, fast-track requests will be handled as expeditiously as possible, in the order in which they are received.

The final rule provides that all information requests that do not meet the fast-track processing standards will be handled under regular processing procedures. A requester who desires fast-track processing but whose request does not meet those standards may contact the FOIA/PA Unit staff to narrow the request so that it will qualify for fast-track processing. The statutory time limit for regular-track processing would be extended to twenty business days, pursuant to E–FOIA, from the previous ten business days.

Expedited processing may be provided where a requester has demonstrated a compelling need for the records, or where the FDIC has determined to expedite the response. The time limit for expedited processing is set at ten business days, with expedited procedures available for an appeal of the FDIC's determination not to provide expedited processing. Under E–FOIA, there are only two types of circumstances that can meet the compelling need standard: Where failure to obtain the records expeditiously could pose an imminent threat to the life or physical safety of a person, or where the requester is a person primarily engaged in disseminating information and there is an urgency to inform the public concerning actual or alleged agency activity. For ease of administration and consistency, the proposal uses the term "representative of the news media," to describe a person primarily engaged in disseminating information, because this term is used for the FOIA fee schedule, and thus, is known to those familiar with FOIA and the FDIC's FOIA rules. To demonstrate a compelling need, a requester must submit a certified statement, a sample of which may be obtained from the FOIA/PA Unit. As discussed above, the formality of the certification may be waived as a matter of administrative discretion.

Section 309.5(h) contains the FOIA fee schedules and the standards for waiver of fees. The fee schedule provisions have been revised to clarify that the processing time of a FOIA request does not begin in cases (1) where advance payment is required until payment is received, or (2) where

a person has requested a waiver of the fees and has not agreed to pay the fees if the waiver request is denied.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601, et seq.), the FDIC certifies that the final rule will not have a significant economic impact on a substantial number of small entities. These amendments simplify some of the procedures regarding release of information and require disclosure of information in certain instances in accordance with law. The requirements to disclose apply to the FDIC; therefore, they should not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act Analysis

The Office of Management and Budget (OMB) has determined that no information collection is contained in this final rule.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Title II, Pub. L. 104–121) provides generally for agencies to report rules to Congress for review. The reporting requirement is triggered when a federal agency issues a final rule. Accordingly, the FDIC will file the appropriate reports with Congress as required by SBREFA.

The OMB has determined that this final rule amending 12 CFR Part 309 is not a "major rule" as defined by SBREFA.

List of Subjects in 12 CFR Part 309

Banks, banking, Credit, Freedom of information, Privacy.

For the reasons set forth in the preamble, the Federal Deposit Insurance Corporation is amending title 12, chapter III, of the Code of Federal Regulations as follows:

PART 309—DISCLOSURE OF INFORMATION

1. The authority citation for part 309 continues to read as follows:

Authority: 5 U.S.C. 552; 12 U.S.C. 1819 "Seventh" and "Tenth".

2. Section 309.1 is revised to read as follows:

§ 309.1 Purpose and scope.

This part sets forth the basic policies of the Federal Deposit Insurance Corporation regarding information it maintains and the procedures for obtaining access to such information. Section 309.2 sets forth definitions applicable to this part 309. Section 309.3 describes the types of information and documents typically published in the **Federal Register**. Section 309.4 explains how to access public records maintained on the Federal Deposit Insurance Corporation's World Wide Web page and in the Federal Deposit Insurance Corporation's Public Information Center or "PIC", and describes the categories of records generally found there. Section 309.5 implements the Freedom of Information Act (5 U.S.C. 552). Section 309.6 authorizes the discretionary disclosure of exempt records under certain limited circumstances. Section 309.7 outlines procedures for serving a subpoena or other legal process to obtain information maintained by the FDIC.

3. Section 309.2(e) is revised to read as follows:

§ 309.2 Definitions.

* * * * *

(e) The term *record* includes records, files, documents, reports, correspondence, books, and accounts, or any portion thereof, in any form the FDIC regularly maintains them.

* * * * *

4. Section 309.4 is revised to read as follows:

§ 309.4 Publicly available records.

(a) *Records available on the FDIC's World Wide Web page.*—(1) *Discretionary release of documents.* The FDIC encourages the public to explore the wealth of resources available on the FDIC's World Wide Web page, located at: http://www.fdic.gov. The FDIC has elected to publish a broad range of materials on its World Wide Web page, including consumer guides; financial and statistical information of interest to the banking industry; and information concerning the FDIC's responsibilities and structure.

(2) *Documents required to be made available via computer telecommunications.* (i) The following types of documents created on or after November 1, 1996, and required to be made available through computer telecommunications, may be found on the FDIC's World Wide Web page located at: http://www.fdic.gov:

(A) Final opinions, including concurring and dissenting opinions, as well as final orders and written agreements, made in the adjudication of cases;

(B) Statements of policy and interpretations adopted by the Board of Directors that are not published in the **Federal Register**;

(C) Administrative staff manuals and instructions to staff that affect the public;

(D) Copies of all records released to any person under § 309.5 that, because of the nature of their subject matter, the FDIC has determined are likely to be the subject of subsequent requests;

(E) A general index of the records referred to in paragraph (a)(2)(i)(D) of this section.

(ii) To the extent permitted by law, the FDIC may delete identifying details when it makes available or publishes a final opinion, final order, statement of policy, interpretation or staff manual or instruction. If redaction is necessary, the FDIC will, to the extent technically feasible, indicate the amount of material deleted at the place in the record where such deletion is made unless that indication in and of itself will jeopardize the purpose for the redaction.

(b) *Public Information Center.* The FDIC maintains a Public Information Center or "PIC" that contains Corporate records that the Freedom of Information Act requires be made available for regular inspection and copying, as well as any records or information the FDIC, in its discretion, has regularly made available to the public. The PIC has extensive materials of interest to the public, including many Reports, Summaries and Manuals used or published by the Corporation that are available for inspection and copying. The PIC is open from 9:00 AM to 5:00 PM, Monday through Friday, excepting federal holidays. It is located at 801 17th Street, NW, Washington, DC 20006. The PIC may be reached during business hours by calling (800) 276–6003.

(c) *Applicable fees.* (i) If applicable, fees for furnishing records under this section are as set forth in § 309.5(f) except that all categories of requesters shall be charged duplication costs.

(ii) Information on the FDIC's World Wide Web page is available to the public without charge. If, however, information available on the FDIC's World Wide Web page is provided pursuant to a Freedom of Information Act request processed under § 309.5, then fees apply and will be assessed pursuant to § 309.5(f).

5. Section 309.5 is revised to read as follows:

§ 309.5 Procedures for requesting records.

(a) *Definitions.* For purposes of this section:

(1) *Commercial use request* means a request from or on behalf of a requester who seeks records for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is

made. In determining whether a request falls within this category, the FDIC will determine the use to which a requester will put the records requested and seek additional information as it deems necessary.

(2) *Direct costs* means those expenditures the FDIC actually incurs in searching for, duplicating, and, in the case of commercial requesters, reviewing records in response to a request for records.

(3) *Duplication* means the process of making a copy of a record necessary to respond to a request for *records* or for inspection of original records that contain exempt material or that cannot otherwise be directly inspected. Such copies can take the form of paper copy, microfilm, audiovisual records, or machine readable records (e.g., magnetic tape or computer disk).

(4) *Educational institution* means a preschool, a public or private elementary or secondary school, an institution of undergraduate or graduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

(5) *Noncommercial scientific institution* means an institution that is not operated on a commercial basis as that term is defined in paragraph (a)(1) of this section, and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(6) *Representative of the news media* means any person primarily engaged in gathering news for, or a free-lance journalist who can demonstrate a reasonable expectation of having his or her work product published or broadcast by, an entity that is organized and operated to publish or broadcast news to the public. The term news means information that is about current events or that would be of current interest to the general public.

(7) *Review* means the process of examining records located in response to a request for records to determine whether any portion of any record is permitted to be withheld as exempt information. It includes processing any record for disclosure, e.g., doing all that is necessary to excise them or otherwise prepare them for release.

(8) *Search* includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within records. Searches may be done manually and/or by computer using existing programming.

(b) *Making a request for records.* (1) The request shall be submitted in writing to the Office of the Executive Secretary:

(i) By completing the online request form located on the FDIC's World Wide Web page, found at: http://www.fdic.gov;

(ii) By facsimile clearly marked Freedom of Information Act Request to (202) 898–8778; or

(iii) By sending a letter to the Office of the Executive Secretary, ATTN: FOIA/PA Unit, 550 17th Street, NW, Washington, DC 20429.

(2) The request shall contain the following information:

(i) The name and address of the requester, an electronic mail address, if available, and the telephone number at which the requester may be reached during normal business hours;

(ii) Whether the requester is an educational institution, noncommercial scientific institution, or news media representative;

(iii) A statement agreeing to pay the applicable fees, or a statement identifying a maximum fee that is acceptable to the requester, or a request for a waiver or reduction of fees that satisfies paragraph (f)(1)(x) of this section; and

(iv) The preferred form and format of any responsive information requested, if other than paper copies.

(3) A request for identifiable records shall reasonably describe the records in a way that enables the FDIC's staff to identify and produce the records with reasonable effort and without unduly burdening or significantly interfering with any of the FDIC's operations.

(c) *Defective requests.* The FDIC need not accept or process a request that does not reasonably describe the records requested or that does not otherwise comply with the requirements of this part. The FDIC may return a defective request, specifying the deficiency. The requester may submit a corrected request, which will be treated as a new request.

(d) *Processing requests.*—(1) *Receipt of requests.* Upon receipt of any request that satisfies paragraph (b) of this section, the FOIA/PA Unit, Office of the Executive Secretary, shall assign the request to the appropriate processing track pursuant to this section. The date of receipt for any request, including one that is addressed incorrectly or that is referred by another agency, is the date the Office of the Executive Secretary actually receives the request.

(2) *Multitrack processing.* (i) The FDIC provides different levels of processing for categories of requests under this part. Requests for records that are readily identifiable by the Office of the Executive Secretary and that have already been cleared for public release may qualify for fast-track processing. All other requests shall be handled under normal processing procedures, unless expedited processing has been granted pursuant to paragraph (d)(3) of this section.

(ii) The FDIC will make the determination whether a request qualifies for fast-track processing. A requester may contact the FOIA/PA Unit to learn whether a particular request has been assigned to fast-track processing. If the request has not qualified for fast-track processing, the requester will be given an opportunity to refine the request in order to qualify for fast-track processing. Changes made to requests to obtain faster processing must be in writing.

(3) *Expedited processing.* (i) Where a person requesting expedited access to records has demonstrated a compelling need for the records, or where the FDIC has determined to expedite the response, the FDIC shall process the request as soon as practicable. To show a compelling need for expedited processing, the requester shall provide a statement demonstrating that:

(A) The failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(B) The requester can establish that they are primarily engaged in information dissemination as their main professional occupation or activity, and there is urgency to inform the public of the government activity involved in the request; and

(C) The requester's statement must be certified to be true and correct to the best of the person's knowledge and belief and explain in detail the basis for requesting expedited processing.

(ii) The formality of the certification required to obtain expedited treatment may be waived by the FDIC as a matter of administrative discretion.

(4) A requester seeking expedited processing will be notified whether expedited processing has been granted within ten (10) working days of the receipt of the request. If the request for expedited processing is denied, the requester may file an appeal pursuant to the procedures set forth in paragraph (h) of this section, and the FDIC shall respond to the appeal within ten (10) working days after receipt of the appeal.

(5) *Priority of responses.* Consistent with sound administrative process the FDIC processes requests in the order they are received in the separate processing tracks. However, in the

agency's discretion, or upon a court order in a matter to which the FDIC is a party, a particular request may be processed out of turn.

(6) *Notification.* (i) The time for response to requests will be twenty (20) working days except:

(A) In the case of expedited treatment under paragraph (d)(3) of this section;

(B) Where the running of such time is suspended for the calculation of a cost estimate for the requester if the FDIC determines that the processing of the request may exceed the requester's maximum fee provision or if the charges are likely to exceed $250 as provided for in paragraph (f)(1)(v) of this section;

(C) Where the running of such time is suspended for the payment of fees pursuant to the paragraphs (d)(6)(i)(B) and (f)(1) of this section; or

(D) In unusual circumstances, as defined in 5 U.S.C. 552(a)(6)(B) and further described in paragraph (d)(6)(iii) of this section.

(ii) In unusual circumstances as referred to in paragraph (d)(6)(i)(D) of this section, the time limit may be extended for a period of:

(A) Ten (10) working days as provided by written notice to the requester, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched; or

(B) Such alternative time period as agreed to by the requester or as reasonably determined by the FDIC when the FDIC notifies the requester that the request cannot be processed in the specified time limit.

(iii) Unusual circumstances may arise when:

(A) The records are in facilities, such as field offices or storage centers, that are not located at the FDIC's Washington office;

(B) The records requested are voluminous or are not in close proximity to one another; or

(C) There is a need to consult with another agency or among two or more components of the FDIC having a substantial interest in the determination.

(7) *Response to request.* In response to a request that satisfies the requirements of paragraph (b) of this section, a search shall be conducted of records maintained by the FDIC in existence on the date of receipt of the request, and a review made of any responsive information located. The FDIC shall notify the requester of:

(i) The FDIC's determination of the request;

(ii) The reasons for the determination;

(iii) If the response is a denial of an initial request or if any information is withheld, the FDIC will advise the requester in writing:

(A) If the denial is in part or in whole;

(B) The name and title of each person responsible for the denial (when other than the person signing the notification);

(C) The exemptions relied on for the denial; and

(D) The right of the requester to appeal the denial to the FDIC's General Counsel within 30 business days following receipt of the notification, as specified in paragraph (h) of this section.

(e) *Providing responsive records.* (1) Copies of requested records shall be sent to the requester by regular U.S. mail to the address indicated in the request, unless the requester elects to take delivery of the documents at the FDIC or makes other acceptable arrangements, or the FDIC deems it appropriate to send the documents by another means.

(2) The FDIC shall provide a copy of the record in any form or format requested if the record is readily reproducible by the FDIC in that form or format, but the FDIC need not provide more than one copy of any record to a requester.

(3) By arrangement with the requester, the FDIC may elect to send the responsive records electronically if a substantial portion of the request is in electronic format. If the information requested is made pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, it will not be sent by electronic means unless reasonable security measures can be provided.

(f) *Fees*—(1) *General rules.* (i) Persons requesting records of the FDIC shall be charged for the direct costs of search, duplication, and review as set forth in paragraphs (f)(2) and (f)(3) of this section, unless such costs are less than the FDIC's cost of processing the requester's remittance.

(ii) Requesters will be charged for search and review costs even if responsive records are not located or, if located, are determined to be exempt from disclosure.

(iii) Multiple requests seeking similar or related records from the same requester or group of requesters will be aggregated for the purposes of this section.

(iv) If the FDIC determines that the estimated costs of search, duplication, or review of requested records will exceed the dollar amount specified in the request, or if no dollar amount is specified, the FDIC will advise the requester of the estimated costs (if greater than the FDIC's cost of processing the requester's remittance). The requester must agree in writing to pay the costs of search, duplication, and review prior to the FDIC initiating any records search.

(v) If the FDIC estimates that its search, duplication, and review costs will exceed $250.00, the requester must pay an amount equal to 20 percent of the estimated costs prior to the FDIC initiating any records search.

(vi) The FDIC shall ordinarily collect all applicable fees under the final invoice before releasing copies of requested records to the requester.

(vii) The FDIC may require any requester who has previously failed to pay the charges under this section within 30 calendar days of mailing of the invoice to pay in advance the total estimated costs of search, duplication, and review. The FDIC may also require a requester who has any charges outstanding in excess of 30 calendar days following mailing of the invoice to pay the full amount due, or demonstrate that the fee has been paid in full, prior to the FDIC initiating any additional records search.

(viii) The FDIC may begin assessing interest charges on unpaid bills on the 31st day following the day on which the invoice was sent. Interest will be at the rate prescribed in section 3717 of title 31 of the United States Code and will accrue from the date of the invoice.

(ix) The time limit for the FDIC to respond to a request will not begin to run until the FDIC has received the requester's written agreement under paragraph (f)(1)(iv) of this section, and advance payment under paragraph (f)(1)(v) or (vii) of this section, or payment of outstanding charges under paragraph (f)(1)(vii) or (viii) of this section.

(x) As part of the initial request, a requester may ask that the FDIC waive or reduce fees if disclosure of the records is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Determinations as to a waiver or reduction of fees will be made by the Executive Secretary (or designee) and the requester will be notified in writing of his/her determination. A determination not to grant a request for a waiver or reduction of fees under this paragraph may be appealed to the FDIC's General Counsel (or designee) pursuant to the procedure set forth in paragraph (h) of this section.

(2) *Chargeable fees by category of requester.* (i) Commercial use requesters shall be charged search, duplication and review costs.

(ii) Educational institutions, non-commercial scientific institutions and news media representatives shall be

charged duplication costs, except for the first 100 pages.

(iii) Requesters not described in paragraph (f)(2) (i) or (ii) of this section shall be charged the full reasonable direct cost of search and duplication, except for the first two hours of search time and first 100 pages of duplication.

(3) *Fee schedule.* The dollar amount of fees which the FDIC may charge to records requesters will be established by the Chief Financial Officer of the FDIC (or designee). The FDIC may charge fees that recoup the full allowable direct costs it incurs. Fees are subject to change as costs change.

(i) *Manual searches for records.* The FDIC will charge for manual searches for records at the basic rate of pay of the employee making the search plus 16 percent to cover employee benefit costs. Where a single class of personnel (e.g., all clerical, all professional, or all executive) is used exclusively, the FDIC, at its discretion, may establish and charge an average rate for the range of grades typically involved.

(ii) *Computer searches for records.* The fee for searches of computerized records is the actual direct cost of the search, including computer time, computer runs, and the operator's time apportioned to the search. The fee for a computer printout is the actual cost. The fees for computer supplies are the actual costs. The FDIC may, at its discretion, establish and charge a fee for computer searches based upon a reasonable FDIC-wide average rate for central processing unit operating costs and the operator's basic rate of pay plus 16 percent to cover employee benefit costs.

(iii) *Duplication of records.* (A) The per-page fee for paper copy reproduction of documents is the average FDIC-wide cost based upon the reasonable direct costs of making such copies.

(B) For other methods of reproduction or duplication, the FDIC will charge the actual direct costs of reproducing or duplicating the documents.

(iv) *Review of records.* The FDIC will charge commercial use requesters for the review of records at the time of processing the initial request to determine whether they are exempt from mandatory disclosure at the basic rate of pay of the employee making the search plus 16 percent to cover employee benefit costs. Where a single class of personnel (e.g., all clerical, all professional, or all executive) is used exclusively, the FDIC, at its discretion, may establish and charge an average rate for the range of grades typically involved. The FDIC will not charge at the administrative appeal level for review of an exemption already applied. When records or portions of records are withheld in full under an exemption which is subsequently determined not to apply, the FDIC may charge for a subsequent review to determine the applicability of other exemptions not previously considered.

(v) *Other services.* Complying with requests for special services, other than a readily produced electronic form or format, is at the FDIC's discretion. The FDIC may recover the full costs of providing such services to the requester.

(4) *Publication of fee schedule and effective date of changes.* (i) The fee schedule is made available on the FDIC's World Wide Web page, found at http://www.fdic.gov.

(ii) The fee schedule will be set forth in the "Notice of Federal Deposit Insurance Corporation Records Fees" issued in December of each year or in such "Interim Notice of Federal Deposit Insurance Corporation Records Fees" as may be issued. Copies of such notices may be obtained at no charge from the Office of the Executive Secretary, FOIA/PA Unit, 550 17th Street NW, Washington, D.C. 20429, and are available on the FDIC's World Wide Web page as noted in paragraph (f)(4)(i) of this section..

(iii) The fees implemented in the December or Interim Notice will be effective 30 days after issuance.

(5) *Use of contractors.* The FDIC may contract with independent contractors to locate, reproduce, and/or disseminate records; provided, however, that the FDIC has determined that the ultimate cost to the requester will be no greater than it would be if the FDIC performed these tasks itself. In no case will the FDIC contract out responsibilities which the Freedom of Information Act (FOIA) (5 U.S.C. 552) provides that the FDIC alone may discharge, such as determining the applicability of an exemption or whether to waive or reduce fees.

(g) *Exempt information.* A request for records may be denied if the requested record contains information which falls into one or more of the following categories.[1] If the requested record contains both exempt and nonexempt information, the nonexempt portions which may reasonably be segregated from the exempt portions will be released to the requester. If redaction is necessary, the FDIC will, to the extent technically feasible, indicate the amount of material deleted at the place in the record where such deletion is made unless that indication in and of itself will jeopardize the purpose for the redaction. The categories of exempt records are as follows:

(1) Records that are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order;

(2) Records related solely to the internal personnel rules and practices of the FDIC;

(3) Records specifically exempted from disclosure by statute, provided that such statute:

(i) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(ii) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person that is privileged or confidential;

(5) Interagency or intra-agency memoranda or letters that would not be available by law to a private party in litigation with the FDIC;

(6) Personnel, medical, and similar files (including financial files) the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Records compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished records on a confidential basis;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

[1] Classification of a record as exempt from disclosure under the provisions of this paragraph (g) shall not be construed as authority to withhold the record if it is otherwise subject to disclosure under the Privacy Act of 1974 (5 U.S.C. 552a) or other federal statute, any applicable regulation of FDIC or any other federal agency having jurisdiction thereof, or any directive or order of any court of competent jurisdiction.

(8) Records that are contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the FDIC or any agency responsible for the regulation or supervision of financial institutions; or

(9) geological and geophysical information and data, including maps, concerning wells.

(h) *Appeals.* (1) Appeals should be addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW, Washington, DC 20429.

(2) A person whose initial request for records under this section, or whose request for a waiver of fees under paragraph (f)(1)(x) of this section, has been denied, either in part or in whole, has the right to appeal the denial to the FDIC's General Counsel (or designee) within 30 business days after receipt of notification of the denial. Appeals of denials of initial requests or for a waiver of fees must be in writing and include any additional information relevant to consideration of the appeal.

(3) Except in the case of an appeal for expedited treatment under paragraph (d)(3) of this section, the FDIC will notify the appellant in writing within 20 business days after receipt of the appeal and will state:

(i) Whether it is granted or denied in whole or in part;

(ii) The name and title of each person responsible for the denial (if other than the person signing the notification);

(iii) The exemptions relied upon for the denial in the case of initial requests for records; and

(iv) The right to judicial review of the denial under the FOIA.

(4) If a requester is appealing for denial of expedited treatment, the FDIC will notify the appellant within 10 business days after receipt of the appeal of the FDIC's disposition.

(5) Complete payment of any outstanding fee invoice will be required before an appeal is processed.

(i) *Records of another agency.* If a requested record is the property of another federal agency or department, and that agency or department, either in writing or by regulation, expressly retains ownership of such record, upon receipt of a request for the record the FDIC will promptly inform the requester of this ownership and immediately shall forward the request to the proprietary agency or department either for processing in accordance with the latter's regulations or for guidance with respect to disposition.

§ 309.6 [Amended]

6. Section 309.6 is amended by redesignating footnotes 5 through 9 as footnotes 2 through 6.

By Order of the Board of Directors.

Dated at Washington, D.C., this 24th day of March 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–8642 Filed 4–2–98; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ANE–91]

Amendment to Class D Airspace; Westfield, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule that revises Class D airspace at Westfield, MA (KBAF).

DATES: The direct final rule published at 63 FR 8562 is effective 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: David T. Bayley, ANE–520.3, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7523; fax (617) 238–7596.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 20, 1998 (63 FR 8562). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 23, 1998. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Burlington, MA, on March 26, 1998.

Bill G. Peacock,

Manager, Air Traffic Division, New England Region.

[FR Doc. 98–8741 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ANE–92]

Amendment to Class E Airspace; Laconia, NH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule that revises Class E airspace at Laconia, NH (KCLI).

DATES: The direct final rule published at 63 FR 8563, as corrected by 63 FR 11118, is effective 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: David T. Bayley, ANE–520.3, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7523; fax (617) 238–7596.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 20, 1998 (63 FR 8563), and published a correction to the direct final rule on March 6, 1998 (63 FR 11118). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 23, 1998. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Burlington, MA, on March 26, 1998.

Bill G. Peacock,

Manager, Air Traffic Division, New England Region.

[FR Doc. 98–8740 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 150

[Docket No. 28149]

Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of final policy.

SUMMARY: This final policy establishes a distinction between remedial and preventive noise mitigation measures proposed by airport operators and submitted for approval by the Federal Aviation Administration (FAA) under applicable noise compatibility planning regulations. Implementation of this policy also results in certain new limitations on the use of Airport Improvement Program (AIP) funds for remedial noise mitigation projects. The proposed policy was published in the Federal Register on March 20, 1995 (60 FR 14701), and public comments were received and considered. On May 28, 1997, the revised policy as proposed for issuance was published in the Federal Register. However, prior to the issuance of the policy the FAA requested supplemental comment on the impact of its limitations on PFC eligibility. The FAA considered the comments on PFC eligibility thus received and has revised the final policy. All other issues were considered to have been adequately covered during the original comment period.

Accordingly, as of October 1, 1998, the FAA will approve under 14 CFR part 150 (part 150) only remedial noise mitigation measures for existing noncompatible development and only preventive noise mitigation measures in areas of potential new noncompatible development. The FAA will not approve remedial noise mitigation measures for new noncompatible development that occurs in the vicinity of airports after the effective date of this final policy.

As of the same effective date, the use of AIP funds will be affected to the extent that such use depends on approval under part 150. Since this policy only affects part 150 approvals, it does not apply to projects that can be financed with AIP funds without a part 150 program. The bulk of noise projects receive AIP funding pursuant to their approval under part 150.

After review and consideration of comments received, FAA has determined that this policy need not affect financing noise projects with passenger facility charge (PFC) revenue because part 150 approval is not required for such projects.

DATES: Effective October 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. William W. Albee, Policy and Regulatory Division (AEE–300), Office of Environment and Energy, FAA, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3553, facsimile (202) 267–5594; Internet: William.Albee@FAA.DOT.GOV or william.albee@mail.hq.faa.gov; or Mr. Ellis Ohnstad, Manager, Airports Financial Assistance Division (APP–500), Office of Airport Planning and Programming, FAA, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3831, facsimile (202) 267–5302; Internet: Ellis.Ohnstad@FAA.DOT.GOV or ellis.ohnstad@mail.hq.faa.gov.

SUPPLEMENTARY INFORMATION:

Background

The Airport Noise Compatibility Planning Program (14 CFR part 150, hereinafter referred to as part 150 or the part 150 program) was established under the Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. 47501 through 47509, hereinafter referred to as ASNA). The part 150 program allows airport operators to submit noise exposure maps and noise compatibility programs to the FAA voluntarily. According to the ASNA, a noise compatibility program sets forth the measures that an airport operator has taken or has proposed for the reduction of existing noncompatible land uses and the prevention of additional noncompatible land uses within the area covered by noise exposure maps.

The ASNA embodies strong concepts of local initiative and flexibility. The submission of noise exposure maps and noise compatibility programs is left to the discretion of local airport operators. Airport operators also may choose to submit noise exposure maps without preparing and submitting a noise compatibility program. The types of measures that airport operators may include in a noise compatibility program are not limited by the ASNA, allowing airport operators substantial latitude to submit a broad array of measures—including innovative measures—that respond to local needs and circumstances.

The criteria for approval or disapproval of measures submitted in a part 150 program are set forth in the ASNA. The ASNA directs the Federal approval of a noise compatibility program, except for measures relating to flight procedures: (1) If the program measures do not create an undue burden on interstate or foreign commerce; (2) if the program measures are reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses; and (3) if the program provides for its revision if necessitated by the submission of a revised noise exposure map. Failure to approve or disapprove a noise compatibility program within 180 days, except for measures relating to flight procedures, is deemed to be an approval under the ASNA. Finally, the ASNA sets forth criteria under which grants may be made to carry out noise compatibility projects, consistent with the ASNA's overall deference to local initiative and flexibility.

The FAA is authorized, but not obligated, to fund projects via the Airport Improvement Program (AIP) to carry out measures in a noise compatibility program that are not disapproved by the FAA. Such projects also may be funded with local PFC revenue upon the FAA's approval of an application filed by a public agency that owns or operates a commercial service airport, although the use of PFC revenue for such projects does not require an approved noise compatibility program under part 150.

In establishing the airport noise compatibility planning program, which became embodied in FAR part 150, the ASNA did not change the legal authority of state and local governments to control the uses of land within their jurisdictions. Public controls on the use of land are commonly exercised by zoning. Zoning is a power reserved to the states under the U. S. Constitution. It is an exercise of the police powers of the states that designates the uses permitted on each parcel of land. This power is usually delegated in state enabling legislation to local levels of government.

Many local land use control authorities (cities, counties, etc.) have not adopted zoning ordinances or other controls to prevent noncompatible development (primarily residential) within the noise impact areas of airports. An airport's noise impact area, identified within noise contours on a noise exposure map, may extend over a number of different local jurisdictions that individually control land uses. For example, at five airports recently studied, noise contours overlaid portions of 2 to 25 different jurisdictions.

While airport operators have included measures in noise compatibility

programs submitted under part 150 to prevent the development of new noncompatible land uses through zoning and other controls under the authorities of appropriate local jurisdictions, success in implementing these measures has been mixed. A study performed under contract to the FAA, completed in January 1994, evaluated 16 airports having approved part 150 programs for the implementation of land use control measures. This study found that of the 16 airports, 6 locations had implemented the recommended zoning measures, 7 locations had not implemented the recommended zoning measures, and 3 were in the process of implementation.

Another independent study evaluated 10 airports that have FAA approved part 150 programs in place and found that 4 locations had prevented new noncompatible development and 6 locations had not prevented such new development. At the latter 6 locations, the study reported that 26 nonairport sponsor jurisdictions had approved new noncompatible development and 28 nonairport sponsor jurisdictions and 1 airport sponsor jurisdiction had vacant land that is zoned to allow future noncompatible development.

The independent study identified the primary problem of allowing new noncompatible land uses near airports to be in jurisdictions that are different from the airport sponsor's jurisdiction. This is consistent with observations by the FAA and with a previous General Accounting Office report which observed that the ability of airport operators to solve their noise problems is limited by their lack of control over the land surrounding the airports and the operator's dependence on local communities and states to cooperate in implementing land use control measures, such as zoning for compatible uses.

The FAA's January 1994 study explored factors that contribute to the failure to implement land use controls for noise purposes. A major factor is the multiplicity of jurisdictions with land use control authority within airport noise impact areas. The greater the number of different jurisdictions, the greater the probability that at least some of them will not implement controls. In some locations, local land use control jurisdictions and airport operators have not developed cooperative relationships, the lack of which impedes appropriate land use compatibility planning. Further, some local jurisdictions are not fully aware of the effects of aircraft noise and of the desirability of land use controls. This appears to be worsened by the normal turnover of leadership in local government. These conditions could be improved through greater efforts by all involved parties to communicate and inform each other about the nature of aviation noise and of the effective preventive and remedial actions available to local jurisdictions to assure long term compatible land use.

Some jurisdictions do not perceive land use controls as a priority because the amount of vacant land available for noncompatible development within the airport noise impact area is small, perhaps constituting only minor development on dispersed vacant lots, or because the current demand for residential construction near the airport is low to nonexistent. In such areas, land use control changes are not considered to have the ability to change substantially the number of residents affected by noise. Jurisdictions may also give noise a low priority compared to the economic advantages of developing more residential land or the need for additional housing stock within a community. A zoning change from residential to industrial or commercial may not make economic sense if little demand exists for this type of development. Therefore, a zoning change is viewed as limiting development opportunities and diminishing the opportunities for tax revenues.

In some cases, zoning for compatible land use has met with organized public opposition by property owners arguing that the proposed zoning is a threat to private property rights, and that they deserve monetary compensation for any potential property devaluation. Further, basic zoning doctrine demands that the individual land parcels be left with viable economic value, i.e., be zoned for a use for which there is reasonable demand and economic return. Otherwise, the courts may determine a zoning change for compatibility to be a "taking" of private property for public use under the Fifth Amendment to the U. S. Constitution, requiring just compensation.

One or more of the factors hindering effective land use controls may be of sufficient importance to preclude some jurisdictions from following through on the land use recommendations of an airport's part 150 noise compatibility program. When either an airport sponsor's or a nonairport sponsor's jurisdiction allows additional noncompatible development within the airport's noise impact area, it can result in noise problems for the people who move into the area. This can, in turn, result in noise problems for the airport operator in the form of inverse condemnation or noise nuisance lawsuits, public opposition to proposals by the airport operator to expand the airport's capacity, and local political pressure for airport operational and capacity limitations to reduce noise. Some airport operators have taken the position that they will not provide any financial assistance to mitigate aviation noise for new noncompatible development. Other airport operators have determined that it is a practical necessity for them to include at least some new residential areas within their noise assistance programs to mitigate noise impacts that they were unable to prevent in the first place. Over a relatively short period of time, the distinctions blur between what is "new" and what is "existing" residential development with respect to airport noise issues.

Airport operators currently may include new noncompatible land uses, as well as existing noncompatible land uses, within their part 150 noise compatibility programs and recommend that remedial noise mitigation measures—usually either property acquisition or noise insulation—be applied to both situations. These measures have been considered to qualify for approval by the FAA under 49 USC 47504 and 14 CFR part 150. The part 150 approval enables noise mitigation measures to be considered for Federal funding under the AIP, although it does not guarantee that Federal funds will be provided.

The Change in FAA Policy

Beginning October 1, 1998, the FAA will approve under part 150 only remedial noise mitigation measures for existing noncompatible development and only preventive noise mitigation measures in areas of potential new noncompatible development. As of the same date, the ability to use AIP grants to carry out such measures will be affected to the extent that such remedial measures may not be approved under part 150. This policy is not retroactive and does not affect part 150 approvals made before the effective date of the policy or AIP funding consistent with previous approvals. PFC funding will only be affected to the extent that an airport operator chooses to rely on an approved part 150 program for FAA's approval to use PFC funds.

Discussion

The continuing development of noncompatible land uses around airports is not a new problem. The FAA, airport operators, and the aviation community as a whole have for some years expended a great deal of effort to

deal with the noise problems that are precipitated by such development.

With respect to the part 150 program and Airport Improvement Program (AIP) noise grants, the FAA considered in the 1989–1990 timeframe whether to disallow Federal assistance for new noncompatible land uses. The choice posed at that time was either (1) allow Federal funding for airport operator recommendations in part 150 programs that included new noncompatible land uses within the parameters of noise mitigation measures targeted for financial assistance from the airport (e.g., acquisition, noise insulation), or (2) disallow all Federal funding for new noncompatible development that local jurisdictions fail to control through zoning or other land use controls. No other alternatives were considered.

The FAA selected the first option—to continue to allow Federal funds to be used to mitigate new noncompatible development as well as existing noncompatible development if the airport operator so chose. Several factors supported this decision. One factor was lack of authority by airport operators to prevent new noncompatible development in nonairport sponsor jurisdictions, although airport sponsors bear the brunt of noise lawsuits. Intense local opposition to an airport can adversely affect its ability to accommodate operations within its existing capacity, or to expand its facilities when needed. The FAA also considered the plight of local citizens living with a noise impact that they may not have fully understood at the time of home purchase. Land use noise mitigation measures, funded by the airport either with or without Federal assistance, may be the only practical tool an airport operator has to mitigate noise impacts in a community. The FAA was hesitant to deny airport operators and the affected public Federal help in this regard. In addition, the FAA gave deference to the local initiative, the flexibility, and the ability to fund a broad range of measures approved under the ASNA.

Since this review in 1989–1990, the FAA has given extensive additional consideration to the subject of noncompatible land uses around airports. The change in FAA policy presented here involves a more measured and multifaceted approach than the proposal considered in 1989–1990.

A primary criterion in the ASNA for the FAA's approval of measures in an airport's part 150 noise compatibility program is that the measures must be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses. Until now, the FAA has applied this criterion as a whole when issuing determinations under part 150; that is, if a measure either reduces or prevents noncompatible development, no matter when that development occurs, it may be approved as being reasonably consistent. No distinction has been made by the FAA between remedial noise mitigation measures that address preexisting noncompatible development and measures that prevent new noncompatible development. Airport operators may, therefore, recommend and receive FAA approval under part 150 for remedial acquisition or soundproofing of new residential development.

The FAA now believes that it would be more prudent to distinguish between (1) noise mitigation measures that are reasonably consistent with the goal of reducing existing noncompatible land uses (i.e., remedial measures) and (2) noise mitigation measures that are reasonably consistent with the goal of preventing the introduction of additional noncompatible land uses (i.e., preventive measures). Using such a distinction, airport operators would need to identify clearly within the area covered by noise exposure maps the location of existing noncompatible land uses as well as the location of potentially new noncompatible land uses. Many airport operators currently record this distinction in their noise exposure map submissions, when identifying noncompatible land uses. Potentially new noncompatible land uses could include (1) areas currently undergoing residential or other noncompatible construction; (2) areas zoned for residential or other noncompatible development where construction has not begun; and (3) areas currently compatible but in danger of being developed noncompatibly within the timeframe covered by the airport's noise compatibility program.

The purpose of distinguishing between existing and potential new noncompatible development is for airport operators to restrict their consideration of remedial noise mitigation measures to existing noncompatible development and to focus preventive noise mitigation measures on potentially new noncompatible development. The most commonly used remedial noise mitigation measures are land acquisition and relocation, noise insulation, easement acquisition, purchase assurance, and transaction assistance. The most commonly used preventive noise mitigation measures are comprehensive planning, zoning, subdivision regulations, acquisition of easements or development rights to restrict noncompatible development, revised building codes for noise insulation, and real estate disclosure. Acquisition of vacant land may also be a preventive noise mitigation measure with supporting evidence in the airport operator's part 150 submission that acquisition is necessary to prevent new noncompatible development because noncompatible development on the vacant land is highly likely and local land use controls will not prevent such development. Often, combinations of these measures are applied to ensure the maximum compatibility.

Under this final FAA policy, airport operators can continue to apply the most commonly used noise mitigation measures in their noise compatibility programs. Local flexibility to recommend other measures, including innovative measures, under part 150 would be retained. However, all noise mitigation measures applied to existing noncompatible development must clearly be remedial and serve the goal of reducing existing noncompatible land uses. Similarly, all noise mitigation measures applied to potential new noncompatible development must clearly be preventive and serve the goal of preventing the introduction of additional noncompatible land uses.

Any future FAA determinations issued under part 150 will be consistent with this policy. The FAA's approval of remedial noise mitigation measures will be limited to existing noncompatible development. The FAA's approval of preventive noise mitigation measures will be applied to potential new noncompatible development.

The FAA recognizes that there will be gray areas which will have to be addressed on a case-by-case basis within these policy guidelines. For example, minor development on vacant lots within an existing residential neighborhood, which clearly is not extensive new noncompatible development, may for practical purposes need to be treated with the same remedial measure applied to the rest of the neighborhood. Another example would be a remedial situation in which noise from an airport's operation has significantly increased, resulting in new areas that were compatible with initial conditions becoming noncompatible. Airport operators must provide adequate justification in their part 150 submittals for such exceptions to the policy guidelines.

It should be noted that AIP (as well as PFC) funds can continue to be used for projects approved as mitigation measures in an FAA environmental document for airport development. This final policy does not affect funding for such projects.

The use of Federal AIP funds for noise projects will be affected to the extent that funding for such projects relies on a part 150 approval; that is, remedial projects for existing noncompatible development and preventive projects for potential new noncompatible development when part 150 approval is a prerequisite for the use of AIP funds. This is the consequence of the policy decision not to approve remedial mitigation measures for new noncompatible development in a part 150 program.

This policy will not affect AIP funding for those few types of noise projects, such as soundproofing of schools and health care facilities, that are eligible for AIP funds without an approved part 150 program. Additionally, after review and consideration of comments noting that part 150 approval is not a requirement for using PFC funds, FAA has determined that this policy does not affect the use of PFC funds for noise projects. It would only affect PFC funding to the extent that an airport operator chooses to rely solely on an approved part 150 program to obtain approval to use PFC funds. That is the airport operator's choice.

The impact of revising the FAA's policy on part 150 noise determinations will be to preclude the use of the part 150 program and AIP funds dependent on part 150 program approval to remedy new noncompatible development within the noise contours of an airport after the effective date of this final policy. By precluding this option while at the same time emphasizing the array of preventive noise mitigation measures that may be applied to potential new noncompatible development, the FAA seeks to focus airport operators and local governments more clearly on using these Federal programs to the maximum extent to prevent noncompatible development around airports, rather than attempting to mitigate noise in such development after the fact. The FAA has determined that such a policy will better serve the public interest. Unlike the FAA's previous consideration of this issue in 1989–1990, AIP funding may be available to assist airport operators in dealing with prospective new noncompatible development that is not being successfully controlled by local jurisdictions, so long as the airport's methods are designed to prevent the noncompatible development rather than to mitigate it after development has occurred. This should be a more cost-effective use of available funds since remedial noise mitigation measures generally cost more for a given unit than preventive measures.

In selecting a date to implement this final policy, the FAA has weighed the benefits of implementing it as rapidly as possible against those of a longer transition period in consideration of ongoing part 150 programs. One approach considered was to implement it on an airport-by-airport basis, selecting either the date of the FAA's acceptance of an airport's noise exposure maps or the date of the FAA's approval of an airport's noise compatibility program under part 150.

This approach would have the advantage of directly tying this policy to a point in time for which an airport operator has defined, in a public process, the size of the airport's noise impact area and has consulted with local jurisdictions on measures to reduce and prevent noncompatible land uses. There are, however, disadvantages to this approach. More than 200 airports have participated in the part 150 program, beginning in the early 1980's. Thus, selecting either the noise exposure map's acceptance date or the noise compatibility program's approval date for these airports, which includes the great majority of commercial service airports with noise problems, would entail either applying this final policy retroactively or applying it prospectively at some future date as such airports update their maps and programs.

The selection of an airport-by-airport retroactive date would have required the FAA and airport operators to review previous part 150 maps and programs, historically reconstructing which land use development was "existing" at that time and which development is "new" since then, potentially to withdraw previous FAA part 150 determinations approving remedial measures for "new" development, and not issue new AIP grants for any "new" development (which by this date may have already been built and in place for a number of years and be regarded locally as an integral part of the airport's mitigation program for existing development). There was the further practical consideration of benefits to be achieved. It may now be too late to apply preventive noise mitigation measures to noncompatible land uses that have been developed since an airport's noise exposure maps have been accepted or noise compatibility program has been approved. If remedial noise mitigation measures were now determined not to be applicable to such areas, the areas would be left in limbo, having had no advance warning of a change in Federal policy.

There would also be disadvantages to applying this final policy prospectively on an airport-by-airport basis as an airport either updates a previous part 150 program or completes a first-time part 150 submission. The major disadvantages would be in the timeliness of implementing this final policy and the universality of its coverage. Since part 150 is a voluntary program, airport operators may select their timing of entry into the program and the timing of updates to previous noise exposure maps and noise compatibility programs. The result would be a patchwork implementation, with some airports operating under the new policy regarding part 150 noise mitigation measures and funding and other airports operating under the old policy for an unspecified number of years.

The FAA has determined that its preferred option is to select one prospective date nationwide as the effective date for this final policy rather than to implement it based on an individual airport's part 150 activities, either maps or program. A specific date will ensure nationwide application on a uniform basis and provide a more timely implementation than prospective airport-by-airport implementation dates. The FAA considered two options with respect to the selection of a specific date: (1) the date of issuance of a final policy following the evaluation of comments received on its proposal or (2) a future date, 180 days to a year after publication of a final policy to allow transition time for airport operators to accommodate part 150 programs currently in preparation and those programs completed and submitted to FAA, but still under its review.

The FAA anticipated in its notice of this change in policy that there would be a transition period from the date of issuance of a final policy of at least 180 days to avoid disrupting airport operators' noise compatibility programs that have already been submitted to the FAA and are undergoing statutory review. The FAA also announced in its notice that provision for this period plus an additional margin of time beyond 180 days would allow airport operators additional opportunity to amend programs currently in preparation, in consultation with local jurisdictions, to emphasize preventive rather than remedial measures for new development. Accordingly, the FAA

sought comment on how long the transition period should be.

In view of the extended time period since publication of the original notice, plus the opportunity for supplemental comment on the impacts of the policy on PFC eligibility, and the changes made in the policy to accommodate the concerns raised, the effective date of October 1, 1998, which provides a 180-day transition period, is regarded as more than adequate.

Since part 150 is a voluntary program, each airport operator has the discretion to make its own determinations regarding the impact of this final policy on existing noise compatibility programs. The FAA will not initiate withdrawals of any previous part 150 program approvals based on this policy. New part 150 approvals after the effective date of this final policy will conform to this policy. Any remedial noise mitigation measures for noncompatible development that occurs within the area of an airport's noise exposure maps after the effective date of this final policy may have to be funded locally, since the measures will not be approvable under part 150.

Discussion of Comments to the May 28, 1997, Notice

Please note that FAA responded in full in the **Federal Register** on May 28, 1997 (62 FR 28816) to the comments received to the Notice of Proposed Policy, as published in the **Federal Register** on March 20, 1995 (60 FR 14701).

On May 28, 1997, the FAA issued a notice of a revised proposed policy (62 FR 28816), and solicited additional comments from the public on the proposed policy's impacts on Passenger Facility Charges. Four organizations and one Federal agency submitted comments on the proposal. The organizations included two airport operators, an airport association, and an organization representing noise impacted communities. The issues raised in the comments are summarized and addressed below:

Issue: Linkage of PFC funding to AIP funding. The airport association, one airport operator, and the Federal agency objected to linking limitations on PFC funding to limitations on AIP funding, generally indicating that the two funding procedures are fundamentally different. They further indicated that PFC funding is basically locally generated and expended under local priorities within general FAA guidelines, whereas AIP funding is nationally generated and disbursed under national funding priorities, and therefore lacks the flexibility required to address local problems in a timely manner. They also indicated that such a limitation on PFC funding would seriously impair airport operators' ability to respond to specific local problems.

FAA Response: FAA has addressed this issue by establishing a distinction between remedial and preventive noise mitigation measures under part 150, and by announcing that on and after the effective date of this policy the FAA will not approve remedial measures for new noncompatible land uses. This indirectly affects the use of AIP funds for measures which, henceforth, will not be approved by the FAA an airport operator's part 150 program, but does not affect funding from any source that does not rely on the FAA's approval of a part 150 program.

Issue: Retroactive nature of the funding limitations. The organization representing noise impacted communities objected to the "retroactive" nature of the proposed limitations on PFC funding (as well as the proposed limitations on AIP funding), indicating that in many airport noise impacted communities, it was impossible for local zoning authorities to cope with expanding operations and noise at nearby airports, and that the proposed funding limitations would seriously compound the airport operators' ability to work with local communities to mitigate such problems.

FAA Response: This final policy will not affect the use of PFC funds for noise mitigation projects. Additionally, the final policy has clarified that there is no retroactive AIP funding limitation.

Issue: Court ordered noise remediation measures. One airport operator, while finding no general objection to the proposed limitations on PFC funding, pointed out an important exception that FAA had previously overlooked in its proposed policy: "the ability of the airport operator to utilize either AIP or PFC funding for noise remediation measures ordered or approved by a court or administrative agency."

FAA Response: FAA recognizes that an airport operator ordered by a court of competent jurisdiction, or under a court supervised approval procedure would have no choice but to proceed regardless of funding limitations. With the continued ability to use PFC funds, the operator will still have funding flexibility. The airport operator also may request an exemption to the policy for part 150 approval and thereby obtain approval to use AIP funds.

Issue: Published guidelines needed for FAA decisions on the "gray" areas. The Federal agency recommended that FAA develop and publish policy guidelines for approving mitigation measures for the so called "gray areas." Approval in this area is presently addressed on a case-by-case basis subject to regional FAA interpretation. A single national policy is needed in order to treat similar situations consistently and eliminate subjective decisions.

FAA Response: FAA recognizes the necessity for national consistency in the treatment of similar situations, while maintaining the ability to respond adequately to unique local compatibility problems. FAA intends to develop supplemental guidelines to accomplish these ends.

Issue: Disclosure requirements. The Federal agency recommended that FAA examine means of placing information relative to the use of Federal funding for noise mitigation (soundproofing, et al.) in the deeds to such properties.

FAA Response: FAA recognizes disclosure of aviation noise as a very important tool for state and local governments in informing and forewarning prospective buyers or tenants about the expected impacts of aviation noise on properties within noise impact areas. An aviation noise disclosure statement, somewhat similar to a flood plain disclosure statement, attached to property deeds is highly desirable. Avigation easements granting the right of overflight and the generation of associated noise are also encouraged, especially in conjunction with use of AIP funds for noise mitigation. FAA will continue its current policy of strongly encouraging all levels of government possessing such authority to require both formal aviation noise disclosure statements attached to deeds and avigation/noise easements also attached to property deeds.

Notice of Final FAA Policy

Accordingly, by this publication the FAA is formally notifying airport operators and sponsors, airport users, the officials of all public agencies and planning agencies whose area, or any portion of whose area, of jurisdiction is within an airport's Day-Night Average Sound Level 65 dB noise contours, as developed in accordance with FAA approved methodologies, and all persons owning property within, considering acquisition of property within, considering moving into such areas, or having other interests in such areas, of the following final FAA policy concerning future approval under part 150 and the use of AIP funds for certain noise mitigation measures.

Final Policy

Beginning October 1, 1998, the FAA will approve remedial noise mitigation measures under part 150 only for noncompatible development which exists as of that date. Noncompatible development that potentially may occur on or after October 1, 1998, may only be addressed in part 150 programs with preventive noise mitigation measures. This policy will affect the use of AIP funds to the extent that such funding is dependent on approval under part 150. Approval of remedial noise mitigation measures for bypassed lots or additions to existing structures within noise impacted neighborhoods, additions to existing noise impacted schools or other community facilities required by demographic changes within their service areas, and formerly noise compatible uses that have been rendered noncompatible as a result of airport expansion or changes in airport operations, and other reasonable exceptions to this policy on similar grounds must be justified by airport operators in submittals to the FAA and will be considered by the FAA on a case-by-case basis. This policy does not affect AIP funding for noise mitigation projects that do not require part 150 approval, that can be funded with PFC revenue, or that are included in FAA-approved environmental documents for airport development.

Issued in Washington, DC, on March 27, 1998.

John R. Hancock,

Acting Assistant Administrator for Policy Planning, and International Aviation.

[FR Doc. 98–8835 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY CUSTOMS SERVICE

19 CFR Parts 10, 123, 128, 141, 143, 145 and 148

[T.D. 98–28]

RIN 1515–AC11

Increase of Maximum Amount for Informal Entries to $2,000

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule a proposal to increase, from $1,250 to $2,000, the maximum dollar value prescribed for most informal entries of merchandise under the Customs Regulations. Section 662 of the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act raised the statutory limit applicable to informal entries to $2,500, and it has been determined that a raise to the intermediate level of $2,000 is appropriate at the present time. This regulatory change will have the effect of reducing the overall regulatory burden on importers and other entry filers by expanding the availability of the simplified informal entry procedures.

EFFECTIVE DATE: July 2, 1998.

FOR FURTHER INFORMATION CONTACT: Operational Aspects: Linda Walfish, Office of Field Operations (202–927–0042).

Legal Aspects: Jerry Laderberg, Office of Regulations and Rulings (202–927–2320).

SUPPLEMENTARY INFORMATION:

Background

All merchandise imported into the customs territory of the United States is subject to entry and clearance procedures. Section 484(a), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)), provides that the "importer of record" or his authorized agent shall: (1) Make entry for imported merchandise by filing such documentation or information as is necessary to enable Customs to determine whether the merchandise may be released from Customs custody; and (2) complete the entry by filing with Customs the declared value, classification and rate of duty applicable to the merchandise and such other documentation or other information as is necessary to enable Customs to properly assess duties on the merchandise and collect accurate statistics with respect to the merchandise and determine whether any other applicable requirement of law is met. Part 142, Customs Regulations (19 CFR Part 142), implements section 484 and prescribes procedures applicable to most Customs entry transactions. These procedures are referred to as formal entry procedures and generally involve the completion and filing of one or more Customs forms (such as Customs Form 7501, Entry/Entry Summary, which contains detailed information regarding the import transaction) as well as the filing of commercial documents pertaining to the transaction.

As originally enacted, section 498, Tariff Act of 1930 (subsequently codified at 19 U.S.C. 1498), authorized the Secretary of the Treasury to prescribe rules and regulations for the declaration and entry of, among other things, imported merchandise when the aggregate value of the shipment did not exceed such amount, but not greater than $250, as the Secretary shall specify in the regulations. Regulations implementing this aspect of section 498 are contained in Subpart C of Part 143, Customs Regulations (19 CFR Part 143) which is entitled "Informal Entry". The informal entry procedures set forth in Subpart C of Part 143 are less burdensome than the formal entry procedures prescribed in Part 142 of the regulations. For example, if authorized by the port director, informal entry may be effected by the filing of a commercial invoice setting forth a declaration signed by the importer or his agent attesting to the accuracy of the information on the invoice.

Section 206 of the Trade and Tariff Act of 1984 (Public Law 98–573, 98 Stat. 2948) amended section 498 by increasing to $1,250 (but with some exceptions) the maximum dollar amount that the Secretary could prescribe by regulation for purposes of the declaration and entry of imported merchandise. On July 23, 1985, T.D. 85–123 was published in the **Federal Register** (50 FR 29949) to, among other things, increase to $1,000 the regulatory limit for which informal entries could be filed. The regulatory amendments in this regard involved changes to Subpart C of Part 143 and various other provisions of the Customs Regulations that reflected the $250 informal entry dollar limit, and Customs explained in the background portion of T.D. 85–123 that the new limit would be set initially in the regulations at $1,000, with the option to increase it to $1,250 in the future. On August 31, 1989, Customs published in the **Federal Register** (54 FR 36025) T.D. 89–82 which amended the Customs Regulations by increasing the limit for which informal entries could be filed to the maximum $1,250 permitted under section 498 as amended by section 206 of the Trade and Tariff Act of 1984.

Section 662 of the North American Free Trade Agreement Implementation Act (Public Law 103–182, 107 Stat. 2057) amended section 498 by increasing to $2,500 the maximum dollar amount that the Secretary could prescribe by regulation for purposes of the declaration and entry of merchandise. As a result of this further increase in the statutory maximum, and in consideration of the fact that the regulatory limit for informal entries had not been increased since 1989, on June 9, 1997, Customs published in the **Federal Register** (62 FR 31383) a notice setting forth proposed amendments to the Customs Regulations to again increase the regulatory limit for informal entries.

Similar to the approach taken in 1985 and noting that the new statutory maximum still represented a ceiling but did not preclude adoption of a lower regulatory limit, Customs expressed the view in the June 9, 1997, notice of proposed rulemaking that it would be preferable to take an intermediate step by establishing a new informal entry limit of $2,000 which Customs believed would result in the best balance between the revenue and statistical collection and enforcement responsibilities of Customs and the interest of the importing public in having an expanded opportunity to use the less burdensome informal entry procedures. In addition, even if the proposed new $2,000 informal entry limit were to be adopted in a final rulemaking action, the notice pointed out that Customs would still retain the option of proposing a further upward adjustment of the regulatory limit at an appropriate future date, subject to the statutory maximum, after evaluating the operational effect of the new $2,000 limit and any other intervening change in circumstances having an impact on the entry process. The notice of proposed rulemaking made provision for the submission of public comments on the proposed regulatory changes for consideration before adoption of those changes as a final rule, and the prescribed public comment period closed on August 8, 1997.

Discussion of Comments

A total of fifteen commenters responded to the June 9, 1997, notice of proposed rulemaking.

Nine commenters supported the basic principle of increasing the informal entry limit. In addition to expressing support for that basic principle, these nine commenters made the following specific points:

1. Eight commenters favored increasing the informal entry limit to the $2,500 statutory maximum rather than only to $2,000 as proposed.

2. One commenter expressed concern that Customs would not be able to provide in a timely fashion the necessary changes to the Automated Commercial System (ACS) to reflect any increase in the informal entry limit.

While Customs, of course, has no reason to take issue with the general support expressed by the nine commenters, Customs notes the following with regard to the specific points made by these commenters:

1. For the reasons outlined in the notice of proposed rulemaking and summarized above, Customs remains of the opinion that any increase in the informal entry limit beyond the proposed $2,000 level would not be appropriate at the present time.

2. This document prescribes a 90-day (rather than the usual 30-day) delayed effective date in order to give Customs additional time to make the necessary changes to ACS.

Six commenters expressed opposition to the basic principle of increasing the informal entry limit. The following specific points were made by these commenters in this regard:

1. One commenter stated that the informal entry limit should be lowered instead of raised.

2. Two commenters were concerned that the increase in the informal entry limit would lead to products regulated by other agencies, for example, food and medical devices regulated by the Food and Drug Administration (FDA), being more readily admitted if they are in fact unsafe. One of these commenters noted that although Customs can require formal entry under 19 CFR 143.22, there should be a formal Customs policy requiring formal entry for products, regardless of value, sampled by the FDA.

3. Similar to the concern expressed in the comment immediately above, two commenters claimed that an increase in the informal entry limit will allow more importations to be made without a bond being filed, thereby making it more difficult for Customs to protect the revenue or to demand redelivery, especially in the case of unsafe food and medical devices.

4. Four commenters were concerned that there would be a significant loss of statistical data, collected by both the United States and other countries, if the informal entry limit is increased. A major concern expressed was that loss of such data could adversely affect trade policy. It was argued that this loss of data could be significant since there has been a large increase in small and medium size businesses which make small shipments.

5. One commenter proposed that, instead of raising the informal entry limit, Customs should eliminate informal entries for all commercial transactions.

6. One commenter stated that most informal entries under the proposed limit would arrive by courier and, because of the volume and repetition of the shipments, would present opportunities to evade the law and regulations.

7. One commenter argued that an increase in the informal entry limit will add to the burdens on Customs personnel, especially inspectors.

8. One commenter stated that there would be an appreciable loss of merchandise processing fee (MPF) collections, since the MPF for informal entries is less than that for formal entries.

9. One commenter claimed that the requirement to exercise reasonable care contained in 19 U.S.C. 1484 would be removed for a large number of entries because it only applies to formal entries.

10. Finally, one commenter expressed concern that an increase in the informal entry limit would remove entries from the recordkeeping requirements of 19 U.S.C. 1509(a)(1)(a).

The following are the Customs responses to the above points made in opposition to the proposal to increase the informal entry limit:

1. Since Congress was aware of the likely consequence of the amendment to 19 U.S.C. § 1498(a)(1), that is, that the maximum regulatory limit for informal entry would be raised, Customs believes that lowering the informal entry limit would clearly be in conflict with what Congress had in mind.

2. As already noted by one of these commenters, there is a safeguard in place in that Customs can require a formal entry, regardless of value. Moreover, coordination between the FDA and Customs in the case of entries of merchandise sampled or otherwise regulated by the FDA will continue in order to ensure that unsafe merchandise is not admitted; however, this is an interagency operational issue that Customs does not believe is appropriate for regulatory text. Finally, Customs notes that setting a policy to require importers to make formal entry for all merchandise regulated by the FDA is beyond the scope of the published proposal.

3. As regards revenue protection, since goods that are informally entered are not released prior to Customs determining and collecting duties, taxes and fees, Customs disagrees with this aspect of the comment. Moreover, while it is more difficult to secure redelivery of informally entered noncommercial goods subsequent to their release because such transactions are normally not covered by a Customs bond, Customs notes that most importations involving FDA-controlled goods are commercial transactions which are handled through the Automated Broker Interface (ABI) and thus are covered by a Customs bond even if informally entered; Customs will reiterate and enforce its policy of requiring a bond on all ABI/statement entries, whether formal or informal.

4. While some statistical data will be lost, Congress raised the informal entry limit in order to streamline the entry process and increase efficiency for

informal entries. Thus, it appears these benefits outweigh any loss in statistical data. In addition, Customs notes that the informal entry limit has not been raised since 1989, and raising the informal entry limit takes that factor and the effects of inflation into account. Customs will continue its policy of making available to the U.S. Bureau of the Census as much statistical information as possible, and Customs will also work with Census to develop statistical sampling methods for use in trade program areas.

5. Customs notes that 19 U.S.C. 1498 provides no exclusion for commercial merchandise from being entered informally. This comment raises a policy issue that is beyond the scope of the published proposal.

6. Customs believes that the provisions in Part 128 of the Customs Regulations (19 CFR Part 128) covering express consignments provide adequate safeguards in this regard.

7. An increase in the informal entry limit might result in an increased burden on Customs inspectors or other personnel at some, but certainly not all, locations. Appropriate steps will be explored by Customs to address any such resulting workload increases.

8. Customs projects that the proposed increase in the informal entry limit would result in a loss of approximately $20 million per year in MPF collections. However, it must be assumed that Congress took the potential loss of MPF collections into account when it decided to raise the statutory ceiling which controls the maximum informal entry limit.

9. Although a party making an informal entry would not have to comply with the requirements for making formal entry under 19 U.S.C. 1484, 19 CFR 143.26 requires an eligible party making an informal entry to use reasonable care in doing so.

10. Although there is a lesser recordkeeping burden for informal entries because fewer records are prescribed by law or regulation in connection with the informal entry process, Customs notes that 19 U.S.C. 1509(a)(1)(A) does not per se make a distinction between formal and informal entries (the statute merely refers to "entry" records). Customs believes that the issue of whether a distinction should be made between formal and informal entries for recordkeeping purposes would be more appropriately addressed in the regulations that specifically deal with recordkeeping requirements.

Conclusion

Accordingly, based on the comments received and the analysis of those comments as set forth above, and after further review of this matter, Customs believes that the proposed regulatory amendments should be adopted as a final rule without change.

Executive Order 12866

This document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the regulatory amendments will not have a significant economic impact on a substantial number of small entities. The amendments are in response to a statutory change and will have the effect of reducing the regulatory burden on the public. Accordingly, the amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Francis W. Foote, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 10

Customs duties and inspection, Imports, Reporting and recordkeeping requirements.

19 CFR Part 123

Aircraft, Canada, Customs duties and inspection, Imports, Mexico, Motor carriers, Railroads, Reporting and recordkeeping requirements, Vehicles, Vessels.

19 CFR Part 128

Carriers, Couriers, Customs duties and inspection, Entry, Express consignments, Freight, Imports, Informal entry procedures, Manifests, Reporting and recordkeeping requirements.

19 CFR Part 141

Bonds, Customs duties and inspection, Entry of merchandise, Invoices, Release of merchandise, Reporting and recordkeeping requirements.

19 CFR Part 143

Customs duties and inspection, Entry of merchandise, Invoice requirements, Reporting and recordkeeping requirements.

19 CFR Part 145

Customs duties and inspection, Imports, Mail, Postal service, Reporting and recordkeeping requirements.

19 CFR Part 148

Customs duties and inspection, Imports, Personal exemptions, Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons stated in the preamble, Parts 10, 123, 128, 141, 143, 145 and 148 of the Customs Regulations (19 CFR Parts 10, 123, 128, 141, 143, 145 and 148), are amended as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The authority citation for Part 10 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314.

* * * * *

§ 10.1 [Amended]

2. In § 10.1, the introductory text of paragraph (a) and the first sentence of paragraph (b) are amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

1. The general authority citation for Part 123 is revised to read, and the specific authority citation for § 123.4 continues to read, as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1431, 1433, 1436, 1448, 1624.

* * * * *

Section 123.4 also issued under 19 U.S.C. 1484, 1498;

* * * * *

§ 123.4 [Amended]

2. In § 123.4, the first sentence of paragraph (b) is amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

PART 128—EXPRESS CONSIGNMENTS

1. The authority citation for Part 128 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1321, 1484, 1498, 1551, 1555, 1556, 1565, 1624.

§ 128.24 [Amended]

2. In § 128.24, paragraph (a) is amended by removing the reference "$1,250" wherever it appears and adding, in its place, the reference "$2,000".

PART 141—ENTRY OF MERCHANDISE

1. The authority citation for Part 141 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

* * * * *

Subpart F also issued under 19 U.S.C. 1481;

* * * * *

§ 141.82 [Amended]

2. In § 141.82, paragraph (d) is amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

PART 143—SPECIAL ENTRY PROCEDURES

1. The authority citation for Part 141 continues to read as follows:

Authority: 19 U.S.C. 66, 1481, 1484, 1498, 1624.

§ 143.21 [Amended]

2. In § 143.21, paragraphs (a), (b), (c), (f) and (g) are amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

§ 143.22 [Amended]

3. In § 143.22, the second sentence is amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

§ 143.23 [Amended]

4. In § 143.23, paragraphs (d) and (i) are amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

§ 143.26 [Amended]

5. In § 143.26, the heading and text of paragraph (a) are amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

PART 145—MAIL IMPORTATIONS

1. The authority citation for Part 145 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1624.

Section 145.4 also issued under 18 U.S.C. 545, 19 U.S.C. 1618;

* * * * *

Section 145.12 also issued under 19 U.S.C. 1315, 1484, 1498;

* * * * *

Section 145.35 through 145.38, 145.41, also issued under 19 U.S.C. 1498;

* * * * *

§ 145.4 [Amended]

2. In § 145.4, paragraph (c) is amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

§ 145.12 [Amended]

3. In § 145.12, paragraphs (a)(2), (a)(3) and (b)(1) and the heading and text of paragraph (c) are amended by removing the reference "$1,250" wherever it appears and adding, in its place, the reference "$2,000".

§ 145.35 [Amended]

4. Section 145.35 is amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

§ 145.41 [Amended]

5. Section 145.41 is amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

1. The authority citation for Part 148 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1496, 1498, 1624. The provisions of this part, except for subpart C, are also issued under 19 U.S.C. 1202 (General Note 20, Harmonized Tariff Schedule of the United States).

* * * * *

§ 148.23 [Amended]

2. In § 148.23, the heading and text of paragraph (c)(1) and the heading and introductory text of paragraph (c)(2) are amended by removing the reference "$1,250" and adding, in its place, the reference "$2,000".

Approved: March 18, 1998.

Robert S. Trotter,

Acting Commissioner of Customs.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 98–8832 Filed 4–2–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 87F–0086]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucralose

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of sucralose as a nonnutritive sweetener in food. This action is in response to a petition filed by McNeil Specialty Products Co.

DATES: The regulation is effective April 3, 1998; written objections and requests for a hearing by May 4, 1998. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in § 172.831(b) (21 CFR 172.831(b)), effective April 3, 1998.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3106.

SUPPLEMENTARY INFORMATION:

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I. Introduction

In a notice published in the **Federal Register** of May 8, 1987 (52 FR 17475), FDA announced that a food additive petition (FAP 7A3987) had been filed by McNeil Specialty Products Co. (McNeil), P.O. Box 3000, Skillman, NJ 08558–3000 proposing that the food additive regulations be amended to provide for the safe use of sucralose (1,6-dichloro-1,6-dideoxy-β-D-fructofuranosyl-4-chloro-4-deoxy-α-D-galactopyranoside) as a nonnutritive sweetener in food where standards of identity do not preclude such use. (McNeil's address has since changed to 501 George St., New Brunswick, NJ 08558–3000.)

The petitioner has requested the use of sucralose in 15 food categories as described in § 170.3 (21 CFR170.3(n)) as follows: Baked goods and baking mixes (§ 170.3(n)(1)); beverages and beverage bases (nonalcoholic) (§ 170.3(n)(3)); chewing gum (§ 170.3(n)(6)); coffee and tea (§ 170.3(n)(7)); confections and frostings (§ 170.3(n)(9)); dairy product analogs (§ 170.3(n)(10)); fats and oils (§ 170.3(n)(12)); frozen dairy desserts and mixes (§ 170.3(n)(20)); fruit and water ices (§ 170.3(n)(21)); gelatins, puddings, and fillings (§ 170.3(n)(22)); jams and jellies (§ 170.3(n)(28)); milk products (§ 170.3(n)(31)); processed fruits and fruit juices (§ 170.3(n)(35)); sugar substitutes (§ 170.3(n)(42)); and sweet sauces, toppings, and syrups (§ 170.3(n)(43)). This final rule lists all of the requested uses.

Sucralose has also been referred to as trichlorogalactosucrose or 4,1′,6′-trichlorogalactosucrose. The Chemical Abstracts Service Registry number (CAS Reg. No.) for sucralose is 56038–13–2. Sucralose is a disaccharide that is made from sucrose in a five-step process that selectively substitutes three atoms of chlorine for three hydroxyl groups in the sugar molecule. It is produced at an approximate purity of 98 percent. Sucralose is a free-flowing, white crystalline solid that is soluble in water and stable both in crystalline form and in most aqueous solutions; it has a sweetness intensity that is 320 to 1,000 times that of sucrose, depending on the food application.

Hydrolysis of sucralose can occur under conditions of prolonged storage at elevated temperatures in highly acidic aqueous food products. The hydrolysis products are the monosaccharides, 4-chloro-4-deoxy-galactose (4–CG) and 1,6-dichloro-1,6-dideoxyfructose (1,6–DCF).

McNeil's original submission to FDA contained data and information from toxicity studies in several animal species, other specific tests in animals, and information from clinical tests in human volunteers. The toxicity data base included: Short-term genotoxicity tests, subchronic feeding studies, chronic toxicity/carcinogenicity studies in rats and mice, a chronic toxicity study in dogs, reproductive toxicity studies in rats, teratology studies in rats and rabbits, male fertility studies in rats, and neurotoxicity studies in mice and monkeys. Other specific tests conducted with animals included: Pharmacokinetics and metabolism studies on sucralose in several species, mineral bioavailability studies in rats, and several studies related to food consumption and palatability in rats and dogs. Human clinical testing addressed the pharmacokinetics and metabolism of sucralose, in addition to its potential effects on carbohydrate metabolism. The petitioner also submitted a report prepared by a panel of experts in various scientific disciplines who independently evaluated and critiqued the sucralose data base to identify areas of potential controversy.

During the course of the agency's evaluation of the sucralose petition, McNeil submitted additional studies that had been conducted in response to questions and concerns raised by the governmental reviewing bodies of other countries. The additional studies included a 6-month gavage study in rats, two comparative pharmacokinetics studies in rats and rabbits, an immunotoxicity feeding study in rats, and study of unscheduled deoxyribonucleic acid (DNA) synthesis.

In response to an issue raised by FDA, the petitioner submitted a 6-month sucralose feeding study in rats, with a dietary restriction design, to evaluate the toxicological significance of a body weight gain decrement effect observed in sucralose-treated rats.

In anticipation of the potential wide use of sucralose in persons with diabetes mellitus and to address concerns raised by a diabetic association group in Canada, the petitioner performed a series of clinical studies. Because of results observed in diabetic patients that were treated with sucralose in a 6-month clinical study, the petitioner requested (in 1995) that the agency withhold its final decision on the safety of sucralose until that observation could be further investigated. At that time, the petitioner initiated additional studies with the main objective of evaluating the effects sucralose would have on glucose homeostasis in patients with diabetes mellitus.

II. Evaluation of Safety

In the safety evaluation of a new food additive, the agency considers both the projected human dietary exposure to the additive and the data from toxicological tests submitted by the petitioner. Other relevant information (e.g., published literature) is also considered. The available data and information submitted in a food additive petition must establish, to a reasonable certainty, that the food additive is not harmful under the intended conditions of use.

A. Estimated Daily Intake

In determining whether the proposed use of an additive is safe, FDA typically compares an individual's estimated daily intake (EDI) of the additive to the acceptable daily intake (ADI) established from the toxicity data. The agency determines the EDI by making projections based on the amount of the additive proposed for use in particular foods and on data regarding the consumption levels of these particular foods. The proposed use levels of sucralose are supported by taste panel testing that was reported in the petition. The petitioner also submitted survey information on the consumption of the food types for which the use of sucralose was requested.

The agency commonly uses the EDI for the 90th percentile consumer of a food additive as a measure of high chronic exposure. For the requested food uses of sucralose, the agency has determined the 90th percentile EDI for consumers 2 years old and older ("all ages") to be 98 milligrams per person per day (mg/p/d), equivalent to

approximately 1.6 mg per kilogram of body weight per day (mg/kg bw/d) (Refs. 1 and 2).

Because sucralose may hydrolyze in some food products (although only to a small extent and only under limited conditions), the resulting hydrolysis products may also be ingested by the consumer. Therefore, the agency has also calculated EDI's for the combined hydrolysis products of sucralose. The 90th percentile EDI is 285 micrograms per person per day (μg/p/d), equivalent to 4.7 μg/kg bw/d (Refs. 1 and 2).

B. Evaluation of Toxicological Testing Results

The major studies relevant to the safety decision regarding the petitioned uses of sucralose are discussed in detail in section II.B of this document. The individual studies are identified by "E" numbers, as designated by McNeil in the sucralose petition.

1. Pharmacokinetics and Metabolism

Studies were conducted to characterize and compare the metabolic fate of sucralose in various animal species to that seen in humans in order to assist in the selection of an appropriate animal model for safety extrapolation to humans.

a. *Comparative pharmacokinetics.* The absorption, metabolism, and elimination of sucralose have been studied in several different animal species, including humans. Based on its evaluation of these studies, the agency concludes that, in general, sucralose is poorly absorbed following ingestion, with 36 percent or less of the dose absorbed in rats (E004 and E137), mice (El46), rabbits (El24), dogs (E049 and E123), and humans (E003, E033, and E128). Although there is consistency among laboratory animal species in the routes of elimination of sucralose when administered by the intravenous route (80 percent urinary, 20 percent fecal), the amounts of sucralose absorbed and rates of elimination after oral administration differ considerably (Ref. 3). The agency estimates that about 5 percent of the ingested dose is absorbed from the gastrointestinal system of rats, while that in rabbits and mice ranged from 20 to 33 percent. Gastrointestinal absorption of sucralose by the dog was in the range of 33 to 36 percent. Studies in human male volunteers showed absorption values in the range of 11 to 27 percent, which is between the ranges observed for rats (lower bound) and rabbits and mice (upper bound). In all of the species tested, plasma disappearance curves are biphasic (E003, E004, E049, E123, E128, E146, El63, and E164). With the exception of the rabbit (El64), these curves are dominated by phase 1, with a half-life of 2 to 5 hours. In the rabbit elimination is dominated by phase 2, with a half-life of 36 hours (El64) (Ref. 3). The longer half-life of sucralose in the rabbit was initially thought to be the result of reingestion of sucralose. However, study E164, which was specifically designed to address this question by controlling coprophagia, indicated that sucralose elimination is intrinsically slower from the rabbit than from other species tested (Refs. 3 and 4). Therefore, the agency concludes that the pharmacokinetics of sucralose in the rabbit is significantly different from that in humans and other tested species.

b. *Sucralose metabolism.* The majority of ingested sucralose is excreted unchanged in the feces and most of what is absorbed appears unchanged in the urine, with only minor amounts appearing as metabolites (Refs. 3, 4, and 5). Mice (El46) and rats (El37) were found to metabolize less than 10 percent of the absorbed sucralose, while rabbits (El24) (20 to 30 percent), humans (El38 and E145) (20 to 30 percent), and dogs (El33) (30 to 40 percent) metabolize greater quantities of the absorbed sucralose. Results from the submitted animal and human pharmacokinetics data identified three major sucralose metabolites (Ml, M2, and M3) in urine in addition to unchanged sucralose. The metabolic profile of sucralose in rats was qualitatively similar to that seen in humans. In addition to unchanged sucralose, two sucralose metabolites, Ml and M2, were detected in the urine of rats and humans after oral dosing of sucralose. The metabolic profile of mice for sucralose differed from that of humans and the other tested animals (rats, dogs, and rabbits) in that a unique urinary metabolite, M3, was identified in addition to the presence of the Ml (trace amounts) and M2 metabolites. A pronounced difference was observed in the proportions of M2 and M3 excreted by male versus female mice: Males produced more M2 than M3, while the opposite was true of female mice. The metabolic profile of the rabbit for sucralose also showed differences when compared to that seen in humans, rats, mice, or dogs. In addition to unchanged sucralose, a small number of unidentified metabolites (more polar than sucralose) were observed in rabbit urine, but were not characterized (Refs. 3, 6 and 7). Dogs produced primarily the M2 metabolite and only a trace amount of the Ml metabolite.

After repeated dosing, there was no evidence that sucralose induced microsomal enzymes in rats (El44) (Ref. 7). There was also no evidence of metabolic adaptation following chronic dosing with sucralose in rats (E057e) (Ref. 3).

Based on the submitted pharmacokinetics data, the agency concludes that the rabbit metabolism of sucralose is notably different from that of humans in two important aspects: (1) A longer sucralose plasma half-life, and (2) the presence of unique urinary sucralose metabolites. Although pharmacokinetic differences between the other tested animals (rats, mice, and dogs) and humans were not as pronounced, the profile for rats was most similar to that for humans. The agency discusses the relevance of these data for the selection of an appropriate animal model in section II.C of this document.

2. Genotoxicity Testing

Sucralose and its hydrolysis products were tested in several in vitro and short-term in vivo genotoxicity tests. In the absence of bioassay data, such tests are often used to predict the carcinogenic potential of the test compound. However, in the case of sucralose and its hydrolysis products, chronic toxicity/carcinogenicity bioassay data are also available.

Sucralose was shown to be nonmutagenic in an Ames test (E0ll) and a rat bone marrow cytogenetic test (E013). Tests for the clastogenic activity of sucralose in a mouse micronucleus test (E0l4) and a chromosomal aberration test in cultured human lymphocytes (E012) were inconclusive. Sucralose was weakly mutagenic in a mouse lymphoma mutation assay (E014).

The hydrolysis product, 4–CG, was nonmutagenic in the Ames test (E025) and mouse lymphoma assay (E026). 4–CG was nonclastogenic in the chromosomal aberration assay (E0I2). Other assays (human lymphocytes (E012), rat bone marrow (E027)) were inconclusive. Thus, no test on 4–CG produced a genotoxic response.

The other hydrolysis product, 1,6–DCF, was not clastogenic in the chromosomal aberration assay in rat bone marrow (E019). Results of three other genotoxic tests were inconclusive: The chromosomal aberration assay in cultured human lymphocytes (E012), the sex-linked recessive lethal assay in *Drosophila melanogaster* (E021), and the covalent DNA binding potential study in rats (El48). 1,6–DCF was weakly mutagenic in the Ames test (E020) and the L5178Y TK+/− assay (EO22 and E024). In an unscheduled DNA synthesis study (El65), 1,6–DCF did not induce DNA repair synthesis in isolated rat hepatocytes.

An equimolar mixture of the hydrolysis products was not genotoxic in the in vivo sister chromatid exchange assay in mice (E150) and was inconclusive in a dominant lethal (mouse) test (E034).

As the foregoing discussion reflects, both sucralose and its hydrolysis products showed weakly genotoxic responses in some of the genotoxicity tests. More importantly, however, as demonstrated in the 2-year rodent bioassays (E053, E055, and E057), there was no evidence of carcinogenic activity for either sucralose or its hydrolysis products as discussed in sections II.B.4.a.i, II.B.4.a.ii, and II.B.4.b.i of this document. Results from these chronic carcinogenicity studies supersede the results observed in the genotoxicity tests because they are more direct and complete tests of carcinogenic potential (Refs. 5, 6, 8, 9, and 10).

3. Reproductive/Developmental Toxicity Studies.

Studies were performed in order to evaluate the toxic potential of sucralose and its hydrolysis products on the reproductive systems of mature male and female rats as well as on the postnatal maturation of reproductive functions of offspring through two successive generations. The objective of the teratology studies was to determine the potential effects of sucralose and its hydrolysis products on the developing fetus.

a. *Sucralose*—i. *Two-generation reproductive toxicity study in rats (E056).* In this study, groups of 30 male and 30 female rats of the Sprague-Dawley CD strain were fed sucralose at dose levels of 0.3, 1.0, and 3.0 percent in the diet 10 weeks prior to breeding and throughout two successive generations.

No treatment-related effects on any of the reproductive endpoints (estrous cycles, mating performance, fertility index, gestation length, gestation index) were observed in either generation. Litter size and offspring viability were also unaffected by sucralose treatment. Decreases in body weight gain of 11 to 25 percent and 2 to 12 percent for adult rats were observed during both premating periods for the first (F_1) and second (F_2) generations, respectively. Slightly decreased food intake was also observed for both generations (F_0, 5 to 9 percent; F_1, 3 to 5 percent).

Although significant decreases in the relative thymic weights were noted in the F_0 (male and female) and the F_1 (male and female) rats in this study after dietary administration of sucralose at the high-dose (3 percent) level, because of the nature of the experimental design for reproductive studies, the agency cannot evaluate the toxicological significance of this observation in this study. Thymic and other lymphoidal effects are more appropriately evaluated in immunologic studies that are designed to examine directly parameters of immunologic functions. Such immunotoxicity studies on sucralose are discussed in section II.B.5.b of this document.

Based upon the results of study E056, the agency concludes that sucralose does not cause any reproductive effects in rats in doses up to 3 percent in the diet (Refs. 5, 10, 11, and 12).

ii. *Teratology study in rats (E030).* Sucralose was administered by gavage to groups of 20 pregnant Sprague Dawley CD rats at dose levels of 500, 1,000, and 2,000 mg/kg bw/d from day 6 through day 15 of gestation.

No treatment-related effects were noted in the dams at necropsy with respect to the number of implantation sites, pre-implantation losses, or post-implantation losses. The number of live young, as well as fetal and placental weights, were also unaffected by treatment. Neither body weight gain nor food consumption were affected by treatment with sucralose.

Based upon the results of E030, the agency concludes that sucralose did not cause maternal toxicity, embryo toxicity, or fetal toxicity; nor did sucralose induce terata in rats at dose levels up to 2000 mg/kg bw/d (Refs. 5 and 13).

iii. *Teratology study in rabbits (El34).* Sucralose was administered by gavage to groups of 16 to 18 pregnant rabbits at dose levels of 0, 175, 350, and 700 mg/kg/d during days 6 to 19 of gestation. Uterine contents of the females were examined at termination of the study (day 29 of gestation).

A total of 11 rabbits (1 in the control group, 4 in the 175 mg/kg bw/d group, 2 in the 350 mg/kg bw/d group, and 4 in the 700 mg/kg bw/d group) died or were killed in extremis (near death) because of reasons unrelated to treatment. Two deaths occurred in the high-dose (700 mg/kg bw/d) group that the agency considers treatment-related because they were associated with symptoms (weight loss and reduced food intake) occurring only at the highest dose. Three of the 12 surviving rabbits in the high-dose group were eliminated from the study because they did not become pregnant.

From the remaining nine pregnant rabbits in the high-dose group only five animals successfully carried to term and produced viable young. The other four females in this group aborted their fetuses. Decreases in the mean number of viable young per litter were also observed in this group. The mean number of post-implantation losses also increased. Gastrointestinal tract disturbances were noted in high-dose rabbits. These effects observed at the high-dose level were not seen at either low- or mid-dose levels (Refs. 5, 14, and 15). While maternal and fetal toxicity were observed at the high-dose level, there was no evidence of frank terata at any of the tested dose levels. Thus this study demonstrates that sucralose is not teratogenic in rabbits.

b. *Sucralose hydrolysis products*—i. *Two-generation reproductive toxicity study in rats (E052).* Groups of 30 male and 30 female Sprague-Dawley CD rats were fed an equimolar mixture of the sucralose hydrolysis products (4–CG and 1,6–DCF) at dose levels of 0, 200, 600, and 2,000 parts per million (ppm) in the diet for 10 weeks prior to breeding and through two successive generations.

No treatment-related effects on estrus cycles, mating performance, fertility, length of gestation, litter size, and offspring viability were observed in either generation (F_0 or F_1 generation). During the 10-week premating period for both generations, body weight gain of males was significantly reduced in the high-dose (2,000 ppm) group only. Body weight gain of females was significantly reduced in all treatment groups during this same period of time. Decreased food intake was observed in the high-dose males and females of the F_0 generation. In both generations, reduction in weight gain was observed in females during pregnancy and in offspring from birth to weaning. No effect other than reduced body weight gain was related to treatment (Refs. 5, 10, 14, and 16).

The agency concludes that the administration of the sucralose hydrolysis products in the rat diet at levels up to 2,000 ppm caused no alteration in the reproductive performance of the animals over two generations (Refs. 5 and 16).

ii. *Teratology study in rats (E032).* An equimolar mixture of the sucralose hydrolysis products was administered by gavage to groups of 20 pregnant Sprague-Dawley rats at dose levels of 30, 90, and 270 mg/kg bw/d, from day 6 to 15 of gestation. The study was terminated on day 21 of gestation.

Results from this study showed no dose-related increase in the incidence of terata among treated groups. Body weight gain of dams in the high-dose group (270 mg/kg bw/d) was significantly reduced, whereas weight gains in the low- and mid-dose dams were comparable to controls. Decreased

fetal body weights and placental weights were observed at the high dose.

The agency concludes that the sucralose hydrolysis products did not produce terata in rats when administered at doses up to 270 mg/kg bw/d (Refs. 10 and 13).

c. *Male fertility studies on sucralose and its hydrolysis products in rats (E016, E038, E090, and E107).* Some chlorinated monosaccharides have been reported to affect male fertility in rats by interfering with spermatogenesis (Ref. 17). McNeil noted the structural similarity of such compounds to the hydrolysis products of sucralose, and submitted a series of antifertility studies on a series of chlorinated sugars, including sucralose.

All of the studies were of similar design. Groups of male rats were exposed for 14 days either by gavage or in the diet to 300 micromoles (µmol) of either sucralose or one of the chlorosucrose compounds mentioned above. The antifertility compound, 6-chloro-6-deoxyglucose, was used as the positive control in these studies. Treated male and untreated female rats were mated 1 and 2 weeks after treatment. Male mating performance and fertility were observed.

The agency has reviewed these studies and observes that the studies were too short to cover the full cycle of spermatogenesis in rats (Refs. 5 and 18). Because of their short duration, FDA concludes that these studies, considered alone, are insufficient to assess the antifertility potential of sucralose in male rats (Refs. 5 and 18). However, the agency believes that further testing is not necessary because the results from the two-generation reproduction studies adequately address any toxicological concerns regarding the potential antifertility effects of sucralose and its hydrolysis products. As discussed previously, in the two-generation reproduction studies (E052 and E056), in which sucralose or its hydrolysis products were fed to rats, no effects on fertility or other reproductive parameters were observed in either male or female rats (see sections II.B.3.a.i and II.B.3.b.i. of this document).

4. Chronic Toxicity/Carcinogenicity Studies

A combined chronic toxicity/carcinogenicity study (E057) in rats and a carcinogenicity study in mice (E055) were conducted to study the chronic toxicity and carcinogenic potential of sucralose when administered to rodents over most of their lifetime. Because human exposure to sucralose could possibly occur during in utero development, an in utero phase was included in the rat study. A chronic (1-year) study on sucralose was also performed in dogs (E051) in order to assess the effects of sucralose administration in a nonrodent species. In addition, a 2-year carcinogenicity study in rats (E053) was carried out to study the chronic toxicity and carcinogenic potential of sucralose hydrolysis products.

a. *Sucralose*—i. *Combined chronic toxicity/carcinogenicity study in rats (E057).* This study consisted of a breeding phase, a carcinogenicity phase, and a chronic toxicity phase. The carcinogenicity and chronic toxicity phases were concurrently performed in this study. The breeding phase of this study examined the potential in utero effects of sucralose during development. During this phase parental (F_0) Sprague-Dawley CD rats, 70 males and 70 females per group, were fed diets containing 0, 0.3, 1, or 3 percent sucralose for a 4-week period prior to mating and during gestation. One male and one female weanling pup were selected from each of 50 litters and allocated to the appropriate group of the carcinogenicity phase. Additional rats (30 per sex per group) were selected for the chronic toxicity phase of this study.

Rats in each of the groups of this study were gang-housed, five animals per sex per cage. After 52 weeks of sucralose treatment, an interim sacrifice was performed on 15 males and 15 females from each group of the chronic toxicity phase of the study. The remaining surviving rats in this phase of the study were sacrificed at treatment week 78. In the carcinogenicity phase, surviving rats were sacrificed at week 104. In both phases of the study, classic toxicological parameters such as mortality, body weight, hematology, clinical chemistry, and organ weights were examined in treated and control rats. Food consumption was calculated weekly from the total weight of food consumed by each cage of rats. Histopathological examinations were performed on representative tissues from control and high-dose rats.

Sucralose treatment had no effect on reproductive performance or on fertility of the parental rats during the breeding phase. In both the chronic toxicity and carcinogenicity phases of the study, survival of rats was unaffected by sucralose treatment.

In the carcinogenicity phase, there was no evidence of treatment-related neoplasia in any of the rats (Ref. 19). McNeil reported an apparent increased incidence of male rats with hepatocellular clear cell foci. FDA pathologists reviewed the liver histopathology slides from this study that were obtained from McNeil. The agency's pathologists observed that the increase in the incidence of male rats with hepatocellular clear cell foci was only marginal and that there was no concomitant increase in the severity of this lesion among the treated animals. Therefore, the agency concludes that the occurrence of hepatocellular clear cell foci was incidental and not treatment-related (Refs. 5 and 20).

Renal pelvic mineralization and epithelial hyperplasia were noted at higher incidences among treated rats in both the chronic toxicity and the carcinogenicity phases of study E057. These changes were observed primarily in the high-dose females. The degree of severity of these lesions was reported as minimal or slight. McNeil concluded that these changes are of no toxicological significance.

FDA evaluated these changes and noted that: (1) It is not unusual to observe such lesions in aged rats, especially in females (Ref. 21). In this study (E057), the rats were at or near the end of their expected lifetime at the time of sacrifice; and (2) mineralization of the renal pelvis represents a physiological adaptation secondary to cecal enlargement. Cecal enlargement is often seen with other substances that are poorly absorbed in the upper intestine and can be expected in a study like this with a poorly absorbed substance like sucralose (Refs. 21, 22, 23, 25, and 26). Based on the previously mentioned reasons, FDA concludes that the renal pelvic mineralization and epithelial hyperplasia observed are of no toxicological significance (Refs. 6 and 26).

Decreased body weight gain was observed in all sucralose treated animals in both the carcinogenicity and chronic toxicity phases of this study. At the end of the carcinogenicity phase, mean body weight gain in sucralose-fed rats was 13 to 26 percent less than that of the control group. Food consumption in the treated groups during this phase was 5 to 11 percent less than that of the control values. At the end of the chronic toxicity phase, a reduction of 12 to 25 percent in the body weight gain was observed in the treated rats relative to controls, whereas food intake in the treated rats was reduced only 5 to 10 percent compared to controls.

McNeil postulated that this body weight gain decrement effect was the result of reduced palatability of sucralose-containing diets. However, based on the data in this study, as well as in all other rat studies in the sucralose petition, the agency was unable to conclude that reduced palatability, which affected food

consumption, fully accounted for the decreased body weight gain observed in sucralose-fed rats (Ref. 27). Thus, the agency recommended that McNeil perform additional testing to resolve the body weight gain issue (Ref. 28). In the absence of such testing, FDA could not determine a no-observed-effect level for this study (E057). The body weight gain issue is discussed in detail in section II.B.5.a of this document.

ii. *Carcinogenicity study in mice (E055).* In this study, Charles River CD–1 mice, 52 animals per sex per group, were gang-caged (4 mice per cage) and fed sucralose at 0, 0.3, 1.0, and 3.0 percent in the diet for 104 weeks. At the termination of the study, survival and classic toxicological parameters were examined for treated and control mice.

Survival rates were comparable for control and treated groups. Mean body weight gains in both male and female mice in the high dose (3 percent) group were significantly reduced (21 to 25 percent) relative to controls for the 104-week treatment period, without any significant decreases in food consumption. Of other toxicological parameters examined, significant decreases were observed only in the erythrocyte counts of females in the high-dose group. There was no evidence of treatment-related neoplasia in any of the sucralose-treated groups (Ref. 19).

Based on the effects seen on body weight gain and the erythrocytic counts at the high-dose level, the agency concludes that a dietary level of 1 percent (equivalent to 1,500 mg/kg bw/d) was the no-observed-effect level for sucralose (Refs. 5 and 29).

iii. *Chronic toxicity study in dogs (E051).* Groups of four male and four female beagle dogs were fed sucralose at concentrations of 0, 0.3, 1.0, and 3.0 percent in the diet for 52 weeks. Parameters examined in this study included mortality, body weight, food consumption, hematology, clinical chemistry, urinalysis, and histopathology.

An increase in body weight gain of sucralose-treated male dogs relative to controls was observed at all dose levels. However, this increase in weight gain was accompanied by a general increase in food consumption. All other parameters examined in this study were comparable between treated and control animals.

Because there were no toxic effects seen at any dose tested, the agency concludes that a dietary level of 3 percent (equivalent to 750 mg/kg bw/d) is the no-observed-effect level for sucralose in dogs (Refs. 5 and 30).

b. *Sucralose hydrolysis products—carcinogenicity study in rats (E053).* In this study, groups of 50 male and 50 female Sprague-Dawley CD rats were administered an equimolar mixture of the hydrolysis products (4–CG and 1,6–DCF) at concentrations of 0, 200, 600, and 2,000 ppm in the diet for 104 weeks.

There was no evidence of treatment-related neoplasia in any of the dose groups in this study. A marginal increase in the incidence of hepatocellular clear cell foci was reported in treated male and female rats. The agency determined, however, that this was not a treatment-related effect because there was no concomitant increase in severity of the hepatic lesion (Refs. 19 and 20). Thus, the agency concludes that the sucralose hydrolysis products are not carcinogenic to Sprague-Dawley CD rats when administered as an equimolar mixture in the diet at concentrations up to 2,000 ppm (Refs. 5, 19, and 31).

In this study, the mean body weight gain of the high-dose females was significantly decreased (24 percent) relative to the control mean after 104 weeks of treatment. Mean food consumption in these females over the 104-week period was also reduced 14 percent compared to the control group. The agency could not determine whether the body weight gain decrement observed at the high-dose level in this study was fully accounted for by decreased food intake. Therefore, the agency concludes that, in rats, the mid-dose (600 ppm equivalent to 30 mg/kg bw/d) is the no-observed-effect level for the hydrolysis products of sucralose (Refs. 5 and 10).

5. Special Toxicological Studies

a. *Body weight gain.* As noted previously, the agency's review of the rat data submitted in the original petition raised questions regarding the effect of sucralose on body weight gain (Ref. 27). Sucralose-fed rats in the subchronic and chronic studies showed significant decreases in body weight gain with only small reductions in food consumption (Ref. 27).

In particular, in the combined chronic toxicity/carcinogenicity rat study (E057), decreases of 13 to 26 percent in body weight gain were observed in sucralose-fed rats that had reductions in food consumption of only 5 to 11 percent compared to controls (Ref. 27). Although the treated rats ate less food, the reductions in food intake did not appear to account fully for the decreased weight gain. McNeil contended primarily that reduced palatability of the sucralose-containing diet caused treated animals to eat less and thus gain less weight. McNeil stated that, collectively, data obtained from the sucralose acceptability study (El30 and E143), sucralose pair-feeding study (E058), gavage study (El5l), and a diet spillage study (El54) supported their claim that palatability fully accounted for the reduced body weight gain (Ref. 32). Finally, McNeil also contended that this effect was neither a toxic effect nor biologically significant. The studies upon which McNeil relied are discussed followed by the agency's discussion of its evaluation of those studies.

i. *The Palatability hypothesis*—(1) *Acceptability studies in rats (El30 and E143).* Several studies were conducted to evaluate the acceptability and palatability of sucralose when administered to rats via drinking water or in the diet. Data from these rat studies showed that sucralose was acceptable in drinking water at levels up to 3,200 ppm. However, reduced food consumption was seen in rats that were administered sucralose in the diet at levels greater than 800 ppm.

(2) *Pair-feeding study in rats (E058).* Pair-feeding is an experimental procedure where two groups of animals are fed the same amount of diet. Thus, if there are differences in the body weight gain of these two groups of animals, it is due to an effect of the test substance and not due to differences in the amount of food consumed by the two groups of animals.

There were five groups of female Sprague-Dawley CD rats in this study. Initially, rats were grouped into various categories on the bases of body weight. Twenty rats were randomly selected from each of the weight categories and assigned to each of the five groups. One group was fed 3 percent sucralose in the diet (unrestricted access) for 8 weeks. Animals in the pair-fed group were fed a daily amount of basal diet equivalent to the mean food intake consumed on the previous day by the 3-percent sucralose dose group. In a third group, an ad libitum control group, rats received unrestricted access to basal diet. A fourth group was administered sucralose by gavage in amounts equivalent to that fed in the 3-percent dietary group. A fifth group served as a control group for the sucralose-gavaged rats and received distilled water by gavage.

Significant decreases in food consumption and body weight gain were observed in both the 3-percent dietary administration group and its pair-fed control group relative to ad libitum controls. Rats dosed with sucralose by gavage consumed significantly more food and gained significantly more weight than those receiving the water control.

(3) *4- to 13-week sucralose oral gavage study in rats (El5l).* Because administration by gavage circumvents effects due to dietary administration of an unpalatable test material, McNeil performed a study to investigate the effects of sucralose in rats, when administered by gavage. In this study, groups of Sprague-Dawley rats, 10 per sex per group, were administered sucralose at doses of 2,000 mg/kg bw/d for 13 weeks, 3,000 mg/kg bw/d for 9 weeks, or 4,000 mg/kg bw/d for 4 weeks. Control rats (10 to 15 per sex) were sacrificed concurrently at each of the time intervals along with the sucralose-treated rats.

There were no treatment-related gross or histopathological changes observed nor effects noted for urine and clinical chemistry parameters. The average food consumption for all sucralose dosed rats was consistently greater than that of the controls (104 to 108 percent of the controls). Mean final body weights were also greater in the sucralose treated rats compared to controls (103 to 109 percent).

(4) *Diet spillage study in rats (El54).* McNeil performed a study to determine whether the decreased body weight gain observed in several of the rat studies, including the combined chronic toxicity/carcinogenicity study, was due, in part, to increased spillage of sucralose-containing diet. If there was greater spillage of the sucralose-containing diet than that seen in controls, then the sucralose-treated animals were eating even less than they appeared to consume. In this 8-week study, three groups of Sprague-Dawley rats (15 per sex per group) were individually housed and fed either basal diet or basal diet containing sucralose at dose levels of 3 percent or 5 percent. Although overall diet spillage was significantly higher in the sucralose-treated rats compared to controls, this difference existed only for the first 2 weeks. Treated rats (both sexes) consumed 5 to 8 percent less food than controls. This decreased food intake was associated with a 10 to 15 percent depression in weight gain.

ii. *The agency's evaluation of the palatability hypothesis.* From its interpretation of the data in the acceptability studies (EI30 and E143), pair-feeding study (E058), gavage study (El5l), and diet spillage study (El54), McNeil identified three factors that the company believed led to the decrement in body weight gain observed in the combined chronic toxicity/carcinogenicity study in rats (E057): (1) Decreased food consumption due to poor palatability and increased spillage of the sucralose-containing diet; (2) inhibition of growth potential in sucralose-fed F_1 generation rats due to decreased initial body weight resulting from decreased maternal weights of the treated rats; and (3) magnification of the body weight gain effect with increases in study duration.

While the agency accepted the physiological and nutritional principles presented by McNeil, the agency concluded that McNeil's arguments did not explain fully the magnitude of the decrement in body weight gain in the sucralose-fed rats of the combined chronic toxicity/carcinogenicity study (E057) for the following reasons.

The agency disagreed with the petitioner's contention that in the combined chronic toxicity/carcinogenicity study (E057), a consistent decrease in food consumption was demonstrated at all dose levels. The agency determined that this study (E057) did not adequately measure food consumption and did not adequately account for diet spillage. Furthermore, the agency determined that in many of the sucralose rat studies food consumption decreases were not of sufficient magnitude to account for the observed body weight gain decrements seen in the sucralose-fed rats of these studies (Ref. 27). Inadequacies in the measuring of food consumption and the monitoring of spilled diets also confounded the interpretation of the pair-feeding study (E058) (Refs. 10 and 27).

The agency also disagreed that decreased initial body weights accounted for the weight gain decrement in sucralose treated rats in study E057. Although maternal weights were slightly decreased (93 to 97 percent of controls) on day 1 of lactation, this small difference was not large enough to sufficiently explain the body weight differences of the lactating pups (Ref. 27). In fact, maternal weights of the sucralose-fed rats were not significantly different from those of the control rats during days 14 to 21 of lactation (Ref. 27). Differences in initial body weights of the F_1 pups (4 to 8 percent decreases) of the combined chronic/carcinogenicity study (E057) were not sufficient to explain the magnitude of the final body weight gain decrements of these rats (Ref. 27).

Finally, although FDA agreed with the general principle that long-term food intake disparity will result in increasing differences in body weight gain over time, FDA concluded that this principle alone did not account for the degree of magnification of body weight gain decrement compared to the small reductions in food consumption seen in the sucralose studies (Ref. 27).

Based on the foregoing reasoning, FDA concluded that the acceptability studies (El30 and E143), pair-feeding study (E058), 4- to 13-week gavage study (El5l), and the diet spillage study (El54) did not adequately explain the magnitude of decreased body weight gain relative to the level of reduced food consumption, in the combined chronic/carcinogenicity study (E057). The agency thus concluded that McNeil had failed to explain satisfactorily the observed body weight gain decrement and that additional study data were needed to resolve this issue (Ref. 28). McNeil subsequently conducted two studies (E160 and E161) in rats to resolve the body weight gain decrement issue.

iii. *Resolution of the body weight gain decrement issue*—(1) *Sucralose dietary administration and dietary restriction study in rats (El60).* McNeil agreed to perform an additional sucralose feeding study (the diet restriction study, E160) to attempt to resolve the body weight gain decrement issue and to test the petitioner's palatability hypothesis. The specific purpose of the study was twofold: To determine whether the weight gain decrement observed in the sucralose-fed rats of the combined chronic toxicity/carcinogenicity study (E057) could be explained solely by decreased food consumption; and to establish a "no-observed-effect" level for the body weight gain decrement effect after chronic administration of sucralose.

In study E160, Sprague-Dawley CD rats were divided into eight groups (20 animals per sex per group). Three groups were fed ad libitum basal diet that contained 0, 1, or 3 percent sucralose. Three groups were fed restricted amounts of basal diet at levels that were 85, 90, or 95 percent of that eaten by the ad libitum controls. Two other groups were fed restricted diets (90 percent of ad libitum controls) that also contained sucralose at a concentration of 1 percent or 3 percent. The groups were as follows:

- Group 1 Control—basal diet ad libitum
- Group 2 Control—basal diet 95 percent of Group 1
- Group 3 Control—basal diet 90 percent of Group I
- Group 4 Control—basal diet 85 percent of Group 1
- Group 5 1-percent sucralose—ad libitum
- Group 6 3-percent sucralose—ad libitum
- Group 7 1-percent sucralose—90 percent of Group 1
- Group 8 3-percent sucralose—90 percent of Group I

Special experimental designs, including single-housing of the test animals, accurate weighing of spilled diet, and utilization of special feed jars, were incorporated into this study to ensure the highest level of accuracy in the measuring and reporting of food intake. Body weight, body weight gain, food consumption, and food conversion efficiency data were collected for each of the groups. Overall survival was unaffected by the feeding of sucralose at doses up to 3 percent for the duration of the study. The agency evaluated the data from this study using two separate statistical procedures. In the first comparison, data from control groups 1 to 4 were combined and fitted (separately for males and females) with a polynomial regression model that showed final body weight gain as a function of initial body weight and food consumption. Data for each of the sucralose groups were also fitted with this mathematical model and compared to the data from the combined control groups.

In the second comparison, mean food consumption was calculated for each sucralose group. Using the regression models, FDA calculated the expected body weight gain for animals at the mean food consumption for both the combined control groups and the sucralose groups. The calculated body weight for each sucralose group was then compared to the combined control group at the mean food consumption.

For both sexes, with both statistical procedures, the 3-percent sucralose groups (Groups 6 and 8) showed significant decrements in body weight gain relative to the combined control groups (Ref. 33). Decrements of 3.9 to 6.3 percent were observed in the mean body weights of the 3-percent sucralose-fed groups after adjustment for food consumption and initial body weight differences. Thus food consumption only partially accounted for the weight gain decrement observed in the 3-percent sucralose-fed rats. Weight decrements in the males of the 3-percent dose group stabilized by 15 weeks; in the females, differences stabilized at 20 weeks. Therefore, FDA concludes that the duration of this study (26 weeks) was sufficient to evaluate weight gain decrement effects.

In both the 1-percent sucralose group and the 1-percent sucralose with 10-percent diet restriction group, adjusted mean body weights were comparable to those of the combined control data (Ref. 33). Therefore, FDA determined that reduced food consumption accounted fully for weight gain differences in the 1-percent sucralose-fed group.

Based upon the data from this study, the agency concludes that treatment with sucralose at 1 percent in the diet had no effect on body weight gain in rats. The same data establish that rats fed sucralose at a concentration of 3 percent of the diet did show significant decreases in weight gain which were attributable to the test substance. The agency further concludes that, based upon this study, the 1-percent dose level (equivalent to the 500 mg/kg bw/d dose in study E057) is the no-observed-effect level for the body weight gain effect observed in sucralose-treated rats in this study (Ref. 34).

(2) *Sucralose toxicity study by oral (gavage) administration to Sprague-Dawley CD rats for 26-weeks (El6l).* McNeil submitted a 26-week gavage study (El6l) in rats that was designed to: (1) Provide further support for their contention that the body weight gain decrement seen in sucralose fed rats could be explained solely by decreased food intake caused by the reduced palatability of sucralose-containing diet; (2) confirm the data in the 4- to 13-week sucralose oral gavage study (EI51); and (3) to address inadequacies in the experimental design of the 4- to 13-week sucralose oral gavage study (El5l).

In this 26-week study, sucralose was administered orally to Sprague-Dawley CD rats, 20 rats per sex per group, by gavage at dosages of 0, 750, 1,500, or 3,000 mg/kg bw/d. Rats in the control group were gavaged with purified water. Body weight, water consumption, and food consumption data were recorded for all groups. Routine hematological and clinical chemistry parameters were measured. Organ weight data also were recorded. Histopathological examinations were performed on representative vital tissues from the control and high-dose groups. Histopathological examinations were performed also on all abnormal tissues.

Seven deaths occurred during the study that were attributed either to spontaneous causes not related to treatment or technical trauma during dosing: 2 males, 0 mg/kg bw/d dose; 1 male and 2 females, 1,500 mg/kg bw/d dose; and 1 male and 1 female, 3,000 mg/kg bw/d dose. Overall body weights of the animals in the sucralose-treated groups were not significantly different from those of the control group during the length of the study. The mean food consumption in the sucralose-gavaged rats was similar to that seen in the controls, except in the high-dose males. Food intake for the high-dose males was 3.9 percent greater than that of the control rats.

After making adjustments for initial body weight and food consumption, the agency performed a statistical analysis on the final body weight data using polynomial regression analysis. This analysis showed that the adjusted final body weight of the high-dose males was significantly decreased (4.6 percent; $p = 0.035$) relative to that of the control group. The adjusted mean body weights of all other groups were not significantly different from the controls.

Water consumption was significantly increased in the sucralose-treated rats relative to controls. There were no treatment-related effects seen in any of the hematological or clinical chemistry parameters tested. Cecal enlargement was the only effect of sucralose that was dose-related among both sexes of the sucralose-gavaged rats. As discussed previously in section II.B.4.i of this document, this effect is a normal physiological adaptation to poorly absorbed dietary components and not related to toxicity. The relative kidney weight of the high-dose group also was significantly increased when compared to the control group. However, this kidney effect was not associated with any toxicologically significant renal histopathology. Additionally, the plasma electrolytes of the sucralose-treated rats in this study were comparable to that seen in control animals.

As with the diet restriction study (El60), decreased body weight gain was observed in the sucralose-treated rats of the high-dose group. The agency concludes that the mid-dose (1,500 mg/kg bw/d) is the no-observed-effect level for the body weight gain effect observed in this study (El6l) (Refs. 35 and 36).

b. *Immunotoxicity study in rats.* As reported by McNeil and as noted in the agency's review of the sucralose data, thymus, spleen, and hematological changes were observed in rats at the high-dose levels in some of the short-term and long-term sucralose feeding studies. For example, when rats were fed sucralose in a 4- to 8-week range-finding study (E031) the following effects were noted: Decreased thymus and spleen weights, lymphocytopenia, and cortical hypoplasia of the spleen and thymus. In the two-generation reproductive toxicity study (E056), decreased thymus weights were noted in the F_0 and F_1 generations of the high-dose sucralose (3 percent in the diet) group. McNeil stated that the above effects were secondary to the palatability-related reduction in food consumption in treated rats.

In an effort to provide more specific and detailed assessment of the immunotoxic potential of sucralose, the petitioner conducted a 28-day oral immunotoxicity study (El62) of

sucralose in rats. In this study, groups of male and female Sprague-Dawley rats (13 per sex per group) were administered sucralose by gavage at dose levels of 750, 1,500, and 3,000 mg/kg bw/d for 28 days. Additional groups (13 per sex per group) of rats formed a gavage control group, an ad libitum diet control group, a dietary sucralose (3,000 mg/kg bw/d) group, and a diet restricted (90 percent of ad libitum control) group.

Immunotoxicological parameters examined in this study were: Thymus and spleen weights at study termination; standard histopathology evaluation of the spleen, thymus, bone marrow, and lymph nodes; and total and differential white blood cell counts. The study also examined the following specific immunologic parameters: Bone marrow cellularity, immunoglobulin subtypes, splenic lymphocyte subsets, and splenic natural killer cell activity.

Significant decreases were observed in the mean thymus weight of the males in the high dose (3,000 mg/kg bw/d) gavage group. Thymus weight was not significantly affected by sucralose when administered to rats by gavage at either 1,500 or 750 mg/kg bw/d; nor was it affected in the sucralose-fed group or the diet restricted group. No morphological changes in thymus or any other lymphoid tissues were observed in any of the sucralose treated groups.

In the mid-dose (1,500 mg/kg bw/d) sucralose-gavaged male rats, there appeared to be a trend toward decreasing white blood cell and lymphocyte counts with increasing dose levels of sucralose, but the trend did not reach statistical significance. No significant differences were seen in other immunologic parameters in the sucralose gavage groups relative to the control gavage group. However, because of the large variation seen in the data from the gavaged animals at the mid-dose, the agency finds that the study is inconclusive regarding treatment-related effects for these parameters at the mid-dose.

The agency concludes that the highest dose (3,000 mg/kg bw/d) tested in the gavage groups showed an effect based on the significant changes in thymus weight. Because of the difficulty in interpreting data from the mid-dose animals, the agency has determined that the low dose, 750 mg/kg bw/d, is the no-observed-effect level for the immunological endpoints examined in this study (Ref. 37).

c. *Neurotoxicity testing in mice and monkeys (E008 and E009).* The chlorinated monosaccharide, 6-chloro-6-deoxy-D-glucose (6–CG), is known to be neurotoxic to laboratory animals (Refs. 38 and 39). Because sucralose is a chlorinated disaccharide, McNeil conducted two neurotoxicity studies, one in mice (E008) and one in monkeys (E009). The positive control in these studies, 6–CG, produced strong clinical signs of neurotoxicity, as well as severe morphological changes in the tissues of the central nervous system (CNS). Animals receiving sucralose or an equimolar mixture of sucralose hydrolysis products at doses up to 1,000 mg/kg bw/d did not exhibit any clinical signs of neurotoxicity or morphological changes in CNS tissues (Refs. 5 and 40). The agency concludes that the lack of neurotoxic effects by both sucralose and its hydrolysis products at the tested dose levels in these studies provides assurance that sucralose used as a food additive under the proposed conditions of use will not produce neurotoxic effects.

d. *Diabetic studies in humans (EI56, E157, E168, E170, E171).* In an effort to provide an assessment of any potential effect sucralose use would have on the diabetic population, the petitioner performed a series of clinical studies on diabetic patients. The results obtained from those studies are discussed in this section of this document.

A single-dose cross-over study (E156) was performed in 13 insulin-dependent (IDDM or Type I diabetics) and 13 non-insulin dependent (NIDDM or Type II diabetics) patients to evaluate the effects of a single dose of sucralose (1,000 mg) on short-term glucose homeostasis. Fasting plasma glucose area under the curve (AUC) and fasting serum C-peptide AUC were measured after the consumption of a standardized liquid breakfast meal. This study showed that neither plasma glucose nor serum C-peptide levels were affected by this single dose administration of sucralose in these patients. From this study the agency concludes that sucralose does not adversely affect short-term glycemic control in persons with diabetes mellitus (Ref. 41).

A 6-month clinical study (E157) was performed investigating the effect of sucralose (667 mg/d through oral administration) on glucose homeostasis in patients with NIDDM (Type II diabetes). The study was divided into a screening phase, a testing phase, and a followup phase. Forty-one patients participated in the testing phase of the study. The 41 patients were divided into two groups: 20 patients whose diabetes was managed by insulin and 21 managed by oral hypoglycemic agents (OHA's). Each of these two groups were further subdivided into a sucralose group and a placebo group. Percent concentration of glycosylated hemoglobin (HbA1c) was the primary measure of long-term glycemic control in this study. In addition, the following parameters of glucose homeostasis were measured: (1) Fasting levels of plasma glucose, serum C-peptide, and serum insulin; and (2) postprandial measures of plasma glucose, serum C-peptide, and serum insulin. These parameters were measured after 0, 1, 3, and 6 months of treatment with either sucralose or a placebo (cellulose).

The results from this study showed a small but statistically significant increase in the glycosylation of hemoglobin (HbA1c) from baseline levels in the sucralose-treated group compared to that seen in the placebo group (dataset 1: mean difference of 0.007 percent, $p = 0.005$; dataset 2: mean difference of 0.006 percent, $p = 0.012$) (Ref. 42). This HbA1c effect was observed in the sucralose-treated group at 1 month of treatment and did not significantly increase to higher levels throughout the remainder of the study (mean difference range of 0.006 to 0.008 percent, $p \leq 0.0043$). Overall, during the test phase of the study, no statistically significant changes from baseline were observed in any of the secondary measurements of glucose homeostasis (ie., plasma glucose and serum C-peptide and insulin concentrations). Because of the small patient group sizes in this study, the ultimate clinical significance of the observed HbA1c effect could not be determined (Ref. 42). However, generally speaking, increases in glycosylation in hemoglobin imply lessening of control of diabetes. Thus, the petitioner performed studies E168 and E170 in an attempt to provide an explanation for the observed HbA1c effect.

In study E168 McNeil performed a series of tests to determine whether the increased HbA1c levels observed in study E157 were an artifact of measurement (e.g. interferences related to methodology) or a direct effect of sucralose on the rate of hemoglobin glycation. These tests included a reanalysis of blood samples from study E157 for glycohemoglobin levels; an investigation of the procedures used to measure glycated hemoglobin; and an analysis of the effects of sucralose on glycation of hemoglobin in hemolysates versus intact erythrocytes. Results from these tests confirmed that in E157, HbA1c levels were increased in the sucralose-treated diabetic patients and showed that sucralose had no direct effect on the rate of hemoglobin glycation.

In study E170, red cell preparations from the blood of diabetic and non-diabetic patients were treated with

sucralose (100 mg per liter) to investigate the rate of formation of glycated hemoglobin in the blood. The results of this study showed that sucralose did not affect the rate of formation of glycated hemoglobin (Ref. 42). Thus, there was no evidence that a physicochemical or other influence by sucralose might explain the increased glycation of hemoglobin.

Because studies E168 and E170 did not provide an explanation for the HbA1c effect observed in study E157, study E171 was performed as a repeat study of E157 with a better experimental design, in that E171 had larger patient group sizes and stronger statistical power (90 percent versus 80 percent in study E157) to detect an effect by sucralose on hemoglobin glycation. The 3-month duration for study E171 was deemed adequate because the increased HbA1c levels that were seen at one month of treatment in study E157 did not increase any further at any of the later time points tested in the study. In study E171, 136 NIDDM patients were divided into two groups based on their diabetic therapy (64 taking insulin and 72 on OHA's). Each of these two groups were subdivided equally into a sucralose and placebo group. The study was divided into a screening phase, a testing phase, and a followup phase. Glycosylated hemoglobin (HbA1c) was the primary measure of glucose homeostasis; in addition, the secondary parameters, fasting plasma glucose and serum C-peptide, were measured. Serum insulin levels were not measured in this study.

Results from study E171 showed no statistically significant changes from baseline in the HbA1c levels or any of the other measured parameters of glucose homeostasis in the sucralose-treated groups relative to the placebo control group. The agency concludes from the results of this study that sucralose (667 mg/d) has no effect on long-term glucose homeostasis (as measured by HbA1c) in patients with NIDDM (Refs. 43 and 44). The agency further concludes that the small but statistically significant decline in glycemic control that was observed in the sucralose-treated groups in study E157 was not a clinically significant effect because this effect was not duplicated in a repeat study (study E171) that had a greater statistical power (Ref. 43).

Therefore, based upon the clinical studies of sucralose, FDA concludes that sucralose does not adversely affect glucose homeostasis in patients with diabetes mellitus.

C. Acceptable Daily Intake Estimates for Sucralose

Based on a comprehensive review of the sucralose data base, the agency has selected the rat as the most appropriate experimental model to establish a safe level of sucralose for human ingestion. This selection was based on the following considerations:

(1) The pharmacokinetics data show that the sucralose metabolite profile in rats was qualitatively comparable to that in humans.

(2) In the combined chronic toxicity/carcinogenicity rat study (E057) with sucralose, the animals were exposed in utero, which maximizes the toxicological testing sensitivity.

(3) The combined chronic toxicity/carcinogenicity rat studies (E057) and the carcinogenicity study in rats (E053) were designed to test the toxic potential of sucralose and its hydrolysis products for a duration approximating the lifespan of the species. The agency historically uses life-time studies for safety evaluation of this type of food additive. Such testing effectively allows for the assessment of chronic toxicity including the carcinogenic potential of sucralose.

(4) The majority of the sucralose toxicological data base consists of rat studies, thereby allowing a more comprehensive safety evaluation of sucralose in that species. For these reasons, the agency concludes that the combined chronic toxicity/carcinogenicity study (E057) in rats, interpreted in light of the no-observed-effect level established in other studies (El60, E161, and E162), provides the most appropriate basis for establishing the ADI for sucralose (Refs. 4 and 10). Data in study E057 showed that sucralose was not carcinogenic to rats at concentrations up to 3 percent (1,500 mg/kg bw/d). No toxicologically significant changes in hematology, clinical chemistry, organ weights, or urinalysis were observed in the sucralose-treated rats in this study. Macroscopic and microscopic examinations of the tissues from these sucralose-treated rats revealed no significant treatment-related toxicological effects.

The only treatment-related effect seen in the sucralose-fed rats of this study was decreased body weight gain at the 3-percent dose level. The relationship of this effect to treatment at the 3-percent dose level was corroborated by the diet restriction study (El60). In the diet restriction study (El60), the 1-percent dose level (equivalent to 500 mg/kg bw/d dose in study E057) was established as the no-observed-effect level of sucralose for the observed body weight gain decrement effect (Refs. 10 and 34).

Using the no-observed-effect level of 500 mg/kg bw/d and applying a 100-fold safety factor, the agency has determined an ADI of 5 mg/kg bw/d for sucralose. This ADI estimate is well above the 90th-percentile EDI for sucralose of 1.6 mg/kg bw/d (Refs. 10 and 45).

The agency concludes that the 2-year rat carcinogenicity study (E053) on the sucralose hydrolysis products established a no-observed-effect level at the 0.6 percent dose level (equivalent to 30 mg/kg bw/d). Therefore, the agency has no safety concerns about the sucralose hydrolysis products at their anticipated levels of intake (0.0048 mg/kg bw/d) because of the substantial margin of safety between these levels and the no-observed-effect level.

III. Comments

The agency received several comments on McNeil's sucralose petition. Several comments supported amending the food additive regulations for the safe use of sucralose (Ref. 47). Other comments, principally from Malkin Solicitors (Malkin, formerly Malkin-Janners) and the Center for Science in the Public Interest (CSPI) (Refs. 48 and 49) raised several issues which they claimed McNeil's petition had not addressed. The issues raised by the comments and the agency's responses are discussed in this section of this document.

In addition, CSPI submitted a draft report from Life Science Research Limited of Suffolk, England entitled "An investigation of diet spillage among rats fed diet containing sucralose." This draft report was provided to CSPI by an individual who stated that the study was undertaken by McNeil but was uncertain that the study report had been submitted to FDA. The diet spillage study in rats (El54) was subsequently submitted to the agency by McNeil in March, 1992. As discussed in section II.B.5.a.i. of this document, the agency concludes that the study raises no unique issue and contributes very little to the resolution of the issue of decreased food intake by sucralose-treated rats.

A. Determination of No-Observed-Effect Level and ADI

1. No-Observed-Effect Level in the Chronic Toxicity Study

Malkin pointed to decreases in body weight gain of 13 to 20 percent, 19 to 24 percent, and 20 to 26 percent observed in animals in the three treatment groups compared to control animals in the combined chronic/

carcinogenicity study in rats (E057) and claimed that, because decreases in body weight of greater than 10 percent can be interpreted as an indication of toxicity, a no-observed-effect level was not established in this study. Malkin cited several observations from studies in the McNeil petition that suggest that the decreased body weight gain was not due solely to poor palatability as McNeil asserted.

In addition, Malkin contended that the petitioner overstated the actual doses in the combined chronic toxicity/carcinogenicity study (E057) in rats because the diets were formulated with a constant percentage of sucralose throughout the study. Thus, the actual dose per body weight was variable depending on food consumption and the weight of the animal. Therefore, the dosage received later in life is lower than that received by the young, and Malkin contended that depending on which dosage was used, the no-observed-effect level and the ADI can vary significantly.

FDA agrees in part with certain assertions made in the Malkin comment but disagrees with the overall significance of the findings identified by Malkin. Specifically, as discussed previously, the agency also found that the data in the original petition were not adequate to determine whether the body weight gain decrement was due solely to a palatability-induced decrease in food consumption or whether the weight gain decrement was due to effects mediated by sucralose. Therefore, the petitioner conducted an additional, carefully controlled weight gain study (diet restriction study, E160, which was submitted after the Malkin comment was received) to resolve the body weight gain decrement issue. Based on this study, the agency concludes that sucralose has a treatment-related effect on body weight gain when fed orally to rats at a concentration of 3 percent (Refs. 10, 28, 33, 34, and 46). Also the agency agrees with the comment that the decrements in body weight gain observed in the combined chronic carcinogenicity study (E057) cannot be explained solely by differences in food intake due to reduced palatability of the sucralose-containing diet. The mechanism by which sucralose affects body weight gain in rats is unknown. The agency concludes, however, that a no-observed-effect level for sucralose, as discussed previously, was demonstrated in the diet restriction study (EI60).

Regarding the dosage calculations, the agency considers it inappropriate to limit the dosage calculation to any one time point in the study (Ref. 46). The agency normalizes the data and in doing so takes into consideration the increased dosage during the growing phase and the lower dosage during adulthood to provide an average intake. In reviewing the achieved dosages provided in study E057, the agency found that male rats achieved an average high dose of 1.3 g/kg bw/d, while females achieved an average high dose of 1.7 g/kg bw/d. The average of the two equals 1.5 g/kg bw/d. Thus, the agency concludes that this dose was calculated using the standard techniques for calculating a lifetime dose and is not an overstatement of the actual dose.

2. No-Observed-Effect Level in Developmental Toxicology Studies

Malkin stated that the "Two-Generation Reproduction Study of Sucralose in Rats" (E056) did not establish a no-observed-effect level because of dose-related reductions in pup body weight and statistically significant, dose-related decreases in body weight gain in pups from day 1 through weaning in two generations (F_1 and F_2). In addition, Malkin stated that there was a recurring dose-related increase in relative kidney weights.

The purpose of this reproduction study (E056) was to assess the potential effects of sucralose on reproduction. The experimental design of such studies limits the measuring of food consumption by the pups, especially during lactation (Refs. 10, 40, and 50). However, precise food consumption measurements are essential to evaluate the potential for a substance to affect body weight gain. Therefore, study E056 cannot be used to draw conclusions about body weight gain. Moreover, body weight gain effects were comprehensively studied in other studies (El60 and E161). As discussed previously, FDA disagrees with this comment. Regarding the increased kidney weights, microscopic examination of the kidneys of rats in the subchronic studies (El5l and E161) revealed no histopathological changes and therefore, FDA determined that these increases in relative kidney weight in these rats were not toxicologically significant.

Malkin also asserted that the no-observed-effect level in the teratology study in rabbits (El34) is 350 mg/kg bw/d rather than 700 mg/kg bw/d proposed by the petitioner.

Although no frank terata were observed at any of the tested doses in this study (El34), the agency finds that toxicity elicited at the high dose (700 mg/kg bw/d) prevented the use of this dose to assess teratological effects. Therefore, as discussed previously, the agency agrees that the no-observed-effect level in the rabbit teratology study is 350 mg/kg bw/d (Refs. 40 and 50).

3. Derivation of ADI

CSPI challenged the derivation of the ADI for sucralose (15 mg/kg bw/d) conducted by the Food and Agriculture Organization/World Health Organization (FAO/WHO) Joint Expert Committee on Food Additives (JECFA) and by McNeil. CSPI contended that the appropriate ADI ranges from 0.2 to 8 mg/kg bw/d depending on the study used to derive the ADI. CSPI used a large number of safety factors ranging from 10 to 1,000 to derive the ADI from each of the studies which included: (1) The 8-week dose range-finding study (E031); (2) the two-generation reproduction toxicity study (E056); and (3) the long-term feeding studies in the rat (2 years) (E057), the mouse (2 years) (E055), and the dog (1 year) (E051). In addition, CSPI cited the clinical study (E047) as supporting the animal-derived ADI's.

As discussed in section II.C of this document, FDA has evaluated all the studies in McNeil's petition and has concluded that the combined chronic toxicity/carcinogenicity study in rats (E057), interpreted in light of the data in the diet restriction study (El60) and the 26-week gavage study (El6l), provides the most appropriate basis for establishing the ADI for sucralose. This study (E057) provides a no-observed-effect level of 500 mg/kg bw/d; these results are corroborated by data from the diet restriction study (El60) in rat. Applying a 100-fold safety factor (21 CFR 170.22) results in an ADI for sucralose of 5 mg/kg bw/d (Ref. 10).

The combined chronic toxicity/carcinogenicity rat study (E057) provides certain distinct advantages over other studies in the sucralose petition in terms of establishing an ADI. The agency did not use the 8-week range-finding (E031) or two generation reproduction (E056) studies because they were too brief and, compared to chronic studies, they lack the capability to measure general toxicity. The 1-year chronic toxicity study in dogs (E051) showed no toxic effect at any dose tested and thus, provides no basis for concluding that the ADI should be lower than that established in the rat study. Although the 2-year carcinogenicity study in mice (E055) established a higher no-observed-effect level of 1,500 mg/kg bw/d, it did not include an in utero exposure of the animals to sucralose. Finally, the agency notes that the purpose of the clinical study (EO47) was to assess tolerance and acceptance of sucralose and, thus, it was not designed nor intended to

assess the toxicity of this compound (Refs. 10 and 51). Thus, use of the combined toxicity/carcinogenicity study in rats (E057) to establish the ADI for sucralose is sound and scientifically preferred.

B. Immunotoxic Potential of Sucralose

The Malkin comments claimed that the following observations may have significance relative to the potential immunotoxicity of sucralose: (1) Dose-related decreases in thymus weights with concurrent decreases in white blood cell or lymphocyte counts (lymphocytopenia) in the 1-year chronic toxicity study in dogs (E051); (2) dose-related decreases in thymus weight that were seen in the parental rats and offspring in the two-generation reproduction study (E056); and (3) decreased spleen weights at the two highest dosages in the 4- to 13-week sucralose oral gavage rat study (El5l). Malkin further asserted that these findings are important in view of published data that establish that the immune system is a target organ for some chlorinated compounds. Malkin also contended that these alleged immunotoxic effects cannot be explained by decreased food consumption and that a more direct evaluation of immunotoxicity potential should be done for sucralose (Ref. 48).

CSPI also questioned whether sucralose has a toxic effect on the thymus. In their comment, CSPI discussed various effects that were demonstrated in the 4- to 8-week range-finding study in rats (E031), i.e., splenic hypoplasia of lymphoid tissues, cortical hypoplasia of the thymus, and decreased spleen, adrenal, and thymus weights. CSPI also cited the lymphocytopenia that was observed in rodents and dogs in the sucralose studies (Ref. 49).

From a comparative analysis of thymus weight data, body weight data, and food consumption data in the sucralose rat studies, CSPI concluded that the relative thymus weight in sucralose-fed rats is much more severely affected than in diet restricted animals (Ref. 48). CSPI further asserted that thymus histopathology was not evaluated in all of the sucralose studies. CSPI also questioned the appropriateness of the reevaluation of the thymic histopathological examinations by McNeil in the 4- to 8-week range-finding study (E031). Finally, CSPI asserted that adequate studies of immune system function, including a clinical study, should be conducted (Ref. 49).

After the Malkin and CSPI comments were received by FDA, McNeil conducted a 28-day oral immunotoxicity study in rats (EI62) in which a number of immunological parameters were examined. In this study, sucralose was administered by gavage at dose levels of 750, 1,500, and 3,000 mg/kg bw/d and also in the diet at a level of 3,000 mg/kg bw/d. As discussed in section IIB.5 of this document, the only treatment-related effect observed in this study was decreased thymus weight. FDA determined that a dose level of 750 mg/kg bw/d was the no-observed-effect level for this study (Ref. 37). This no-observed-effect level is 1.5 times higher than the no-observed-effect level established from body weight gain decrements observed in studies E057 and E160, which studies FDA used to determine an ADI of 5 mg/kg bw/d for sucralose. The ADI assures that the proposed use levels of sucralose pose no safety concerns regarding immunotoxicity.

In addition, other studies of sucralose lacked evidence of immunotoxic effects. In the combined chronic toxicity/carcinogenicity rat study (E057), a dose of 500 mg/kg bw/d demonstrated no immunodeficiencies in rats exposed in utero, during lactation, and through their entire lifespan. Likewise, no immunotoxic effects were demonstrated in any of the clinical chemistry parameters nor were immunotoxic effects observed in the histopathological examinations of the sucralose-gavaged rats in the 26-week gavage study (EI61), in which sucralose was administered at doses up to 3000 mg/kg bw/d. This study is discussed in section II.B.5.a.ii of this document.

Therefore, the agency concludes that the available animal data provide adequate evidence that sucralose will not be immunotoxic to humans at the projected level of dietary exposure (Refs. 40 and 50).

C. Mutagenicity of 1,6–DCF

Malkin claimed that data in the sucralose petition showed that 1,6–DCF, a sucralose hydrolysis product, is mutagenic in the Ames assay and is a more potent mutagen than unhydrolyzed sucralose in the mouse lymphoma assay. Further, Malkin stated that the mutagenic potential of 1,6–DCF is established by its ability to alkylate 4-(paranitrobenzene)-pyridine in an assay which has been used to demonstrate the alkylating nature of carcinogenic hydrocarbons, some of which were known to bind covalently to DNA, and by the association of 1,6–DCF with DNA in all tissues including the testes. Thus, Malkin asserted that it is imperative to demonstrate in vivo that 1,6–DCF does not covalently bind to DNA or other chromosomal proteins in germ cells (Ref. 48). CSPI also asserted that the DNA-binding capacity and mutagenic potential of 1,6–DCF should be carefully reviewed (Ref. 49).

As discussed in section II.B.2 of this document, the data from the genotoxic studies are of limited toxicological significance because the results of the mutagenic testing were equivocal and because such tests are used primarily as a guide to assess the need for more powerful bioassays. While 1,6–DCF was weakly mutagenic in the Ames test (E020) and the L5178Y TK+/assay (E022, E024), the results from the combined chronic toxicity/carcinogenicity study (E057) and the carcinogenicity study on an equimolar mixture 4–CG and 1,6–DCF (E053) establish that sucralose and its hydrolysis products do not elicit tumor formation. Because of the longer exposure duration and greater testing sensitivity of carcinogenicity bioassays, such as E057 and E053, the negative results in these carcinogenicity bioassays of sucralose and its hydrolysis products (E057 and E053) supersede the equivocal results obtained in the genotoxicity studies on sucralose and its hydrolysis products cited by the Malkin and the CSPI comment (Refs. 5 and 50).

D. Renal Effects

CSPI asserted that McNeil's hypothesized etiology of sucralose-induced rat renal changes (i.e., secondary to cecal enlargement and not likely to be significant at low intake) should be proved and that the renal changes observed in the female rats should be interpreted as being of toxicological significance. Also, the comment asserted that the available data are insufficient to conclude that the nephrocalcinosis (deposition of calcium in the kidney) is only an indirect consequence of cecal enlargement (Ref. 49).

First, nephrocalcinosis is not uncommon in the rat, particularly the female rat (Refs. 21, 22, and 23). Investigators have reported the incidence of renal calcification as high as 100 percent in female rats used as controls with a complete absence of this condition in male rats fed the identical diet (Ref. 21). Because mice and other rodent models do not experience the condition, FDA believes that the rat, especially the female rat, is uniquely sensitive to the development of nephrocalcinosis and, therefore, is an inappropriate surrogate for man with respect to this pathologic endpoint.

Second, as discussed in section II.B.4.a.i of this document, the agency

recognizes that a number of poorly or slowly absorbed compounds mediate changes in physiologic function that result in renal mineralization, as observed in this study (Refs. 6, 21, and 26). In response to the feeding of poorly absorbed compounds, like sucralose, cecal enlargement in association with renal changes occurs frequently in old rats (Refs. 21 and 26). Increased calcium absorption and excretion, pelvic nephrocalcinosis, increased water retention, and alterations of the gut microflora occur as physiologic adaptive responses to changes in osmolality in the gut that lead to cecal enlargement (Refs. 21, 22, and 23). Therefore, cecal enlargement is a physiologic adaptive change rather than a toxic effect (Ref. 26).

Third, in the carcinogenicity study of sucralose hydrolysis products (EO53), which was concurrently conducted in the same laboratory with study E057, the incidence of nephrocalcinosis in the control group was 33 percent (Ref. 26). This incidence is comparable to that observed in the mid- (32 percent) and high- (30 percent) dose treated groups in the combined chronic toxicity/carcinogenicity sucralose study (EO57). The agency concludes that the nephrocalcinosis is not toxicologically significant for the foregoing reasons.

E. Fetal Edema

Malkin stated that the teratology study of sucralose in rats (E030) indicates an apparent increase in the incidence of subcutaneous edema in fetuses. Malkin noted that the expected occurrence of fetal edema at the Life Science Research Limited (LSRL) laboratory of Essex, England, where the McNeil teratology study was conducted, was 12 percent. In contrast, Malkin asserted that the historical incidences of subcutaneous fetal edema for Charles River CD rats is approximately 0.03 percent and the incidence based on data derived from nine United States teratology laboratories is 0.007 percent. Malkin concluded that the unusually large background incidence of edema seen at LSRL may mask a treatment-related increase in subcutaneous edema (Ref. 48).

The agency believes that the most appropriate historical control values to use in considering the significance of a response in an animal bioassay are those pertaining to the identical strain of animal used in the study and drawn from the testing laboratory used for the study (Refs. 40 and 50). It is inappropriate to compare data from Charles Rivers CD rats that were bred in two different countries because, due to genetic divergence, different ranges of normalcy as well as spontaneous malformations are likely to exist for each colony (Ref. 50).

The rat teratology study in question (E030) was conducted in an LSRL laboratory, utilizing a Charles River rat derived in England. The historical control data from LSRL showed the incidence of subcutaneous fetal edema in Charles River rats to range from 0 to 32 percent. In the teratology study in rats (E030), which was performed in England, the reported incidences of subcutaneous fetal edema were 15.6, 20.9, 20.5, and 25.6 percent for the control, low, mid, and high dosages, respectively. These incidences fall within the LSRL historical control range (Ref. 40). Additionally, the slightly increased incidences in subcutaneous fetal edema in the sucralose treated rats raised by the Malkin comment (E030) were not statistically different when compared to their concurrent controls (Refs. 13, 40, and 50). Thus, the incidences of subcutaneous fetal edema identified by the Malkin comment are considered by FDA to be of no toxicological significance.

F. Bioaccumulation

The Malkin comment raised three issues concerning the possible bioaccumulation of sucralose. First, Malkin disputed McNeil's calculation of an "effective half-life" of 13 hours for sucralose. Instead, Malkin asserted that sucralose has a "terminal half-life" of 24 hours in healthy humans, which is, Malkin asserts, indicative of the potential for sucralose to accumulate in the body of consumers. Further, Malkin stated that the remaining 4 to 7 percent of radioactivity not excreted 5 days after a single dose of sucralose in humans indicates that sucralose may never be totally excreted from the body, even for periodic users. Second, Malkin pointed to data on sucralose metabolism in dogs (EI23) which show that 20 percent of the oral dose was not recovered 4 days after dosing with ^{36}Cl labeled sucralose and claimed that this residual radioactivity represents either potential bioaccumulation, extensive in vivo dechlorination, or both. Finally, Malkin stated that there was a potential for sucralose to accumulate in the fetus because of its extremely slow elimination from fetal tissue.

The available pharmacokinetics data in the petition do not allow the agency to draw definitive conclusions regarding bioaccumulation of sucralose and its metabolites. However, the available evidence on the physicochemical properties of sucralose, such as low lipid solubility and high water solubility, is not representative of compounds that manifest a high potential for bioaccumulation (Refs. 50 and 53). In addition, sucralose is relatively poorly absorbed from the gut in humans in that only 11 to 27 percent of the administered dose is absorbed. Finally, there is little or no evidence of direct tissue toxicity from sucralose in the mouse, rat, and dog, even when administered at high doses for 1 to 2 years. In a practical sense, the absence of tissue toxicity is more important because even if sucralose had accumulated to some limited degree in these animals, no organ toxicity was demonstrated in any of the long-term studies (E055, E057, and E051).

G. Antifertility Effects

Malkin asserted that antifertility effects were observed with unidentified degradation products of sucralose (Ref. 48). In evidence of this assertion, Malkin pointed to results of a study (E004) conducted by McNeil in which sucralose and/or its metabolites distribute to and have a long residual time in testes. Malkin cited a literature publication by Ford and Waites (Ref. 17) where sucralose was shown to inhibit the oxidation of glucose and decrease the concentration of adenosine triphosphate in epididymal spermatozoa. Malkin further asserted that these observations must be reviewed in the context of the known antifertility effects of other chlorosugars (Ref. 48).

The results obtained in study E004 were discounted by the petitioner because there were indications that the sucralose sample used in the study were degraded. A subsequent repeat test (study E107) that was performed by McNeil showed sucralose had no effect on the glycolytic activity of sperm from male rats.

The agency concludes from stability data contained in the sucralose petition that sucralose is stable under the proposed conditions of use (Refs. 52 and 53). Therefore, the agency would not expect significant amounts of degradation products to be formed from the proposed uses of sucralose.

The agency has previously discussed in this preamble the studies mentioned in the Malkin's comment. With regard to the Malkin comment claiming accumulation of sucralose and its metabolites in testes, the available pharmacokinetics data in the sucralose petition do not allow the agency to draw definitive conclusions regarding the bioaccumulation of sucralose and its metabolites. However, neither of the two-generation reproduction studies (E052 and E056) showed any reproductive toxicity that was

treatment-related. Again, this absence of reproductive toxicity is directly relevant to the Malkin comment about antifertility effects and demonstrates that any speculation about bioaccumulation is of no practical significance.

The agency noted insufficiencies in the antifertility studies on sucralose and its hydrolysis products, specifically in their duration, and therefore concludes that they are inadequate to assess the antifertility potential of sucralose (Refs. 5, 18, and 54). More importantly, however, results from the two-generation reproduction studies (E052 and E056) do adequately address any potential toxicological concern regarding the antifertility potential of sucralose and its hydrolysis products. Evidence presented in the reproduction studies supports the conclusion that sucralose and its degradation products do not possess antifertility properties (Refs. 5, 12, and 18).

H. Neurotoxicity Effects

Malkin stated that neurotoxic effects of some chlorosugars have been reported and pointed out that 6-chloro-6-deoxyglucose (6–CG) is used as a positive control for CNS neuropathology and neuromuscular deficits (Ref. 48). Therefore, Malkin stated that neurobehavioural studies of sucralose should be assessed in an appropriate study.

FDA has evaluated the petitioner's neurotoxicity studies, E008 (mice) and E009 (monkey), which compared the potential neurotoxic effects of sucralose or its hydrolysis products with the positive control 6–CG (Refs. 38 and 39). As discussed in section II.B.5.c of this document, FDA finds that neither mice nor monkeys showed neurological effects after receiving sucralose or equimolar mixtures of sucralose hydrolysis products at levels as high as 1000 mg/kg bw/d for 21 and 28 days respectively.

I. Exposure to Sucralose Hydrolysis Products

Malkin stated that in acidic drinks such as powdered cherry drinks (storage temperature, 35 °C) and carbonated soft drinks (storage temperature, 22 °C), sucralose concentrations decrease by 4 percent to 20 percent after a 6-month storage and if, as the petitioner states, the disappearance of sucralose results in the appearance of stoichiometric amounts of the hydrolysis products 4–CG and 1,6–DCF, human exposure to these hydrolysis products will be significantly greater than the 10 mg/kg body weight claimed by the petitioner (Ref. 48).

The agency notes that even if the decomposition noted after 6 months at 35 °C (an 18 percent decrease of sucralose) was accepted as representative of actual use, the probable exposure to hydrolysis products would not change appreciably from the current estimate of 285 µg/p/d (90th percentile, 4.8 µg/kg bw/d) because beverages account for only 13 percent of the estimated exposure to sucralose. Nonetheless, the agency does not believe that such abusive storage conditions should be assumed when considering chronic exposure (Refs. 52 and 53). The data for storage at 20 °C, and for storage at 35 °C for up to 3 months show no decomposition of sucralose within experimental error. The sucralose content of carbonated beverages also does not change significantly under typical storage conditions. Finally, the no-observed-effect level established for the hydrolysis products is 30,000 µg/kg bw/d, so there is an adequate safety margin to allow for additional decomposition of sucralose to the hydrolysis products.

J. The Need for Studies in Special Populations

CSPI stated that, although McNeil showed that sucralose does not affect insulin secretion and action, and glucose metabolism in normal human subjects (E046), non-diabetic rats, and non-diabetic dogs, there are no clinical studies of type I and II diabetics or the "diabetic" rat. CSPI contended that sucralose will be in heavy use by diabetics and that before approving sucralose, the agency should require the results of testing of the effects of sucralose in diabetics (Ref. 49).

First, FDA believes that these comments do not preclude the conclusion that the proposed uses of sucralose are safe. The EDI (discussed in section II.A of this document) of sucralose (90th percentile) established by the agency would include those levels expected to be ingested by diabetics (Refs.1, 2, 53, and 55). The 90th percentile level of consumption used by FDA is an amount equivalent to the sweetness that would be provided by the total amount of sugars commonly added to the diet. Thus, the estimates of heavy consumption of sucralose used by FDA would cover estimated intake of sucralose by diabetics who might preferentially select sucralose-containing products.

Second, after this comment was received by FDA, McNeil did perform studies on sucralose in diabetic individuals. Specifically, McNeil has submitted a series of studies (E156, E157, E168, E170, and E171) that investigated the short-term and long-term effects of sucralose on glucose homeostasis in patients with IDDM and NIDDM. These studies were previously discussed in detail earlier in this document. Based upon the data from these studies, the agency concludes that sucralose has no adverse health effects on short-term or long-term glucose homeostasis or any other adverse effect in diabetic patients (Refs. 41, 43, 44, 45). The sucralose exposure tested in the diabetic study E171, where no effect on glycemic control in diabetics was observed, is seven times higher than the 90th percentile EDI estimate expected from the proposed uses of sucralose. This 90th percentile exposure estimate represents the expected use of sucralose by the heavy eater population and also encompasses the level that is expected to be ingested by the diabetic population (Ref. 5).

Additionally, none of the data in the animal studies in the sucralose data base that examined the effect of sucralose on carbohydrate/glucose metabolism provided any evidence to suggest that diabetics would be at any greater risk than the general human population (Ref. 46). These studies show that: (1) Sucralose has no influence on insulin secretion by rats or humans; (2) sucralose has no effect on postprandial or fasting blood glucose levels in animals or humans; (3) sucralose causes no changes in intestinal absorption of glucose or fructose; (4) sucralose has no effect on glucose utilization or on any of the key enzymes modulating glucose metabolism or storage; (5) administration of sucralose results in no clinical or pathological symptoms similar to those observed in diabetes mellitus; and (6) because sucralose has no influence on insulin's action on blood glucose levels, it would not be anticipated to result in difficulties with insulin-based management of diabetes. Therefore, on the basis of the data in the clinical studies and other available information in the sucralose database, the agency has no safety concerns regarding the use of sucralose by diabetic individuals.

Another comment by Malkin speculated that the chlorinated galactose component of sucralose may have an effect on individuals with diminished ability to metabolize galactose (galactosemic individuals). Malkin further speculated that 4-chlorogalactose, a sucralose degradation product, may act as a substrate for enzymes that metabolize galactose in normal individuals, or may inhibit galactosyltransferase, an enzyme largely

responsible for the production of milk in humans.

As discussed previously, from the review of the stability data submitted in the sucralose petition, the agency would not expect significant amounts of degradation products to be formed as a result of the proposed uses of sucralose. Therefore, exposure to degradation products from the use of sucralose would be minimal and would be of no toxicological significance.

In another comment, Malkin criticized the petitioner's metabolism data because the data were obtained from healthy adults and did not address metabolism or safety in children, diabetics, or the obese.

First, as noted, the petitioner did conduct several studies of sucralose use in diabetics. Moreover, there are no data that would suggest any particular reason to expect an increased potential for adverse effects in children and obese people and other subpopulations. The Malkin comment did not present any data or evidence that suggest that these subpopulations are at special risk. In the absence of such data, the agency determines an additive's safety based on studies conducted in healthy test animals at doses far in excess of the maximum anticipated exposure in humans. In addition, in setting an ADI, the agency uses a 100-fold safety factor after determining the highest no-adverse-effect level. The agency uses a 100-fold safety factor as a means to account for differences between animals and humans and to account for differences in sensitivity among humans. For these reasons, the agency believes that studies aimed at addressing effects in the subpopulations indicated are not warranted.

K. Labeling

In response to a November 22, 1991 (56 FR 58910), request by FDA for comments on a proposed monograph for sucralose for inclusion in the Food Chemicals Codex, Malkin stated that the name sucralose is inaccurate, deceptive, and will mislead consumers because of the close similarity to the name sucrose, a product for which sucralose might be a replacement. Because sucralose is a chlorinated version of a disaccharide, Malkin contended that the common name should not misrepresent the makeup of the material. Malkin cited § 102.5(a) and (c) (21 CFR 102.5(a) and (c)) and contended that the common name should indicate that the material is a disaccharide, reflect the presence of chlorine, and avoid confusion with sucrose. Malkin stated that the name used by the FAO/WHO JEFCA "trichlorogalactosucrose" or a similarly accurate name such as trichlorofructogalactose should be used.

Section 403(i)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(i)(2)) deems a food that is fabricated from two or more ingredients to be misbranded unless its label bears the common or usual name for each ingredient. Section 102.5(a) states, in part, that: "The common or usual name of a food, which may be a coined term, shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients. The name shall be uniform among all identical or similar products and may not be confusingly similar to the name of any other food that is not reasonably encompassed within the same name." Section 102.5(c) addresses the need for the common or usual name of a food to include a statement of the presence or absence of any characterizing ingredients or components, whether such ingredients need to be added, whether the absence or presence has a bearing on price, and similar issues that may cause a consumer to purchase a product that is not what it appears to be.

Sucralose is a single ingredient and has no other characterizing ingredients or components that are added or removed. Thus, § 102.5(c) does not govern the question of what is the appropriate name for this additive.

Under § 102.5(a), a substance may be described by a coined term provided that it accurately identifies, in as simple and direct terms as possible, the nature of the food, i.e., the food additive sucralose. While the names suggested by Malkin may be suitable for describing the nature of the substance to a chemist, they are not the most direct and simple terms for the average consumer. FDA recognizes that the precise chemical names of additives may not be helpful for consumers and has permitted the use of a simple coined name that consumers can understand. For example, none of the three intense sweeteners currently allowed in food, saccharin, aspartame, and acesulfame potassium, are described by their specific chemical names. This causes no confusion, however. The important issue is whether the name is commonly used for the substance and whether that name could be misleading for some reason.

Although Malkin states that the name trichlorogalactosucrose is used by JEFCA for this additive, that organization has since the comment was submitted accepted sucralose as the preferred name. Additionally, the additive is regulated under the name sucralose in both Canada and Australia. Thus, it is consistent with the international marketplace, including other English speaking countries, to describe the additive by the name sucralose. Similarly, the Food Chemicals Codex has also published a monograph under the name sucralose. For these reasons, the agency concludes that the name sucralose is the common name, accurately identifies the additive, and will not mislead consumers.

IV. Conclusion

The agency has evaluated all the data in the petition and other information and concludes that the proposed uses of sucralose are safe. Therefore the agency concludes that the food additive regulations should be amended as set forth in this document.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

V. Environmental Effects

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

VI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum, from DiNovi, Chemistry Review Branch, to Anderson, Novel Ingredients Branch, September 21, 1993.

2. Memorandum, from DiNovi, Food and Color Additives Review Section, to Anderson, Direct Additives Branch, May 18, 1989.

3. Memorandum from Roth, HFS–506, to Review Staff Office of Premarket Approval, October 26, 1994.

4. Memorandum, from Roth, HFS–506, to Anderson, Division of Product Policy, October 26, 1994.

5. Memorandum, from Graham, Additives Evaluation Branch, to Anderson, Direct Additives Branch, August 8, 1990.

6. Addendum memorandum, from Graham, Additives Evaluation Branch, to Anderson, Direct Additives Branch, April 12, 1991.

7. Memorandum, from Griffiths, Additives Evaluation Branch, to Anderson, Direct Additives Branch, August 22, 1988.

8. Addendum memorandum, from Graham, Additives Evaluation Branch, to Anderson, Direct Additives Branch, August 12, 1991.

9. Memorandum, from Dunkel, Genetic Toxicology Branch, to McLaughlin, Direct Additives Branch, May 23, 1984.

10. Memorandum, from Whiteside, Additives Evaluation Branch No. 2, to Anderson, Novel Ingredients Branch, May 26, 1995.

11. Memorandum, from Whiteside, Additives Evaluation Branch No. 2., to Anderson, Direct Additives Branch, January 21,1994.

12. Memorandum, from Collins, Mammalian Reproduction and Teratology Team, to Gryder, Additives Evaluation Branch, August 15, 1987.

13. Memorandum, from Welsh, Whole Animal Toxicology Branch, to McLaughlin, Direct Additives Branch, February 1, 1984.

14. Addendum Memorandum, from Whiteside, Additives Evaluation Branch, to Anderson, Direct Additives Branch, November 12, 1991.

15. Memorandum, from Collins, Mammalian Reproduction and Teratology Team, to Gryder, Additives Evaluation Branch, October 2, 1987.

16. Memorandum, from Welsh, Mammalian Reproduction and Teratology Team, to Bleiberg, Division of Toxicology, July 15, 1986.

17. Ford, W. C. L., and G. M. H. Waites, "A Reversible Contraceptive Action of Some 6-chloro-6-deoxy Sugars in the Male Rat," *Journal of Reproduction and Fertility*, 52:153–157, 1978.

18. Memorandum, from Whitby, Additives Evaluation Branch, to Anderson, Direct Additives Branch, December 20, 1988.

19. Memorandum, Cancer Assessment Committee, October 20, 1987, January 26, April 6, and July 13, 1989.

20. Memorandum, from Dua, Division of Pathology, to Lin, Additives Evaluation Branch, February 11, 1992.

21. Lord, G. H., and P. M. Newberne, "Renal Mineralization—A Ubiquitous Lesion in Chronic Rat Studies," *Food Chemistry and Toxicology*, 28:449–455, 1990.

22. Newberne, P. M, M. W. Conner, and P. Estes, "The Influence of Food Additives and Related Materials on Lower Bowel Structure and Function," *Toxicologic Pathology*, 16:184–197, 1988.

23. Vaughan, O. W., and L. J. Filer, "The Enhancing Action of Certain Carbohydrates on the Intestinal Absorption of Calcium in the Rat," *Journal of Nutrition*, 71:10–14, 1960.

24. United Nations (UN) Environmental Programme, International Labour Organization, World Health Organization, Food and Agriculture Organization of the U.N., "Principles for the Safety Assessment of Food Additives and Contaminants in Food," Geneva: World Health Organization, 1987 (Environmental Health Criteria, 70), pp. 41-42.

25. De Groot, A. P., and V. J. Feron, "Effects of Very High Dietary Levels of Lactose on the Kidneys of Rats." In: Report R4812 Central Institute for Nutrition and Food Research (CIVO/TNO). Zeist, the Netherlands: CIVO/TNO; October 1975/ March 1976: 1-6.

26. Memorandum, from Graham, Additives Evaluation Branch, to Anderson, Direct Additives Branch, April 1, 1991.

27. Memorandum, from Sucralose Working Group, to Rulis, Novel Ingredients Branch, August 3, 1992.

28. Memorandum, from Sucralose Working Group, to Pauli, Novel Ingredients Branch, December 21, 1992.

29. Memorandum, from Graham, Additives Evaluation Branch, to Anderson, Direct Additives Branch, May 11, 1987.

30. Memorandum, from Bleiberg, Additives Evaluation Branch, to Anderson, Direct Additives Branch, October 20, 1987.

31. Memorandum, from Graham, Additives Evaluation Branch, to Direct Additives Branch, August 3, 1987.

32. Submission to FAP 7A3987, McNeil Specialty Products, May 5, 1992.

33. Memorandum, from Barton, Experimental Design and Evaluation Branch, to Anderson, Novel Ingredients Branch, April 26, 1994.

34. Memorandum, from Whiteside, Additives Evaluation Branch No. 2, to Anderson, Novel Ingredients Branch, June 29, 1994.

35. Memorandum, from Whiteside, Additives Evaluation Branch No. 2, to Anderson, Novel Ingredients Branch, July 8, 1994.

36. Memorandum, from Barton, Experimental Design and Evaluation Branch, to Anderson, Novel Ingredients Branch, March 18, 1994.

37. Memorandum, from Hinton, Biochemical and Analytical Branch, to Anderson, Novel Ingredients Branch, March 7, 1995.

38. Memorandum, from Graham, Additives Evaluation Branch, to Anderson, Direct Additives Branch, February 17, 1988.

39. Memorandum, from Graham, Additives Evaluation Branch, to Anderson, Direct Additives Branch, April 12, 1988.

40. Addendum Memorandum, from Whiteside, Additives Evaluation Branch No. 2, to Anderson, Novel Ingredients Branch, May 26, 1995.

41. Memorandum, from Wilcox, Epidemiology Branch, to Anderson, Novel Ingredients Branch, October 7, 1994.

42. Memorandum, from Whiteside, Scientific Support Branch, to Anderson, Novel Ingredients Branch, November 13, 1997.

43. Memorandum, from Fleming, Center for Drug Evaluation and Research, to Anderson, Novel Ingredients Branch, August 21, 1997.

44. Memorandum, from Barton, Division of Mathematics, to Anderson, August 28, 1997.

45. Addendum Memorandum, from Whiteside, Scientific Support Branch, to Anderson, Novel Ingredients Branch, November 13, 1997.

46. Memorandum, from Yetley/Einhorn, Clinical Nutrition Branch, to Anderson, Director Additives Branch, January 8, 1990.

47. Comments, from supporters of the petition, to Dockets Management Branch.

48. Comments, from Malkin Solicitors.

49. Comments, from Center for Science in the Public Interest (CSPI).

50. Memorandum, from Graham, Additives Evaluation Branch, to Anderson, Direct Additives Branch, December 13, 1990.

51. Memorandum, from Whiteside, Additives Evaluation Branch, to Anderson, Direct Additives Branch, November, 12, 1991.

52. Memorandum, from DiNovi, Food and Color Additives Review Section, to Anderson, Direct Additives Branch, December 6, 1990.

53. Memorandum, from Modderman, Food and Color Additives Review Section, to Anderson, Direct Additives Branch, May 20, 1988.

54. Memorandum, from Graham, Additives Evaluation Branch, to Anderson, Direct Additives Branch, December 27, 1988.

55. Memorandum, from Glinsmann, Clinical Nutrition, to Anderson, June 18, 1991.

VII. Objections

Any person who will be adversely affected by this regulation may at any time on or before May 4, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Incorporation by reference, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

2. Section 172.831 is added to subpart I to read as follows:

§ 172.831 Sucralose.

The food additive sucralose may be safely used as a sweetening agent in foods in accordance with current good manufacturing practice in an amount not to exceed that reasonably required to accomplish the intended technical effect in foods for which standards of identity established under section 401 of the Federal Food, Drug, and Cosmetic Act do not preclude such use under the following conditions:

(a) Sucralose is the chemical 1,6-dichloro-1,6-dideoxy-β-D-fructofuranosyl-4-chloro-4-deoxy-α-D-galactopyranoside (CAS Reg. No. 56038–13–2).

(b) The additive meets the specifications of the "Food Chemical Codex," 4th ed. (1996), pp. 398–400, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the the Division of Product Policy (HFS–206), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0001, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC 20204–0001, or the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

(c) The additive may be used as a sweetener in the following foods:

(1) Baked goods and baking mixes;
(2) Beverages and beverage bases;
(3) Chewing gum;
(4) Coffee and tea;
(5) Dairy product analogs;
(6) Fats and oils (salad dressing);
(7) Frozen dairy desserts;
(8) Fruit and water ices;
(9) Gelatins, puddings, and fillings;
(10) Jams and jellies;
(11) Milk products;
(12) Processed fruits and fruit juices;
(13) Sugar substitutes (for table use);
(14) Sweet sauces, toppings, and syrups;
(15) Confections and frostings.

(d) If the food containing the additive purports to be or is represented to be for special dietary use, it shall be labeled in compliance with part 105 of this chapter.

Dated: March 30, 1998.

Michael A. Friedman,

Lead Deputy Commissioner for the Food and Drug Administration.

[FR Doc. 98–8750 Filed 4–1–98; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DE–12–1–5886; FRL–5990–2]

Approval and Promulgation of Air Quality Implementation Plans; Delaware New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is conditionally approving a State Implementation Plan (SIP) revision submitted by the State of Delaware for the New Source Review (NSR) program. This revision establishes and requires the review and permitting of new major sources and major modifications of major sources in nonattainment areas. The changes primarily pertain to the ozone precursors, volatile organic compounds (VOCs) and nitrogen oxides (NO_x). EPA is conditionally approving the NSR SIP revisions submitted by Delaware because the revisions strengthen the SIP, but Delaware failed to revise the NSR regulations to adopt all of the provisions relating to modifications in serious and severe ozone nonattainment areas, required by the 1990 Clean Air Act Amendments. In addition Delaware must make additional revisions to satisfy conditions related to emission offsets and public participation as required by federal regulations. Delaware has submitted a written commitment to satisfy the conditions of this final rule and to revise the SIP within one year of this rulemaking.

EFFECTIVE DATE: This final rule is effective on May 4, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Linda Miller, (215) 566–2068.

SUPPLEMENTARY INFORMATION:

I. Background

On January 12, 1998 (63 F.R. 1804), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. The NPR proposed conditional approval of Delaware New Source Review requirements, Delaware Regulation 25, Sections 1 and 2.

The formal SIP Revision was submitted on January 11, 1993. The State has committed by letter dated February 10, 1998 to amend the SIP to correct the following deficiencies within one year of publication of this rulemaking by adding the following:

1. The special rule for modifications of sources in serious and severe ozone nonattainment areas, consistent with Sections 182(c)(7) and (8) of the Clean Air Act.

2. Public participation procedures consistent with 40 CFR 51.161. Regulation No. 25 does not specify the public participation procedures to be used in issuing nonattainment NSR permits.

3. A requirement that where the emissions limit under the SIP allows greater emissions than the potential to emit of the source, emission offset credit will be allowed only for control below this potential as found in 40 CFR 51.165(a)(3)(ii)(A).

4. Provisions for granting emission offset credit for fuel switching, consistent with 40 CFR 51.165(a)(3)(ii)(B).

5. Requirements consistent with 40 CFR 51.165(a)(3)(ii)(C)(1) for the crediting of emission reductions achieved by shutting down an existing source or curtailing production or operating hours below baseline levels (shutdown credits). These requirements must include a provision that such reductions may be credited if they are permanent, quantifiable and federally-enforceable, and if the area has an EPA-approved attainment plan.

6. A requirement that the shutdown or curtailment is creditable only if it occurred after the date of the most recent emissions inventory or attainment demonstration consistent with 40 CFR 51.165(a)(3)(ii)(C)(1).

7. A requirement that all emission reductions claimed as offset credit shall be federally enforceable consistent with 40 CFR 51.165(a)(3)(ii)(E).

8. Requirements for the permissible location of offsetting emissions consistent with 40 CFR 51.165(a)(3)(ii)(F) and section 173(c)(1) of the CAA.

9. A requirement that credit for an emission reduction can be claimed to the extent that the State has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR part 51 (i.e., the SIP), or the State has not relied on it in a demonstration of attainment or reasonable further progress.

A discussion of the deficiencies in the Delaware New Source regulations and other specific requirements of the New Source Review program as well as the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is conditionally approving the New Source Review program, Regulation 25, as a revision to the Delaware SIP. If the State does not submit revisions to the SIP address all the deficiencies which are conditions of this approval within one year of this rulemaking, the rulemaking will convert to a final disapproval. EPA would notify Delaware by letter that the conditions have not been met and that the conditional approval of the NSR SIP have converted to a disapproval. The approval is contingent on the State of Delaware revising its regulations to address the deficiencies noted above and explained in detail in the Technical Support Document, (TSD) that was prepared in support of the proposed conditional approval rulemaking for Delaware's NSR program. A copy of the TSD is available from the Regional Office listed in the **ADDRESSES** section of this document.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittals under section 110 and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action being promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 2, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

The Regional Administrator's decision to conditionally approve this SIP revision regarding Delaware's NSR program is based on the requirements found in section 110(a)(2)(a)–(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, New Source Review, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: March 24, 1998.

Thomas Maslany,

Acting Regional Administrator, Region III.

Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart I—Delaware

2. Section 52.424 is amended by adding paragraph (c) to read as follows:

§ 52.424 Conditional approval.

* * * * *

(c) EPA is conditionally approving as a revision to the State Implementation Plan the New Source Review (NSR) program submitted by the Secretary of the Delaware Department of Natural Resources and Environmental Control on January 11, 1993. Delaware must provide a SIP revision which corrects the deficiencies in the NSR Regulation (Regulation No. 25) by April 5, 1999. Once Delaware satisfies the conditions of the NSR rulemaking, EPA will fully approve the NSR program. If a revised SIP meeting the conditions of the NSR rulemaking is not submitted by the date specified, the rulemaking will convert to a final disapproval. The approval is contingent on the State of Delaware revising its regulations to address the deficiencies noted in the Technical Support Document, (TSD) that was prepared in support of the proposed conditional approval rulemaking for Delaware's NSR program. Delaware must submit a SIP revision that includes the following:

(1) The special rule for modifications of sources in serious and severe ozone nonattainment areas, consistent with Sections 182(c)(7) and (8) of the Clean Air Act.

(2) Public participation procedures consistent with 40 CFR 51.161. Regulation No. 25 does not specify the public participation procedures to be used in issuing nonattainment NSR permits.

(3) A requirement that where the emissions limit under the SIP allows greater emissions than the potential to emit of the source, emission offset credit will be allowed only for control below this potential as found in 40 CFR 51.165(a)(3)(ii)(A).

(4) Provisions for granting emission offset credit for fuel switching, consistent with 40 CFR 51.165(a)(3)(ii)(B).

(5) Requirements consistent with 40 CFR 51.165(a)(3)(ii)(C)(1) for the crediting of emission reductions achieved by shutting down an existing source or curtailing production or operating hours below baseline levels (shutdown credits). These requirements must include a provision that such reductions may be credited if they are permanent, quantifiable and federally-enforceable, and if the area has an EPA-approved attainment plan.

(6) A requirement that the shutdown or curtailment is creditable only if it occurred after the date of the most recent emissions inventory or attainment demonstration consistent with 40 CFR 51.165(a)(3)(ii)(C)(1).

(7) A requirement that all emission reductions claimed as offset credit shall be federally enforceable consistent with 40 CFR 51.165(a)(3)(ii)(E).

(8) Requirements for the permissible location of offsetting emissions consistent with 40 CFR 51.165(a)(3)(ii)(F) and section 173(c)(1) of the CAA.

(9) A requirement that credit for an emission reduction can be claimed to the extent that the State has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR part 51 (i.e., the SIP), or the State has not relied on it in a demonstration of attainment or reasonable further progress.

[FR Doc. 98–8793 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN49–01–7274a; MN50–01–7275a; FRL–5990–6]

Approval and Promulgation of State Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves two State Implementation Plan (SIP) revisions for the State of Minnesota which were submitted November 26, 1996. These SIP revisions modify Administrative Orders for Federal Hoffman Incorporated located in Anoka, Minnesota and J. L. Shiely Company located in St. Paul, Minnesota which are part of the Minnesota SIP to attain and maintain the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide and particulate matter, respectively.

In the proposed rules section of this **Federal Register**, Environmental Protection Agency (EPA) is proposing approval of, and soliciting comments on, these SIP revisions. If adverse comments are received on this action, EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule, which is being published in the proposed rules section of this **Federal Register**. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

DATES: This "direct final" rule will be effective on June 2, 1998, unless EPA receives adverse or critical comments by May 4, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Madeline Rucker at (312) 886–0661 before visiting the Region 5 Office.)

A Copy of these SIP revisions are available for inspection at the following location: Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 260–7548.

FOR FURTHER INFORMATION CONTACT: Madeline Rucker, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886–0661.

SUPPLEMENTARY INFORMATION:

Federal Hoffman, Inc.

On May 29, 1992, the Minnesota Pollution Control Agency (MPCA) submitted a revision to the sulfur dioxide (SO_2) SIP for Minneapolis-St. Paul, which included a demonstration of attainment and maintenance of the NAAQS for SO_2. Included in this attainment demonstration was an Administrative Order for Federal Hoffman, Inc. The State submitted a supplemental SIP revision on July 12, 1993. A revised Administrative Order for Federal Hoffman, Inc., was included in this submittal, and on April 14, 1994, at 59 FR 17703, EPA took final action

to approve the SO_2 SIP revisions for the Minneapolis-St. Paul area.

The revision to the Administrative Order submitted on November 26, 1996, consists of a new equation to calculate the amount of residual fuel oil Federal Hoffman, Inc., can use on a daily basis. The old Order limited the sulfur content of the residual fuel oil to two percent by weight and residual fuel usage to less than 2500 gallons per day. The revised Order retains the sulfur content limit of the residual fuel oil at two percent by weight and includes the following equation for the amount of residual fuel oil which can be used by the Company on a daily basis:

5000 gallons of fuel oil ÷ % of sulfur in the fuel oil = amount of fuel allowed in gallons on a daily basis

This new fuel consumption calculation allows Federal Hoffman, Inc., the flexibility to use lower sulfur fuel in larger quantities without increasing sulfur emissions. The revised Administrative Order contains changes as to how daily residual fuel oil consumption is calculated. These changes will not result in an increase of SO_2 emissions in the area and do not jeopardize the attainment demonstration submitted by the State on May 29, 1992, and approved by EPA on April 14, 1994.

J. L. Shiely Company

Upon enactment of the Clean Air Act (Act) Amendments of 1990, certain areas were designated nonattainment for particulate matter (PM) and classified as moderate under sections 107(d) (4) (B) and 188 (a) of the amended Act. See 56 FR 56694 (November 6, 1991) and 57 FR 13498, 13537 (April 16, 1992). A portion of the St. Paul area was designated nonattainment, thus requiring the State to submit SIP revisions which satisfy the attainment demonstration requirements of the Act. The State submitted SIP revisions to meet these requirements in 1991 and 1992. The enforceable elements of the State's submittal were Administrative Orders for facilities in the St. Paul area (J. L. Shiely Company is one of these facilities). On February 15, 1994 at 59 FR 7218, EPA took final action to approve Minnesota's submittals as satisfying the requirements for the St. Paul PM nonattainment area. MPCA issued J. L. Shiely amended Findings and Orders which were subsequently submitted to, and approved by EPA as part of Minnesota's SIP on February 15, 1994 (59 FR 7218), December 8, 1994 40 CFR 52.1220 (c)(37) and June 13, 1995 (60 FR 31088).

On November 26, 1996, Minnesota submitted additional minor amendments (Amendment Three) to the original Order by replacing emission points No. 1 and No. 10 (barge unloading) and No. 2 and No. 11 (surge bin) with emission points Nos. 20–22 (hopper, directional conveyor, and diesel backhoe). Amendment Three was adopted and effective at the State on November 26, 1996. The new emission points (Nos. 20–22) are not expected to cause any further environmental degradation because they have more restrictive opacity limits than the emission points they replaced. The hopper, directional conveyor, and diesel backhoe unloading system are not to exceed any opacity limit of 20 percent; whereas, the previous barge unloading and surge bin system was permitted to have a maximum of 40 percent opacity for four minutes in any 60 minute period, while not exceeding a 20 percent opacity limit for the remainder of the time. The new emission points are also required to adhere to the same opacity compliance determination methods, minimum frequencies, and testing procedures as the other emission points. The new emission points at J. L. Shiely are not expected to cause any further environmental degradation; therefore, Amendment Three to original Order as requested by the State of Minnesota is deemed approvable.

Action

EPA is approving the Administrative Order Amendments for Federal Hoffman, Inc., and J. L. Shiely, Company. These Orders are included as part of Minnesota's SIP to attain and maintain the NAAQS for PM, and S02. EPA has evaluated these SIP revisions and adopted the provisions set forth at 40 CFR part 51, Appendix V. Because EPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on June 2, 1998. However, if we receive adverse comments by May 4, 1998, EPA will publish a notice that withdraws this action.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U. S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments or to the private sector, result from this action.

The Congressional Review Act, 5 U.S.C. 801 et seq. As added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a

copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rules of particular applicability.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 2, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental Protection, Air Pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 17, 1998.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 98–8790 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300633; FRL–5781–7]

RIN 2070–AB78

Propiconazole; Extension of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a time-limited tolerance for residues of the fungicide propiconazole and its metabolites in or on almond nutmeats at 0.1 part per million (ppm), and in or on almond hulls at 2.5 ppm, for an additional 1–year period, to July 31, 1999. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on almonds. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA.

DATES: This regulation becomes effective April 3, 1998. Objections and requests for hearings must be received by EPA, on or before June 2, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300633], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300633], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [OPP–300633]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: David Deegan, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 280, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 308–9358; e-mail: deegan.dave@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a final rule, published in the **Federal Register** of April 11, 1997; 62 FR 17710) (FRL–5600–5) , which announced that on its own initiative and under section 408(e) of the FFDCA, 21 U.S.C. 346a(e) and (l)(6), it established a time-limited tolerance for the residues of propiconazole and its metabolites in or on almond nutmeats at 0.1 ppm, and in or on almond hulls at 2.5 ppm, with an expiration date of July 31, 1998. EPA established the tolerance because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of propiconazole on almonds for this year's growing season due to the lack of available effective alternative fungicides, and wetter-than-normal conditions. After having reviewed the submission, EPA concurs that emergency conditions exist for this state. EPA has authorized under FIFRA section 18 the use of propiconazole on almonds for control of anthracnose in almonds.

EPA assessed the potential risks presented by residues of propiconazole in or on almonds. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the new safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of April 11, 1998. Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerance will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerance is extended for an additional 1–year period. Although this tolerance will expire and is revoked on July 31, 1999, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on almond nutmeats and almond hulls after that date will not

be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerance. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

I. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by June 2, 1998, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

II. Public Record and Electronic Submissions

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300633]. No CBI should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

III. Regulatory Assessment Requirements

This final rule extends a time-limited tolerance that was previously extended by EPA under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). In addition, this final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

Since this extension of an existing time-limited tolerance does not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

IV. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 23, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.434, in the table to paragraph (b), by revising the entries for

"almond hull" and "almond nut meats" to read as follows:

§ 180.434 1-[[2-2,4-dichlorophenyl)-4-propyl-1-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/ Revocation Date
Almond hull	2.5	7/31/99
Almond nut meat	0.1	7/31/99
* *	* *	*

* * * *

[FR Doc. 98–8795 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–50–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Parts 51–5, 51–6, 51–8, 51–9, and 51–10

Miscellaneous Amendments to Committee Regulations

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Final rule.

SUMMARY: The Committee is making changes to its regulations to clarify them and improve the efficiency of operation of the Committee's Javits-Wagner-O'Day (JWOD) Program. The Committee is also making changes in its regulations to correct its mailing address after a recent office move.

EFFECTIVE DATE: May 4, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: G. John Heyer (703) 603–0665. Copies of this notice will be made available on request in computer diskette format.

SUPPLEMENTARY INFORMATION: The Committee is amending 41 CFR 51–5.2 to add a new paragraph (e) to its mandatory source requirement. The new paragraph will require Government contracting activities which have bundled JWOD services into larger contract requirements to require their prime contractors to contract with the JWOD nonprofit agencies for performance of those services. The provision would place the same obligation on Government contracting activities and their prime contractors if the Committee added a bundled service to the Procurement List after the bundling occurred. A similar regulatory provision for JWOD commodities appears at 41 CFR 51–5.2(c).

The Committee is also creating a provision (new 41 CFR 51–6.14) for addition of replacement services to the Procurement List, similar to the provision at 41 CFR 51–6.13 on replacement commodities. This new provision is a response to service relocations which are part of current Government downsizing initiatives.

Lastly, the Committee is amending those provisions of its regulations which state its mailing address, as the address changed in November 1997. The provisions appear in the Committee's Freedom of Information Act, Privacy Act, and nondiscrimination regulations at 41 CFR Parts 51–8, 51–9, and 51–10 respectively.

Public Comments on the Proposed Rule

The Committee published the proposed rule in the **Federal Register** of January 23, 1998 (63 FR 3530). No comments were received. Accordingly, the Committee's regulations are being amended as stated in the proposed rule.

Regulatory Flexibility Act

I certify that this revision of the Committee regulations will not have a significant economic impact on a substantial number of small entities because the revision clarifies program policies and does not essentially change the impact of the regulations on small entities.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply to this final rule because it contains no new information collection or recordkeeping requirements as defined in that Act and its regulations.

Executive Order No. 12866

The Committee has been exempted from the regulatory review requirements of the Executive Order by the Office of Information and Regulatory Affairs. Additionally, the final rule is not a significant regulatory action as defined in the Executive Order.

List of Subjects in 41 CFR Parts 51–5, 51–6, 51–8, 51–9, and 51–10

41 CFR Parts 51–5 and 51–6

Government procurement, Handicapped.

41 CFR Part 51–8

Freedom of information.

41 CFR Part 51–9

Privacy.

41 CFR Part 51–10

Administrative practice and procedure, Civil rights, Equal employment opportunity, Federal buildings and facilities, Handicapped.

For the reasons set out in the preamble, Parts 51–5, 51–6, 51–8, 51–9 and 51–10 of Title 41, Chaper 51 of the Code of Federal Regulations are amended as follows:

1. The authority citation for Parts 51–5 and 51–6 continues to read as follows:

Authority: 41 U.S.C. 46–48c.

PART 51–5—CONTRACTING REQUIREMENTS

2. Add new paragraph (e) to § 51–5.2 to read as follows:

§ 51–5.2 Mandatory source requirement.

* * * * *

(e) Contracting activities procuring services which have included within them services on the Procurement List shall require their contractors for the larger service requirement to procure the included Procurement List services from nonprofit agencies designated by the Committee.

3. Revise the first sentence of paragraph (b) of § 51–5.3 to read as follows:

§ 51–5.3 Scope of requirement.

* * * * *

(b) For services, where an agency and location or geographic area are listed on the Procurement List, only the service for the location or geographic area listed must be procured from the nonprofit agency, except as provided in § 51–6.14 of this chapter. * * *

* * * * *

PART 51–6—PROCUREMENT PROCEDURES

4. Redesignate § 51–6.14 as § 51–6.15.

5. Add new § 51–6.14 to read as follows:

§ 51–6.14 Replacement services.

If a service is on the Procurement List to meet the needs of a Government entity at a specific location and the entity moves to another location, the service at the new location is automatically considered to be on the Procurement List if a qualified nonprofit agency is available to provide the service at the new location, unless the service at that location is already being provided by another contractor. If the service at the new location is being provided by another contractor, the

service will not be on the Procurement List unless the Committee adds it as prescribed in Part 51–2 of this chapter. If another Government entity moves into the old location, the service at that location will remain on the Procurement List to meet the needs of the new Government entity.

PART 51–8—PUBLIC AVAILABILITY OF AGENCY MATERIALS

6. The authority citation for Part 51–8 continues to read as follows:

Authority: 5 U.S.C. 552.

§§ 51–8.4 and 51–8.5 [Amended]

7. Remove the words "Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461" and add, in their place, the words "Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302" in the following places:

a. Section 51–8.4; and

b. Section 51–8.5(a).

PART 51–9—PRIVACY ACT RULES

8. The authority citation for Part 51–9 continues to read as follows:

Authority: 5 U.S.C. 552a.

§§ 51–9.401 and 51–9.405 [Amended]

9. Remove the words "Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461" and add, in their place, the words "Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302" in the following places:

a. Section 51–9.401(a); and

b. Section 51–9.405(a).

PART 51–10—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

10. The authority citation for Part 51–10 continues to read as follows:

Authority: 29 U.S.C. 794.

§ 51–10.170 [Amended]

11. In §§ 51–10.170, remove the words "Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461" and add, in their place, the words "Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302" in paragraph (c).

Dated: March 31, 1998.

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–8778 Filed 4–2–98; 8:45 am]

BILLING CODE 6353–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 95–155; FCC 98–48]

Toll Free Service Access Codes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On March 30, 1998, the Commission released a Fourth Report and Order and Memorandum Opinion and Order in CC Docket No. 95–155 adopting an assignment method for toll free vanity numbers. The Fourth Report and Order is intended to ensure the efficient, orderly, and fair allocation of toll free numbers.

EFFECTIVE DATE: April 3, 1998.

FOR FURTHER INFORMATION CONTACT: Robin Smolen, Network Services Division, Common Carrier Bureau, (202) 418–2320.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Fourth Report and Order in CC Docket No. 95–155, In the Matter of Toll Free Service Access Codes, FCC 98–48, adopted March 27, 1998, and released March 30, 1998. The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 1231 20th St., N.W., Washington, D.C. 20036, phone (202) 857–3800.

Analysis of Proceeding

1. In the *Fourth Report and Order* in CC Docket No. 95-155, the Commission resolves how vanity numbers should be assigned. The Commission delegated authority to the Common Carrier Bureau to resolve those issues necessary for the assignment of the 888 set-aside vanity numbers and implementation of 877, including conservation plans, if needed, on any or all toll free codes in use to prevent exhaust of toll free numbers before deployment of the next toll free code. The Commission concludes that vanity numbers in the 877 toll free code, and toll free codes beyond 877, shall be released and made available on a first-come, first-served basis as each toll free code is deployed. The Commission further concludes that a right of first refusal shall be offered to current 800 subscribers holding 800 vanity numbers that correspond to the 888 vanity numbers that were initially set aside. If the 800 subscriber refrains from exercising its option to reserve the corresponding 888 vanity number, that number shall be released and made available on a first-come, first-served basis. The 888 set-aside numbers are to be made available for assignment 90 days after the 877 code is deployed.

2. With respect to this *Fourth Report and Order*, a Final Regulatory Flexibility Analysis is contained in the Attachment.

3. It is ordered, pursuant to sections 1, 4(i), 201–205, 18, and 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201–205, 218, and 251, that the Fourth Report and Order in CC Docket 95–155 is hereby adopted.

4. It is further ordered, pursuant to section 5(c)(1) of the Communications Act, as amended, 47 U.S.C. 155(c)(1), and § 0.201(d) of the Commission's rules, 47 CFR 0.201(d), that authority is delegated to the Chief, Common Carrier Bureau to resolve those issues necessary for the assignment of the 888 set-aside vanity numbers and implementation of 877, including conservation plans, if needed on any or all toll free codes in use to prevent exhaust of toll free numbers before deployment of the next toll free code.

5. It is further ordered that all policies, rules, and requirements of this document are effective April 3, 1998.

List of Subjects

47 CFR Part 52

Local exchange carrier, Numbering, Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

Part 52 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 52—NUMBERING

1. The authority citation for part 52 continues to read as follows:

Authority: Sections 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201-05, 207–09, 218, 225–7, 271 and 332 unless otherwise noted.

2. Add § 52.111 to subpart D to read as follows:

§ 52.111 Toll Free Number Assignment.

Toll free numbers shall be made available on a first-come, first-served basis unless otherwise directed by the Commission.

Note: This attachment will not appear in the Code of Federal Regulations.

Attachment—Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act ("RFA"), an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in the Toll Free Service Access Codes, Notice of Proposed Rulemaking ("Notice"). The Commission sought written public comment on the proposals in the Notice, including comments on the IRFA. This present Final Regulatory Flexibility Analysis ("FRFA") in this Fourth Report and Order ("Order") conforms to the RFA.

2. To the extent that any statement contained in this FRFA is perceived as creating ambiguity with respect to our statements made in preceding sections of this Fourth Report and Order, the statements set forth in those preceding sections shall be controlling.

Need for, and Objectives of, the Order

3. The Commission, pursuant Sections 1, 4(i), 201–205, 218, and 251 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201–205, 218, and 251, adopts this Fourth Report and Order to ensure the efficient, fair, and orderly allocation of toll free numbers.

Summary of Significant Issues Raised by the Public Comments in Response to the IRFA

4. In the Notice, the Commission included an IRFA of the possible impact on small entities of the proposals suggested in the Notice. The Commission noted that the proposals set forth in the Notice may have a significant economic impact on a substantial number of small entities, because toll free numbers are essential to many businesses both in terms of marketing and advertising products. Further, the Commission noted that toll free numbers may also have an intrinsic value to many businesses. The Commission sought written public comments on the IRFA. Although no comments were submitted in direct response to the IRFA, the Commission has addressed the issues raised in the general comments that pertain to small entities, and has considered the possible economic impact on small entities.

Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

5. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration ("SBA"). A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." Nationwide, as of 1992, there were approximately 275,801 small organizations. *Small governmental jurisdiction* generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000." As of 1992, there were approximately 85,006 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities. Below, we further describe and estimate the number of small entity licensees and regulates that may be affected by the proposed rules, if adopted.

6. The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its Telecommunications Industry Revenue report, regarding the Telecommunications Relay Service ("TRS"). According to data in the most recent report, there are 3,459 interstate carriers. These carriers include, *inter alia*, local exchange carriers, wireline carriers and service providers, interexchange carriers, competitive access providers, operator service providers, pay telephone operators, providers of telephone toll service, providers of telephone exchange service, and resellers.

7. The SBA has defined establishments engaged in providing "Radiotelephone Communications" and "Telephone Communications, Except Radiotelephone" to be small businesses when they have no more than 1,500 employees. Below, we discuss the total estimated number of telephone companies falling within the two categories and the number of small businesses in each, and we then attempt to refine further those estimates to correspond with the categories of telephone companies that are commonly used under our rules.

8. Although some affected incumbent local exchange carriers ("ILECs") may have 1,500 or fewer employees, we do not believe that such entities should be considered small entities within the meaning of the RFA because they are either dominant in their field of operations or are not independently owned and operated, and therefore by definition not "small entities" or "small business concerns" under the RFA. Accordingly, our use of the terms "small entities" and "small businesses" does not encompass small ILECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will separately consider small ILECs within this analysis and use the term "small ILECs" to refer to any ILECs that arguably might be defined by the SBA as "small business concerns."

1. Responsible Organizations

9. This Order applies to all Responsible Organizations ("RespOrgs"), which may be small business entities. Any entity that meets certain eligibility criteria may serve as a RespOrg. Neither the Commission nor the SBA has developed a definition of small entities that would apply specifically to RespOrgs. The most reliable source of information regarding the number of RespOrgs appears to be data collected by Database Service Management, Inc. ("DSMI"), the organization that administers the toll free allotment database. According to a May 8, 1996, report obtained from DSMI, 168 companies reported that they were RespOrgs. Although it seems certain that some of these RespOrgs are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of RespOrgs that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 168 small entity RespOrgs that may be affected by

the decisions adopted in this Fourth Report and Order.

2. Toll Free Subscribers

10. This Order also applies to all toll free subscribers, which also may be small business entities. "As noted and discussed supra, the RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." We note here that toll free subscribers may include entities from all three of these categories of small entities." Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to toll free subscribers. The most reliable source of information regarding the number of 800 subscribers of which we are aware appears to be the data we collect on the 800 numbers in use. According to our most recent data, at the end of 1995, the number of 800 numbers in use was 6,987,063. Similarly, the most reliable source of information regarding the number of 888 subscribers appears to be the data we collect on the 888 numbers in use. According to our most recent data, as of March 23, 1998, a total of 6,115,550 888 numbers were in use. Although it seems certain that some of these subscribers either are not independently owned and operated businesses, or do not have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of toll free subscribers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 6,987,063 small entity 800 subscribers and fewer than 6,115,550 888 subscribers that may be affected by the decisions adopted in this Fourth Report and Order.

3. Telephone and Wireless Entities

11. *Total Number of Telephone Companies Affected.* The provisions adopted herein may have a significant effect on a substantial number of the small telephone companies identified by SBA. The United States Bureau of the Census ("the Census Bureau") reports that, at the end of 1992, there were 3,497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers, interexchange carriers, competitive access providers, cellular carriers, mobile service carriers, operator service providers, pay telephone operators, PCS providers, covered SMR providers, and resellers. It seems certain that some of those 3,497 telephone service firms may not qualify as small entities or small ILECs because they are not "independently owned and operated." For example, a PCS provider that is affiliated with an interexchange carrier having more than 1,500 employees would not meet the definition of a small business. It seems reasonable to conclude, therefore, that fewer than 3,497 telephone service firms are small entity telephone service firms or small ILECs that may be affected by the decisions adopted in this Fourth Report and Order.

12. *Wireline Carriers and Service Providers.* SBA has developed a definition of small entities for telephone communications companies other than radiotelephone (wireless) companies. The Census Bureau reports that, there were 2,321 such telephone companies in operation for at least one year at the end of 1992. According to SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1,500 persons. All but 26 of the 2,321 non-radiotelephone companies listed by the Census Bureau were reported to have fewer than 1,000 employees. Thus, even if all 26 of those companies had more than 1,500 employees, there would still be 2,295 non-radiotelephone companies that might qualify as small entities or small ILECs. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 2,295 small entity telephone communications companies other than radiotelephone companies that may be affected by the decisions adopted in this Fourth Report and Order.

13. *Local Exchange Carriers.* Neither the Commission nor the SBA has developed a definition for small providers of local exchange services ("LECs"). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent Telecommunications Industry Revenue data, 1,371 carriers reported that they were engaged in the provision of local exchange services. We do not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 1,371 providers of local exchange service are small entities or small ILECs that may be affected by the proposed rules, if adopted.

14. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services ("IXCs"). The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent Telecommunications Industry Revenue data, 143 carriers reported that they were engaged in the provision of interexchange services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 143 small entity IXCs that may be affected by the proposed rules, if adopted.

15 *Competitive Access Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers ("CAPs"). The closest applicable definition under the SBA rules is for telephone communications companies other than except radiotelephone (wireless) companies. According to the most recent Telecommunications Industry Revenue data, 109 carriers reported that they were engaged in the provision of competitive access services. We do not have data specifying the number of these carriers that are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 109 small entity CAPs that may be affected by the proposed rules, if adopted..

16. *Operator Service Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of operator services. The closest applicable definition under the SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent

Telecommunications Industry Revenue data, 27 carriers reported that they were engaged in the provision of operator services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of operator service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 27 small entity operator service providers that may be affected by the proposed rules, if adopted.

17. *Pay Telephone Operators.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to pay telephone operators. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies. According to the most recent Telecommunications Industry Revenue data, 441 carriers reported that they were engaged in the provision of pay telephone services. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of pay telephone operators that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 441 small entity pay telephone operators that may be affected by the proposed rules, if adopted.

18. *Resellers (including debit card providers).* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable SBA definition for a reseller is a telephone communications company other than radiotelephone (wireless) companies. According to the most recent Telecommunications Industry Revenue data, 339 reported that they were engaged in the resale of telephone service. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 339 small entity resellers that may be affected by the proposed rules, if adopted.

19. *Wireless (Radiotelephone) Carriers.* SBA has developed a definition of small entities for radiotelephone (wireless) companies. The Census Bureau reports that there were 1,176 such companies in operation for at least one year at the end of 1992. According to SBA's definition, a small business radiotelephone company is one employing fewer than 1,500 persons. The Census Bureau also reported that 1,164 of those radiotelephone companies had no more than 1,000 employees. Thus, even if all of the remaining 12 companies had more than 1,500 employees, there would still be 1,164 radiotelephone companies that might qualify as small entities if they are independently owned or operated. Although it seems certain that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of radiotelephone carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 1,164 small entity radiotelephone companies that may be affected by the decisions adopted in this Fourth Report and Order.

20. *Cellular Licensees.* Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the Bureau of the Census, only twelve radiotelephone firms out of a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, we note that there are 1,758 cellular licenses; however, a cellular licensee may own several licenses. In addition, according to the most recent Telecommunications Industry Revenue data, 804 carriers reported that they were engaged in the provision of either cellular service or Personal Communications Service ("PCS") services, which are placed together in the data. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 804 small cellular service carriers that may be affected by the proposed rules, if adopted.

21. *Private and Common Carrier Paging.* The Commission has proposed a two-tier definition of small businesses in the context of auctioning licenses in the Common Carrier Paging and exclusive Private Carrier Paging services. Under the proposal, a small business will be defined as either (1) an entity that, together with its affiliates and controlling principals, has average gross revenues for the three preceding years of not more than $3 million, or (2) an entity that, together with affiliates and controlling principals, has average gross revenues for the three preceding calendar years of not more than $15 million. Because the SBA has not yet approved this definition for paging services, we will utilize the SBA's definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than 1,500 persons. At present, there are approximately 24,000 Private Paging licenses and 74,000 Common Carrier Paging licenses. According to the most recent Telecommunications Industry Revenue data, 172 carriers reported that they were engaged in the provision of either paging or "other mobile" services, which are placed together in the data. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of paging carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 172 small paging carriers that may be affected by the proposed rules, if adopted. We estimate that the majority of private and common carrier paging providers would qualify as small entities under the SBA definition.

22. *Mobile Service Carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to mobile service carriers, such as paging companies. As noted above in the section concerning paging service carriers, the closest applicable definition under the SBA rules is that for radiotelephone (wireless) companies, and the most recent Telecommunications Industry Revenue data shows that 172 carriers reported that they were engaged in the provision of either paging or "other mobile" services. Consequently, we estimate that there are fewer than 172 small mobile service carriers that may be affected by the proposed rules, if adopted.

23. *Broadband Personal Communications Service (PCS).* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined "small entity" for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years. For Block F, an additional classification for "very small business" was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These regulations defining "small entity" in the context of broadband PCS auctions have been approved by the SBA. No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40% of the 1,479 licenses for Blocks D, E, and F. However, licenses for blocks C through F have not been awarded fully, therefore there are few, if any, small businesses currently providing PCS services. Based on this information, we conclude that the number of small broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small entity PCS providers as defined by the SBA and the Commission's auction rules.

24. *SMR Licensees.* Pursuant to 47 CFR 90.814(b)(1), the Commission has defined "small entity" in auctions for geographic area 800 MHz and 900 MHz SMR licenses as a firm that had average annual gross revenues of less than $15 million in the three previous calendar years. This definition of a "small entity" in the context of 800 MHz and 900 MHz SMR has been approved by the SBA. The decisions adopted in this Fourth Report and Order may apply to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues no more than $15 million. We assume, for purposes of this FRFA, that all of the extended implementation authorizations may be held by small entities, which may be affected by the decisions adopted in this Fourth Report and Order.

25. The Commission recently held auctions for geographic area licenses in the 900 MHz SMR band. There were 60 winning bidders who qualified as small entities in the 900 MHz auction. Based on this information, we conclude that the number of geographic area SMR licensees affected by the decisions adopted in this Fourth Report and Order includes these 60 small entities. In the recently concluded 800 MHz SMR auction there were 524 licenses awarded to winning bidders, of which 38 were won by small or very small entities. We assume that all 38 may be affected by the decisions adopted in this Fourth Report and Order.

4. Cable System Operators (SIC 4841)

26. SBA has developed a definition of small entities for cable and other pay television services, which includes all such companies generating less than $11 million in revenue annually. This definition includes cable systems operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Census Bureau data from 1992, there were 1,788 total cable and other pay television services and 1,423 had less than $11 million in revenue.

27. The Commission has developed its own definition of a small cable system operator for the purposes of rate regulation. Under the Commission's rules, a "small cable company," is one serving fewer than 400,000 subscribers nationwide. Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable system operators at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, we estimate that there are fewer than 1,439 small entity cable system operators that may be affected by the decisions adopted in this Fourth Report and Order.

28. The Communications Act also contains a definition of a small cable system operator, which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000." The Commission has determined that there are 66,000,000 subscribers in the United States. Therefore, we found that an operator serving fewer than 660,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that the number of cable operators serving 660,000 subscribers or less totals 1,450. We do not request nor do we collect information concerning whether cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, and thus are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

29. In this Fourth Report and Order, we adopt a requirement that DSMI release vanity numbers in the 877 toll free code and in toll free codes beyond 877 at the same time as each code is deployed, to be made available on a first-come, first-served basis. In addition, we adopt a requirement that RespOrgs assign the 888 vanity numbers that were initially set aside, to their 800 customers holding the corresponding 800 vanity number, provided these 800 subscribers exercise an option to reserve the 888 set-aside number. Finally, we adopt a requirement that DSMI release the 888 set-aside vanity numbers, to be made available on a first-come, first-served basis if the 800 subscriber chooses to refrain from exercising its option to reserve the number. We conclude that these requirements are consistent with our obligation under section 251(e) of the Act to ensure that numbers are made available on an equitable basis. We believe that these requirements will not unduly burden DSMI because the act of releasing numbers is part of DSMI's responsibility as administrator of the toll free database and will not require any additional recordkeeping. Furthermore, these requirements will reduce DSMI's burden by no longer requiring DSMI to ensure that these numbers remain unavailable. We also believe that these requirements will not unduly burden RespOrgs, including small business entities, because the act of assigning numbers to subscribers and releasing numbers to the spare pool is part of RespOrgs' responsibilities as managers of toll free subscribers' database records. We further believe that these requirements will not unduly burden subscribers, including small business entities, because the subscribers may

decline to exercise the option. If however, the subscriber chooses to exercise the option, the necessary steps involved in reserving these numbers do not exceed the necessary steps involved in reserving any other toll free numbers. We anticipate that no new skills are necessary to comply with this requirement, and that no additional staff or other resources should be necessary to comply with this requirement. Furthermore, we adopt no new reporting or recordkeeping requirements for toll free subscribers, including small business entities.

Significant Alternatives and Steps Taken by Agency To Minimize Significant Economic Impact on a Substantial Number of Small Entities Consistent With Stated Objectives

30. As stated, we conclude that releasing vanity numbers in the 877 code and codes beyond 877 as each code is deployed to be made available on a first-come, first-served basis, is consistent with our obligation under section 251(e) of the Act to ensure that numbers are made available on an equitable basis. This conclusion is in the public interest, and will not have an adverse impact on toll free subscribers, including small business entities, because it will open the toll free market to all toll free subscribers on an equal basis. Small toll free subscribers will be affected in the same manner as non-small business entities. We also conclude that allowing current 800 subscribers a right of first refusal to the corresponding 888 vanity numbers initially set aside is consistent with our obligation under Section 251(e) of the Act to ensure that numbers are made available on an equitable basis. This conclusion is also in the public interest, and will not have an adverse impact on toll free subscribers, including small business entities, because all toll free subscribers, including small business entities, with an 800 number corresponding to an 888 set-aside number will have a right of first refusal.

31. We considered providing a right of first refusal to subscribers that expressed interest in replicating their toll free numbers beyond the 888 toll free code. We declined to accept various proposals associated with a right of first refusal for future codes. We concluded that such a requirement would have conflicted with our goal to allocate toll free numbers efficiently, fairly, and on an orderly basis. We found that a right of first refusal for future codes would have been discriminatory against new subscribers because it would have precluded them from obtaining certain desirable numbers. If incumbent subscribers were allowed to exercise a right of first refusal in future codes, they would have a decided advantage over entities by precluding them from obtaining these numbers to represent their businesses. The entities that would be placed at a disadvantage by such an approach would probably have included small business entities. New business entities are often small, and the new entities would have been the entities precluded from obtaining those desirable vanity numbers. By allowing a right of first refusal for the 888 set-aside only, new subscribers, including small business entities, will have the opportunity to reserve desirable numbers in 877 and codes beyond 877.

32. We also considered providing a right of first refusal with a fee. We declined to accept various proposals associated with a fee-based right of first refusal. We concluded that such a requirement would not solve the problems associated with discriminatory access to toll free numbers. In addition, such a requirement could place an undue financial burden on small business entities that may not have the financial resources to comply with such a fee requirement.

33. We also considered imposing a Standard Industrial Classification ("SIC") code requirement. Under this option, an incumbent toll free subscriber with commercial concerns related to assignment of the corresponding vanity number in a subsequent toll free code would have reported its code to its toll free service provider or RespOrg, that in turn would have reported the code to DSMI. DSMI would have incorporated this SIC code into the subscriber's record and queried the database when applicants requested a corresponding number in another code to determine if their SIC code is the same as the current holder of the corresponding number in the previous toll free code. If the two parties shared the same SIC code and were, therefore, considered competitors, the applicant for the new number would have been prohibited from obtaining that number. We concluded that this option is inconsistent with our goal to allocate toll free numbers on an efficient, fair, and orderly basis. We determined that such a requirement would be administratively burdensome, difficult to apply because of a rapidly changing market, and subject to manipulation. Moreover, as with a right of first refusal, this option would have provided incumbent subscribers with a decided advantage over entities in the same line of business by precluding them from obtaining certain desirable numbers. The entities that would have been placed at a disadvantage by such an approach would have probably included small business entities. New business entities are often small, and the new entities would have been the entities precluded form obtaining those 888 numbers.

34. The Office of Advocacy, U.S. Small Business Administration ("SBA"), filed a Written Ex Parte Presentation on March 17, 1998 requesting a delay in the opening of the 877 toll free code until the Commission has resolved the issue of vanity-number treatment and has analyzed alternatives that can ease the burden on small entities.

This Fourth Report and Order addresses the issue of vanity-number assignment and in doing so considers the effects on small businesses. Furthermore, delaying 877 deployment would have adverse consequences on new RespOrgs planning their businesses around the April 5, 1998 date. New business entities are often small, and these entities would have been placed at a disadvantage by delaying 877 deployment.

Report to Congress

35. The Commission will send a copy of the Toll Free Service Access Codes, Fourth Report and Order, including this Final Regulatory Flexibility Analysis, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Toll Free Service Access Codes, Fourth Report and Order, including FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Toll Free Service Access Codes, Fourth Report and Order and FRFA (or summaries thereof) will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

[FR Doc. 98–8754 Filed 4–2–98; 8:45 am]
BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 63, No. 64
Friday, April 3, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket Numbers EE–RM–90–201 and EE–RM–S–97–700]

RIN 1904–AA84

Energy Conservation Program for Consumer Products: Cooking Products (Kitchen Ranges and Ovens) Energy Conservation Standards

AGENCY: Office of Energy Efficiency and Renewable Energy, DOE.

ACTION: Notice of limited reopening of the record and opportunity for public comment.

SUMMARY: The Department of Energy (DOE) is providing a limited reopening of the record and opportunity for public comment on its rulemaking to revise energy conservation standards for cooking products under the Energy Policy and Conservation Act, as amended, for the following classes: gas cooktops, gas ovens, and electric non-self-cleaning ovens. On February 27, 1998, (63 FR 9975) DOE published a notice reopening the comment period for 30 days. DOE received a letter from the American Gas Association (AGA) requesting the Department to change the comment period from 30 days to 60 days. AGA stated it needed additional time to respond to the prescriptive elimination of pilot lights, which is of significant interest to its members. Therefore, the Department is providing a limited reopening of the comment period to allow additional time to provide any new factual information, comment on the supplemental analyses, the potential impact of standards, and the principal policy options now under consideration.

DATES: Comments must be received on or before April 28, 1998.

ADDRESSES: A copy of the 1996 Draft Report on the Potential Impact of Alternative Energy Efficiency Levels for Residential Cooking Products (Draft Report), supplemental analysis, and other post comment period correspondence are available for public inspection and copying at the Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–3142, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Please submit 10 copies of written comments (no faxes) and a computer diskette (WordPerfect 6.1) to: Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, "Energy Conservation Program for Consumer Products: Cooking Products, Docket No. EE–RM–S–97–700", EE–43, 1000 Independence Avenue, SW, Washington, DC 20585–0121.

FOR FURTHER INFORMATION CONTACT: Kathi Epping, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–43, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–7425, or Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, GC–72, 1000 Independence Avenue, SW, Washington, DC 20585–0103, (202) 586–9507.

Issued in Washington, DC, on March 30, 1998.

Dan W. Reicher,

Assistant Secretary,

Energy Efficiency and Renewable Energy.

[FR Doc. 98–8669 Filed 4–2–98; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL RESERVE SYSTEM

12 CFR Parts 220, 221 and 224

[Regulations T, U and X; Docket No. R–0995]

Securities Credit Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Advance notice of proposed rulemaking and request for comment; extension of comment period.

SUMMARY: The Board is extending the comment period for responding to the Board's advance notice of proposed rulemaking concerning its margin regulations, Regulations T, U and X. The Secretary of the Board, acting pursuant to delegated authority, has extended the comment period from April 1, 1998, to May 1, 1998, to give the public additional time to provide comments.

DATES: Comments should be received by May 1, 1998.

ADDRESSES: Comments should refer to Docket No. R–0995 and may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551. Comments also may be delivered to Room B–2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street, N.W. between Constitution Avenue and C Street, N.W. at any time. Comments received will be available for inspection in Room MP–500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in 12 CFR 261.12 of the Board's Rules Regarding Availability of Information.

FOR FURTHER INFORMATION CONTACT: Oliver Ireland, Associate General Counsel (202) 452–3625; Scott Holz, Senior Attorney (202) 452–2966; or Jean Anderson, Staff Attorney (202) 452–3707, Legal Division; for the hearing impaired only, Telecommunications Device for the Deaf (TDD), Diane Jenkins (202) 452–3544.

SUPPLEMENTARY INFORMATION: On January 16, 1998, the Board requested comment in response to an advance notice of proposed rulemaking concerning its margin regulations, Regulations T, U and X (63 FR 2840).

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, March 31, 1998.

William W. Wiles,

Secretary of the Board.

[FR Doc. 98–8828 Filed 4–2–98; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–52–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAe 146 Series Airplanes and Model Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes. This proposal would require a one-time inspection to detect corrosion of the threads of the eyebolt and piston rod on the retraction jack of the main landing gear (MLG); and repair, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent corrosion of the threads of the eyebolt and piston rod on the retraction jack of the MLG, which may cause the eyebolt to detach from the jack, and consequent unrestrained MLG deployment or inability to retract the MLG.

DATES: Comments must be received by May 4, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–52–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket 98–NM–52–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airport Directorate, ANM–114, Attention: Rules Docket No. 98–NM–52–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes. The CAA advises that it has received reports of corrosion of the threads of the eyebolt and piston rod on the retraction jack of the main landing gear (MLG) on in-service airplanes. Investigation has revealed that MLG retraction jacks manufactured after 1993 have had improved corrosion protection applied during manufacture and should not be susceptible to corrosion. However, MLG retraction jacks manufactured prior to 1993 did not have sufficient corrosion protection applied during manufacture and, therefore, may be susceptible to corrosion on the eyebolt and piston rod. This condition, if not corrected, could result in detachment of the eyebolt from the jack, and consequent unrestrained MLG deployment or inability to retract the MLG.

Explanation of Relevant Service Information

British Aerospace has issued Service Bulletin SB.32–145, Revision 1, dated October 6, 1997, which describes procedures for a one-time visual inspection to detect corrosion of the threads of the eyebolt and piston rod on the retraction of the MLG; and repair, if necessary. Procedures for the reinstallation of the retraction jack of the MLG include the application of jointing and sealing compounds for improved corrosion protection. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The CAA classified the service bulletin as mandatory and issued British airworthiness directive 006–09–97 (undated) in order to assure the continued airworthiness of these airplanes in the United Kingdom.

The service bulletin references Dowty Aerospace Hydraulics-Cheltenham Service Bulletin 146–32–507, dated August 1, 1997, as an additional source of service information to accomplish the inspection and repair.

FAA's Conclusions

These airplane models are manufactured in the United States and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the British Aerospace service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although the Dowty Aerospace Hydraulics-Cheltenham Service Bulletin specifies that Messier-Dowty Limited may be contacted for disposition of repair for corrosion detected in areas other than those detailed in the service bulletin, this proposal would require the repair of those areas to be accomplished in accordance with a method approved by the FAA.

Cost Impact

The FAA estimates that 25 airplanes of U.S. registry would be affected by the proposed AD. It would take approximately 1 work hour per airplane to accomplish the proposed inspection at an average labor rate of $60 per work hour. Based on this figure, the cost impact of the proposed AD on U.S. operators is estimated to be $1,500, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 30 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 30.13 is amended by adding the following new airworthiness directive:

British Aerospace Regional Aircraft (Formerly British Aerospace Regional Aircraft Limited, Avro International Aerospace Division; British Aerospace, PLC; British Aerospace Commercial Aircraft Limited): Docket 98–NM–52–AD.

Applicability: Model BAe 146 series airplanes and Model Avro 146–RJ series airplanes, as listed in British Aerospace Service Bulletin SB.32–145, Revision 1, dated October 6, 1997, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent corrosion of the threads of the eyebolt and piston rod on the retraction jack of the main landing gear (MLG), which may cause the eyebolt to detach from the jack, and consequent unrestrained MLG deployment or inability to retreat the MLG, accomplish the following:

(a) Perform a one-time visual inspection to detect corrosion of the threads of the eyebolt and piston rod on the retraction jack of the MLG, in accordance with British Aerospace Service Bulletin SB.32–145, Revision 1, dated October 6, 1997, at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable. Except as provided by paragraph (b) of this AD, if any corrosion is detected: Prior to further flight, repair in accordance with the service bulletin.

(1) For MLG retraction jacks that have accumulated more than 7 and less than 9 years since date of manufacture: Inspect within 2 years after the effective date of this AD.

(2) For MLG retraction jacks that have accumulated 9 or more years since date of manufacture: Inspect within 1 year after the effective date of this AD.

(3) For MLG retraction jacks other than those identified in paragraph (a)(1) or (a)(2) of this AD, and other than those MLG retraction jacks having Part/Type No. 104628003 with serial numbers DH/0029/93 (where "93" identifies the year of manufacture) and subsequent: Inspect within 6 years since date of manufacture, or within 2 years after the effective date of this AD, whichever occurs later.

Note 2: British Aerospace Service Bulletin SB.32–145, Revision 1, dated October 6, 1997, references Dowty Aerospace Hydraulics—Cheltenham Service Bulletin 146–32–507, dated August 1, 1997, as an additional source of service information to accomplish the inspection and repair.

(b) If any corrosion is detected during the inspection required by paragraph (a) of this AD in areas other than those detailed in British Aerospace Service Bulletin SB.32–145, Revision 1, dated October 6, 1997: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate.

(c) As of the effective date of this AD, no person shall install an eyebolt or piston rod on the retraction jack of the MLG on any airplane unless it has been modified in accordance with British Aerospace Service Bulletin SB.32–145, Revision 1, dated October 6, 1997.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in British airworthiness directive 006–09–97 (undated).

Issued in Renton, Washington, on March 27, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–8706 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–308–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires repetitive inspections to detect cracks, corrosion, or damage of the lower spar fitting body and lug, and corrective actions, if necessary. That AD also provides for optional terminating action for the repetitive inspection requirements. The existing AD was prompted by reports that fatigue cracking was found in the lower spar fitting lug on the number 3 pylon and in the lower spar fitting body. The actions specified by that AD are intended to detect and correct such fatigue cracking, which could result in failure of the strut and separation of the engine from the airplane. This new action references additional service bulletins for accomplishment of the optional replacement, and clarifies that accomplishment of certain AD's terminates the repetitive inspections.

DATES: Comments must be received by May 18, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–308–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tamara L. Dow, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97–NM–308–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–308–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On September 15, 1997, the FAA issued AD 97–20–01, amendment 39–10139 (62 FR 49431, September 22, 1997), applicable to certain Boeing Model 747 series airplanes. That AD requires repetitive detailed visual and ultrasonic inspections to detect cracks, corrosion, or damage of the lower spar fitting body and lug, as applicable, and replacement, if necessary. That AD also provides for an optional replacement of the lower spar fitting with a new steel lower spar fitting, which constitutes terminating action for the repetitive inspection requirements. In lieu of accomplishing this replacement or the repetitive inspections, that AD also provides for an optional terminating modification of the nacelle strut and wing structure. That action was prompted by reports that fatigue cracking was found in the lower spar fitting lug on the number 3 pylon and in the lower spar fitting body. The requirements of that AD are intended to detect and correct such fatigue cracking, which could result in failure of the strut and separation of the engine from the airplane.

Actions Since Issuance of Previous Rule

Since issuance of AD 97–20–01, the FAA finds that it inadvertently omitted from paragraph (b) of that AD, the following service bulletins:

- Boeing Service Bulletin 747–54–2062, Revision 1, dated November 13, 1980;
- Boeing Service Bulletin 747–54–2062, Revision 2, dated March 19, 1981;
- Boeing Service Bulletin 747–54–2062, Revision 3, dated August 28, 1981;
- Boeing Service Bulletin 747–54–2062, Revision 4, dated June 30, 1982;
- Boeing Service Bulletin 747–54–2062, Revision 5, dated June 1, 1984;
- Boeing Service Bulletin 747–54–2062, Revision 6, dated October 2, 1986; and
- Boeing Service Bulletin 747–54–2062, Revision 7, dated December 21, 1994.

The FAA has reviewed and approved these service bulletins as additional sources of service information for accomplishment of the optional replacement specified in paragraph (b) of AD 97–20–01. The replacement procedures are similar to those specified in Boeing Service Bulletin 747–54–2062, Revision 8, dated August 21, 1997, which was referenced in AD 97–20–01 as the appropriate source of service information for accomplishing the optional replacement. Therefore, the FAA has included these new service bulletins in paragraph (b) of this proposed AD.

The FAA also finds that referencing Boeing Alert Service Bulletins 747–54A2159, dated November 3, 1994, and 747–54A2158, dated November 30, 1994, for accomplishment of the modification of the nacelle strut and wing structure, rather than referencing the AD's associated with those service bulletins, could be misleading to operators. Therefore, the applicability, paragraph (a)(2)(ii), and paragraph (b) of the proposed AD specify that accomplishment of the subject modification required by AD 95–10–16, amendment 39–9233 (60 FR 27008, May 22, 1995), or AD 95–13–07, amendment

39–9287 (60 FR 33336, June 28, 1995) constitutes terminating action for the repetitive inspection requirements of this proposed AD.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed action would revise AD 97–20–01 to continue to require repetitive detailed visual and ultrasonic inspections to detect cracks, corrosion, or damage of the lower spar fitting body and lug, as applicable; and replacement, if necessary. It also would continue to provide for an optional replacement of the lower spar fitting with a new steel lower spar fitting, which would constitute terminating action for the repetitive inspection requirements. In lieu of accomplishing the repetitive inspections or replacement of the lower spar fitting, this proposed AD would also continue to provide for an optional terminating modification of the nacelle strut and wing structure. In addition, the proposed AD references additional service bulletins for accomplishment of the optional replacement, and clarifies that accomplishment of certain AD's terminates the repetitive inspections.

Cost Impact

There are approximately 367 airplanes of the affected design in the worldwide fleet. The FAA estimates that 152 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 19 work hours per airplane to accomplish the proposed inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspections proposed by this AD on U.S. operators is estimated to be $173,280, or $1,140 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 97–NM–308–AD. Revises AD 97–20–01, amendment 39–10139.

Applicability: Model 747 series airplanes, having line numbers 1 through 500 inclusive, equipped with Pratt & Whitney Model JT9D–3, –7, or –7Q engines, or having line numbers 202, 204, 232, or 257, equipped with General Electric Model CF6 series engines; certificated in any category; and on which the strut/wing modification has not been accomplished in accordance with either of the following AD's:

- AD 95–10–16, amendment 39–9233 (60 FR 27008, May 22, 1995), or
- AD 95–13–07, amendment 39–9287 (60 FR 33336, June 28, 1995).

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in the lower spar fitting lug or the lower spar fitting body, which could result in failure of the strut and separation of the engine from the airplane, accomplish the following:

(a) Within 90 days after October 7, 1997 (the effective date of AD 97–20–01, amendment 39–10139), perform a detailed visual inspection and an ultrasonic inspection to detect cracks, corrosion, or damage of the lower spar fitting body and lug, as applicable, in accordance with Figures 9 and 10 of Boeing Service Bulletin 747–54–2062, Revision 8, dated August 21, 1997.

Note 2: This AD does not require an inspection of the inboard strut-to-diagonal brace attach fitting as described in Figure 1 of Boeing Service Bulletin 747–54–2062, Revision 8, dated August 21, 1997. However, this inspection is required to be accomplished as part of AD 95–20–05, amendment 39–9383 (60 FR 51705, October 10, 1995).

(1) If no crack, corrosion, or damage is detected, repeat the detailed visual and ultrasonic inspections thereafter at intervals not to exceed 400 landings.

(2) If any crack, corrosion, or damage is detected, prior to further flight, accomplish either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) Replace the lower spar fitting with a new steel lower spar fitting, in accordance with Part II of the Accomplishment Instructions of the service bulletin. Or

(ii) Modify the nacelle strut and wing structure in accordance with AD 95–10–16, amendment 39–9233 (60 FR 27008, May 22, 1995), or AD 95–13–07, amendment 39–9287 (60 FR 33336, June 28, 1995).

(b) Replacement of the lower spar fitting with a new steel lower spar fitting, in accordance with Part II of the Accomplishment Instructions of any of the following service bulletins listed below, or accomplishment of modification of the nacelle strut and wing structure required by AD 95–10–16, amendment 39–9233 (60 FR 27008, May 22, 1995), or AD 95–13–07, amendment 39–9287 (60 FR 33336, June 28, 1995); constitutes terminating action for the repetitive inspection requirements of this AD.

- Boeing Service Bulletin 747–54–2062, Revision 1, dated November 13, 1980;
- Boeing Service Bulletin 747–54–2062, Revision 2, dated March 19, 1981;
- Boeing Service Bulletin 747–54–2062, Revision 3, dated August 28, 1981;
- Boeing Service Bulletin 747–54–2062, Revision 4, dated June 30, 1982;
- Boeing Service Bulletin 747–54–2062, Revision 5, dated June 1, 1984;
- Boeing Service Bulletin 747–54–2062, Revision 6, dated October 2, 1986;
- Boeing Service Bulletin 747–54–2062, Revision 7, dated December 21, 1994;

• Boeing Service Bulletin 747–54–2062, Revision 8, dated August 21, 1997;

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 27, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–8710 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AEA–04]

Proposed Revocation of Class E Airspace; Downingtown, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to remove the Class E airspace area at Bob Shannon Memorial Field Airport, Downingtown, PA. The airport has been closed, and the need for Class E airspace no longer exists. Adoption of this proposal would result in the affected area reverting to Class G airspace.

DATES: Comments must be received on or before May 4, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 98–AEA–04, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520 F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

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 reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, 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 notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 98–AEA–04." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the 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 Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, Federal Building #111 John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice 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 proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to remove the Class E airspace extending upward from 700 feet above the surface at Bob Shannon Memorial Field Airport, Downingtown, PA. The airport has been closed negating the need for airspace to accommodate IFR operations. The area will be removed from appropriate aeronautical charts. 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 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be removed subsequently from 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. Therefore, this proposed regulation—(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 would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have 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—[AMENDED]

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 Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Downingtown, PA [Removed]

* * * * *

Issued in Jamaica, New York, on March 23, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–8840 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 121, 125, and 129

[Docket No. 29104; Notice No. 97–16A]

RIN 2120–AF81

Repair Assessment for Pressurized Fuselages

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The FAA announces an extension of the comment period for Notice of Proposed Rulemaking (NPRM) No. 97–16, which was published in the **Federal Register** on January 2, 1998. In that notice, the FAA invites public comments relative to a proposal that would require incorporation of repair assessment guidelines for the fuselage pressure boundary (fuselage skins and pressure webs) of certain transport category airplane models into the FAA-approved maintenance or inspection program of each operator of those airplanes. This extension is necessary to afford all interested parties an opportunity to present their views on the proposed rulemaking.

DATES: Comments must be received on or before July 2, 1998.

ADDRESSES: Comments on Notice 97–16 may be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 19104, 800 Independence Avenue SW., Washington, DC 20591; or delivered in triplicate to: Room 915G, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked Docket No. 29104. Comments may also be submitted electronically to: 9-NPRM-CMTS@faa.dot.gov. Comments may be examined in Room 915G weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition, the FAA is maintaining an information docket of comments in the Transport Airplane Directorate (ANM–100), Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055–4056. Comments in the information docket may be examined weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Dorenda Baker, Manager, Airframe and Airworthiness Branch, ANM–115, FAA Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–2109, facsimile (425) 227–1100.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the rulemaking proposed in Notice 97–16 by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adoption of the proposals in the notice are also invited. Substantive comments should also be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rulemaking. The proposals contained in Notice 97–16 may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, 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. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 29104." The postcard will be date stamped and returned to the commenter.

Availability of the NPRM

An electronic copy of Notice 97–16 may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339), the online Federal Register database through GPO Access (telephone: 202–512–1661), or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service (telephone: 202–267–5948).

Internet users may reach the FAA's web page at http://www.faa.gov or GPO's Federal Register web page at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a copy of Notice 97–16 by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 267–9677. Communications must identify the notice number. Persons interested in being placed on a mailing list for future rulemaking documents should request from the Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Ave SW., Washington, D.C. 20591, or by calling (202) 267–3484, a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

On January 2, 1998, the FAA published Notice No. 97–16 (63 FR 126). In that notice the FAA proposed rulemaking that would require incorporation of repair assessment guidelines for the fuselage pressure boundary (fuselage skins and pressure webs) of certain transport category airplane models into the FAA-approved maintenance or inspection program of each operator of those airplanes. This action is the result of concern for the continued operational safety of airplanes that are approaching or have exceeded their design service goal. The purpose of the repair assessment guidelines is to establish a damage-tolerance based supplemental inspection program for repairs to detect damage, which may develop in a repaired area, before that damage degrades the load-carrying capability of the structure below the levels required by the applicable airworthiness standards.

Since Notice 97–16 was published, the FAA has received requests from persons requesting that the comment period for the notice be extended past April 2, 1998, to allow commenters more time in which to study the proposal and to prepare their comments. The commenters point out that in some cases the repair assessment guidelines referred to in the notice are not available from the manufacturer for review. The commenters had anticipated being able

to review the guidelines along with the proposals in the notice in order to provide meaningful comment on the proposed rulemaking by the April 2 comment deadline. As this has not been the case, the commenters now request that the comment period be extended for a sufficient amount of time to allow the issuance of the guidelines by the manufacturers and to allow the commenters to study the proposal and prepare their comments. The FAA anticipates that the guidelines will be available for operators to review within 30 days after the publication of this notice.

Extension of Comment Period

The FAA has reviewed the requests for consideration of an extended comment period for Notice 97–16 and determined that an extension would be in the public interest and that good cause exists for taking this action. Accordingly, the comment period for Notice 97–16, as well as the draft advisory circular (AC) 120–XX, is extended for an additional ninety days, as identified under the caption **DATES.**

Issued in Washington, D.C. on March 27, 1998.

Elizabeth Erickson,

Deputy Director, Aircraft Certification Service.

[FR Doc. 98–8735 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 10

Rules of Practice; Proposed Amendments

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed amendments.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") requests comments on proposed amendments to its Rules of Practice ("Rules") which govern most adjudicatory proceedings brought under the Commodity Exchange Act, as amended ("Act"), other than reparations actions. The proposed amendments are intended to improve the overall fairness and efficiency of the administrative process, as well as to facilitate use of the authority granted to the Commission by the Futures Trading Practices Act of 1992 ("FTPA") to require the payment of restitution by respondents in administrative enforcement proceedings.

The Commission has not attempted to revisit wholesale its Rules of Practice. Rather, the proposed amendments focus on a few key areas where case law and current practice suggest that clarification or revision may be most useful. Besides restitution, most of the substantive amendments being proposed relate to prehearing discovery. The other proposed changes are technical in nature, clarifying or updating existing rules to reflect recent Commission decisions and better accord with the current practices being followed by the Commission's Administrative Law Judges ("ALJs").

With respect to prehearing discovery, the Commission is proposing, among other revisions, to: clarify the obligations of its Division of Enforcement ("Division") under existing Rule 10.42(b), by requiring production to respondents of specified information in the Division's investigative files; obligate all parties to produce prior statements of any witness whom they intend to call that relate to that witness's anticipated testimony; and allow all parties to subpoena documents for production prior to the scheduled hearing date. These and the other proposed changes regarding discovery will foster a greater exchange of relevant information between the Division and respondents and clarify the production obligations of each party, thus bringing about increased efficiency and fairness in CFTC administrative proceedings.

The Commission is also proposing to put procedures in place to facilitate the restitution process in adjudicatory proceedings. A new provision would be added to existing Rule 10.84 that would be applicable to any proceeding in which an order requiring the payment of restitution may be entered. Under this provision, if the ALJ decides that restitution is an appropriate remedy, he or she would issue an order specifying the violations that form the basis for restitution, the customers or class of customers entitled to seek restitution and the method of calculating and, if then determinable, the amount of restitution to be paid.

The actual administration of an ALJ's restitution order would be governed by a new subpart in the Rules of Practice that would allow the Division to recommend to the Commission or, at the Commission's discretion, to the presiding ALJ a procedure for notifying individual customers who may be entitled to restitution, receiving and evaluating customer claims, obtaining funds to be paid as restitution from the respondent and distributing such funds to qualified claimants. The respondent would be given notice of the Division's recommendations and afforded an opportunity to be heard before the procedure is implemented.

Although largely technical in nature, the remaining changes being proposed by the Commission reflect matters raised in recent decisions issued by the Commission or its ALJs in enforcement cases, involving, for example, commencement of the proceeding, the service of complaints and other papers, amending complaints, advance rulings on the admissibility of evidence, the presentation of rebuttal evidence, and the filing of cross appeals, reply briefs (on appeal), petitions for reconsideration and stay applications. The Commission is also proposing to add an appendix to the Rules of Practice, setting forth the Commission's policy not to accept any offer of settlement in an administrative or a civil proceeding if the respondent or defendant wishes to continue to deny the allegations of the Commission's complaint (although they may continue to state that they neither admit nor deny the allegations).

The Commission welcomes public comment on the proposed changes to its Rules of Practice. Suggestions on other changes that would improve or expedite the adjudicatory process are also invited.

DATES: Comments must be received on or before June 2, 1998.

ADDRESSES: Comments on the proposed amendments should be sent to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, N.W., Washington, D.C. 20581. Comments may be sent by electronic mail to secretary@cftc.gov. Reference should be made to "Proposed Amendments to the Rules of Practice."

FOR FURTHER INFORMATION CONTACT: Stephen Mihans, Office of Chief Counsel, Division of Enforcement, at (202) 418–5399 or David Merrill, Office of the General Counsel, at (202) 418–5120, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581.

SUPPLEMENTARY INFORMATION: The Commission is proposing for comment amendments to its Rules of Practice, 17 CFR 10.1–10.109, which were promulgated originally in 1976, shortly after the Commission was established as an independent agency. 41 FR 2508 (Jan. 16, 1976). Although the Commission's proposals are not intended to be sweeping or groundbreaking, they do represent the first major revision of the Rules in more than 20 years. Practices of the

Commission and its ALJs which evolved over that time are not necessarily reflected in the existing Rules. Moreover, procedural and other issues raised by litigants themselves suggest that, in a number of key areas, the Rules are in need of review and updating.

Most of the substantive amendments to the Rules being proposed by the Commission relate to issues involving the Commission's procedures for conducting limited discovery in preparation for a hearing. More specifically, the Commission is proposing to amend Rule 10.42, which addresses pretrial materials, investigatory materials and admissions, and Rule 10.68, which governs subpoenas. The proposed amendments to these two rules will facilitate the exchange of relevant evidence between the parties to a proceeding and afford them a ready means for obtaining needed documents in advance of the scheduled hearing.

The other existing Rules that the Commission proposes to amend, and the subject areas they cover, are Rule 10.1 (scope and applicability of rules of practice); Rule 10.12 (service and filing of documents; form and execution); Rule 10.21 (commencement of the proceeding); Rule 10.22 (complaint and notice of hearing); Rule 10.24 (amendments and supplemental pleadings); Rule 10.26 (motions and other papers); Rule 10.41 (prehearing conferences; procedural matters); Rule 10.66 (conduct of the hearing); Rule 10.84 (initial decision); Rule 10.102 (review of initial decision); and Rule 10.106 (reconsideration). In addition to these changes, the Commission is proposing to add to the rules a new subpart (proposed Subpart I) addressing the administration of restitution orders issued pursuant to Section 6(c) of the Act, 7 U.S.C. 9 (1994), as well as a statement of policy with respect to settling with respondents and defendants in Commission-instituted administrative and civil proceedings (proposed Appendix A).

The specific amendments to the Rules of Practice that the Commission is proposing are as follows.

I. Proposed Rule Changes Related To Discovery

Rule 10.42(a)—Pretrial Materials

As currently written, Rule 10.42(a) authorizes the Commission's ALJs to require that each party to a proceeding submit any or all of the following information in the form of a prehearing memorandum or otherwise: (1) an outline of its case or defense; (2) the legal theories on which it will rely; (3) the identity of the witnesses who will testify on its behalf; and (4) copies or a list of documents which it intends to introduce at the hearing. The Commission proposes to amend Rule 10.42(a) in three respects.

First, the information required to be included in each party's prehearing memorandum would be expanded to include the identity, and the city and state of residence, of each witness (other than an expert witness) who is expected to testify on the party's behalf, along with a brief summary of the matters to be covered by the witness's expected testimony. In practice, prehearing orders issued by the Commission's ALJs already require the parties to provide much of this information. As thus revised, Rule 10.42(a) would more fully accord with the current disclosure requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure.

Second, rather than allow the parties to provide either copies or a list of documents that they will introduce as evidence at the hearing, revised Rule 10.42(a) would require that each party furnish a list of such documents and copies of any documents which the other parties do not already have in their possession and to which they do not have reasonably ready access. Although this proposed change imposes a heavier burden on all parties in preparing their prehearing submissions, the corresponding benefit of securing, in advance of trial, copies of documents to be used as evidence by the opposing party would be significant.

Third, the Commission proposes adding a new provision to Rule 10.42(a) to require the submission of additional information concerning any expert witness whom a party expects to call at the hearing, including: (1) a statement of the qualifications of the witness; (2) a listing of any publications authored by the witness within the preceding ten years; (3) a listing of all cases in which the witness has testified as an expert, at trial or in deposition, within the preceding four years; (4) a complete statement of all opinions to be expressed and the basis or reasons for those opinions; and (5) a list of any documents, data or other written information considered by the witness in forming his or her opinion, along with copies of any such materials which are not already in the possession of the opposite parties and to which they do not have reasonably ready access. This proposed revision to existing Rule 10.42(a) generally accords with the current requirements of Rule 26(a)(2) of the Federal Rules of Civil Procedure. It is intended to eliminate unnecessary and inappropriate surprise from the proceeding and allow for a more rational fact-finding process.

The proposed version of Rule 10.42(a) also would provide that the ALJ fashion a remedy which is just and appropriate for any failure to comply with the rule's requirements, taking into account all of the facts and circumstances. Thus, a minor, inadvertent failure to provide all of the required information would presumably require a less onerous remedy than a more significant, prejudicial failure, which might require a delay in the proceeding or an exclusion of witnesses or evidence.

Rule 10.42(b)—Investigatory Materials

Although broadly captioned "Investigatory Materials," Rule 10.42(b), as currently written, requires the Division to produce only three categories of documents, all relating to witnesses or witness statements. These are "transcripts of testimony, signed statements and substantially verbatim reports of interviews * * * from or concerning witnesses to be called at the hearing and all exhibits to those transcripts, statements and reports."

In practice, besides producing the witness statements referenced in existing Rule 10.42(b), the Division often provides respondents with prehearing access to documents obtained during the investigation that preceded the initiation of the complaint against them. To reflect this practice, and promote a fairer, more efficient hearing process, the Commission proposes two amendments to Rule 10.42(b).

First, the existing version of Rule 10.42(b) would be replaced with a new "investigatory materials" provision. As proposed by the Commission, revised Rule 10.42(b) would obligate the Division of Enforcement to make available for inspection and copying by the respondents documents obtained during the investigation that preceded issuance of the complaint and notice of hearing against them. These materials would include (1) all documents that were subpoenaed or otherwise obtained by the Division from persons not employed by the Commission, and (2) all transcripts of investigative testimony taken by the Division, together with all exhibits to those transcripts.

Under revised Rule 10.42(b), certain classes of documents would be exempt from disclosure. These include documents that would (1) reveal the identity of confidential sources, (2) disclose confidential investigatory techniques or procedures, or

(3) disclose the business transactions or market positions of any person other than the respondents, unless such

information is relevant to the resolution of the proceeding.

Nothing in revised Rule 10.42(b) would require the Division to turn over any internal memoranda, writings or notes prepared by Commission employees who will not appear as a Division witness at the hearing. Nor would the revised rule limit the ability of the Division to withhold documents or other information on the grounds of privilege or attorney work-product.

As is now the case, production of investigatory materials under revised Rule 10.42(b) would occur prior to the scheduled hearing date, at a time to be fixed by the ALJ. Unless otherwise agreed by the Division, respondents would be given access to all documents being produced at the Commission office where they are ordinarily maintained. If respondents want copies made for themselves, they, and not the Division, would pay for the cost of reproduction.

In order to prevent undue disruption of the administrative process, the proposed Rule 10.42(b) provides that, if after hearing or decision of the matter, it develops that the Division of Enforcement failed to comply in some manner with the production requirements of the rule, rehearing or reconsideration of the matter will not be required unless the respondent can show prejudice.

Rule 10.42(c)—Witness Statements

To address witness statements, the subject matter covered by existing Rule 10.42(b), the Commission proposes to promulgate a new Rule 10.42(c).[1] Under this new rule, all parties to a proceeding, including the Division, would be obligated to make available to the other parties any statement of any person whom the party calls, or expects to call, as a witness that relates to his or her anticipated testimony. Such statements would include: (1) transcripts of investigative or trial testimony given by the witness; (2) written statements signed by the witness; and (3) substantially verbatim notes of interviews with the witness, and all exhibits to such transcripts, statements and notes.

Producible statements also would include memoranda and other writings authored by the witness that contain information directly relating to his or her anticipated testimony.[2] The phrase "substantially verbatim" requires that the notes fairly record the witness's exact words, subject to minor, inconsequential deviations. As now, production of witness statements under the new rule would take place prior to the scheduled hearing date, at a time designated by the ALJ.

The Commission's proposed "witness statement" provision generally accords with Rule 26.2 of the Federal Rules of Criminal Procedure, which places in the Federal Rules the substance of the Jencks Act, 18 U.S.C. 3500. As now written, existing Rule 10.42(b) defines the term "witness statement" more broadly than Rule 26.2 or the Jencks Act in two respects: (1) by seeming to call for the production of statements by persons other than the witness himself, and (2) by requiring the Division to make witness statements available regardless of whether the statements relate to the witness's testimony at trial (as long as they are "from or concerning" the witness). Also unlike Rule 26.2 of the Federal Rules of Criminal Procedure, existing Rule 10.42(b) only obligates the Division, rather than all parties, to produce witness statements.

In the Commission's view, restricting the reach of existing Rule 10.42(b) to prior statements relating to the subject matter of a witness's anticipated testimony is appropriate. A primary reason for requiring the production of prior witness statements has been the value of such statements for impeachment purposes. Statements that are unrelated to a witness's testimony and statements of persons other than the witness himself have little, if any, impeachment value.[3]

Requiring all parties, instead of only the Division, to produce prior statements made by the witnesses they intend to call would benefit the hearing process. Making the prior statements of a party's witness available to the other parties would likely result in more meaningful cross-examination. *United States* v. *Nobles*, 422 U.S. 225, 231 (1975) (allowing prosecution to call upon court to compel the production of previously recorded witness statements will strengthen the truthfinding process and facilitate full disclosure of relevant facts).

Unlike Rule 26.2 of the Federal Rule of Criminal Procedure or the Jencks Act, however, the new "witness statement" provision being proposed by the Commission would continue to require the production of witness statements before the start of the hearing, at a time to be fixed by the ALJ. This accords with the current practice of the Division of Enforcement, which generally turns over witness statements prior to a scheduled hearing either as a part of the Division's document production under existing Rule 10.42(b) or as part of its submission of prehearing materials pursuant to existing Rule 10.42(a).

The proposed Rule 10.42(c) contains a provision similar to that contained in proposed Rule 10.42(b) to avoid undue disruption of the Commission's administrative process because of the discovery of a failure to comply with the production requirements of the rule after hearing or decision. As with proposed Rule 10.42(b), no rehearing or reconsideration of a matter already heard or decided shall be required, unless a party demonstrates prejudice.

Rules 10.42(e) and (f)—Admissions

As currently written, existing Rule 10.42(c) permits "any party [to] serve upon any other party * * * a written request for admission of the truth of any facts relevant to the pending proceedings set forth in the request, including the genuineness of any documents described therein." In addition to redesignating the existing rule as new Rule 10.42(e),[4] the Commission is proposing to revise and restructure the provision in order to discourage requests to admit that may be abusive in number or content.

First, the number of admissions that any party to a proceeding may request from any other party would be limited. As proposed by the Commission, new Rule 10.42(e) would allow each party to serve 50 requests to admit on any other party. To serve a larger number of requests, parties would have to obtain

[1] If, as proposed, a new Rule 10.42(c) is adopted to address witness statements, existing Rule 10.42(c), which governs admissions, would be redesignated as Rule 10.42(d).

[2] In revising existing Rule 10.42(b), the Commission intends that notes prepared by a witness which clearly and unambiguously set forth the views of that witness relating to the subject matter of his or her testimony, even if not in the nature of a formal memorandum, would be produced to the other parties. Under the revised rule, however, fragmentary notes, jottings and other writings that might be part of the analytical work of a witness would not have to be turned over. Moreover, the revised rule would not mandate the production of notes prepared by persons other than the witness, including, for example, attorney notes (except to the extent that they are substantially verbatim notes of interviews with the witness). In addition, both proposed Rule 10.42(b) and Rule 10.42(c) explicitly state that the parties, including the Division of Enforcement, can invoke privileges and work product to withhold materials otherwise producible under those rules.

[3] Compliance with the proposed rule will not necessarily satisfy the Division's obligation to produce exculpatory material. *In re First National Monetary Corp.*, [1982–1984 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 21,853 at 27,581 (CFTC Nov. 13, 1981). The scope of that obligation is not addressed by these proposed amendments *to the Rules of Practice.*

[4] Proposed Rule 10.42(d) would authorize ALJs to modify the production requirements provided for in subsections (a)–(c) of the rule under certain circumstances.

prior approval from the ALJ; they would not be allowed to evade this limitation by framing requests for discrete and different admissions as "subparts" or "subparagraphs." By revising existing Rule 10.42(c) in this way, the Commission's aim is not to prevent parties from seeking appropriate admissions, but rather to provide scrutiny by the ALJ before the parties make potentially abusive use of this device.

Second, requests to admit would be separated from questions involving the authenticity and admissibility of documents that the parties intend to introduce at the hearing. To accomplish this, the Commission proposes to promulgate a new Rule 10.42(f), modeled on Rule 26(a)(3)(C) of the Federal Rules of Civil Procedure. Under the proposal, upon order of the ALJ, each party to a proceeding would be allowed to serve on the other parties a list of documents that it intends to introduce at the hearing. Upon receipt of the list, the other parties would have 20 days to file a response, disclosing any objections that they wish to preserve to the authenticity or admissibility of the documents thus identified.

Like Rule 26(a)(3)(C) of the Federal Rules of Civil Procedure, proposed Rule 10.42(f) is intended to expedite the presentation of evidence at the hearing. It would, for example, eliminate the need to have witnesses available to provide foundation testimony for most items of documentary evidence. Moreover, although the ALJ would not be required to do so, he or she would be permitted to treat as a motion *in limine* any list served by a party pursuant to the proposed new rule, where any other party has filed a response objecting to the authenticity or the admissibility of any item listed. In that event, after affording the parties an opportunity to brief the motion, the ALJ could rule on objections to the authenticity or admissibility of documents in advance of trial, to the extent appropriate.

Rule 10.68—Subpoenas.

The Commission is proposing three substantive amendments to existing Rule 10.68, which governs subpoenas. In addition to those amendments, minor changes are being made to paragraph (e).

With respect to the substantive revisions proposed by the Commission, existing Rule 10.68(a)(2) would be revised to allow parties to apply for the issuance of subpoenas compelling the production of documents at any designated time, including prior to the hearing. Under the existing rule, ALJs are not permitted to issue subpoenas requiring documents to be produced before the hearing actually begins. Postponing compelled document production from the prehearing phase until the hearing, however, promotes surprise, lack of preparation and delay. By affording parties an opportunity to subpoena and review relevant documents before the start of a hearing, revised Rule 10.68(a)(2) will enable them to prepare questions relating to the information produced and to determine whether additional information will be needed, thereby making the hearing process both fairer and more expeditious.

Second, the Commission proposes to amend Rules 10.68(a)(1) and 10.68(a)(2) by requiring that all subpoena requests be submitted in writing and be served on all other parties, unless (1) the request is made on the record at the hearing or (2) the requesting party can demonstrate why, in the interest of fairness or justice, the requirement of a written submission or service should be waived. In the Commission's view, generally there is no undue prejudice in requiring disclosure to other parties of the fact that a subpoena is being sought or the identity of the person or documents being subpoenaed. On the contrary, by requiring requests for subpoenas to be served in writing on all parties, the proposed revision will facilitate the proper joining of any issue regarding the appropriateness of the requested subpoena.

Third, the Commission is proposing to revise paragraph (f) of Rule 10.68. Under that provision, if any person fails to comply with a subpoena issued at the request of a party, the requesting party may petition the Commission to institute a subpoena enforcement action in an appropriate United States District Court. As proposed by the Commission, a sentence would be added to Rule 10.68(f), providing that, when instituting an action to enforce a subpoena requested by the Division of Enforcement, the Commission, in its discretion, may delegate to the Director of the Division or any Commission employee under the Director's direction that he or she may designate, or to such other employee as the Commission may designate, authority to serve as the Commission's counsel in such action.

Finally, the Commission proposes to delete from paragraphs (a)(1) and (b)(3) of Rule 10.68 references to the Director of the Office of Proceedings. At the same time, a referencing error in paragraph (e) would be corrected.

II. Other Proposed Rule Changes

Rule 10.1—Scope and Applicability of Rules of Practice

Rule 10.1 identifies administrative proceedings that are subject to the Rules and those that are not. The Commission proposes to amend the list of proceedings governed by the Rules to reference specifically proceedings for the issuance of restitution orders pursuant Section 6(c) of the Act, 7 U.S.C. 9 (1994), as amended by the FTPA in 1992.

Rule 10.12—Service and Filing of Documents; Form and Execution

As currently written, Rule 10.12 authorizes the service of all pleadings subsequent to the complaint by personal service or by first-class mail. The Commission proposes to revise paragraph (a)(2) of Rule 10.12 to also allow service by a commercial package delivery service similar to the postal service and, provided that certain conditions are met, by facsimile machine. By referring to such commercial services, the Commission intends to include intercity package delivery services such as Federal Express and United Parcel Service. It does not intend to have this part of the service rule apply to intracity bicycle messengers and similar services, which would fall within the personal service part of the rule. As is now the case for service by mail, when documents are served by a commercial package delivery service similar to the postal service, an additional three days will be added to the time within which the party being served may respond to the pleading. Parties who wish to serve each other by facsimile machine must agree to do so in writing. The written agreement shall be filed with the Proceedings Clerk and must, at a minimum, (1) be signed by each party; and (2) specify the facsimile machine telephone numbers to be used, the hours during which the facsimile machine is in operation, and when service will be deemed complete (e.g., when the sender has completed transmission and his or her facsimile machine has produced a confirmation report indicating successful transmission).

Rule 10.21—Commencement of the Proceeding

The Commission proposes to amend existing Rule 10.21 to state that an adjudicatory proceeding is commenced when a complaint is filed with the Commission's Office of Proceedings. As currently written, the rule deems the proceeding commenced "when the Commission authorizes service of a

complaint and notice of hearing upon one or more respondents."

Rule 10.22—Complaint and Notice of Hearing

Existing Rule 10.22 addresses the content and service of the complaint and notice of hearing in an administrative proceeding before the Commission. With respect to service, the Commission proposes to add language to paragraph (b) of Rule 10.22 addressing those instances where a respondent is not found at his or her last known business or residence address and no forwarding address is available. Under those circumstances, additional service may be effected, at the discretion of the Commission, by publishing the complaint in one or more newspapers with general circulation where the respondent's last known business or residence address was located and, if ascertainable, where the respondent is believed to reside or do business currently. The complaint would be displayed simultaneously on the Commission's Internet web site. By adding these additional methods of service, the Commission does not intend to suggest that service at the respondent's last known address is not sufficient. Rather, the Commission is building into the rule the flexibility to provide additional methods of service where it deems they are warranted under particular circumstances.

Rule 10.24—Amendments and Supplemental Pleadings

Under existing Rule 10.24, any party to a proceeding may amend his or her pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted, within 20 days after it is served. Otherwise, a party may amend his or her pleading only by leave of the ALJ, which "shall be freely given when justice so requires." *See* 17 CFR 10.24(a). The rule also provides that, upon motion by a party, the ALJ may permit that party to serve a supplemental pleading "setting forth [relevant] transactions or occurrences or events which have happened since the date of the pleadings sought to be supplemented." *See* 17 CFR 10.24(b).

By definition, the complaint issued by the Commission in an enforcement proceeding is a "pleading" for Part 10 purposes. *See* 17 CFR 10.2(m). Because existing Rule 10.24 only permits a "party" to amend or supplement a pleading, however, the rule as currently worded creates some ambiguity as to whether the Commission has retained the authority to amend or supplement a complaint once the proceeding has commenced. To allay any confusion on this issue, the Commission is proposing to revise and restructure Rule 10.24.

As revised, Rule 10.24 would grant the Commission exclusive and unlimited authority to amend a complaint. The only exception to this rule would be a proviso permitting the Division of Enforcement, upon motion to the ALJ and the other parties and with notice to the Commission, to correct typographical and clerical errors or to make similar technical, non-substantive revisions to the complaint. Otherwise, amendments to complaints could only be made by the Commission itself. The Rule also would make explicit the ALJ's authority, if the Commission exercises its authority to amend the complaint, to adjust the hearing and/or pre-hearing schedule so as to avoid any prejudice to any of the parties that might otherwise be caused by the filing of an amended complaint.

Consistent with this proposed change, paragraph (b) of existing Rule 10.24, which deals with supplemental pleadings, would be deleted. In its place, the Commission proposes to insert a new paragraph (b), addressing (1) amendments to answers to complaints; and (2) any replies to such answers that may be permitted. The wording of this proposed paragraph generally tracks the current language of Rule 10.24(a). As a consequence of this revision, references to supplemental pleadings now found in paragraph (c) of Rule 10.24 also would be deleted.

Rule 10.26—Motions and Other Papers

Existing Rule 10.26 governs motion practice before the Commission. As now written, paragraph (b) of the rule permits any party who is served with a motion to file a response within 10 days of service or within such other period as may be established by the ALJ or the Commission. The Commission proposes to delete the last sentence now found in paragraph (b), which requires that any party who does not file a response to a motion shall be deemed to have consented to the relief sought by the motion. The Commission believes that the failure to file a response should be considered by the ALJ in ruling on the motion, but should not automatically be treated as an affirmative consent to the relief being sought. Thus, the deleted sentence would be replaced with language allowing the ALJ or the Commission to consider a party's decision not to file a response when deciding whether or not to grant the relief requested in the motion.

Rule 10.41—Prehearing Conferences; Procedural Matters

As currently written, Rule 10.41 authorizes the ALJ presiding over an administrative proceeding to hold prehearing conferences for a number of specific purposes set forth in the rule. Consistent with the proposed changes involving the discovery provisions of the Rules, the Commission is proposing to revise Rule 10.41 to allow its ALJs to hold prehearing conferences to consider objections to the introduction of documentary evidence and the testimony of witnesses identified in prehearing materials submitted by the parties. This proposed revision accords with Rule 16(c) of the Federal Rules of Civil Procedure, which was intended, among other purposes, to encourage better planning and management of litigation.

Rule 10.66—Conduct of Hearing

As currently written, Rule 10.66, which governs the conduct of hearings, does not explicitly allow the Division, as plaintiff, to put on a rebuttal case, although it often is permitted to do so. The Commission is proposing to amend the rule to recognize this established practice, by adding language to paragraph (b) of Rule 10.66 expressly permitting the presentation of rebuttal evidence.

In addition, the Commission is proposing adding language to paragraph (b) of Rule 10.66 to note explicitly the Commission's and the ALJ's existing authority to enforce the requirement that evidence presented in the proceeding be relevant and to limit cross-examination to the subject matter of direct examination and matters affecting credibility. *See* Fed. R. Evid. 611(b). Of course, the ALJ may also exercise his or her discretion to permit inquiry during cross-examination into additional matters as if on direct examination if the circumstances so warrant, such as to avoid having to have a witness return to provide direct testimony during the cross-examining party's case-in-chief or rebuttal. *See id.*

Rule 10.84—Initial Decision

The Commission is proposing two amendments to existing Rule 10.84, which deals with initial decisions. First, the rule would no longer require that the ALJ render his or her initial decision within 30 days after the parties file their posthearing submissions. The 30-day time limit is unrealistic in many cases and does not accord with the practice of other federal regulatory agencies.

Second, a new provision would be added to paragraph (b), requiring that,

in any proceeding in which an order requiring restitution may be entered, the ALJ shall determine, as part of his initial decision, whether restitution is appropriate. In the event that it is, the initial decision would include an order of restitution specifying: (1) the violations that form the basis for restitution; (2) the particular persons, or class of persons, who suffered damages proximately caused by such violations; and

(3) the method of calculating and, if then determinable, the amount of damages to be paid as restitution.

In deciding whether or not restitution is an appropriate remedy, the ALJ would be given broad latitude. Under revised Rule 10.84(b), the ALJ would be able to consider: (1) the degree of complexity likely to be involved in establishing individual claims; (2) the likelihood that such claimants can obtain compensation through their own efforts; (3) the ability of the respondent to pay claimants damages that his violations have caused; (4) the availability of resources to administer restitution; and (5) any other matters that justice may require.

In most cases, the ALJ's Initial Decision would not address how or when restitution would be paid. Instead, the Commission proposes adding to the Rules a new and separate Subpart I, which would govern the implementation of required restitution. Under this proposal, after an order requiring restitution becomes effective (*i.e.*, becomes final and is not stayed), the Commission would direct the Division of Enforcement to recommend to the Commission or, at the Commission's discretion, the ALJ a procedure for implementing restitution. Each respondent who will be required to pay restitution will be afforded notice of the Division's recommendations and an opportunity to be heard.

Based on the Division's recommendations, the Commission or, at the Commission's discretion, the ALJ would establish a procedure for: (1) identifying and notifying individual claimants who may be entitled to restitution; (2) receiving and evaluating claims; (3) obtaining funds to be paid as restitution from the respondent; and (4) distributing such funds to qualified claimants. If appropriate, the Commission or the ALJ would be permitted to appoint any person, including a Commission employee, to administer, or assist in administering, restitution. Unless otherwise ordered by the Commission, all fees and other costs incurred in administering an order of restitution will be paid from the restitution funds obtained from the respondent. If the administrator is a Commission employee, however, no fee shall be charged for his or her services or for services performed by other Commission employees working under his or her direction.

Finally, any order issued by an ALJ directing or authorizing payment of restitution to individual claimants would be deemed to be a final order for appeal purposes and thus be subject to review by the Commission pursuant to § 10.102(a).

The Commission expects that this bifurcated procedure would be followed in most proceedings. However, the proposed amendments would allow the bifurcated proceedings to be combined into one proceeding under limited circumstances, upon motion of the Division of Enforcement or where the resolution of the issues regarding implementation of the restitution would not materially delay the resolution by the ALJ of the rest of the proceeding. The Commission anticipates that this alternative procedure would be used only where the issues relating to the implementation of restitution were sufficiently simple—for instance, where there are only a handful of potential recipients of restitution and the calculation of each individual's claim is not complex—that combining the proceedings would not add much time either to the hearing of the matter or to the rendering of the Initial Decision.

Rule 10.101—Interlocutory Appeals

Rule 10.101 addresses the circumstances under which interlocutory appeals may be taken from rulings of the Administrative Law Judges and the procedures to be followed in doing so. Paragraph (a) sets forth the circumstances under which the Commission may permit interlocutory appeals. Subparagraphs (1)–(4) of that paragraph identify particular circumstances which, if present, would allow a party to ask the Commission directly to consider interlocutory review. Subparagraph (5) provides for interlocutory appeal based upon certification by the Administrative Law Judge that certain circumstances are presented by the issue on which review is to be sought.

Subparagraph (b) sets the time deadlines for the filing of an Application for review with the Commission. It provides that an application is to be filed within five days of notice of the Administrative Law Judge's ruling on which review is to be sought under subparagraphs (a)(1)–(4), or within five days of the Judge's ruling on a certification request made under subparagraph (a)(5).

As currently worded, paragraph (b) creates an ambiguity as to the applicable deadlines if a party believes that it may have a basis to seek interlocutory review under subparagraphs (a)(1)–(4), but is also seeking certification from the Administrative Law Judge under subparagraph (a)(5). The Commission proposes to revise subparagraph (b) to eliminate that ambiguity. Under the revised rule, if a party seeks certification under subparagraph (a)(5) within five days of the Administrative Law Judge's ruling on which review will be sought, that party would have five days after the Judge's ruling on the request for certification to file an application for review under any of the subparagraphs of paragraph (a).

Rule 10.102—Review of Initial Decisions

Existing Rule 10.102 gives any party to an administrative proceeding the right to appeal an ALJ's initial decision to the Commission. The appeal is initiated by filing a notice of appeal within 15 days after service of the initial decision. The appeal then must be perfected through the filing of an appeal brief within 30 days after the notice of appeal is filed. Within 30 days after being served with an appeal brief, the opposite party may file an answering brief. No further briefs are permitted.

The Commission proposes to amend Rule 10.102 in two respects. First, a new provision allowing for cross appeals would be added to paragraph (a) of Rule 10.102. Pursuant to this provision, if a timely notice of appeal is filed by one party, any other party would be permitted to file a notice of appeal within 15 days after service of the first notice or within 15 days after service of the initial decision or other order terminating the proceeding, whichever is later. In the event that a notice of cross appeal were to be filed, the Commission, to the extent practicable, would adjust the briefing schedule and any page limitations otherwise applicable to allow for consolidated briefing by all parties.

Second, paragraph (b) of existing Rule 10.102 would be revised to permit reply briefs, which would have to be filed within 14 days after service of an answering brief. Under the Commission's proposal, reply briefs would be strictly confined to matters raised in the answering brief and be limited to 15 pages in length.

Rule 10.106—Reconsideration

Rule 10.106 deals with petitions for reconsideration of Commission opinions and orders. Although the rule specifically provides that the filing of a petition for reconsideration shall not

operate to stay the effectiveness of the Commission's opinion or order, it does not otherwise address stay applications. In the past, when considering requests to stay the effective date of its opinions and orders pending judicial review, the Commission has generally relied on standards developed by federal courts. Under those standards, a respondent seeking to stay governmental action pending appeal must establish, along with irreparable injury, that he or she is likely to succeed on the merits of his or her appeal and that neither the public interest nor the interest of any other party would be adversely affected if a stay is granted.

The Commission proposes to add a new paragraph to Rule 10.106 codifying the standards it has relied upon in considering stay applications, as described above. In addition, the Commission proposes to require any respondent seeking to stay the imposition of a civil monetary penalty to post a surety bond with the Commission in the amount of any penalty imposed plus interest. If neither the public interest nor the interest of any other party would be adversely affected, imposition of the civil monetary penalty would be stayed once the bond is posted. The bond requirement would assure that, should the Commission prevail on appeal, the civil monetary penalty would be paid. In this way, the proposed rule would reduce the harm to the public interest which otherwise could result from the granting of a stay.

Additionally, the Commission proposes to add a new paragraph (c) to existing Rule 10.106, dealing with responses to petitions for reconsideration or stay applications. Under the proposed provision, no response would be filed unless requested by the Commission. Based on the Commission's experience, petitions for reconsideration and stay applications normally do not necessitate a response in order for the Commission to rule.

Appendix A—Commission Policy Relating to the Acceptance of Settlements in Administrative and Civil Proceedings

The Commission proposes to add to the Rules an appendix setting forth the policy of the Commission not to accept any offer of settlement submitted by any respondent or defendant in an administrative or civil proceeding if the settling respondent or defendant wishes to continue to deny the allegations of the complaint. In accepting a settlement and entering an order finding violations of the Act and/or regulations promulgated under the Act, the Commission makes uncontested findings of fact and conclusions of law. The Commission does not believe it would be appropriate for it to be making such uncontested findings of violations if the party against whom the findings and conclusions are to be entered is continuing to deny the alleged misconduct.

The refusal of a settling respondent or defendant to admit the allegations in a Commission-instituted complaint shall be treated as a denial, unless the party states that he neither admits nor denies the allegations. In that event, the offer of settlement, consent or consent order submitted to the Commission shall include a provision stating that, by neither admitting nor denying the allegations, the settling respondent or defendant agrees that neither he nor any of his agents or employees under his authority or control shall take any action or make any public statement denying, directly or indirectly, any allegation in the complaint or creating, or tending to create, the impression that the complaint is without a factual basis; provided, however, that nothing in such provision shall affect the settling respondent's or defendant's testimonial obligation, or right to take legal positions, in other proceedings to which the Commission is not a party.

This policy reflects the current practice of the Commission.

III. Related Matters

The proposed rules relate solely to agency organization, procedure and practice. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, generally requiring notice of proposed rulemaking and opportunity for public comment, are not applicable to them. However, because these proposed amendments represent significant changes in the Commission's current rules of practice, the Commission is inviting public comment on the rules as proposed and suggestions for any other changes that would improve the procedures used in adjudicatory administrative proceedings instituted by the Commission.

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601–611 (1994), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. Section 3(a) of the RFA defines the term "rule" to mean "any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title * * * for which the agency provides an opportunity for notice and public comment." 5 U.S.C. 601(2). Since the proposed rules are not being effected pursuant to section 553(b), they are not "rules" as defined in the RFA, and the analysis and certification process certified in that statute do not apply. In any event, the Chairperson certifies, on behalf of the Commission, that the proposed rules, which seek to improve the overall efficiency and fairness of the administrative process, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 10

Administrative practice and procedure, Commodity futures.

In consideration of the foregoing, the Commission proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 10—RULES OF PRACTICE

1. The authority citation for part 10 continues to read as follows:

Authority: Pub. L. 93–463, sec. 101(a)(11), 88 Stat. 1391; 7 U.S.C. 4a(j), unless otherwise noted.

2. Section 10.1 is amended by deleting the third "and" from paragraph (d), redesignating paragraphs (e), (f), (g) and (h) as paragraphs (f), (g), (h) and (i), respectively, and adding a new paragraph (e), to read as follows.

10.1 Scope and applicability of rules of practice.

* * * * *

(e) The issuance of restitution orders pursuant to section 6(c) of the Act, 7 U.S.C. 9; and

* * * * *

3. Section 10.12 is amended by revising paragraph (a)(2) to read as follows:

§ 10.12 Service and filing of documents; form and execution.

(a) *Service by a party or other participant in a proceeding.* * * *

(2) *How service is made.* Service shall be made by:

(i) Personal service;

(ii) Delivering the documents by first-class United States mail or a similar commercial package delivery service; or

(iii) Transmitting the documents via facsimile machine.

Service shall be complete at the time of personal service or upon deposit in the mails or with a similar commercial package delivery service of a properly addressed document for which all postage or fees have been paid to the mail or delivery service. Where a party effects service by mail or similar package delivery service, the time within which the party being served may respond shall be extended by three days. Service by facsimile machine shall

be permitted only if all parties to the proceeding have agreed to such an arrangement in writing and a copy of the written agreement, signed by each party, has been filed with the Proceedings Clerk. The agreement must specify the facsimile machine telephone numbers to be used, the hours during which the facsimile machine is in operation, and when service will be deemed complete.

* * * * *

4. Section 10.21 is revised to read as follows:

§ 10.21 Commencement of the proceeding.

An adjudicatory proceeding is commenced when a complaint and notice of hearing is filed with the Office of Proceedings.

5. Section 10.22 is amended by adding a new sentence at the end of paragraph (b) and adding new paragraphs (b)(1) and (b)(2) to read as follows:

§ 10.22 Complaint and notice of hearing.

* * * * *

(b) *Service.* * * * If a respondent is not found at his last known business or residence address and no forwarding address is available, additional service may be made, at the discretion of the Commission, as follows:

(1) By publishing a notice of the filing of the proceeding and a summary of the complaint, approved by the Commission or the Administrative Law Judge, once a week for three consecutive weeks in one or more newspapers having a general circulation where the respondent's last known business or residence address was located and, if ascertainable, where the respondent is believed to reside or be doing business currently; and

(2) By continuously displaying the complaint on the Commission's Internet web site during the period referred to in paragraph (b)(1) of this section.

6. Section 10.24 is amended by revising paragraphs (a), (b) and (c) to read as follows.

§ 10.24 Amendments and supplemental pleadings.

(a) *Complaint and notice of hearing.* The Commission may, at any time, amend the complaint and notice of hearing in any proceeding. If the Commission so amends the complaint and notice of hearing, the Administrative Law Judge may, at his discretion, adjust the scheduling of the proceeding so as to avoid any prejudice to any of the parties to the proceeding. Upon motion to the Administrative Law Judge and with notice to all other parties and the Commission, the Division of Enforcement may amend a complaint to correct typographical and clerical errors or to make other technical, non-substantive revisions within the scope of the original complaint.

(b) *Other pleadings.* Except for the complaint and notice of hearing, a party may amend any pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted, he may amend it within 20 days after it is served. Otherwise a party may amend a pleading only by leave of the Administrative Law Judge, which shall be freely given when justice so requires.

(c) *Response to amended pleadings.* Any party may file a response to any amendment to any pleading, including the complaint, within ten days after the date of service upon him of the amendment or within the time provided to respond to the original pleading, whichever is later.

* * * * *

7. Section 10.26 is amended by revising the last sentence in paragraph (b) to read as follows:

§ 10.26 Motions and other papers.

* * * * *

(b) *Answers to motions.* * * * The absence of a response to a motion may be considered by the Administrative Law Judge or the Commission in deciding whether to grant the requested relief.

* * * * *

8. Section 10.41 is amended by redesignating paragraphs (f) and (g) as paragraphs (g) and (h), respectively, and by adding a new paragraph (f) to read as follows.

§ 10.41 Prehearing conferences; procedural matters.

* * * * *

(f) Considering objections to the introduction of documentary evidence and the testimony of witnesses identified in prehearing materials filed or otherwise furnished by the parties pursuant to § 10.42;

* * * * *

9. Section 10.42 is amended by revising paragraph (a); by redesignating paragraphs (b) and (c) as paragraphs (c) and (e); by revising newly redesignated paragraphs (c) and (e)(1); and by adding a new paragraph (b), a new paragraph (d) and a new paragraph (f), to read as follows.

§ 10.42 Discovery.

(a) *Pretrial Materials.*—(1) *In general.* Unless otherwise ordered by an Administrative Law Judge, the parties to a proceeding shall furnish to all other parties to the proceeding on or before a date set by the Administrative Law Judge in the form of a prehearing memorandum or otherwise:

(i) An outline of its case or defense;

(ii) The legal theories upon which it will rely;

(iii) The identity, and the city and state of residence, of each witness, other than an expert witness, who is expected to testify on its behalf, along with a brief summary of the matters to be covered by the witness's expected testimony;

(iv) A list of documents which it intends to introduce at the hearing, along with copies of any such documents which the other parties do not already have in their possession and to which they do not have reasonably ready access.

(2) *Expert witnesses.* Unless otherwise ordered by the Administrative Law Judge, in addition to the information described in paragraph (a)(1) of this section, any party who intends to call an expert witness shall furnish to all other parties to the proceeding on or before a date set by the Administrative Law Judge:

(i) A statement identifying the witness and setting forth his qualifications;

(ii) A list of any publications authored by the witness within the preceding ten years;

(iii) A list of all cases in which the witness has testified as an expert, at trial or in deposition, within the preceding four years;

(iv) A complete statement of all opinions to be expressed by the witness and the basis or reasons for those opinions; and

(v) A list of any documents, data or other written information which were considered by the witness in forming his opinions, along with copies of any such documents, data or information which the other parties do not already have in their possession and to which they do not have reasonably ready access.

(3) The foregoing procedures shall not be deemed applicable to rebuttal evidence submitted by any party at the hearing.

(4) In any action in which a party fails to comply with the requirements of this paragraph (a), the Administrative Law Judge may make such orders in regard to the failure as are just, taking into account all of the relevant facts and circumstances of the failure to comply.

(b) *Investigatory materials.* (1) *In general.* Unless otherwise ordered by the Commission or the Administrative Law Judge, the Division of Enforcement shall make available for inspection and copying by the respondents prior to the

scheduled hearing date any of the following documents that were obtained by the Division prior to the institution of proceedings in connection with the investigation that led to the complaint and notice of hearing:

(i) All documents that were produced pursuant to subpoenas issued by the Division or were otherwise obtained from persons not employed by the Commission; and

(ii) All transcripts of investigative testimony and all exhibits to those transcripts.

(2) *Documents that may be withheld.* The Division of Enforcement may withhold any document which would:

(i) Reveal the identity of a confidential source;

(ii) Disclose confidential investigatory techniques or procedures; or

(iii) Separately disclose the market positions, business transactions, trade secrets or names of customers of any persons other than the respondents, unless such information is relevant to the resolution of the proceeding.

(3) Nothing in paragraphs (b)(1) and (b)(2) of this section shall limit the ability of the Division of Enforcement to withhold documents or other information on the grounds of privilege or work product.

(4) *Index of withheld documents.* The Administrative Law Judge may, at the request of any respondent or upon his own motion, require the Division of Enforcement to submit for review an index of documents withheld pursuant to paragraphs (b)(2) or (b)(3) of this section.

(5) *Arrangements for inspection and copying.* Documents subject to inspection and copying pursuant to this section shall be made available to the respondents at the Commission office where they are ordinarily maintained or any other location agreed upon by the parties in writing. Upon payment of the appropriate fees set forth in appendix B to part 145 of this chapter, any respondent may obtain a photocopy of any document made available for inspection. Without the prior written consent of the Division of Enforcement, no respondent shall have the right to take custody of any documents that are made available for inspection and copying, or to remove them from Commission premises.

(6) *Failure to make documents available.* In the event that the Division of Enforcement fails to make available documents subject to inspection and copying pursuant to this section, no rehearing or reconsideration of a matter already heard or decided shall be required, unless the respondent demonstrates prejudice caused by the failure to make the documents available.

(7) *Requests for confidential treatment; protective orders.* If a person has requested confidential treatment of information submitted by him or her, either pursuant to rules adopted by the Commission under the Freedom of Information Act (part 145 of this chapter) or under the Commission's Rules Relating To Investigations (part 11 of this chapter), the Division of Enforcement shall notify him or her, if possible, that the information is to be disclosed to parties to the proceeding and he or she may apply to the Administrative Law Judge for an order protecting the information from disclosure. In considering whether to issue a protective order, the Administrative Law Judge shall weigh the burden on the person requesting the order if no order is granted against the burden on the public interest and any party to the proceeding if the order is granted. No protective order shall be granted which will prevent the introduction of material evidence by the Division of Enforcement or impair a respondent's ability to defend adequately.

(c) *Witness statements.* (1) *In general.* Each party to an adjudicatory proceeding shall make available to the other parties any statement of any person whom the party calls, or expects to call, as a witness that relates to the witness's anticipated testimony and is in the party's possession. Such statements shall include the following:

(i) Transcripts of investigative deposition, trial or similar testimony given by the witness,

(ii) Written statements signed by the witness, and

(iii) Substantially verbatim notes of interviews with the witness, and all exhibits to such transcripts, statements and notes. For purposes of this paragraph (c), "substantially verbatim notes" means notes that fairly record the witnesses exact words, subject to minor, inconsequential deviations. Such statements shall include memoranda and other writings authored by the witness that contain information directly relating to his anticipated testimony. The production of witness statements pursuant to this paragraph shall take place prior to the scheduled hearing date, at a time to be designated by the Administrative Law Judge.

(2) Nothing in paragraph (c)(1) of this section shall limit the ability of a party to withhold documents or other information on the grounds of privilege or work product.

(3) *Index of withheld documents.* The Administrative Law Judge may, at the request of any party or upon his own motion, require a party to submit for review an index of documents withheld pursuant to paragraph (c)(2) of this section.

(4) *Failure to produce witness statements.* In the event that a party fails to make available witness statements subject to production pursuant to this section, no rehearing or reconsideration of a matter already heard or decided shall be required, unless another party demonstrates prejudice caused by the failure to make the witness statements available.

(d) *Modification of Production Requirements.* The Administrative Law Judge shall modify any of the requirements of paragraphs (a) through (c) of this section that any party can show is unduly burdensome or is otherwise inappropriate under all the circumstances.

(e) *Admissions.* (1) *Request for admissions.* Any party may serve upon any other party, with a copy to the Proceedings Clerk, a written request for admission of the truth of any facts relevant to the pending proceeding set forth in the request. Each matter of which an admission is requested shall be separately set forth. Unless prior written approval is obtained from the Administrative Law Judge, the number of requests shall not exceed 50 in number including all discrete parts and subparts.

* * * * *

(f) *Objections to authenticity or admissibility of documents.* (1) *Identification of documents.* Upon order of the Administrative Law Judge, any party may serve upon the other parties, with a copy to the Proceedings Clerk, a list identifying the documents that it intends to introduce at the hearing and requesting the other parties to file and serve a response disclosing any objection, together with the factual or legal grounds therefor, to the authenticity or admissibility of each document identified on the list. A copy of each document identified on the list shall be served with the request, unless the party being served already has the document in his possession or has reasonably ready access to it.

(2) *Objections to authenticity or admissibility.* Within 20 days after service of the list described in paragraph (f)(1) of this section, each party upon whom it was served shall file a response disclosing any objection, together with the factual or legal grounds therefor, to the authenticity or admissibility of each document identified on the list. All objections not raised may be deemed waived.

(3) *Rulings on objections.* In his or her discretion, the Administrative Law Judge may treat as a motion in limine any list served by a party pursuant to paragraph (f)(1) of this section, where any other party has filed a response objecting to the authenticity or the admissibility on any item listed. In that event, after affording the parties an opportunity to file briefs containing arguments on the motion, the ALJ may rule on any objection to the authenticity or admissibility of any document identified on the list in advance of trial, to the extent appropriate.

10. Section 10.66 is amended by revising paragraph (b) to read as follows:

§ 10.66 Conduct of the hearing.

* * * * *

(b) *Rights of parties.* Every party shall be entitled to due notice of hearings, the right to be represented by counsel, and the right to cross-examine witnesses, present oral and documentary evidence, submit rebuttal evidence, raise objections, make arguments and move for appropriate relief. Nothing in this paragraph limits the authority of the Commission or the Administrative Law Judge to exercise authority under other provisions of the Commission's rules, to enforce the requirement that evidence presented be relevant to the proceeding, or to limit cross-examination to the subject matter of the direct examination and matters affecting the credibility of the witness.

* * * * *

11. Section 10.68 is amended by revising paragraphs(a)(1), (a)(2) and (b)(3); by revising the second sentence in paragraph (e)(1); and by adding a new sentence to the end of paragraph (f), to read as follows.

§ 10.68 Subpoenas.

(a) *Application for and issuance of subpoenas.*—(1) *Application for and issuance of subpoena ad testificandum.* Any party may apply to the Administrative Law Judge for the issuance of a subpoena requiring a person to appear and testify (subpoena ad testificandum) at the hearing. All requests for the issuance of a subpoena ad testificandum shall be submitted in duplicate and in writing and shall be served upon all other parties to the proceeding, unless the request is made on the record at the hearing or the requesting party can demonstrate why, in the interest of fairness or justice, the requirement of a written submission or service on one or more of the other parties is not appropriate. A subpoena ad testificandum shall be issued upon a showing by the requesting party of the general relevance of the testimony being sought and the tender of an original and two copies of the subpoena being requested, except in those situations described in § 10.68(b), where additional requirements are set forth.

(2) *Application for subpoena duces tecum.* An application for a subpoena requiring a person to produce specified documentary or tangible evidence (subpoena duces tecum) at any designated time or place may be made by any party to the Administrative Law Judge. All requests for the issuance of a subpoena ad testificandum shall be submitted in duplicate and in writing and shall be served upon all other parties to the proceeding, unless the request is made on the record at the hearing or the requesting party can demonstrate why, in the interest of fairness or justice, the requirement of a written submission or service on one or more of the other parties is not appropriate. Except in those situations described in § 10.68(b), where additional requirements are set forth, each application for the issuance of a subpoena duces tecum shall contain a statement or showing of general relevance and reasonable scope of the evidence being sought and be accompanied by an original and two copies of the subpoena being requested, which shall describe the documentary or tangible evidence to be subpoenaed with as much particularity as is feasible.

* * * * *

(b) *Special requirements relating to application for and issuance of subpoenas for Commission records and for the appearance of Commission employees or employees of other agencies.* * * *

(3) *Rulings.* The motion shall be decided by the Administrative Law Judge and shall provide such terms or conditions for the production of the material, the disclosure of the information, or the appearance of the witness as may appear necessary and appropriate for the protection of the public interest.

* * * * *

(e) *Service of subpoenas.* (1) *How effected.* * * * Service of a subpoena upon any other person shall be made by delivering a copy of the subpoena to him as provided in paragraph (e)(2) or (e)(3) of this section, as applicable, and by tendering to him the fees for one day's attendance. * * *

(f) *Enforcement of subpoenas.* * * * When instituting an action to enforce a subpoena requested by the Division of Enforcement, the Commission in its discretion may delegate to the Director of the Division or any Commission employee designated by the Director and acting under his or her direction, or to any other employee of the Commission, authority to serve as the Commission's counsel in such subpoena enforcement action.

12. Section 10.84 is amended by revising paragraph (b) to read as follows:

§ 10.84 Initial decision.

* * * * *

(b) *Filing of initial decision.* (1) *In general.* After the parties have been afforded an opportunity to file their proposed findings of fact, proposed conclusions of law and supporting briefs pursuant to § 10.82, the Administrative Law Judge shall prepare upon the basis of the record in the proceeding and shall file with the Proceedings Clerk his decision, a copy of which shall be served by the Proceedings Clerk upon each of the parties.

(2) *Restitution.* In any proceeding in which an order requiring restitution may be entered, the Administrative Law Judge shall, as part of his initial decision, determine whether restitution is appropriate. If it is, the ALJ shall issue an order specifying: all violations that form the basis for restitution; the particular persons, or class of persons, who suffered damages proximately caused by each such violation; and the method of calculating and, if then determinable, the amount of damages to be paid as restitution.

(3) In deciding whether restitution is appropriate, the Administrative Law Judge, in his discretion, may consider: the degree of complexity likely to be involved in establishing claims; the likelihood that claimants can obtain compensation through their own efforts; the ability of the respondent to pay claimants damages that his violations have caused; the availability of resources to administer restitution; and any other matters that justice may require.

* * * * *

13. Section 10.101 is amended by revising paragraph (b)(1) to read as follows.

§ 10.101 Interlocutory appeals

* * * * *

(b) *Procedure to obtain interlocutory review.* (1) *In general.* An Application for interlocutory review may be filed within five days after notice of the Administrative Law Judge's ruling on a matter described in paragraph (a)(1), (a)(2), (a)(3) or (a)(4) of this section, except if a request for certification under paragraph (a)(5) of this section has been filed with the Administrative Law Judge within five days after notice of the Administrative Law Judge's ruling

on the matter. If such a request has been filed, an Application for interlocutory review under paragraphs (a)(1) through (a)(5) of this section may be filed within five days after notification of the Administrative Law Judge's ruling on the request for certification.

* * * * *

14. Section 10.102 is amended by revising paragraphs (a), (d)(2) and the first sentence of paragraph (e)(2); by redesignating paragraph (b)(3) as paragraph (b)(4) and revising it; by adding a new sentence between the third and fourth full sentences of paragraph (e)(1); and by adding a new paragraph (b)(3) and a new paragraph (b)(5), to read as follows.

§ 10.102 Review of initial decision.

(a) *Notice of appeal.* (1) *In general.* Any party to a proceeding may appeal to the Commission an initial decision or a dismissal or other final disposition of the proceeding by the Administrative Law Judge as to any party. The appeal shall be initiated by serving and filing with the Proceedings Clerk a notice of appeal within 15 days after service of the initial decision or other order terminating the proceeding; where service of the initial decision or other order terminating the proceeding is effected by mail or commercial carrier, the time within which the party served may file a notice of appeal shall be increased by three days.

(2) *Cross appeals.* If a timely notice of appeal is filed by one party, any other party may file a notice of appeal within 15 days after service of the first notice or within 15 days after service of the initial decision or other order terminating the proceeding, whichever is later.

(3) *Confirmation of filing.* The Proceedings Clerk shall confirm the filing of a notice of appeal by mailing a copy thereof to each other party.

(b) *Briefs: time for filing.* * * *

(3) *Reply brief.* Within 14 days after service of an answering brief, the party that filed the first brief may file a reply brief.

(4) No further briefs shall be permitted, unless so ordered by the Commission on its own motion.

(5) *Cross appeals.* In the event that any party files a notice of cross appeal pursuant to paragraph (a)(2) of this section, the Commission shall, to the extent practicable, adjust the briefing schedule and any page limitations otherwise applicable under this section, so as to accommodate consolidated briefing by the parties.

* * * * *

(d) *Briefs: content and form.* * * *

(2) The answering brief generally shall follow the same style as prescribed for the appeal brief but may omit a statement of the issues or of the case if the party does not dispute the issues and statement of the case contained in the appeal brief. Any reply brief shall be confined to matters raised in the answering brief and shall be limited to 15 pages in length.

* * * * *

(e) *Appendix to briefs.* (1) *Designation of contents of appendix.* * * * Any reply brief filed by the appellant may, if necessary, supplement the appellant's previous designation. * * *

(2) *Preparation of the appendix.* Within 15 days after the last answering brief or reply brief of a party was due to be filed, the Office of Proceedings shall prepare an appendix to the briefs which will contain a list of the relevant docket entries filed in the proceedings before the Administrative Law Judge, the initial decision and order of the Administrative Law Judge, the pleadings filed on behalf of the parties who are participating in the appeal and such other parts of the record designated by the parties to the appeal in accordance with the procedures set forth in paragraph (e)(1) of this section.

* * *

* * * * *

15. Section 10.106 is amended by revising the section heading; by designating the existing text as paragraph (a) and adding a paragraph heading to it; and by adding a new paragraph (b) and a new paragraph (c) to read as follows.

§ 10.106 Reconsideration; stay pending judicial review.

(a) *Reconsideration.* * * *

(b) *Stay pending judicial appeal.* (1) *Application for stay.* Within 15 days after service of a Commission opinion and order imposing upon any party any of the sanctions listed in §§ 10.1(a) through 10.1(e), that party may file an application with the Commission requesting that the effective date of the order be stayed pending judicial review. The application shall state the reasons why a stay is warranted and the facts relied upon in support of the stay. Any averments contained in the application must be supported by affidavits or other sworn statements or verified statements made under penalty of perjury in accordance with the provisions of 28 U.S.C. 1746.

(2) *Standards for issuance of stay.* The Commission may grant an application for a stay pending judicial appeal upon a showing that:

(i) The applicant is likely to succeed on the merits of his appeal;

(ii) Denial of the stay would cause irreparable harm to the applicant; and

(iii) Neither the public interest nor the interest of any other party will be adversely affected if the stay is granted.

(3) If neither the public interest nor the interest of any other party will be adversely affected, the Commission shall grant any application to stay the imposition of a civil monetary penalty if the applicant has filed with the Proceedings Clerk a surety bond guaranteeing payment of the penalty plus interest, in the event that the Commission's opinion and order is sustained or the applicant's appeal is not perfected or is dismissed for any reason. This bond shall be in the form of an undertaking by a surety company on the approved list of sureties issued by the Treasury Department of the United States, and the amount of interest shall be calculated in accordance with 28 U.S.C. 1961(a) and (b), beginning on the date 30 days after the Commission's opinion and order was served on the applicant.

(c) *Response.* Unless otherwise requested by the Commission, no response to a petition for reconsideration pursuant to § 10.106(a) or an application for a stay pursuant to § 10.106(b) shall be filed. The Commission shall set the time for filing any response at the time it asks for a response. The Commission shall not grant any such petition or application without providing other parties to the proceeding with an opportunity to respond.

15. A new subpart I is added to part 10, to read as follows.

Subpart I—Administration of Restitution Orders

Sec.

§ 10.110 Recommendation of procedure for implementing restitution.

Except as provided in § 10.113, after such time as any order requiring restitution becomes effective (*i.e.*, becomes final and is not stayed), the Division of Enforcement shall petition the Commission for an order directing the Division of Enforcement to recommend to the Commission or, in its discretion, the Administrative Law Judge a procedure for implementing restitution. Each party that has been ordered to pay restitution shall be afforded an opportunity to review the

Division of Enforcement's recommendations and be heard.

§ 10.111 Administration of restitution.

Based on the recommendations submitted by the Division of Enforcement pursuant to § 10.110, the Commission or the Administrative Law Judge, as applicable, shall establish, in writing, a procedure for identifying and notifying individual persons who may be entitled to restitution, receiving and evaluating claims, obtaining funds to be paid as restitution from the party and distributing such funds to qualified claimants. As necessary or appropriate, the Commission or the Administrative Law Judge may appoint any person, including an employee of the Commission, to administer, or assist in administering, such restitution procedure. Unless otherwise ordered by the Commission, all costs incurred in administering an order of restitution shall be paid from the restitution funds obtained from the party who was so sanctioned; provided, however, that if the administrator is a Commission employee, no fee shall be charged for his or her services or for services performed by any other Commission employee working under his or her direction.

§ 10.112 Right to challenge distribution of funds to customers.

Any order of an Administrative Law Judge directing or authorizing the distribution of funds paid as restitution to individual customers shall be considered a final order for appeal purposes and be subject to Commission review under § 10.102.

§ 10.113 Acceleration of establishment of restitution procedure.

The procedures provided for by §§ 10.110 through 10.112 may be initiated prior to the issuance of an Initial Decision in a proceeding, and may be combined with the hearing in the proceeding, upon motion of the Division of Enforcement or if presentation, consideration and resolution of the issues relating to the restitution procedure will not materially delay the conclusion of the hearing or the issuance of an Initial Decision in the proceeding.

16. A new appendix A is added to part 10, to read as follows.

Appendix A—Commission Policy Relating to the Acceptance of Settlements in Administrative and Civil Proceedings

It is the policy of the Commission not to accept any offer of settlement submitted by any respondent or defendant in an administrative or civil proceeding, if the settling respondent or defendant wishes to continue to deny the allegations of the complaint. In accepting a settlement and entering an order finding violations of the Act and/or regulations promulgated under the Act, the Commission makes uncontested findings of fact and conclusions of law. The Commission does not believe it would be appropriate for it to be making such uncontested findings of violations if the party against whom the findings and conclusions are to be entered is continuing to deny the alleged misconduct.

The refusal of a settling respondent or defendant to admit the allegations in a Commission-instituted complaint shall be treated as a denial, unless the party states that he or she neither admits nor denies the allegations. In that event, the proposed offer of settlement, consent or consent order must include a provision stating that, by neither admitting nor denying the allegations, the settling respondent or defendant agrees that neither he or she nor any of his or her agents or employees under his authority or control shall take any action or make any public statement denying, directly or indirectly, any allegation in the complaint or creating, or tending to create, the impression that the complaint is without a factual basis; provided, however, that nothing in this provision shall affect the settling respondent's or defendant's testimonial obligation, or right to take legal positions, in other proceedings to which the Commission is not a party.

Issued in Washington, D.C., on March 16, 1998 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–8687 Filed 4–2–98; 8:45 am]

BILLING CODE 6351–01–P

POSTAL SERVICE

39 CFR Part 501

Requirements for Manufacturer, Demonstration and Loaner Postage Meters

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would clarify and strengthen requirements for manufacturers of postage meters to control meters that they use for demonstration and loaner purposes. The intended effect of this proposal is to reduce the potential for misuse and fraud.

DATES: Comments must be received on or before May 4, 1998.

ADDRESSES: Written comments should be mailed or delivered to the Manager, Metering Technology Management, Room 8430, 475 L'Enfant Plaza SW, Washington, DC 20260–2444. Copies of all written comments will be available at the above address for inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Nicholas S. Stankosky, (202) 268–5311.

SUPPLEMENTARY INFORMATION: Serious postal revenue protection problems result from inconsistent practices and procedures followed by meter manufacturers in controlling demonstration meters and those that are lent to their customers. The manufacturers' employees, dealers, and agents are often held accountable for the movement, tracking, and use of these meters in a manner consistent with policies and procedures that have been established and implemented for all other meters in order to protect postal revenue. The following procedures are proposed in order to reduce the potential for misuse and fraud.

List of Subjects in 39 CFR Part 501

Administrative practice and procedure, Postal Service.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 ((b) and (c)), regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed amendments to Part 501 of Title 39 of the Code of Federal Regulations.

PART 501—AUTHORIZATION TO MANUFACTURE AND DISTRIBUTE POSTAGE METERS

1. The authority citation for Part 501 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 410, 2610, 2605; Inspector General Act of 1978, as amended (Pub. L. 95–452, as amended), 5 U.S.C. App 3.

2. Section 501.22 is amended by adding paragraph (s) to read as follows:

§ 501.22 [Amended]

* * * * *

(s) Implement controls over demonstration and lent meters as follows:

(1) There are two conditions under which postage meters may be placed with a customer on a temporary basis. One involves a "demo" meter and the other is a "loaner meter." For purposes of definition, a "demo" meter contains a specimen indicia and cannot be used to meter live mail. A "loaner" meter has a "live" indicia and may be used to apply postage to a mailpiece. Both are typically used in marketing efforts to acquaint a potential user with the features of a meter.

(2) A "demo" meter must be recorded on internal manufacturer inventory records and must be tracked by model

number, serial number, and physical location.

(3) "Demo" meters may be used only for demonstrations by the manufacturer's dealer/branch representative and must remain in their control. These meters may not be left in the possession of the potential customer under any circumstance.

(4) Because "loaner" meters can print live postage, they must be licensed to the manufacturer's dealer/branch under the Postal Service Centralized Meter Licensing System (CMLS). Because each dealer/branch office may service a multitude of customers located in many different post office service areas, a single license issued from the appropriate postal district office city will cover all post offices located in that district. A Form 3601–C, Postage Meter Activity Report, must be initiated to activate a loaner meter under a dealer/branch CMLS license.

(5) Loaner meters can be placed only with customers who have been issued a CMLS meter license.

(6) Only electronic, remote set meters may be used as "loaner" meters. Representatives must record ascending and descending register readings at the time a meter is lent and when it is returned. All discrepancies must be reported immediately to the respective meter manufacturer, who will then notify Metering Technology Management. The meter must be inspected when returned from the customer. Any indication of tampering or fraudulent use also must be reported to Metering Technology Management. Use of the meter must immediately cease and must be returned to the manufacturer's QAR department via Registered mail.

(7) As both a manufacturer's representative and a meter licensee, the representative is subject to the provisions of the Domestic Mail Manual (DMM), Part P030 and 39 CFR part 501.

(8) The manufacturer's representative assumes all responsibilities under USPS meter regulations applicable to meter licensees, including having the meter set and examined. All losses incurred by the Postal Service as a result of fraudulent use of the meter by the customer are the responsibility of that customer, the meter licensee, and the manufacturer.

(9) Loaner meters must be included in the CMLS meter tracking system. A Form 3601–C must be prepared by the representative for each "loaner" meter installed or withdrawn. The licensee and meter location information must show the name of the dealer/branch and not the temporary user.

(10) The city/state designation in the "loaner" indicia must show the location where the user's mail will be deposited.

(11) The representative must ensure that "loaner" meters are available for examination by the Postal Service on demand, and are examined under postal policy.

(12) A customer may have possession of a "loaner" meter for a maximum of 5 continuous business days. In order for the customer to possess the meter for a longer period, it must be installed permanently. When customer chooses to continue the use of a postage meter, the "loaner" meter must be retrieved and a new meter installed under the customer's license.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98–8457 Filed 4–2–98; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN49–01–7274b; MN50–01–7275b; FRL–5990–7]

Approval and Promulgation of State Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve revisions to the Minnesota State Implementation Plan (SIP) . These SIP revisions modify Administrative Orders for Federal Hoffman Incorporated located in Anoka, Minnesota and J. L. Shiely Company located in St. Paul, Minnesota which are part of the Minnesota SIP to attain and maintain the National Ambient Air Quality Standards for sulfur dioxide and particulate matter, respectively.

In the final rules section of this **Federal Register**, EPA is approving this action as a direct final without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed action must be received by May 4, 1998.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, IL 60604–3590.

FOR FURTHER INFORMATION CONTACT: Madeline Rucker, (312) 886–0661.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this **Federal Register**. Copies of the request and the EPA's analysis are available for inspection at the following address: (Please telephone Madeline Rucker at (312) 886–0661 before visiting the Region 5 office.) U.S. EPA, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, IL 60604–3590.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 17, 1998.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 98–8791 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–60–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5991–3]

40 CFR Part 300

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the National Lead Industries/Taracorp/Golden Auto Parts site from the national priorities list; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the National Lead Industries/Taracorp/Golden Auto Parts Site (the Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State

of Minnesota, has determined that no further response is appropriate. Moreover, U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before May 4, 1998.

ADDRESSES: Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd. (SR–6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: St. Louis Park Library, 3240 Library Lane, St. Louis Park, MN 55417. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

FOR FURTHER INFORMATION CONTACT: Gladys Beard (SR–6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–7253 or Don De Blasio (P–19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–4360.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the National Lead Industries/Taracorp/Golden Auto Parts Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by Potentially Responsible Parties or the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the Site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the Site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action is appropriate; or

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The NL/Taracorp/Golden Auto Parts Sites was the location of a secondary lead smelter from 1940 to 1982. The Site is located in Hennepin County, Minnesota, in the City of St. Louis Park. The Site consists of contiguous properties, one portion which was formerly owned by NL Industries and Taracorp, Inc. at 3645 Hampshire Avenue South and the other portion which is owned by Morris and Harry Golden at 7003 West Lake Street. The Goldens now own both of these properties.

Originally owned by NL Industries, Inc., the lead smelting facility was sold to Taracorp in August 1979. Taracorp ceased operation of the smelter in February 1981. NL sold the Golden property to Republic Enterprises, Inc. in 1962, who in turn sold this four and one-half acre parcel to Morris and Harry Golden. As previously mentioned, the Goldens now also own the Taracorp property of the site. The Goldens leased the Golden property to Golden Auto Parts Co., who operated an automobile wrecking and used automobile parts business from 1964 to January 1983.

The land use adjacent to the Site is light industry and commercial. Residential areas are within 1/4 mile of the Site on the north, east, and western sides. The prominent wind direction is from west-northwest towards east-southeast. Minnehaha Creek is about one-half mile to the south and the Mississippi River is approximately six miles northwest of the Site. The Site is not in a floodplain.

Soils in the area consist of fine sands to course gravel, separated by glacial till. The depth of the surface drift varies from 30 to 100 feet and is underlain by five bedrock aquifers. The uppermost aquifer (the Platteville) is located at about 90 to 100 feet, with the St. Peter aquifer located just below (about 100 to 200 feet). The St. Peter formation is underlain by the Prairie du Chien-Jordan group (380 feet), the Ironton-Galesville aquifer (700 feet) and the Mt. Simon-Hinkley aquifer (1,000 feet). The Prairie du Chien-Jordan and Mt. Simon-Hinkley aquifers are the primary sources of drinking water in the area, supplying 90% of all ground water used in the region.

A secondary lead smelter was operated at the site location from 1940 until 1982. The secondary lead smelting operations recovered lead from lead plates, battery fragments, and lead containers. A blast furnace was used until 1960, when it was replaced with a reverberatory smelting furnace. Industrial operations and on-site waste disposal activities conducted from 1940 until 1982 resulted in elevated lead levels in air and on-site soils and were suspected of causing elevated lead levels in on-site groundwater and off-site soils. The Site was proposed for the National Priorities List (NPL) of Superfund sites on October 22, 1981, the site was placed on the NPL September 8, 1983.

The MPCA issued a Request For Response Action to NL, Taracorp, and Golden Auto Parts in January 1984. In 1985, NL voluntarily entered into an Administrative Order and Response Order by Consent (Consent Order) with the MPCA and U.S. EPA, in accordance with the Minnesota Environmental Response and Liability Act (MERLA) and the Federal Comprehensive Environmental Response, Compensation, and the Liability Act (CERCLA). The Consent Order called for the design and implementation of the following activities:

1. On-site soils investigation, stabilization, and cleanup;
2. On-site groundwater investigation and long-term groundwater monitoring program; and
3. An off-site soil remedial investigation, and if necessary, a feasibility study to evaluate remedial alternatives.

NL conducted these activities with oversight by MPCA and U.S. EPA.

The on-site investigation and cleanup activities were conducted between 1985 and 1988. Except for ongoing and future long-term operation, maintenance, and monitoring, NL completed the final onsite remedial activity, capping the Site with asphalt, in June 1988. NL investigated the groundwater quality beneath the Site for site-related contaminants. Significant levels of such contaminants were not detected. In November 1987, MPCA, U. S. EPA and NL agreed to the details of the 30-year long-term groundwater monitoring program which started with the effective date of the Consent Order. The purpose of the monitoring program is to ensure that the groundwater quality on-site remains acceptable. NL is required to submit Annual Reports for the long-term monitoring, and long-term maintenance which includes maintaining the intergrity of the asphalt cap. The Consent Order requires NL to take action if, in the future, site related contaminants are detected in the groundwater in excess of prescribed levels set forth in the Consent Order.

As part of the Consent Order, NL was also required to investigate the surface soils near the Site, and if necessary, prepare a Response Action Plan to conduct Response Actions for contaminated surface soils. The Consent Order prescribed that NL would conduct a phased investigation. The first phase involved soil sampling in the nearest prominent down wind residential area defined as Zone I and included sampling along nearby highways and in public property areas. If soil lead levels were greater than 750 parts per million (ppm) for any residence on the outer (east) edge of Zone I, NL would be required to conduct Phase 2 of the soil sampling in Zone II. In addition, NL would be required to conduct a Feasibility Study to examine cleanup options if the Zone I and/or Zone II soils were equal to or greater than 750 ppm and clearly attributable to the secondary lead smelter. NL completed the Phase I off-site soils investigation in 1987. Based on the Zone I sampling results, NL recommended to MPCA and to U. S. EPA that no additional/sampling or cleanup activities was necessary for the off-site soils.

Before accepting NL's recommendation, U. S. EPA developed its own risk assessment for the off-site soils in Zone I. U.S. EPA conducted its own risk assessment (called an Endangerment Assessment), because a risk assessment methodology for estimating public health impacts of contamination was developed after the NL Consent Order was signed, and therefore, the most recent methodology was not employed by NL. U. S. EPA conducted the NL off-site Soil Endangerment Assessment in accordance with the Superfund Public Health Evaluation Manual, October 1986. The Endangerment Assessment concluded that because the levels did not exceed the 500–1000 ppm soil lead guideline the Zone I soil lead levels did not present an imminent public health threat.

On September 23, 1988, a Record Of Decision (ROD) was signed. The selected remedy for this site is no further action.

A five-year review pursuant to OSWER Directive 9355.7–02 (" Structure and Components of Five-Year Reviews") was completed for the Site on September 30, 1994. The site was inspected by the State on September 7, 1994. The following observations were made: (1) The asphalt cap is in place and remains in sufficiently good condition to prevent public exposure to contaminated soils at the Site; (2) The cap appears to be effective in minimizing infiltration of precipitation in the vicinity of the Site and monitoring demonstrates that it is protective of ground water quality; (3) The remedy as installed remains protective of public health and the environment. The next Five-Year review is scheduled for September 30, 1999.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the National Lead Industries/Taracorp/Golden Auto Parts Site have been completed, and no further CERCLA response actions are appropriate in order to provide protection of human health and environment. Therefore, EPA proposes to delete the Site from the NPL.

Dated: March 24, 1998.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 98–8787 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 63, No. 64
Friday, April 3, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Caribbean Superabsorbent Company, Inc., of Beaverton, Oregon, an exclusive license to U.S. Patent Application Serial No. 06/448,675 filed December 10, 1982, entitled, "Modified Starches as Extenders for Absorbent Polymers." Notice of Availability was published in the **Federal Register** on February 23, 1983.

DATES: Comments must be received on or before June 2, 1998.

ADDRESSES: Send comments to: USDA, ARS, MWA, Office of the Director, National Center for Agricultural Utilization Research, Room 2042, 1815 North University Street, Peoria, Illinois 61604.

FOR FURTHER INFORMATION CONTACT: Andrew Watkins of the National Center for Agricultural Utilization Research at the Peoria address given above; telephone: 309–681–6545.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Caribbean Superabsorbent Company, Inc., has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty (60) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,
Assistant Administrator.

[FR Doc. 98–8784 Filed 4–2–98; 8:45 am]
BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Triple-T Foods, Inc., of Frontenac, Kansas, an exclusive license to Serial No. 08/471,349 filed June 6, 1995, entitled "Fiber and Fiber Products Produced From Feathers." Notice of availability was published in the **Federal Register** on August 30, 1996.

DATES: Comments must be received on or before June 2, 1998.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, Room 415, Building 005, BARC-West, Beltsville, Maryland 20705–2350.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Triple-T Foods, Inc., has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty (60) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Richard M. Parry, Jr.,
Assistant Administrator.

[FR Doc. 98–8783 Filed 4–2–98; 8:45 am]
BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98–015–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of regulations intended to prevent the introduction of plant pests into the United States, or their spread in foreign commerce.

DATES: Comments on this notice must be received by June 2, 1998, to be assured of consideration.

ADDRESSES: Send comments regarding the accuracy of burden estimate, ways to minimize the burden (such as through the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information to: Docket No. 98–015–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please send an original and three copies, and state that your comments refer to Docket No. 98–015–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: For information regarding phytosanitary export certification, contact Mr.

Jonathan Jones, National Phytosanitary Programs Manager, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236, (301) 734–8537; or e-mail: jmjones@aphis.usda.gov. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, APHIS' Information Collection Coordinator, at (301) 734–5086.

SUPPLEMENTARY INFORMATION:

Title: Phytosanitary Export Certification.

Expiration Date of Approval: June 30, 1998.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS), among other things, provides export certification services to assure other countries that the plants and plant products they are receiving from the United States are free of plant pests specified by the receiving country.

It should be noted that our regulations do not require that we engage in export certification activities. We perform this work as a service to exporters who are shipping plants or plant products to countries that require phytosanitary certification as a condition of entry.

To request that we perform a phytosanitary inspection, an exporter must complete and submit an Application for Phytosanitary Inspection and Certification (PPQ Form 572).

After assessing the condition of the plants or plant products intended for export (i.e., after conducting a phytosanitary inspection), an inspector (who may be an APHIS employee or a State or county plant regulatory official) will issue an internationally recognized phytosanitary certificate (PPQ Form 557), a phytosanitary certificate for reexport (PPQ Form 579), or an export certificate for processed plant products (PPQ Form 578).

These forms are critical to our ability to certify plants and plant products for export. Without them, we would be unable to conduct an export certification program.

We are asking the Office of Management and Budget (OMB) to approve the continued use of these forms.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. We need this outside input to help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 1.0039 hours per response.

Respondents: U.S. growers, shippers, and exporters; State and county plant health protection authorities.

Estimated annual number of respondents: 3,913.

Estimated annual number of responses per respondents: 29.575.

Estimated annual number of responses: 115,729.

Estimated total annual burden on respondents: 116,181. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 30th day of March 1998.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–8782 Filed 4–2–98; 8:45 am]

BILLING CODE 3410–34–P

ASSASSINATION RECORDS REVIEW BOARD

Sunshine Act Meeting

DATE: April 13, 1998.

PLACE: ARRB 600 E Street, NW,. Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Review and Accept Minutes of Closed Meeting.
2. Review of Assassination Records.
3. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Eileen Sullivan, Press Officer, 600 E Street, NW, Second Floor, Washington, DC 20530. Telephone: (202) 724–0088; Fax: (202) 724–0457.

T. Jeremy Gunn,

Executive Director.

[FR Doc. 98–8909 Filed 4–1–98; 10:46 am]

BILLING CODE 6118–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List, Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities and a service previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 4, 1998.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current

contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Office and Miscellaneous Supplies

(Requirements for Tinker Air Force Base, Oklahoma)
NPA: San Antonio Lighthouse, San Antonio, Texas

Services

Janitorial/Custodial,

VA Outpatient Clinic, Winston-Salem, North Carolina
NPA: Goodwill Industries of Northwest North Carolina, Inc., Winston-Salem, North Carolina

Janitorial/Custodial,

Surface Warfare Officer School Navy Buildings, 52 C.H.I., 138 C.H.I., 370 C.P., 446 C.P., 1164 C.H.I., 1183 C.H.I., 1268 C.H.I. & 1284 C.H.I, Newport, Rhode Island,
NPA: Newport County Chapter of Retarded Citizens, Inc., Middletown, Rhode Island

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action does not appear to have a severe economic impact on future contractors for the commodities and service.

3. The action will result in authorizing small entities to furnish the commodities and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and service proposed for deletion from the Procurement List.

The following commodities and service have been proposed for deletion:

Commodities

Cover, Generator Set
6115–00–945–7545
Cabinet, Storage
7125–00–693–4352
7125–00–449–6862
7125–00–378–4261
Pillowcase
7210–00–081–1380

Service

Commissary Shelf Stocking and Custodial, Naval Station, Charleston, South Carolina

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–8776 Filed 4–2–98; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List, Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 4, 1998.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740

SUPPLEMENTARY INFORMATION: On February 13, 1998, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (63 F.R. 7391) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Grounds Maintenance

Department of the Navy, Hadnot Point, French Creek & Hospital Point Areas, Camp Lejeune, North Carolina

Janitorial/Custodial

U.S. Army Reserve AFRC, 3938 Old French Road, Erie, Pennsylvania

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–8777 Filed 4–2–98; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–804]

Cold-Rolled Carbon Steel Flat Products From the Netherlands; Antidumping Duty Administrative Review; Extension of Time Limit

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the preliminary results of the antidumping duty administrative review of Cold-Rolled Carbon Steel Flat Products from the Netherlands. This review covers the period August 1, 1996 through July 31, 1997.

EFFECTIVE DATE: April 3, 1998.

FOR FURTHER INFORMATION CONTACT: Helen Kramer or Linda Ludwig, Office

of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0405 or 482–3833, respectively.

SUPPLEMENTARY INFORMATION: Due to the complexity of issues involved in this case, *i.e.*, the need to verify that reimbursement of antidumping duties is no longer occurring and to resolve issues such as level of trade, it is not practicable to complete this review within the original time limit. *See* Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III, to Robert S. LaRussa, Assistant Secretary for Import Administration, dated March 27, 1998. Therefore, the Department is extending the time limit for completion of the preliminary results until August 31, 1998, in accordance with Section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994. The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. § 1675 (a)(3)(A)).

Dated: March 30, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 98–8849 Filed 4–2–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–805]

Industrial Nitrocellulose From the Republic of Korea: Extension of Time Limit for Preliminary Results of Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of preliminary results of antidumping duty review.

SUMMARY: The Department of Commerce ("the Department") is extending the preliminary results for the antidumping duty review of industrial nitrocellulose from the Republic of Korea. This review covers the period July 1, 1996 through June 30, 1997.

EFFECTIVE DATE: April 3, 1998.

FOR FURTHER INFORMATION CONTACT: N. Gerard Zapiain or Elfi Blum-Page at 202–482–1395 or 202–482–0197; Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION: On September 25, 1997, the Department published in the **Federal Register** its initiation of the above-referenced administrative review (*see* 62 FR 50292). The Department has now determined that it is not practicable to issue its preliminary results within the original time limit (see Decision Memorandum from Joseph A. Spetrini, Deputy Assistant Secretary, Enforcement Group III to Robert LaRussa, Assistant Secretary for Import Administration, March 23, 1998). The Department is extending the time limit for completion of the preliminary results for 90 days until July 1, 1998 in accordance with Section 751(a)(3)(A) of the Act.

The deadline for the final results of review will continue to be 120 days after the publication of the preliminary results.

Dated: March 27, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary for Enforcement Group III.

[FR Doc. 98–8848 Filed 4–2–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–429–601]

Solid Urea from the Former German Democratic Republic: Final Results (Revocation of Order) of Changed Circumstances Antidumping Duty Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of changed circumstances antidumping duty review.

SUMMARY: In response to a letter filed on January 26, 1998, by the Ad Hoc Committee of Domestic Nitrogen Producers (petitioners) indicating that they have no further interest in the relief provided by the antidumping duty order on solid urea from the former German Democratic Republic (G.D.R.), the Department of Commerce (the Department) initiated a changed circumstances review issued a preliminary intent to revoke the antidumping duty finding on solid urea from the former G.D.R. on February 12, 1998. We have now completed that review. Based on the fact that the petitioners have expressed no further interest in the antidumping duty order on solid urea from the former G.D.R. and the Department has not received any comments from interested parties, we are revoking this finding.

EFFECTIVE DATE: April 3, 1998.

FOR FURTHER INFORMATION CONTACT: Donna Kinsella at (202) 482–4093 or Steven D. Presing at (202) 482–0194, AD/CVD Enforcement Office VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR 351 (62 FR 27296).

SUPPLEMENTARY INFORMATION:

Background

On January 26, 1998, petitioners informed the Department in writing that they do not object to a changed circumstances review and have no further interest in the relief provided by the antidumping duty order on solid urea from the former G.D.R.

Scope of the Review

Imports covered by this review are those of solid urea. At the time of the publication of the antidumping duty order, such merchandise was classifiable under item 480.30 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classified under the Harmonized Tariff Schedule of the United States (HTS) item number 3102.10,00. These TSUSA and HTS item numbers are provided for convenience and Customs purposes only. The Department's written description of the scope remains dispositive for purposes of the order.

Comments

Although we gave interested parties an opportunity to comment on the preliminary results, none were submitted.

Final Results of Changed Circumstances Antidumping Duty Review

Pursuant to section 751(d) of the Act, the Department may revoke an antidumping duty order based on a review under section 751(b) of the Act (i.e., a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request containing information concerning changed circumstances sufficient to warrant a review.

The Department's regulations at 19 C.F.R. 351.222(g) permit the Department to conduct a changed circumstances review under 19 C.F.R. 351.216 based upon an affirmative statement of no interest from producers accounting for substantially all of the production of the domestic like product to which the order pertains. Therefore, based on an affirmative statement of no interest in this proceeding by petitioners, we are issuing final results in this changed circumstances review pursuant to section 751(b) of the Act and 19 C.F.R. §§ 351.216, and 351.222. Based on the fact that no interested parties have objected to the revocation of the antidumping duty order on solid urea from the former G.D.R., we have determined that there are changed circumstances sufficient to warrant revocation of this finding.

This revocation applies to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption made on or after the effective date of this notice. The Department will order the suspension of liquidation ended and will instruct the Customs Service to refund with interest any cash deposits or bonds for all affected entries. This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties. This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO. This changed circumstances review and notice are in accordance with section 751(b) of the Act, as amended (19 U.S.C. 1675(b)), and 19 CFR 351.216.

Dated: March 27, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–8847 Filed 4–2–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Notice To Apply and To Participate in Department of Commerce Trade Missions

AGENCY: U.S. Department of Commerce (DOC), International Trade Administration (ITA).

ACTION: Notice to apply and to participate in Department of Commerce trade missions.

SUMMARY: This notice serves to inform the public of the opportunity to apply and to participate in trade missions to be held in June, September, and October 1998.

DATES: Applications should be submitted to the Project Officer indicated for the specific mission of interest by the closing date specified in the mission statement. Applications received after the closing date will be considered only if space and scheduling constraints permit.

ADDRESSES AND REQUESTS FOR FURTHER INFORMATION: Requests for further information and for application forms should be addressed to the Project Officer. Information is also available via the International Trade Administration's (ITA) internet homepage at "http://www.ita.doc.gov/uscs/doctm." Numbers listed in this notice are not toll-free. An original and two copies of the required application materials should be sent to the Project Officer. Applications sent by facsimile must be immediately followed by submission of the original application.

SUPPLEMENTARY INFORMATION: The Department of Commerce invites U.S. companies to apply to participate in trade missions to be held in June, September and October 1998. For a more complete description of the trade mission, obtain a copy of the mission statement from the Project Officer indicated below. The recruitment and selection of private sector participants for these missions will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions announced by Secretary Daley on March 3, 1997.

A. High Technology Trade Mission, Egypt, Israel, Jordan and West Bank/Gaza, June 7–12, 1998. Recruitment closes: April 30, 1998. Contact Information: Thomas Parker, Tel: (202) 482–1860; Fax: (202) 482–0878.

B. Computer Software Trade Mission, to Mexico City, Guadalajara and Monterrey, Mexico, September 28–October 3, 1998. Recruitment closes: August 7, 1998. Contact information: Nicole Bair, Tel: (202) 482–0551, Fax: (202) 482–0952.

C. U.S. Information Technology Trade Mission to Argentina, Brazil and Venezuela, October 18–31, 1998. Recruitment closes: August 14, 1998. Contact Information: Daniel Valverde, Tel: (202) 482–0573; Fax: (202) 482–0952.

Dated: March 30, 1998.

Thomas Parker,

Director, Office of the Near East.

[FR Doc. 98–8746 Filed 4–2–98; 8:45 am]

BILLING CODE 3510–25–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Public Hearing on the Draft Environmental Impact Statement and Draft Management Plan for the Proposed Kachemak Bay National Estuarine Research Reserve in Alaska

AGENCY: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Public hearing notice.

SUMMARY: Notice is hereby given that the Sanctuaries and Reserves Division, of the Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold public hearings for the purpose of receiving comments on the Draft Environmental Impact Statement and Draft Management Plan (DEIS/DMP) prepared on the proposed designation of the Kachemak Bay National Estuarine Research Reserve in Alaska. The DEIS/DMP addresses research, monitoring, education and resource protection needs for the proposed reserve.

The Sanctuaries and Reserves Division will hold public hearings at 7:00 p.m. on April 21, 1998, at the Seldovia Community Center, 260 Seldovia Street, Seldovia, Alaska 99663,

and at 7:00 p.m. on April 22, 1998, at the Homer City Council Chambers, 491 East Pioneer Avenue, Homer, Alaska 99603.

The views of interested persons and organizations on the adequacy of the DEIS/DMP are solicited, and may be expressed orally and/or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of five (5) minutes. The time allotment may be extended before the hearing when the number of speakers can be determined. All comments received at the hearing will be considered in the preparation of the Final Environmental Impact Statement (FEIS) and Final Management Plan.

The comment period for the DEIS/DMP will end on May 4, 1998. All written comments received by this deadline will be considered in the preparation of the FEIS.

FOR FURTHER INFORMATION CONTACT: Mr. R. Randall Schneider (301) 713–3132, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1305 East West Highway, N/ORM2, Silver Spring, MD 20910. Copies of the Draft Environmental Impact Statement/Draft Management Plan are available upon request to the Sanctuaries and Reserves Division.

Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Research Reserves

Dated: March 31, 1998.

Nancy Foster,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 98–8831 Filed 4–2–98; 8:45 am]

BILLING CODE 2510–08–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Application Bibliographic Data Entry Format (Proposed Addition to Package 0651–0032—Initial Patent Application)

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce (DOC) and the Patent and Trademark Office (PTO), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed addition to a continuing information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 2, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or instructions should be directed to the attention of Jeff Cochran, Director, Office of Electronic Document Programs, telephone number (703) 306–3449 or by e-mail at jeff.cochran@uspto.gov. All correspondence should be addressed to Patent Application Data Entry Format, c/o Jeff Cochran, U.S. Patent and Trademark Office, Crystal Park 3, Suite 700, 2231 Crystal Drive, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Patent and Trademark Office (PTO) plans to accept from applicants, on a voluntary basis, papers containing the bibliographic information for a patent application in a specific format termed a "Patent Application Data Entry Format." This format groups the bibliographic information into different information sections composed of headings and labels. Providing the bibliographic information for a patent application to the PTO in the Patent Application Data Entry Format will enable the PTO to automate the data entry process for the application. The purpose of the program is three fold. *First*, the system will improve the quality of Filing Receipt information mailed by the PTO to applicants. *Second*, the program will provide the PTO with experience in establishing a simplified system that completely captures the bibliographic information for all patent applications. *Third*, the system will accurately and directly feed this bibliographic information into the PTO's automated electronic information management systems.

II. Method of Collection

The initial patent application may be filed by mail or hand-delivery to the PTO, and a continued prosecution application may also be filed by facsimile. Papers submitted subsequently during the prosecution of an application may be filed by mail, facsimile, or hand-delivery. The PTO is preparing a publication entitled Guide for Preparing the Patent Application Data Entry Format which describes the format and provides instructions for completing the information sections. Information concerning the Guide for Preparing the Patent Application Data Entry Format may be obtained by contacting Jeff Cochran (refer to the "For Further Information" section of this notice for the necessary details).

The Patent Application Data Entry Format is not a PTO form, but a format for entering data. This format may be created either by directly typing the bibliographic information on blank sheets of paper in the specified format (using a typewriter or word processor), or by using electronic templates in a word processor. Applicants will be encouraged, but not required, to provide bibliographic information for applications in the Patent Application Data Entry Format. When this program is implemented, the PTO will provide a copy of the Guide for Preparing the Patent Application Data Entry Format, as well the electronic templates for Microsoft Word" and WordPerfect" word processing programs, on its Internet Web site.

III. Data

OMB Number: 0651–0032.

Type of Review: Revision of a currently approved collection.

Affected Public: Any individual filing a patent application.

Estimated Number of Respondents: 243,100 responses per year.

Estimated Time Per Response: 7.88 hours. Please note that this figure is an average based upon the number of each type of application received by the PTO per year times the amount of time that it takes an applicant to complete each type of application. This total is then divided by the total number of applications submitted per year.

Estimated Total Annual Respondent Burden Hours: 1,915,500 hours per year.

Estimated Total Annual Respondent Cost Burden: $335,212,500 per year.

Note: The addition of the "Patent Application Data Entry Format" does not change either the burden hours or the number of responses already reported for this collection. This format simply suggests a particular arrangement for the bibliographic data that is already requested in this collection, and as such, does not change or affect the burden hour estimates for this information collection.

IV. Request for Comments

With respect to the following collections of information, comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the agency's functions, including whether the information will have practical

utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 30, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–8753 Filed 4–2–98; 8:45 am]

BILLING CODE 3510–16–P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for 16 April 1998 at 10:00 AM in the Commission's offices at the National Building Museum (Pension Building), Suite 312, Judiciary Square, 441 F Street, N.W., Washington, D.C. 20001. The meeting will focus on a variety of projects affecting the appearance of the city.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, D.C. 27 March 1998.

Charles H. Atherton,

Secretary.

[FR Doc. 98–8693 Filed 4–2–98; 8:45 am]

BILLING CODE 6330–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increase of Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

March 30, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing guaranteed access levels.

EFFECTIVE DATE: April 3, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these levels, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

Upon a request from the Government of the Dominican Republic, the U.S. Government agreed to increase the current guaranteed access levels for certain textile products.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 67622, published on December 29, 1997.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 30, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during 1998.

Effective on April 3, 1998, you are directed to increase the guaranteed access levels for the following categories:

Category	Guaranteed access level
338/638	3,150,000 dozen.
339/639	2,150,000 dozen.
633	100,000 dozen.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–8825 Filed 4–2–98; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Implementation and Enforcement of the Special Access Program for Caribbean Basin Initiative and Andean Trade Preference Act Countries

March 30, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice and directive to the Commissioner of Customs amending requirements for participation in the Special Access Program for Caribbean Basin Initiative and Andean Trade Preference Act Countries; termination of Form ITA-370P.

SUMMARY: This notice sets forth amended requirements for participating in the Caribbean Basin Initiative (CBI) Special Access Program and the Special Access Program for Andean Trade Preference Act (ATPA) countries (collectively, the "Special Access Program"). Under the Special Access Program, textile products assembled in CBI and ATPA countries from fabric formed and cut in the United States that meet the requirements of the Special Access Program are guaranteed access to the U.S. market. Textile products that meet the requirements of the Special Access Program are eligible for tariff treatment as articles assembled abroad from U.S. components. Currently, participants in the Special Access Program are required to file a Special Access/Special Regime Export Declaration (Form ITA–370P) prior to the exportation of qualifying parts and to present a completed Form ITA–370P as part of the entry package when the assembled products are imported into

the United States. For products assembled from U.S. formed and cut fabric that are exported from the United States on or after May 4, 1998, participants will no longer be required to file and present a Form ITA–370P. Failure to comply with the requirements set forth in this notice may result in suspension of eligibility to participate in the Special Access Program. This notice supersedes certain previous notices setting forth the requirements for participation in the Special Access Program.

EFFECTIVE DATE: May 4, 1998.

FOR FURTHER INFORMATION CONTACT: Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

On February 20, 1986, the President announced a program to guarantee access to the U.S. market for Caribbean-produced textile products assembled from fabric formed and cut in the United States. Caribbean countries entered into bilateral agreements with the United States under which guaranteed levels of access were established for their exports of qualifying assembled textile products. These guaranteed access levels are distinct from the quotas or designated consultation levels which apply to textile products that do not meet the requirements of the Special Access Program. Textile products that meet the requirements of the Special Access Program must be entered under heading 9802.00.8015 of the Harmonized Tariff Schedule of the United States (HTSUS), which applies to articles assembled abroad from U.S. components, and are subject to duty on the value of the assembled textile product less the value of the U.S. components. The program has been implemented by Federal Register notices published on June 11, 1986 (51 FR 21208); October 20, 1986 (51 FR 37214); May 15, 1987 (52 FR 18414); July 10, 1987 (52 FR 26057); November 15, 1989 (54 FR 47549); December 6, 1989 (54 FR 50425) and June 7, 1991 (56 FR 26394). In a Federal Register notice dated August 30, 1995 (60 FR 45144), the Committee for the Implementation of Textile Agreements (CITA) announced the establishment of a similar Special Access Program for textile products assembled in ATPA designated countries from fabric formed and cut in the United States. These notices are hereby superseded. In this notice, the two programs are collectively referred to as the "Special Access Program." Also see 52 FR 6049, published on February 27, 1987; 52 FR 6594, published on March 4, 1987; 55 FR 3079, published on January 30, 1990; 55 FR 21047, published on May 22, 1990; 60 FR 2740, published on January 11, 1995; and 61 FR 38236, published on July 23, 1996.

General Requirements; Qualifying Products

In order to qualify for Special Access Program treatment, a textile product must meet the following requirements:

(1) the product must be assembled in a CBI or ATPA country with which the United States has entered into a bilateral agreement regarding guaranteed access levels under the Special Access Program;

(2) the product must be assembled from fabric formed and cut in the United States; i.e., all fabric components of the assembled product (with the exception of findings and trimmings, including elastic strips) must be U.S. formed and cut. This requirement applies to all textile components of the assembled product, including linings and pocketing, except as provided in (4) below. Greige goods imported into, and then finished in, the United States are not considered fabric formed and cut in the United States. Fabric that is woven or knitted in the United States from yarn is considered U.S.-formed;

(3) the importer of the product and the exporter of the component parts from which the product is assembled must be the same entity or person; and

(4) findings and trimmings of non-U.S. origin may be incorporated into the assembled product provided they do not exceed 25 percent of the cost of the components of the assembled product. Findings and trimmings include sewing thread, hooks and eyes, snaps, buttons, "bow buds," decorative lace trim, elastic strips, zippers, including zipper tapes, and labels. Elastic strips are considered findings or trimmings only if less than one inch in width and used in the production of brassieres. Certain non-U.S. formed, U.S. cut interlinings for suit jackets and suit-type jackets may currently qualify as findings and trimmings under a temporary amendment to the Special Access Program. See 62 FR 49206 (September 23, 1997) and 62 FR 66057 (December 17, 1997);

(5) upon entry into the United States, the product must be classified under heading 9802.00.8015 of the HTSUS.

Recordkeeping Requirements

The following documents shall be maintained and made available for review by the U.S. Customs Service and CITA:

(1) entry documents made during the quarter;

(2) design style costing sheets or similar documents providing a complete description of the assembled products;

(3) cutting tickets, including the name and location of the cutting facility for those entries;

(4) mill invoices, including the name of the mill where the fabric was formed. If the fabric was purchased from a third party, the participant is responsible for obtaining the mill invoice. The participant must also obtain a signed statement from a principal at the mill that the fabric is of U.S. origin. This can be stated directly on the invoice or on a separate document that relates to each specific shipment of fabric. Vertically integrated participants, i.e., participants which both form and cut fabric, should retain an internal transfer document or other documentary proof that they formed the fabric in the United States.

(5) transportation documents (mill to cutting facility; cutting facility to border/assembler); and

(6) export documentation.

The above documents shall be maintained by calendar quarter, by country, and by category; and shall be retained for three years from the date of the exportation of the U.S. formed and cut fabric. The documents shall be organized and filed (preferably in a single location) to facilitate Customs review.

Special Access/Special Regime Export Declaration (Form ITA–370P)

CITA has determined that the Special Access/Special Regime Export Declaration (Form ITA–370P) is no longer necessary for the efficient administration of the Special Access Program. For component parts exported from the United States on or after May 4, 1998, participants in the Special Access Program will no longer be required to file and present this form. For assembled products imported into the United States that were made from component parts exported from the United States on or after May 4, 1998, participants in the Special Access Program will no longer be required to file and present this form. Participants should be aware, however, that the representations made at the time of entry of products alleged to qualify under the Special Access Program continue to be subject to federal law prohibiting false or misleading statements (see below).

Enforcement Procedures and Penalties

In order to determine that participants in the Special Access Program comply fully with the Special Access Program

requirements set forth in this notice, Customs will continue to conduct a series of Post Entry Compliance reviews. These reviews will be conducted for entries made for the first quarter of 1998 and shall continue for each successive quarter. During the course of such a review, the participant must provide Customs officials with evidence, through the documents describes above, that all products entered under the Special Access Program qualify for Special Access Program treatment.

False or inaccurate representations made in the context of the Special Access Program may result in liability under U.S. laws prohibiting false or misleading statements, including 18 U.S.C. 1001 and 19 U.S.C. 1592. Moreover, participants may be suspended from participation in the Special Access Program for such representations, for failing to abide by the Special Access Program's record keeping requirements, or for otherwise violating the terms of the Program.

In the event of credible evidence that a participant has violated the terms of the Special Access Program, the Chairman of CITA will notify the participant in writing of the alleged violation. The participant will have 30 days to respond and/or request a meeting with CITA representatives to discuss the alleged violation. After reviewing the evidence and the participant's response, CITA will determine whether a violation occurred and what penalty, if any, is appropriate. Penalties may include temporary or permanent suspension from participation in the Special Access Program. In determining the appropriate penalty, CITA will consider all relevant factors, including the seriousness of the violation, previous violations by the participant, the experience of the participant with the Special Access Program, and the steps taken by the participant to prevent future violations.

CITA has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 30, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directives issued to you on May 15, 1990 for Costa Rica; February 25, 1987 for the Dominican Republic; January 6, 1995 for El Salvador; January 24, 1990 for Guatemala; July 18, 1996 for Honduras; and February 19, 1987 for Jamaica, by the Chairman, Committee for the Implementation of Textile Agreements, for the Special Access Program.

Effective on May 4, 1998, for component parts exported from the United States on or after May 4, 1998, participants in the Special Access Program will no longer be required to file and present the Special Access/Special Regime Export Declaration (Form ITA–370P). For assembled products imported into the United States that were made from component parts exported from the United States on or after May 4, 1998, participants in the Special Access Program will no longer be required to file and present this form. The representations made at the time of entry of products alleged to qualify under the Special Access Program continue to be subject to federal law prohibiting false or misleading statements.

In order to determine that participants in the Special Access Program comply fully with the Special Access Program requirements, Customs will continue to conduct a series of Post Entry Compliance reviews. These reviews will be conducted for entries made for the first quarter of 1998 and shall continue for each successive quarter. During the course of such a review, the participant must provide Customs officials with evidence that all products entered under the Special Access Program qualify for Special Access Program treatment.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–8826 Filed 4–2–98; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 228, Bonds and Insurance, and Related Clauses at 252.228; OMB Number 0704–0216.

Type of Request: Extension.

Number of Respondents: 49.

Responses Per Respondent: 1.

Annual Responses: 49.

Average Burden Per Response: 17.53 hours.

Annual Burden Hours: 859.

Needs and Uses: This information collection requirement pertains to information collections used by DoD claims investigators to determine the amount and extent of claims placed against the Government and by DoD contracting officers to assess whether a contractor, other than a Spanish contractor or subcontractor, performing a service or construction contract in Spain, has insurance adequate to cover the risk assumed by the contractor or subcontractor. DFARS 252.228–7000, Reimbursement for War-Hazard Losses, requires the contractor to provide notice and supporting documentation to the Government regarding claims or potential claims under the clause. DFARS 252.228–7005, Accident Reporting and Investigation Involving Aircraft, Missiles, and Space Launch Vehicles, requires the contractor to report promptly to the Administrative Contracting Officer all pertinent facts relating to each accident involving an aircraft, missile, or space launch vehicle being manufactured, modified, repaired, or overhauled in connection with the contract. DFARS 252.228–7006, Compliance with Spanish Laws and Insurance, requires the contractor to provide a written representation that the contractor has obtained the required types of insurance in the minimum amounts specified in the clause. This information is obtained from contractors under service or construction contracts to be performed in Spain by other than Spanish contractors or subcontractors.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondents Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer. Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: March 30, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–8702 Filed 4–2–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 98–32]

36(b)(1) Arms Sales Notification

AGENCY: Office of the Secretary, Defense Security Assistance Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSAA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 98–32, with attached transmittal, policy justification, and sensitivity of technology pages.

Dated: March 30, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000–04–M

DEFENSE SECURITY ASSISTANCE AGENCY

WASHINGTON, DC 20301-2800

20 MAR 1998

In reply refer to:
I-62794/98

Honorable Newt Gingrich
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 98-32, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services estimated to cost $40 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 98-32

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Korea

(ii) Total Estimated Value:

Major Defense Equipment*	$ 38 million
Other	$ 2 million
TOTAL	$ 40 million

(iii) Description of Articles or Services Offered:
One hundred twelve Multiple Launch Rocket System extended range (MLRS-ER) rocket pods, one verification testing MLRS-ER rocket pod, spare and repair parts, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, U.S. Government Quality Assurance Team(s), and other related elements of program support.

(iv) Military Department: Army (JBA, Amendment 2)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:
See annex attached.

(vii) Date Report Delivered to Congress: 20 MAR 1998

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Korea - Multiple Launch Rocket System Extended Range Rocket Pods

The Government of Korea has requested a possible sale of 112 Multiple Launch Rocket System extended range (MLRS-ER) rocket pods, one verification testing MLRS-ER rocket pod, spare and repair parts, support equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor technical and logistics personnel services, U.S. Government Quality Assurance Team(s), and other related elements of program support. The estimated cost is $40 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in Northeast Asia.

The proposed sale of the MLRS-ER rocket pods will enable the Korean Army to develop a defensive area fire capability to counter hostile long range artillery and rocket systems as well as enhance its interoperability with U.S. forces. Korea will take delivery of 168 MLRS-ER, notified in FY 97, beginning in the fourth quarter of 1998. The country will have no difficulty absorbing these additional rocket pods into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Lockheed Martin Vought Systems, Dallas, Texas. One or more proposed offset agreements may be related to this proposed sale.

Implementation of this proposed sale will not require any additional contractor representatives in-country. There may be a Quality Assurance Team required for two weeks.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 98-32

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The highest level of classified information required to be released for training, operation and maintenance of the Multiple Launch Rocket System extended range (MLRS-ER) rocket pods is Confidential. The highest level of information which could be revealed through reverse engineering or testing of the end item is Secret. MLRS-ER technical data and information includes Confidential and Secret reports and data, as well as performance and capability data, classified Confidential/Secret.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware in this proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Korea can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 98–8703 Filed 4–2–98; 8:45 am]
BILLING CODE 5000–04–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 98–31]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Assistance Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Pub. L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSAA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, transmittal 98–31, with attached transmittal, policy justification, and sensitivity of technology pages.

Dated: March 30, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000–04–M

DEFENSE SECURITY ASSISTANCE AGENCY

WASHINGTON, DC 20301-2800

20 MAR 1998
In reply refer to:
I-62792/98

Honorable Newt Gingrich
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 98-31, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services estimated to cost $304 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Attachments

Transmittal No. 98-31

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Egypt

(ii) Total Estimated Value:

Major Defense Equipment*	$ 132 million
Other	$ 172 million
TOTAL	$ 304 million

(iii) Description of Articles or Services Offered:
One thousand fifty-eight STINGER RMP Type III missiles less reprogrammable modules (STINGER RMP Type III (-)), 48 lot acceptance missiles, 50 complete AVENGER Systems, launch pods integrated on High Mobility Multi-Purpose Wheeled Vehicles (HMMWV), 50 AVENGER Turrets, M3P machine guns, Forward Looking Infrared Range (FLIR), laser range finder, 50 STANDARD Vehicle Mounted Launchers, Interrogator Friend or Foe, support equipment, spare and repair parts, publications and technical data, personnel training and training equipment, U. S. Government Quality Assurance Teams and other related elements of logistics support.

(iv) Military Department: Army (USB)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:
See annex attached.

(vii) Date Report Delivered to Congress: 20 MAR 1998

as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt - STINGER RMP Type III Missiles Less Reprogrammable Modules

The Government of Egypt has requested a possible sale of 1,058 STINGER RMP Type III missiles less reprogrammable modules (STINGER RMP Type III (-)), 48 lot acceptance missiles, 50 complete AVENGER Systems, launch pods integrated on High Mobility Multi-Purpose Wheeled Vehicles (HMMWV), 50 AVENGER Turrets, M3P machine guns, Forward Looking Infrared Range (FLIR), laser range finder, 50 STANDARD Vehicle Mounted Launchers, Interrogator Friend or Foe, support equipment, spare and repair parts, publications and technical data, personnel training and training equipment, U. S. Government Quality Assurance Teams and other related elements of logistics support. The estimated cost is $304 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

The STINGER missiles included in this proposed sale to Egypt will be configured only for mounting on HMMWV vehicles. No manportable gripstocks will be sold under this sale. Egypt will use the STINGER missiles to upgrade its air defense capability and will have no difficulty absorbing these into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The principal contractors who will participate in this program are the Hughes Missile Systems Company, Tucson, Arizona, and Boeing Missile and Space Division, Huntsville, Alabama. There are no offset agreements proposed to be entered into in connection with this potential sale.

U.S. Government Quality Assurance Teams representing varying technical support will be required to provide in-country support for an extended period of time. The specific requirements for this support will be definitized during program definition between representatives of the United States Government and the purchaser.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 98-31

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The AVENGER/STINGER RMP Type III missile system less reprogrammable module (STINGER RMP Type III (-)), battery coolant, hardware, the fire unit, software, documentation and operating instructions contain sensitive technology and are classified up through Secret. The guidance section of the missile and tracking head trainer contain highly sensitive technology and are classified Confidential.

2. Missile system hardware and fire unit components contain sensitive/critical technologies. STINGER critical technology is primarily in the area of design and production know-how and not end-items. This sensitive/critical technology is inherent in the hybrid microcircuit assemblies, microcircuit technology, microprocessors, magnetic and amorphous metals, preparation, purification, firmware, printed circuit boards, laser range finder, dual detector assembly, detector filters, automatic text and associated computer software, optical coatings, ultraviolet sensors, semi-conductor detectors, infrared band sensors, equipment operating instructions, warhead components seeker assembly and the Identification Friend or Foe (IFF) system with Mode 3 capabilities.

3. Information on vulnerability to electronic countermeasures and counter-countermeasures, system performance capabilities and effectiveness, and test data are classified up to Secret.

4. Loss of this hardware and/or data could permit development of information leading to the exploitation of countermeasures. Therefore, if a technologically capable adversary were to obtain these devices, the missile system could be compromised through reverse engineering techniques which could defeat the weapon systems effectiveness.

5. A determination has been made that the recipient country can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 98–8704 Filed 4–2–98; 8:45 am]
BILLING CODE 5000–04–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Group of Advisors to the National Security Education Board Meeting

AGENCY: Office of the Assistant Secretary of Defense, Strategy and Requirements.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Group of Advisors to the National Security Education Board. The purpose of the meeting is to review and make recommendations to the Board concerning requirements established by the David L. Boren National Security Education Act, Title VIII of Public Law 102–183, as amended.

DATES: April 23 and 24, 1998.

ADDRESSES: Oregon State University, International Programs Office, Snell Hall 400, Corvallis, Oregon 97331–1642.

FOR FURTHER INFORMATION CONTACT: Dr. Edmond J. Collier, Deputy Director, National Security Education Program, 1101 Wilson Boulevard, Suite 1210, Rosslyn P.O. Box 20010, Arlington, Virginia 22209–2248; (703) 696–1991. Electronic mail address: collier@osd.pentagon.mil.

SUPPLEMENTARY INFORMATION: The Group of Advisors meeting is open to the public.

Dated: March 30, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–8701 Filed 4–2–98; 8:45 am]
BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

[FE Docket No. PP–174]

Application for Presidential Permit, Imperial Irrigation District

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Imperial Irrigation District (IID), an instrumentality of the State of California, has applied for a Presidential permit to construct, connect, operate and maintain a new electric transmission facility across the U.S. border with Mexico.

DATES: Comments, protests, or requests to intervene must be submitted on or before May 4, 1998.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350.

FOR FURTHER INFORMATION CONTACT: Steven Mintz (Program Office) 202–586–9506 or Michael T. Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: The construction, connection, operation, and maintenance of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On February 17, 1998, IID filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit. IID proposes to expand its existing Bravo Substation in the vicinity of Calexico, California, by 5,825 square feet and to construct either 2,100 feet (Option 1) or 200 feet (Option 2) of 230-kilovolt (kV) transmission line from the enlarged substation to the U.S. border with Mexico.

Under Option 1, IID would construct approximately 2,100 feet of new 230-kV transmission line from the expanded Bravo Substation to the U.S. border with Mexico. Construction would occur within the right-of-way of IID's All American Canal and would require placing six to eight transmission support structures within the All American Canal right-of-way. Under Option 2, IID would construct approximately 200 feet of new 230-kV transmission line from the expanded Bravo Substation due south, crossing Anza Road (a rural road) 60 feet north of the international border. This option would not require the placing of any transmission support structures within the U.S.

IID proposes to enter into a contract with Comision Federal de Electricidad (CFE), the national electric utility of Mexico, to provide electrical services including energy, transmission, and ancillary services to CFE's Aeropuerto Substation load. The electric energy IID proposes to transmit to CFE would be provided from the IID system resources or from energy purchased by IID from other generation sources within the U.S. In providing these services, IID may acquire and take title to energy and sell such acquired energy to CFE. Alternatively, IID may also transmit energy for CFE that CFE acquires directly from a third party.

As IID is an instrumentality of the State of California, it is not jurisdictional to Section 202(e) of the Federal Power Act (FPA) and, therefore, not required to obtain an electricity export authorization prior to commencing exports to CFE. However, other non-governmental entities providing direct sales of electric energy to CFE using the facilities proposed by IID will require an electricity export authorization from FE.

Since the restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities constructed pursuant to Presidential permits to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulatory Commission Order Nos. 888 and 888-A (Promoting Wholesale Competition Through Open Access

Non-Discriminatory Transmission Services by Public Utilities). In furtherance of this policy, DOE intends to condition any Presidential permit issued in this proceeding on compliance with these open access principles.

Procedural Matters

Any person desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with section 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Fifteen copies of such petitions and protests should be filed with the DOE on or before the date listed above. Additional copies of such petitions to intervene or protest also should be filed directly with: Mr. Joseph H. Rowley, Assistant Manager, Power Department, Imperial Irrigation District, P.O. Box 937, Imperial, CA 922512.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system and also consider the environmental impacts of the proposed action pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above.

Issued in Washington, DC, on March 30, 1998.

Anthony J. Como,

Manager, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Fossil Energy.

[FR Doc. 98–8759 Filed 4–2–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–75–000]

George Grenyo; Notice Rescinding Errata Notice and Issuing Notice of Petition for Adjustment

March 30, 1998.

Take notice that the March 26, 1998 Errata Notice previously issued in this proceeding with respect to the petition for adjustment filed by George Grenyo, in Docket No. SA98–75–000, is hereby withdrawn.

Also take notice that on March 16, 1998, George Grenyo (Grenyo) filed a petition for adjustment, pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 [15 U.S.C. 3142(c) (1982)], requesting to be relieved of his obligation to pay Colorado Interstate Gas Company (CIG) the Kansas ad valorem tax refunds for the royalty interests attributable to Grenyo's working interest in the Beach 2–33 and McGraw Leases, otherwise required by the Commission's September 10, 1997 order in Docket No. RP97–369–000 *et al*,[1] on remand from the D.C. Circuit Court of Appeals.[2] Grenyo's petition is on file with the Commission and open to public inspection.

Grenyo's petition indicates that he has already paid CIG $6,879.63, and that this sum includes unspecified amounts attributable to royalty interests in the Beach 2–33 and McGraw Leases.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the Federal Register of this notice, file with the Federal energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–8713 Filed 4–2–98; 8:45 am]

BILLING CODE 6717–01–M

[1] See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

[2] *Public Service Company of Colorado* v. *FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96–954 and 96–1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–40–001]

Hummon Corporation; Notice of Amendment to Petition for Adjustment and Request for Extension of Time

March 30, 1998.

Take notice that, on March 13, 1998, Hummon Corporation (Hummon) filed a supplement, in Docket No. SA98–40–001, amending its March 9, 1998 petition (in Docket No. SA98–40–000) for an adjustment the Commission's refund procedures (to defer payment of principal and interest for one year), an adjustment to its procedures to stop the accruing of interest, and a 90-day extension of time to make refunds to Northern Natural Gas Company (Northern). Hummon's March 9 petition was filed on behalf of Hummon and the working interest owners (First Sellers[1]) for whom Hummon operated. Hummon's March 13 amendment adds two First Sellers to the list of working interest owners covered by Hummon's March 9 petition—Bernard J. Alberts and Elinor B. Amstutz—and deletes three First Sellers—Bernard J. Amstutz, Seymour Roth, and Alan Sturm—from that list. The March 13 amendment also revises the amount reported to be in dispute with Northern. Hummon's March 9 petition and March 13 amendment to the March 9 petition are on file with the Commission and open to public inspection.

Hummon's March 9 petition was filed in response to the Commission's September 10, 1997, order in Docket No. RP97–369–000 *et al*,[2] on remand from the D.C. Circuit Court of Appeals,[3] which directed first sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. Hummon's March 9 petition stated that Northern had reduced the

[1] The First Seller, working interest owners originally covered by Hummon's March 9 petition for adjustment included: A.L. Abercrombie, Bernard J. Amstutz, Wilber D. Berg, George C. Berryman, Ralph L. Bradley, Donald M. Brod, Robert A. Clark, E.A. Cook III, Jamie Coulter, Lowell D. Denniston, George C. Hill, Byron E. Hummon, Jr., John L. James, Willard J. Kiser, Enterprises, Jack W. Kowalski, James G. Neuner, Pat Petroleum Company, R.L. Robertson, Seymour Roth, Melva Stockstill, Dwight D. Sutherland, Jr., Dwight D. Sutherland, Sr., Arthur Vara, Kenneth S. White, Wanda L. Yinger, Trustee, and Alan Sturm.

[2] See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

[3] Public Service Company of Colorado v. FERC, 91 F. 3d 1478 (D.C. Cir. 1996), cert. denied, 65 U.S.L.W. 3751 and 3754 (May 12, 1997) (Nos. 96–954 and 96–1230).

amount of its total refund claim, from $137,703.66 as set forth in Northern's Statement of Refunds Due filed in Docket No. RP98–39–000, to $86,105.54, including interest through March 9, 1998. Hummon's March 13 amendment indicates that $32,764.60 of the $86,105.54 revised total refund due has been refunded to Northern, and that $35,340.58 has been placed into escrow.

Any person desiring to answer Hummon's March 13 amendment should file such answer with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, on or before April 20, 1998, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.213, 385.215, 385.1101, and 385.1106).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–8711 Filed 4–2–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. SA98–45–001 and SA98–45–002]

Molz Oil Company; Notice of Amendment To Petition for Adjustment and Request for Extension of Time

March 30, 1998.

Take notice that, on March 13, 1998 (Docket No. SA98–45–001) and March 20, 1998 (Docket No. SA98–45–002), Molz Oil Company (Molz) filed supplements amending its March 9, 1998 petition for adjustment and request for a 90-day extension of time to resolve a dispute with Williams Gas Pipelines Central, Inc., formerly: Williams Natural Gas Company (Williams), over the amount of Kansas ad valorem tax refunds owed by Molz's First Sellers, filed in Docket No. SA98–45–000. The supplements add three First Sellers—Dean Courson, Bob Watts, and Mollie Watts—to the list of First Sellers represented by Molz's March 9 petition and revise the amount reported to be in dispute with Williams. The March 9 petition and March 13 and March 20 supplements amending the March 9 petition are on file with the Commission and open to public inspection.

Molz filed the March 9 petition pursuant to Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), on behalf of Molz and First Sellers Donald Albers, Darry Brown, Rick Caruthers, Judy Courson, Donald E. Evans, Helen Evans, K. B. Evans, Martha Evans, Beverly Molz, Jim Molz, Ben Rathgeber, Bob and Lometa Rathgeber, Lamoine Schrock, R. K. Sweetman and Westmore Drilling Co. i.e., the working interest owners for whom Molz operated.

Molz filed the March 9 petition in response to the Commission's September 10, 1997, order in Docket No. RP97–369–000 *et al.*[1] on remand from the D.C. Circuit Court of Appeals,[2] which directed first sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. Molz requests the Commission: (1) to grant a procedural adjustment, allowing Molz and the listed First Sellers (as amended) to place into an escrow account the disputed amount of the refund set forth in the Statement of Refunds Due that Williams filed in Docket No. RP98–52–000; (2) to allow Molz (following resolution of the dispute) to retain in that account (a) the principal and interest on amounts attributable to production prior to October 4, 1983, and (b) the interest on all reimbursed principal determined to be refundable as being in excess of maximum lawful prices, excluding interest retained under (a) above; and (3) to find that Molz is not a working interest owner or First Seller of the production with respect to which the tax reimbursements were made, such that Molz has no refund liability under the Statement of Refunds Due filed by Williams in Docket No. RP98–52–000.

Molz's March 9 petition stated that Williams' Statement of Refunds Due was in the amount of $93,447.06, including interest accrued through December 31, 1997, of which $35,727.19 was in dispute. Molz's March 13 supplement amended the disputed amount, increasing it to $81,337.12, including interest accrued through March 9, 1998. Molz's March 20 supplement amended the disputed amount again, increasing it to $86,222.68, including interest accrued through March 9, 1998. Molz identifies Ronald and Kristi Molz and Marvin Miller as working interest owners in its March 13 and March 20 supplements (although they are not listed as First Sellers). Molz further states in both supplements that, because of financial hardship, Ronald and Kristi Molz and Marvin Miller have deposited only the principal amount attributable to their respective working interest shares of the refund claimed by Williams, and that the claimed interest for Ronald and Kristi Molz that has not been deposited totals $2,963.19, while the claimed interest for Marvin Miller that has not been deposited totals $117.95.

Any person desiring to answer Molz's March 13 and March 20 amendments should file such answer with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, on or before April 20, 1998, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.213, 385.215, 385.1101, and 385.1106).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–8712 Filed 4–2–98; 8:45 am]

BILLING CODE 6717–01–M

[1] See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

[2] *Public Service Company of Colorado* v. *FERC*, 91 F. 3d 1478 (D.C. Cir. 1996), cert. denied, 65 U.S.L.W. 3751 and 3754 (May 12, 1997) (Nos. 96–954 and 96–1230).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2233–000]

New England Power Company; Notice of Filing

March 30, 1998.

Take notice that on March 18, 1998, New England Power Company (NEP), filed an amendment to its FERC Electric Tariff, Original Volume No. 1 (Tariff 1). The amendment modifies the Tariff 1 term provision to allow a customer to terminate service without having to provide the advance written notice otherwise required under Tariff 1 and the customer's service agreement, provided that the customer pays a contract termination charge. NEP proposes an effective date of March 31, 1998, for the amendment.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests should be filed on or before April 7, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–8724 Filed 4–2–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–408–000]

Trailblazer Pipeline Company; Notice of Informal Settlement Conference

March 30, 1998.

Take notice that an informal settlement conference will be convened in this proceeding on Wednesday, April 1, 1998, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, for the purpose of exploring the possible settlement in the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Robert A. Young at (202) 208–5705 or Thomas J. Burgess at (202) 208–2058.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–8714 Filed 4–2–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–164–000]

Wyoming Interstate Company Ltd.; Notice of Proposed Changes in FERC Gas Tariff

March 30, 1998.

Take notice that on March 24, 1998, Wyoming Interstate Company Ltd. (WIC), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, and Second Revised Volume 2, the tariff sheets as listed in Appendix A to the filing, to be effective May 1, 1998.

WIC states these tariff sheets reflect proposed changes in the Tariffs concerning secondary capacity, interruptible transportation service, removal of Rate Schedule GTI and conforming the interest rate provisions concerning late charges between WIC's Tariffs. In addition WIC is proposing certain administrative revisions, corrections and clarifications. WIC further states the proposed revisions are beneficial to shippers on WIC.

WIC states that copies of this filing have been served on WIC's jurisdictional customers and public bodies.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–8715 Filed 4–2–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG98–59–000, et al.]

LSP Energy Limited Partnership, et al.; Electric Rate and Corporate Regulation Filings

March 26, 1998.

Take notice that the following filings have been made with the Commission:

1. LSP Energy Limited Partnership

[Docket No. EG98–59–000]

On March 20, 1998, LSP Energy Limited Partnership (Applicant), a Delaware limited partnership with a principal place of business at 655 Craig Road, Suite 336, St. Louis, Missouri 63141, filed with the Federal Energy Regulatory Commission (Commission), an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

The Applicant will begin constructing an approximately eight hundred (800) megawatt, natural gas-fired combined cycle electric generation facility in Batesville, Mississippi (the Facility). The Facility is scheduled to commence commercial operation by Summer 2000. The Applicant is engaged directly, or indirectly through one or more affiliates as defined in Section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy from the Facility at wholesale.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. SEMASS Partnership American Ref-Fuel Company of SEMASS, L.P. Air Products Ref-Fuel of SEMASS, Inc. Air Products Ref-Fuel Operations of SEMASS, Inc. Duke/UAE Ref-Fuel LLC Duke/UAE SEMASS, LLC Duke/UAE Operations of SEMASS, LLC

[Docket No. EC98–4–001]

Take notice that on March 17, 1998, SEMASS Partnership, American Ref-Fuel Company of SEMASS, L.P., Air Products Ref-Fuel of SEMASS, Inc., Air Products Ref-Fuel Operations of SEMASS, Inc., Duke/UAE Ref-Fuel LLC, Duke/UAE SEMASS, LLC, and Duke/UAE Operations of SEMASS, LLC, tendered for filing a Request for Confirmation that no Additional Approval is Required or, in the Alternative, Request for Additional Approval.

Comment date: April 16, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. American Ref-fuel Company of Hempstead, Air Products Ref-fuel of Hempstead, Inc. Duke/UAE Ref-Fuel LLC Duke/UAE Hempstead LLC

[Docket No. EC98–5–001]

Take notice that American Ref-fuel Company of Hempstead, Air Products Ref-fuel of Hempstead, Inc., Duke/UAE Ref-Fuel LLC, and Duke/UAE Hempstead LLC, on March 17, 1998, tendered for filing a Request for Confirmation that no Additional Approval is Required or, in the Alternative, Request for Additional Approval.

Comment date: April 16, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. American Ref-fuel Company of Essex County, Air Products Ref-fuel of Essex County, Inc. Duke/UAE Ref-Fuel LLC Duke/UAE Essex LLC

[Docket No. EC98–6–001]

Take notice that American Ref-fuel Company of Essex County, Air Products Ref-fuel of Essex County, Inc., Duke/UAE Ref-Fuel LLC, and Duke/UAE Essex LLC, on March 17, 1998, tendered for filing a Request for Confirmation that no Additional Approval is Required or, in the Alternative, Request for Additional Approval.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. PEI Power Corporation

[Docket No. EG98–60–000]

Take notice that on March 23, 1998, PEI Power Corporation (PEI Power), One PEI Center, Wilkes-Barre, PA 18711–0601, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

PEI Power is a wholly-owned subsidiary of Pennsylvania Enterprises, Inc., an exempt holding company under the Public Utility Holding Company Act (PUHCA). PEI Power owns and will operate, and make wholesales of electricity from its 23 MW Archbald generation facility located in Lackawana County, Pennsylvania, expected to go on-line in June 1998. PEI Power states that is facility is an eligible facility within the meaning of Section 32(a)(2) of and that PEI Power's ownership and operation of it and related sales of electricity at wholesale qualify PEI Power as an exempt wholesale generator.

Comment date: April 16, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. West Texas Utilities Company

[Docket No. EL98–31–000]

Take notice that on March 13, 1998, West Texas Utilities Company tendered for filing a petition for waiver of the Commission's fuel adjustment clause in the above-referenced docket.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. PacifiCorp

[Docket No. ER96–2735–000]

Take notice that PacifiCorp, on March 20, 1998, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, an amendment to its August 15, 1996, filing of the Power Marketing and Resource Management Service Agreement (Agreement) dated July 26, 1996, between PacifiCorp and Deseret Generation & Transmission Co-operative.

PacifiCorp requests that the Commission grant a waiver of prior notice pursuant to 18 CFR 35.11 of the Commission's Rules and Regulations and that an effective date of July 26, 1996, be assigned to the Agreement.

Copies of this filing were supplied to the Public Utility Commission of Oregon and the Public Service Commission of Utah.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. PP&L, Inc.

[Docket Nos. ER97–3189–007, ER97–4829–000 and EL98–25–000]

Take notice that on March 20, 1998, PP&L, Inc., (PP&L), filed corrected copies of Exhibits 1 through 3 to its March 2, 1998, compliance filing, which was made pursuant to ordering paragraph (F)(2) of the Commission's decision in Pennsylvania-New Jersey-Maryland Interconnection, 81 FERC ¶ 61,257, reh'g pending (1997), and the Commission's Order on Motion for Clarification, 82 FERC ¶ 61,068 (1998).

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. PEI Power Corporation

[Docket No. ER98–2270–000]

Take notice that on March 23, 1998, PEI Power Corporation (PEI Power), petitioned the Commission for acceptance of PEI Power Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations. PEI Power is a wholly-owned subsidiary of Pennsylvania Enterprises, Inc.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Rochester Gas and Electric Corporation

[Docket No. ER98–2271–000]

Take notice that on March 23, 1998, Rochester Gas and Electric Corporation (RG&E), filed a Market Based Service Agreement between RG&E and Virginia Power (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of RG&E's FERC Electric Rate Schedule, Original Volume No. 3 (Power Sales Tariff) accepted by the Commission.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of February 27, 1998, Virginia Power Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Rochester Gas and Electric Corporation

[Docket No. ER98–2273–000]

Take notice that on February 27, 1998, Rochester Gas and Electric Corporation (RG&E), filed a Market Based Service Agreement between RG&E and Strategic Energy Ltd., (Customer). This Service Agreement specifies that the Customer has agreed to the rates, term and conditions of RG&E's FERC Electric Rate Schedule, Original Volume No. 3 (Power Sales Tariff) accepted by the Commission in Docket No. ER97–3553 (80 FERC ¶ 61,284)(1997)).

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of February 27, Strategic Energy Ltd's Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Niagara Mohawk Power Corporation

[Docket No. ER98–2274–000]

Take notice that on March 23, 1998, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and PG&E Energy Trading—Power, L.P. This Transmission Service Agreement specifies that PG&E Energy Trading—Power, L.P., has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow NMPC and PG&E Energy Trading—Power, L.P., to enter into separately scheduled transactions under which NMPC will provide transmission service for PG&E Energy Trading—Power, L.P., as the parties may mutually agree.

NMPC requests an effective date of March 13, 1998. NMPC has requested

waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and PG&E Energy Trading—Power, L.P.,

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. New Century Services, Inc.

[Docket No. ER98–2275–000]

Take notice that on March 23, 1998, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Non-Firm Point-to-Point Transmission Service between the Companies and ConAgra Energy Services, Inc.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc.

[Docket No. ER98–2279–000]

Take notice that on March 23, 1998, Commonwealth Edison Company and Commonwealth Edison Company of Indiana, Inc. (ComEd), tendered for filing revisions to ComEd's Open Access Transmission Service Tariff (OATT). ComEd proposes to offer to other electric utilities that are eligible customers under the OATT redispatch to alleviate curtailment or interruption of non-firm point-to-point transmission service, and transmission service for Network Customers from non-designated resources, either from their own resources, or the resources of others. ComEd proposes to provide this new service as part of a one-year experiment with the goal of reducing the incidents of transmission loading relief in the upper Midwest and facilitating a competitive market. ComEd proposes to provide to the Commission an interim evaluation of this process after six months and a final report after one year. Prior to the end of the one-year experiment, ComEd will make a new filing with the Commission either to modify, continue or terminate this service.

ComEd states that it has served a copy of this filing on the Illinois Commerce Commission and the Indiana Regulatory Commission. Copies of this filing will be posted in accordance with 18 CFR 35.2 of the Commission's Regulations.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Florida Power & Light Company

[Docket No. ER98–2280–000]

Take notice that on March 23, 1998, Florida Power & Light Company (FPL), tendered for filing proposed service agreements with EnerZ Corporation for Short-Term Firm and Non-Firm transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed service agreements be permitted to become effective on April 1, 1998.

FPL states that this filing is in accordance with Section 35 of the Commission's Regulations.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. Kentucky Utilities Company

[Docket No. ER98–2281–000]

Take notice that on March 23, 1998, Kentucky Utilities Company (KU), tendered for filing service agreements between KU and Amoco Energy Trading Corporation, Merchant Energy Group of the Americas, Inc., and DTE Energy Trading, Inc., for service under Kentucky Utilities Company's (KU), Transmission Services Tariff and Merchant Energy Group of the Americas, Inc., and DTE Energy Trading, Inc., for service under KU's Power Services (PS) Tariff. KU also tendered for filing a request for a name change with Cargill-Alliant, LLC.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Illinois Power Company

[Docket No. ER98–2282–000]

Take notice that on March 23, 1998, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing a Power Sales Tariff Service Agreement under which Upper Peninsula Power Company will take service under Illinois Power Company's Power Sales Tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of March 1, 1998.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Rochester Gas and Electric Corporation

[Docket No. ER98–2283–000]

Take notice that on March 23, 1998, Rochester Gas and Electric Corporation (RG&E), filed a Market Based Service Agreement between RG&E and PG&E Energy Trading-Power, L.P. (Customer). This Service Agreement specifies that the Customer has agreed to the rates, term and conditions of RG&E's FERC Electric Rate Schedule, Original Volume No. 3 (Power Sales Tariff) accepted by the Commission.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of February 27, 1998, PG&E Energy Trading-Power, L.P., Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. MEG Marketing, LLC

[Docket No. ER98–2284–000]

Take notice that on March 24, 1998, MEG Marketing, LLC. (MEG), petitioned the Commission for acceptance of MEG Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity and natural gas at market-based rates; and the waiver of certain Commission Regulations.

MEG intends to engage in wholesale electric power and energy purchases and sales as marketer (brokering/trading). MEG is not in the business of generating or transmitting electric power. MEG is a privately-held company.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Kansas City Power & Light Company

[Docket No. ER98–2285–000]

Take notice that on March 23, 1998, Kansas City Power & Light Company (KCPL), tendered for filing Addendum A to Amendatory Agreement No. 6 to KCPL's Municipal Participation Agreement with Independence, Missouri. KCPL proposes an effective date of June 1, 1998. This Agreement provides the City the option to continue taking their current capacity exchange service from KCPL.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Northern States Power Company (Minnesota Company) and Northern States Power Company (Wisconsin Company)

[Docket No. ER98–2286–000]

Take notice that on March 23, 1998, Northern States Power Company-

Minnesota and Northern States Power Company-Wisconsin (collectively known as Northern States Power Company or NSP), tendered for filing a letter approving its application for membership in the Western Systems Power Pool (WSPP). NSP requests the Commission to allow its membership in the WSPP to become effective on March 24, 1998.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. West Texas Utilities Company

[Docket No. ER98–609–001]

Take notice that on March 23, 1998, West Texas Utilities Company (WTU), submitted a compliance filing, as directed by the Commission's order of February 10, 1998, in this docket.

WTU has served a copy of the compliance filing on all affected customers, all parties and the Public Utility Commission of Texas.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–8717 Filed 4–2–98; 8:45 am]

BILLING CODE 6717–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–831–000, et al.]

Niagara Mohawk Power Corporation, et al.; Electric Rate and Corporate Regulation Filings

March 25, 1998.

Take notice that the following filings have been made with the Commission:

1. Niagara Mohawk Power Corporation

[Docket No. ER98–831–000]

Take notice that on March 20, 1998, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for its response to the Commission's Deficiency Notice in the above-captioned docket.

Copies of the filing have been served on Plum Street Energy Marketing, Inc., and the Public Service Commission of the State of New York.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Pacific Gas and Electric Co., San Diego Gas & Electric Co., and Southern California Edison Company

[Docket Nos. EC96–19–021 and ER96–1663–022]

Take notice that on March 23, 1998, as amended on March 24, 1998, the California Independent System Operator Corporation (ISO), filed for Commission acceptance in this docket, pursuant to Section 205 of the Federal Power Act, an application to amend the ISO Operating Agreement and Tariff, including the ISO Protocols (ISO Tariff) (Tariff Amendment No. 6). The ISO requests that the Tariff Amendment No. 6, be accepted for filing and be made effective as of the ISO Operations Date.

The ISO states that Amendment No. 6, addresses issues identified during the recent coupled market demonstration testing. The proposed changes consist of (A) temporary changes to the Real-Time Market for Imbalance Energy; (B) temporary changes respecting physical constraints on Schedules; © changes to provisions respecting System Reliability; (D) changes in regard to Overgeneration Management; (E) changes to give Load and implicit priority in Congestion Management, (F) changes to the default Usage Charge; (G) changes to Reliability Must-Run Unit settlements; (H) changes to Settlement calculations; (I) changes to contingency measures; (J) changes respecting neutrality adjustments; (K) change to the ISO Schedule validation tolerance; (L) temporary liability and exclusion provisions; and (M) temporary changes to Ancillary Services penalties.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Kentucky Utilities Company

[Docket No. ER98–1152–000]

Take notice that on March 20, 1998, Kentucky Utilities Company (KU), submitted an amended filing in the above captioned proceeding. The amended filing revises the Contract For Electric Service between KU and the Borough of Pitcairn in response to a February 5, 1998, letter from the Director of the Commission's Office of Rate Applications.

KU states that a copy of this filing has been served on Borough Manager of the Borough of Pitcairn and all parties to this proceeding.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Kansas City Power & Light Company

[Docket No. ER98–2256–000]

Take notice that on March 20, 1998, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated February 27, 1998, between KCPL and EnerZ Corporation. KCPL proposes an effective date of March 13, 1998, and requests waiver of the Commission's notice requirement. This Agreement provides for the rates and charges for Non-Firm Transmission Service. In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order No. 888-A in Docket No. OA97–636.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER98–2257–000]

Take notice that on March 19, 1998, Virginia Electric and Power Company (Virginia Power), tendered for filing the Service Agreement between Virginia Electric and Power Company and AVISTA Energy, Inc., under the FERC Electric Tariff (First Revised Volume No. 4), which was accepted by order of the Commission dated November 6, 1997 in Docket No. ER97–3561–001. Under the tendered Service Agreement, Virginia Power will provide services to AVISTA Energy, Inc., under the rates, terms and conditions of the applicable Service Schedules included in the Tariff. Virginia Power requests an effective date of March 20, 1998, for the Service Agreement.

Copies of the filing were served upon AVISTA Energy, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Wisconsin Public Service Corporation

[Docket No. ER98–2258–000]

Take notice that on March 20, 1998, Wisconsin Public Service Corporation

(WPSC), tendered for filing Supplement No. 1, to its partial requirements service agreement with Washington Island Electric Cooperative (WIEC), Door County, Wisconsin. Supplement No. 1, provides WIEC's contract demand nominations for January 1998—December 2002, under WPSC's W–2A partial requirements tariff and WIEC's applicable service agreement.

The company states that copies of this filing have been served upon WIEC and to the State Commissions where WPSC serves at retail.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. LSP Energy Limited Partnership

[Docket No. ER98–2259–000]

Take notice that LSP Energy Limited Partnership (LSP), on March 20, 1998, tendered for filing an initial rate schedule and request for certain waivers and authorizations pursuant to Section 35.12 of the regulations of the Federal Energy Regulatory Commission (the Commission). The initial rate schedule provides for the sale to wholesale purchasers of the output of the Batesville Generation Facility, an electric power generation facility to be developed by LSP in Batesville, Mississippi.

LSP requests that the Commission set an effective date for the rate schedule on the date which is sixty (60) days from the date of this filing, or the date the Commission issues an order accepting the rate schedule, whichever first occurs.

A copy of the filing was served upon the Public Service Commission of Mississippi.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. New York State Electric & Gas Corporation

[Docket No. ER98–2260–000]

Take notice that on March 20, 1998, New York State Electric & Gas Corporation (NYSEG), filed Service Agreements between NYSEG and Eastern Power Distribution, Inc., (Customer). These Service Agreements specify that the Customer has agreed to the rates, terms and conditions of the NYSEG open access transmission tariff filed and effective on June 11, 1997, in Docket No. OA97–571–000.

NYSEG requests waiver of the Commission's sixty-day notice requirements and an effective date of March 23, 1998, for the Service Agreements. NYSEG has served copies of the filing on The New York State Public Service Commission and on the Customer.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Carolina Power & Light Company

[Docket No. ER98–2261–000]

Take notice that on March 20, 1998, Carolina Power & Light Company (CP&L), tendered for filing Service Agreements for Non-Firm Point-to-Point Transmission Service executed between CP&L and the following Eligible Transmission Customers: Illinois Power Company and Tennessee Power Company; and Service Agreements for Short-Term Firm Point-to-Point Transmission Service with Illinois Power Company and Tennessee Power Company. Service to each Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. PacifiCorp

[Docket No. ER98–2262–000]

Take notice that PacifiCorp, on March 20, 1998, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, a Service Agreement with Citizens Power Sales under PacifiCorp's FERC Electric Tariff, Original Volume No. 12.

Copies of this filing were supplied to the Public Utility Commission of Oregon and the Washington Utilities and Transportation Commission.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464–6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Florida Power Corporation

[Docket No. ER98–2265–000]

Take notice that on March 20, 1998, Florida Power Corporation (FPC), tendered for filing a supplement to Service Agreement No. 10, under FPC's FERC Electric Tariff, First Revised Volume No. 3. Service Agreement No. 10 was accepted for filing by the Commission on September 12, 1997, in Docket No. ER97–4578–000. The supplement to the Service Agreement with Municipal Electric Authority of Georgia is proposed to be effective March 20, 1998.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Chickasaw Nation Industries, Inc.

[Docket No. ER98–2266–000]

Take notice that on March 20, 1998, Chickasaw Nation Industries, Inc. (Chickasaw), petitioned the Commission for acceptance of Chickasaw's Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission Regulations.

Chickasaw intends to engage in wholesale electric power and energy purchases and sales as a marketer. Chickasaw is not in the business of generating or transmitting electric power. Chickasaw is a Federal Tribal Corporation under 25 U.S.C., Section 503, wholly-owned by the Chickasaw Nation of Oklahoma, a federally recognized Indian Tribe.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Delmarva Power & Light Company

[Docket No. ER98–2267–000]

Take notice that on March 20, 1998, Delmarva Power & Light Company (Delmarva), tendered for filing an Application for Approval of Modifications to its Market-based Rate Tariff and Request for Waiver. The Application modifies Delmarva's market-based tariff to remove a geographic limitation on its authority to sell power at market-based rates within the Delmarva Peninsula and to provide that payments are due within 10 days of an invoice. Included in the filing are modifications to the market-based sales tariff to become effective May 20, 1998, and modifications to a form of service agreement.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Cinergy Services, Inc.

[Docket No. ER98–2268–000]

Take notice that on March 20, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), a First Supplemental Agreement, dated February 1, 1998, between Sonat Power Marketing L.P. and Cinergy.

The First Supplemental Agreement revises the current language for rates,

terms and conditions of service, provides for the unbundling language for the point of sale, adds language for reliability guidelines, interface capacity available and credit worthiness, and adds Market Based Power Service.

Cinergy requests an effective date of one day after the filing of this First Supplemental Agreement of the Interchange Agreement.

Copies of the filing were served on Sonat Power Marketing L.P., the Alabama Public Service Commission, the Kentucky Public Service Commission, the Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–8716 Filed 4–2–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–3189–011, et al.]

PJM Interconnection, LLC, et al.; Electric Rate and Corporate Regulation Filings

March 27, 1998.

Take notice that the following filings have been made with the Commission:

1. PJM Interconnection, LLC

[Docket No. ER97–3189–011]

Take notice that on March 17, 1998, PJM Interconnection, LLC (PJM) tendered for filing in accordance with ordering paragraph (G) of the Commission's order in Pennsylvania-New Jersey-Maryland Interconnection, 81 FERC ¶ 61,257 (1997), incorporating into the PJM Open Access Transmission Tariff (PJM Tariff) the rate revisions filed by the regional transmission owners on December 15, 1997 and March 2, 1998 in response to ordering paragraph (F) of the Commission's order.

PJM requests an effective date for the revised rates of April 1, 1998, consistent with the effective date of the revised PJM Tariff.

Comment date: April 10, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. California Power Exchange Corporation

[Docket Nos. EC96–19–022 and ER96–1663–023]

Take notice that on March 24, 1998, the California Power Exchange Corporation (PX), submitted for filing, pursuant to Section 205 of the Federal Power Act, an application to amend the PX Operating Agreement and Tariff (including Protocols)(PX Tariff), and a motion for waiver of the 60-day notice requirement. The PX requests that the proposed PX Tariff amendments be made effective as of the PX operations date because the amendments are needed for initial operations.

In these amendments, the PX proposes to amend the PX Tariff (1) to establish a window of 15 minutes prior to any deadline set by the ISO for the submission or withdrawal of Supplemental Energy bids and (2) when Load is given a priority in Congestion Management, to calculate a valid Zonal Market Clearing Price by assuming the price of a resource adjusted by the ISO, at the Final Schedule quantity, is (a) equal to the higher of the last Adjustment Bid price accepted by the ISO or (b) the uncongested Market Clearing Price. To implement this regime, the PX proposes a new PX Tariff Section 3.9.2.8. Current PX Tariff Section 3.9.2.8. would be renumbered as Section 3.9.2.9.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. American Home Energy Corp.

[Docket No. ER98–1903–000]

Take notice that on March 24, 1998, American Home Energy Corp. (AHEC), filed an addendum to its petition to the Commission for acceptance of AHEC Rate Schedule FERC No. 1; and for the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

AHEC intends to engage in wholesale electric power and energy purchases and sales as a marketer. AHEC is not in the business of generating or transmitting electric power. AHEC is a wholly-owned subsidiary of Energy Conservation Group, LLC, which, through its affiliates, owns and operates a retail heating oil and service company, a fuel oil buying group, and a licensed real estate brokerage.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Entergy Services, Inc.

[Docket No. ER98–2251–000]

Take notice that on March 19, 1998, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Short-Term Market Rate Sales Agreement between Entergy Services, as agent for the Entergy Operating Companies, and South Carolina Electric & Gas Company for the sale of power under Entergy Services' Rate Schedule SP.

Comment date: April 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Allegheny Power Service Corp., on behalf of Monongahela Power Co., The Potomac Edison Company and West Penn Power Company

[Docket No. ER98–2272–000]

Take notice that on March 24, 1998, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (collectively Allegheny Power), filed Supplement No. 40 to add two (2) new Customers to the Standard Generation Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a waiver of notice requirements to make service available as of March 23, 1998, to Cinergy Capital & Trading, Inc., and Consolidated Edison Solutions, Inc.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. American Electric Power Service Corporation

[Docket No. ER98–2276–000]

Take notice that on March 24, 1998, the American Electric Power Service Corporation (AEPSC), tendered for filing executed service agreements under the Wholesale Market Tariff of the AEP Operating Companies (Power Sales Tariff). The Power Sales Tariff was accepted for filing effective October 10, 1997 and has been designated as AEP Operating Companies' FERC Electric Tariff Original Volume No. 5. AEPSC respectfully requests waiver of notice to permit the service agreements to be made effective for service billed on and after February 25, 1998.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Rochester Gas and Electric

[Docket No. ER98–2277–000]

Take notice that on March 16, 1998, Rochester Gas and Electric Corporation (RG&E), filed a Service Agreement between RG&E and the Columbia Energy Services Corporation (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of the RG&E open access transmission tariff filed on July 9, 1996 in Docket No. OA96–141-000.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of March 16, 1998, for the Columbia Energy Services Corporation Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Rochester Gas and Electric

[Docket No. ER98–2278–000]

Take notice that on March 17, 1998, Rochester Gas and Electric Corporation (RG&E), filed a Service Agreement between RG&E and the Eastern Power Distribution, Inc., (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of RG&E's open access transmission tariff filed on July 9, 1996 in Docket No. OA96–141–000.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of March 17, 1998, for the Eastern Power Distribution, Inc., Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Wisconsin Electric Power Company

[Docket No. ER98–2287–000]

Take notice that on March 24, 1998, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an electric service agreement under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) with Illinois Power Company, Inc., (IP). Wisconsin Electric respectfully requests an effective date March 18, 1998.

Copies of the filing have been served on IP, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. New Century Services, Inc.

[Docket No. ER98–2288–000]

Take notice that on March 24, 1998, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a revised index of the Service Agreements under the Companies' Joint Open Access Transmission Service Tariff.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. New Century Services, Inc.

[Docket No. ER98–2289–000]

Take notice that on March 24, 1998, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Non-Firm Point-to-Point Transmission Service between the Companies and Municipal Energy Agency of Nebraska.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. The Dayton Power and Light Company

[Docket No. ER98–2290–000]

Take notice that on March 24, 1998, The Dayton Power and Light Company (Dayton), submitted service agreements establishing Strategic Energy Ltd., as a customer under the terms of Dayton's Market-Based Sales Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of the this filing were served upon Strategic Energy Ltd. and the Public Utilities Commission of Ohio.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. California Independent System Operator Corporation

[Docket No. ER98–2291–000]

Take notice that on March 24, 1998, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities the ISO and Oeste Power Generation, L.L.C., for acceptance by the Commission.

The ISO states that this filing has been served on all parties listed on the official service list in Docket Nos. EC96–19–003 and ER96–1663–003, including the California Public Service Commission.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. California Independent System Operator Corporation

[Docket No. ER98–2292–000]

Take notice that on March 24, 1998, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities the ISO and Mountain Vista Power Generation, L.L.C., for acceptance by the Commission.

The ISO states that this filing has been served on all parties listed on the official service list in Docket Nos. EC96–19–003 and ER96–1663–003, including the California Public Service Commission.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. California Independent System Operator Corporation

[Docket No. ER98–2294–000]

Take notice that on March 24, 1998, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO

Metered Entities the ISO and Alta Power Generation, L.L.C., for acceptance by the Commission.

The ISO states that this filing has been served on all parties listed on the official service list in Docket Nos. EC96–19–003 and ER96–1663–003, including the California Public Service Commission.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. Allegheny Power Service Corp., on Behalf of Monongahela Power The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER98–2307–000]

Take notice that on March 24, 1998, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 28 to add Amoco Energy Trading Corporation and Northern Indiana Public Service Company to Allegheny Power Open Access Transmission Service Tariff which has been submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96–18–000. The proposed effective date under the Service Agreements is March 23, 1998.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–8723 Filed 4–2–98; 8:45 am]

BILLING CODE 6717–01–U

DEPARTMENT OF ENERGY

Western Area Power Administration

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Griffith Power Plant and Transmission Line Project, Mohave County, AZ

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: In accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4332, Western Area Power Administration (Western) intends to prepare an environmental impact statement (EIS) regarding the proposal by Griffith Energy (GE), LLC, to construct an electric generating facility on private property and to interconnect this facility with Western's system in the vicinity of Kingman, Arizona. To facilitate this interconnection, Western proposes to construct three 230-kilovolt (kV) transmission lines to connect the generating facility to two existing Western transmission lines which are part of the regional grid. Two 6-mile parallel lines will connect the generating facility to the Davis-Prescott 230-kV line about 6 miles north of the proposed plant site and about 5 miles southwest of Kingman. An additional 28-mile line will connect the facility to the Mead-Liberty 345-kV transmission line about 15 miles east of Kingman. The three new lines will parallel existing lines or occupy approved corridors for most of their lengths. Because implementing this proposal would incorporate new generation into Western's system, Western has determined that an EIS is required in accordance with U.S. Department of Energy's (DOE) NEPA Implementing Procedures, 10 CFR 1021, Subpart D, Appendices D5 and D6. In this notice Western announces intentions to prepare an EIS and hold a public scoping meeting for the proposed project. Western's scoping will include notifying the general public and Federal, State, local, and tribal agencies of the proposed action for identification by the public and agencies of issues and alternatives to be considered in the EIS.

DATES: The scoping meeting will be held on April 20, 1998, beginning at 7 p.m, at the County Board of Supervisors Office, 809 East Beale Street, Kingman, Arizona 86401. Written comments on the scope of the EIS for the proposed Project should be received no later than May 21, 1998. Comments on the project will be accepted throughout the NEPA process.

FOR FURTHER INFORMATION CONTACT: If you are interested in receiving future information or wish to submit written comments, please call or write John Holt, Environmental Manager, Western Area Power Administration, Desert Southwest Region, P.O. Box 6457, Phoenix, Arizona 85005–6457, (602) 352–2592, FAX: (602) 352–2630, E-mail: holt@wapa.gov. For general information on DOE's NEPA review procedures or status of a NEPA review, contact Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: GE proposes to construct the Griffith Energy Project (Project) on private land south of the City of Kingman in Mohave County, Arizona. The Project would be a "merchant plant," meaning it would not be owned by a utility or by a utility affiliate selling power to its utility, nor is it supported by a long-term power purchase agreement with a utility. The Project would instead sell power on a short and mid-term basis to customers and the on-the-spot market. Power purchases by customers would be voluntary, and all economic costs would be borne by GE.

The Project consists of a 520-megawatt natural-gas-fired, combined-cycle generating facility and on-site supporting infrastructure, including an administration building, a storage warehouse, water treatment and storage facilities, cooling towers, gas conditioning equipment, and new access roads. The generating facility and infrastructure would occupy less than 40 acres of a 160-acre site in the Mohave County I–40 Industrial Corridor south of Kingman. Additional off-site facilities would include water pipelines and buried natural gas pipelines which would bring high-pressure gas to the generating facility to fuel the gas-fired turbines from nearby natural gas transmission pipelines. The Project's water requirements would be about 2,500 to 3,000 gallons per minute during peak operating periods.

Western, with funding from GE, proposes to construct three 230-kV

transmission lines to interconnect with two existing Western transmission lines. Two 6-mile parallel lines will connect the plant with the Davis-Prescott 230-kV line about 6 miles north of the proposed plant site and about 5 miles southwest of Kingman, and a 28-mile line would connect the plant with the Mead-Liberty 345-kV transmission line about 15 miles east of Kingman. These interconnections would integrate the power generated by the Project into the Western electrical grid. Western proposes to build these lines parallel to existing transmission lines or approved corridors. Since this would connect power from new generation to Western's system, DOE's NEPA Implementing Procedures require Western to prepare an EIS on the potential environmental impacts of this proposal. Western, therefore, will be the lead Federal Agency, as defined at 40 CFR 1501.5.

Western will carefully examine public health and safety, environmental impacts, and engineering aspects of the proposed power project, including all related facilities, such as the power plant and electric transmission and natural gas lines.

The EIS will be prepared in accordance with the requirements of the Council of Environmental Quality's NEPA Implementing Regulations (40 CFR 1500–1508) and DOE's NEPA Implementing Procedures (10 CFR 1021). Western will invite local and State agencies with jurisdiction over the Project to be cooperating agencies on the EIS. Full public participation and disclosure are planned for the entire EIS process. It is anticipated that the EIS process will take 8 months and will include a public information and scoping meeting; consultation and involvement with appropriate Federal, State, local, and tribal government agencies; public review and hearings on the published draft EIS; a published final EIS; a review period; and publication of a record of decision (ROD). A public information and scoping meeting will be held on April 20, 1998. Publication of the ROD is anticipated in the fall of 1998.

Dated: March 23, 1998.

Michael S. Hacskaylo,

Acting Administrator.

[FR Doc. 98–8760 Filed 4–2–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Pacific Northwest-Pacific Southwest Intertie Project—Point-to-Point Transmission Services Rates for the 230/345-kV Transmission System

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed rate adjustments.

SUMMARY: The Western Area Power Administration's (Western) Desert Southwest Region (DSW) is initiating a rate adjustment process for point-to-point transmission services on the 230/345-kV system of the Pacific Northwest-Pacific Southwest Intertie Project (AC Intertie). This action is necessary to recover annual costs (including interest expense) and capital requirements. The existing rate schedule was placed into effect on February 1, 1996, under Rate Order WAPA–71 which was approved on a final basis by the Federal Energy Regulatory Commission (FERC) on July 24, 1996.

The proposed rate and its impact are explained in greater detail in a rate brochure which will be made available to all interested parties. Network transmission services and ancillary services which comply with FERC Order Nos. 888 and 888a may be obtained through Western's Open Access Tariff published on January 6, 1998 (63 FR 521).

The proposed rate is scheduled to go into effect on October 1, 1998. This **Federal Register** notice initiates the formal process for the proposed rate.

DATES: Submit comments on or before July 2, 1998. The forum dates are:

1. Public information forum, May 4, 1998, 10 a.m. MST, Phoenix, Arizona.
2. Public comment forum, June 1, 1998, 10 a.m. MST, Phoenix, Arizona.

ADDRESSES: Written comments should be sent to Mr. J. Tyler Carlson, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457. The public forums will be held at the Desert Southwest Regional Office, 615 South 43rd Avenue, Phoenix, Arizona.

FOR FURTHER INFORMATION CONTACT: Mr. Maher A. Nasir, Rates Team Lead, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, telephone (602) 352–2768.

SUPPLEMENTARY INFORMATION:

Proposed AC Intertie Transmission Rate

The proposed firm transmission service rate for the AC Intertie 230/345-kV transmission system is $12.00 per kilowattyear (kWyr). The existing rate is $6.58 per kWyr. The proposed rate represents an 82-percent increase. The increase in the rate is necessary to demonstrate repayment for the 230/345-kV transmission system and the 500-kV transmission system. Looking at the AC Intertie as a whole, two primary issues have prompted the proposed rate. First, costs from the planning phase of the canceled Northwest portion of the project must be repaid. In 1969, the Department of the Interior discontinued its funding prior to completion. When the Pacific Northwest participants subsequently withdrew support, a decision was made to abandon the project. The proposed transmission rate accounts for the recovery of the abandoned project costs.

The second issue is revenue from firm transmission service on the 500-kV transmission system is less than projected. Western has estimated that it will take approximately 10 years for the 500-kV transmission system to be subscribed to a level sufficient to meet revenue repayment requirements. Western's AC Intertie Power Repayment Study (PRS) reflects a revenue contribution for the 500-kV transmission system equivalent to the sale of 62.5 megawatts (MW) during the first year, increased by 100 MW each year during the 10-year period. The study concludes that the proposed rate for firm transmission service on the 230/345-kV AC Intertie transmission system is necessary to meet repayment requirements of the AC Intertie Project over this 10-year period.

Western proposes, through this rate adjustment process, to supersede only the rate for firm point-to-point transmission service on the 230/345-kV system placed in effect under Rate Order WAPA–71. The rate for firm point-to-point transmission service on the 230/345-kV system includes the cost for the scheduling, system control and dispatch service.

Authorities

Since the proposed rates constitute a major rate adjustment as defined in 10 CFR 903.2, both a public information forum and a public comment forum will be held. After review of public comments, Western will recommend the proposed rates or revised proposed rates for approval on an interim basis by the Deputy Secretary of DOE.

The proposed point-to-point transmission service rates for the 230/345-kV AC Intertie system are being established pursuant to the Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*) and the Reclamation Act of 1902 (43 U.S.C. 371, *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) and section 8 of the Act of August 31, 1964 (16 U.S.C. 837g).

By Amendment No. 3 to Delegation Order No. 0204–108, published November 10, 1993 (58 FR 59716), the Secretary of Energy delegated (1) the authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of Western; (2) the authority to confirm, approve, and place such rates in effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR Part 903) became effective on September 18, 1985 (50 FR 37835).

Regulatory Procedure Requirements

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, requires Federal agencies to perform a regulatory flexibility analysis if a proposed rule is likely to have a significant economic impact on a substantial number of small entities. Western has determined that this action relates to rates or services offered by Western and therefore, is not a rule within the purview of the Act.

Environmental Compliance

In compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*; Council On Environmental Quality Regulations, 40 CFR Parts 1500–1508; and DOE NEPA Regulations, 10 CFR Part 1021, Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed rates will be made available for inspection and copying at Western's Desert Southwest Regional Office, 615 South 43rd Avenue, Phoenix, Arizona.

Dated: March 25, 1998.

Michael S. Hacskaylo,

Acting Administrator.

[FR Doc. 98–8762 Filed 4–2–98; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRH–5990–5]

Agency Information Collection Activities: Proposed Collection; Comment Request; Environmental Information Customer Survey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): *Environmental Information Customer Survey:* EPA ICR No. 1853.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting public comment on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before *May 27, 1998.*

ADDRESSES: Office of Policy, Planning and Evaluation, U.S. EPA, Mailcode 2164, 401 M Street, S.W., Washington, D.C. 20460. Information regarding this information collection request can be obtained by contacting the information contact listed below.

FOR FURTHER INFORMATION CONTACT: Heather Anne Case, telephone: (202) 260–2360, fax: (202) 260–4903, case.heather@epamail.epa. gov.

SUPPLEMENTARY INFORMATION: Affected entities: Entities potentially affected by this action are those members of the general public who agree to participate in these voluntary, information collection activities.

Title: *Environmental Information Customer Survey;* EPA ICR No.: 1853.01.

Abstract: This information collection request covers a series of general public surveys to be administered by the EPA's Center for Environmental Information Statistics (CEIS) and the Environmental Monitoring for Public Access and Community Tracking (EMPACT) program over the next three years. The objectives of these survey activities are derived from EPA's *Strategic Plan* (EPA/190–E–97–002, September, 1997) which sets a national goal to improve public access to the Agency's environmental information resources. The proposed information collection activities will assist EPA to: (1) Identify and characterize segments of the Agency's information customer base (information users and audiences), and (2) assess their environmental information needs and access preferences. A customer's "environmental information need" refers to specific types of data and information, such as data on air pollution levels or information about the known health effects of a particular pollutant. An "access preference" refers to the various ways in which the public can obtain data and information (e.g., reading newspapers or reports, by telephone, using Internet Web sites, visiting EPA libraries).

The CEIS and the EMPACT program are proposing to undertake, two, near-term, national telephone surveys of the public's environmental information needs and access preferences, to assure that early program development involves all interested information users. The results of these two survey activities will be used to: (1) Improve public access to data and information; (2) identify gaps between the public's environmental information needs and currently available Agency information resources; (3) develop new environmental information products and services; (4) enhance community-level, environmental measurement and monitoring capabilities; and, (5) regularly seek customers comments on their level of satisfaction with information products and services. The CEIS and the EMPACT program further propose to carry out several additional, customer survey activities to continue customer involvement in developing new projects, products and services.

Background Information

In February 1997, EPA announced plans to create a Center for Environmental Information and Statistics (CEIS). The Center was given the responsibility to provide the public a convenient, reliable, source of information on environmental quality status and trends. The CEIS is part of a broader, Agencywide effort to improve public access to EPA's information resources. Improved public access will provide citizens the information that they need to protect public health and the environment in their communities. CEIS drafted a plan for surveying the

public's needs and access preferences for improving public access. This peer-reviewed, *Customer Survey Plan* (July 1997) employs well-established, qualitative, research techniques to ascertain customer's needs and access preferences via the survey activities described below.

The CEIS and the EMPACT program have already engaged more than 300 EPA information users in a series of discussions and public meetings to identify their environmental information needs and access preferences. Many of those involved in these meetings have asked that EPA focus on improving public access by providing centralized points of contact at the national and regional levels. They have also expressed needs for having integrated datasets and information presented at various geographic scales (national, regional, state, watershed and community). Users are interested in having quality-assured, reliable data for developing their own reports. They are also looking for comprehensive reporting on environmental quality status and trends. The proposed survey will provide insights into the kinds of information that members of the general public may want, especially those members who may be unfamiliar with the Agency's information resources.

Established in 1996, the EMPACT program is fostering a new approach to work with communities to collect, manage, and communicate environmental information on a real-time basis. The EMPACT program will be using the results of the proposed information collection activities to work with communities to make timely, accurate, and understandable environmental monitoring data available in 86 of the larger U.S. metropolitan areas.

Table 1. provides a detailed description of proposed FY 1998–2001 Environmental Information Customer Survey information collection activities.

TABLE 1:—PROPOSED FY 1998–2001: ENVIRONMENTAL INFORMATION CUSTOMER SURVEY ACTIVITIES

March 1998—October 1998
CEIS and the EMPACT program assessing environmental information needs and access preferences:
2,000 telephone interviews (by EPA region)
17,200 telephone interviews (in the 86 EMPACT program, metropolitan areas).
Product or service concept testing:
12 focus groups or public meetings
Actual product or service testing:
20 interviews with CEIS web site users
4 focus groups to advance web site development

TABLE 1:—PROPOSED FY 1998–2001: ENVIRONMENTAL INFORMATION CUSTOMER SURVEY ACTIVITIES—Continued

November 1998—October 1999
Assessing environmental information needs and access preferences:
1,000 responses to a general public questionnaire
Product or service concept testing:
40 focus groups or public meetings
Actual product or service testing:
20 focus groups
100 individual interviews
Evaluating customer satisfaction with early products and services:
1,000 responses to a web site users' questionnaire
November 1999—October 2000
Assessing environmental information needs and access preferences:
2,000 telephone interviews (by EPA region)
17,200 telephone interviews (throughout the 86 EMPACT metropolitan areas).
Testing product or service concepts:
20 focus groups or public meetings
Testing actual products or services:
20 focus groups
100 individual interviews
Evaluating customer satisfaction:
1,000 responses to a questionnaire
November 2000—October 2001
Testing product or service concepts:
10 focus groups or public meetings
Testing actual products or services:
20 focus groups
100 individual interviews
Evaluating customer satisfaction:
1000 responses to a questionnaire

CEIS and the EMPACT program will coordinate the administration of any information collection activity in overlapping geographic areas of the country, in order to minimize information collection burden, wherever possible.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. Consistent with these regulations, EPA would like to solicit public comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The estimated hour burden for CEIS and the EMPACT program national telephone surveys and other, future General Public Customer Survey activities is 26,100 hours. The average annual reporting burden is 6,500 hours and the estimated, average burden hour per response is 0.6 hours. Over the three-year period, numerous members of the public will be asked if they would voluntarily like to be included in the proposed survey activities. The CEIS and the EMPACT program estimate that about 41,500 actual respondents may become involved. Since these information collection activities are voluntary (respondents will not be asked to keep any records as a result of these activities), there are no estimated respondent costs associated with the proposed information collection activities.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Because customer surveys involve iterative phases of activity, information collection activities, proposed to occur after this fiscal year, may change.

Dated: March 30, 1998.

Arthur Koines,

Deputy Director, Office of Strategic Planning and Environmental Data.

Denice Shaw,

EMPACT Program Manager.

[FR Doc. 98–8792 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5991–2]

Agency Announcement of Information Collection Activities: Submission for OMB Review; Comment Request; Collection of 1997 Iron and Steel Industry Data (EPA ICR 1830.01)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) is being forwarded to the Office of Management and Budget (OMB) for review and approval: "Collection of 1997 Iron and Steel Industry Data" (EPA ICR No. 1830.01). The ICR describes the nature of the information collection and the anticipated burden the data collection will create on recipient facilities, and the collection methodology EPA will use to distribute the data collection instruments. The ICR also includes representative copies of the specific data collection instruments that will be distributed to the public.

DATES: Comments must be submitted on or before May 4, 1998.

FOR FURTHER INFORMATION CONTACT: Contact Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/ost/ironsteel.

SUPPLEMENTARY INFORMATION:

Title: Information Collection Request for the Collection of 1997 Iron and Steel Industry Data (EPA ICR No.1830.01). This is a new collection.

Abstract: The Collection of 1997 Iron and Steel Industry Data is intended to collect, from industry, the type of technical and economic information required by EPA to develop effluent limitations guidelines for Iron and Steel industry activities. The Iron and Steel industry activities include cokemaking, sintering, briquetting, ironmaking, steelmaking, ladle metallurgy, vacuum degassing, casting, hot forming, salt bath descaling, acid pickling, cold forming, alkaline cleaning, hot coating, electroplating, and utility operations.

EPA is promulgating effluent limitations guidelines and standards for the Iron and Steel industry in accordance with the consent decree entered in the case of *Natural Resources Defense Council, et al.* v. *Reilly, Civ. No. 89–2980* (D.C. Cir., as amended). EPA will issue this survey under authority of section 308 of the Clean Water Act, 33 U.S.C. 1318, which authorizes EPA to require the owner or operator of a point source to submit certain information at EPA's request. The data collected will provide EPA with the technical and economic information required to effectively evaluate pollution control technologies and the economic achievability of the final rule. EPA will consider both technical performance and economic achievability (including cost effectiveness analyses of alternative pollution control technologies) when developing the final regulations. An Agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document announcing the impending submission of the ICR to OMB, as required under the Paperwork Reduction Act's regulations at 5 CFR 1320.8(d), was published on October 20, 1997. Six sets of comments from the public regarding the October 20, 1997 announcement (62 FR 54453) were received by the Agency. These comments, and EPA's responses, are presented in Attachment 5 of the ICR.

Burden Statement: The data collection consists of 5 elements: the Detailed Survey, the Short Survey, the Capital Cost Survey, the Production follow-up question, and the Analytical data follow-up question. The total nationwide public reporting and record keeping burden for this information collection is estimated to be 107,116 hours or $3,654,832. The nationwide burden will be distributed among the 901 industry sites. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to adjust the existing ways to comply with any previously applicable instructions and requirements; to train personnel to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information.

EPA will send the Detailed Survey to the 244 sites which comprise the following types of mills: Integrated with cokemaking, Integrated without cokemaking, Non-integrated with finishing, Non-integrated without finishing, Stand-alone cokemaking, Stand-alone DRI or sintering, Stand-alone finishing, and Stand-alone hot forming. These 244 sites will have an average estimated burden of 258 hours or $8,703 per site. EPA will send the Short Survey to the 657 sites which comprise the following types of mills: Stand-alone pipe/tube, Stand-alone hot dip coating, Stand-alone cold forming, and Stand-alone wire. Each of these 657 sites will have an average estimated burden of 62 hours or $2,140 per site.

EPA will distribute the Cost Survey to no more than 100 iron and steel sites, to be chosen based on responses to the Detailed and Short Surveys. Each of these 100 sites will have an estimated burden of 12 hours or $513 per site. EPA will distribute the Production follow-up question to no more than 100 iron and steel sites, to be chosen based on responses to the Detailed and Short Surveys. Each of these 100 sites will have an estimated burden of 10 hours or $409 per site. EPA will distribute the Analytical data follow-up question to no more than 100 iron and steel sites, to be chosen based on responses to the Detailed and Short Surveys. Each of these 100 sites will have an estimated burden of 10 hours or $332 per site.

EPA made every effort possible to reduce the national reporting burden associated with this data collection. The following are examples of how EPA reduced the burden associated with the current data collection:

1. EPA reduced the number of questions in the Detailed Survey, based on comments from the public and an internal reevaluation of what information was considered to be essential to the guideline development.
2. EPA developed a Short Survey instrument to be sent to the majority of the sites. EPA anticipates that many of these sites will be small businesses, representing a relatively small portion of the industry wastewater flow rates and pollutant loadings.
3. EPA has conducted outreach with the following trade associations, which represent the vast majority of the facilities that will be affected by this guideline: American Iron and Steel Institute, Steel Manufacturers Association, Specialty Steel Industry of North America, the Cold Finished Steel Bar Institute, The Wire Association International, Incorporated, the Steel Tube Institute of North America, the American Galvanizers Association, Incorporated, and the American Coke and Coal Chemicals Association. Outreach has involved distributing advance copies of the survey and meeting with representatives of the

trade associations to discuss the guidelines development process and the survey. Many of the comments received during these meetings have been incorporated.

4. EPA plans to operate a telephone help-line and develop an internet address to answer questions regarding the survey.

5. EPA plans to conduct a series of survey workshops.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1830.01 in any inquiry.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street S.W., Washington, DC 20460
and
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the EPA, 725 17th Street N.W., Washington, DC 20503.

Dated: March 30, 1998.

Richard T. Westlund,

Acting Director,

Regulatory Information Division.

[FR Doc. 98–8788 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5490–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or (202) 564–7153.

Weekly Receipt of Environmental Impact Statements Filed March 23, 1998 Through March 27, 1998 Pursuant to 40 CFR 1506.9

EIS No. 980098, Final EIS, FHW, NC, US 70 Goldsboro Bypass Construction, US 70 in the vicinity of NC–1237 to US 70 in the vicinity of NC–1731, Funding and COE Permits, Wayne County, NC, *Due:* May 4, 1998, *Contact:* Nicolas L. Graf (919) 856–4346.

EIS No. 980099, Final EIS, SFW, MN, IA, Northern Tallgrass Prairie Habitat Preservation Area (HPA), Implementation, To Preserve, Restore and Manage, several counties, MN and several counties, IA, *Due:* May 4, 1998, *Contact:* Jane West (612) 713–5314.

EIS No. 980100, Draft EIS, FHW, WV, New River Parkway Project, Design, Construction and Management, between I–64 Interchanges to Hinton, Raleigh and Summers Counties, WV, *Due:* May 28, 1998, *Contact:* David A. Leighow (304) 347–5268.

EIS No. 980101, Draft EIS, AFS, CO, North Fork Salvage Timber Analysis Area, Implementation, Medicine Bow-Routt National Forest, Routt County, CO, *Due:* May 18, 1998, *Contact:* Larry Lindner (970) 870–2220.

EIS No. 980102, Final EIS, NPS, HI, Ala Kahakai "Trail By the Sea" National Trail Study, Implementation, Hawaii Island, Hawaii County, HI, *Due:* May 4, 1998, *Contact:* Meredith Kaplan (415) 427–1438.

EIS No. 980103, Final EIS, AFS, CO, Routt National Forest Land and Resource Management Plan, Implementation, Grand, Routt, Rio Blanco, Jackson, Moffat and Garfield Counties, CO, *Due:* May 4, 1998, *Contact:* Jerry E. Schmidt (307) 745–2300.

EIS No. 980104, Draft EIS, FTA, CA, Third Street Light Rail Project, Transportation Improvements, Funding, US Coast Guard Permit, and COE Section 404 Permit, San Francisco Municipal Railway, In the City and County of San Francisco, CA, *Due:* May 19, 1998, *Contact:* Bob Hom (415) 744–3133.

EIS No. 980105, Final EIS, USA, NY, Seneca Army Depot Activity Disposal and Reuse, Implementation, Seneca County and the City of Geneva, Ontario County, NY, *Due:* May 4, 1998, *Contact:* Ltc. Rob Dow (703) 693–9217.

Dated: March 31, 1998.

Ken Mittleholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 98–8841 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5490–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 16, 1998 Through March 20, 1998 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 11, 1997 (62 FR 16154).

Draft EISs

ERP No. D–AFS–G65067–LA Rating EC2, Isatchie National Forest Revision Land and Resource Management Plan, Implementation, Claiborne, Grant, Natchitoches, Rapides, Vernon, Webster and Winn Parishes, LA.

Summary: EPA has requested additional information in the areas of Environmental Justice, ecosystem management, NEPA compliance assurances for future military use activities affecting national forest lands and cumulative impact assessment summaries for the alternatives considered.

ERP No. D–AFS–L65299–AK Rating EO2, Cascade Point Access Road, Construction, Maintenance and Operation, Road Easement within National Forest System land in the vicinity of Echo Cove, EPA Permit, COE Section 10 and 404 Permits, Juneau, AK.

Summary: EPA expressed environmental objections based on a Purpose and Need statement that restricted the range of alternatives, and an inadequate analysis of direct, indirect, and cumulative environmental impacts to Berners Bay. EPA recommends that more information including an assessment of impacts about reasonably foreseeable development at Cascade Point be included.

ERP No. D–COE–E32077–GA Rating EC2, Brunswick Harbor Deepening Federal Navigation Project, Improvements, Brunswick, Glynn County, GA.

Summary: EPA expressed environmental concerns over the potential for unacceptable water quality impacts resulting from the extensive navigation deepening as well as how the necessary mitigation for project impacts will be designed and implemented.

ERP No. D–DOE–J22005–CO Rating EC2, Rocky Flats Environmental Technology Site Management of Certain Plutonium Residues and Srub Alloy Stored, Golden, CO.

Summary: EPA expressed environmental concerns with the alternatives analysis and recommends developing an on-site storage alternative in addition to the WIPP alternative.

ERP No. D–USN–K11087–CA Rating EC2, Long Beach Complex Disposal and Reuse, Implementation, COE Section 10 and 404 Permits, NPDES

Permit, in the City of Long Beach and Los Angeles County, CA.

Summary: EPA expressed environmental concerns that the proposed reuse plan could adversely effect sensitive species, air and water quality. EPA asked that additional information be included in the final EIS on several issues including various aspects of proposed dredging, hazardous materials, land use compatibility and environmental justice.

ERP No. D2–DOE–A00163–SC Rating EC2, Accelerator for Production of Tritium at the Savannah River Site (DOE/EIS–0270D), Site Specific, Construction and Operation, Aiken and Barnwell Counties, SC.

Summary: EPA had environmental concerns about the proposed project and requested more information to fully assess the impacts. In particular, wetlands, groundwater and surface water impact mitigation warrant further discussion.

Final EISs

ERP No. F–AFS–K82006–CA, Humboldt Nursery Pest Management Plan, Implementation, Six Rivers National Forest McKinleyville, Humboldt County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–DOA–K36119–HI, Waimea-Paauilo Watershed Project, To Alleviate the Agricultural Water Shortage, Watershed Protection and Flood Prevention, COE Section 404 Permit. Hawaii County, HI.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–DOE–K08052–00, Navajo Transmission Project (NTP), Construction, Operation and Maintenance, Right-of-Way Grants, EPA NPDES, COE, FAA, FWS and FHW Permits Issuance, NV, NM and AZ.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–FRC–L05216–WA, Cushman Hydroelectric Project (FERC No. 460), Relicensing, North Fork Skokomish River, Mason County, WA.

Summary: EPA objected to issuance of the proposed license, and noted that without the adoption of the terms, conditions, prescriptions and recommendations submitted by the Departments of the Interiors and Commerce, EPA believes the license would result in unsatisfactory environmental and public welfare impacts in the Skokomish River basin, including impacts on the treaty-protected rights of the Skokomish Indian Tribe. EPA recommended that the FERC work with all stakeholders in this process to define reasonable alternatives that better reflect the multiple objective associated with the proposed license, and to provide an accurate assessment of those alternatives in a supplemental EIS.

ERP No. F–NPS–K61212–CA, San Francisco Maritime National Historical Park, General Management Plan, Implementation, San Francisco County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

Dated: March 31, 1998.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 98–8842 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5991–1]

Air Quality: Photochemical Reactivity—Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: The EPA is holding a 3-day open meeting to discuss the concept of photochemical reactivity as it relates to control of volatile organic compounds (VOC) for the attainment of the ozone national ambient air quality standard. At the workshop, participants will discuss various issues related to reactivity policy, what research is needed to answer key questions related to those issues, and opportunities for participation in a private sector/government partnership research effort. The intent of the meeting is to share information and ideas with the scientific community rather than to reach consensus on issues. The focus of this workshop will be on identifying the scientific issues where further research is needed and how this research may be carried out.

DATES: The meeting will be held on May 12–14, 1998 from 8:30 am to 5:00 pm. Persons who preregister by April 13, 1998 will be sent a final agenda prior to the meeting.

ADDRESSES: The meeting will be held at: The Regal University Hotel, 2800 Campus Walk Avenue, Durham, North Carolina 27705. The telephone number for the hotel is (919) 383–8575 or 800–222–8888. Persons wishing to preregister for the meeting should contact Shonna Okada, EC/R Incorporated, 1129 Weaver Dairy Road, Chapel Hill, NC 27514. Ms. Okada's telephone is (919) 933–9501, extension 223, and her fax number is (919) 933–6361. Persons interested in making a presentation at the meeting should contact Ms. Okada prior to April 13, 1998 and submit a one page abstract to her.

FOR FURTHER INFORMATION CONTACT: Dr. Basil Dimitriades, National Exposure Research Laboratory, Mail Drop 80, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541–2706, fax (919) 541–1094, e-mail dimitria.basil@epamail.epa.gov. Another contact is William L. Johnson, Ozone Policy and Strategies Group, Mail Drop 15, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541–5245, fax number (919) 541–0824, e-mail johnson.williaml@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The EPA is reviewing its photochemical reactivity policy, which has existed since 1977, in order to ensure that the policy is consistent with the most current scientific findings. In connection with this effort, EPA proposes to pursue planning and conduct of the requisite new research jointly with the private sector in a public-private partnership-type effort within the on-going North America Research Strategy for Tropospheric Ozone (NARSTO) research program.

Consistent with the above, the specific objectives of the workshop are to: (a) identify on-going research programs in the area of photochemical reactivity, (b) identify research tasks needed in response to the private industry's and government's concerns, (c) identify organizations from the private and government sectors that would be willing to commit to become sponsors or co-sponsors of research and/or participants in the planning and conduct of the new research needed and the analysis and interpretation of the results, and (d) lay the management foundations of the proposed public-private partnership project. Following the workshop, a Proceedings Report will be prepared and distributed to all participants that will include a listing of would-be-sponsors/participants and their selections of research tasks to sponsor. The workshop should be relevant to research organizations with

an interest in participating in the research program proposed here.

Although no policy decisions will be made at the meeting, policy issues will be discussed in order to bring to light scientific issues which must be addressed in the research program. The EPA wants to ensure an open dialogue that is not constrained by legal issues. However, in developing any new reactivity policy, the Agency will need to assess the policy's legal viability. The EPA notes that the Agency must comply with current statutory mandates to regulate VOC emissions, and that this reconsideration of the Agency's policy does not delay or suspend the Agency's obligation to comply with such mandates. If additional studies that arise as a result of this workshop justify the Agency's reconsideration of any regulatory program in the future, EPA will take such action as the Agency deems appropriate at that time. The Agency does not intend the workshop to generate consensus advice or recommendations for the Agency.

Dated: March 27, 1998.

Lek Kadeli,

Acting Director, National Exposure Research Laboratory.

Henry C. Thomas,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 98–8789 Filed 4–2–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 98–568]

Deadline for Tax Certificates Regarding Relocation of Microwave Incumbent Licensees

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document reminds microwave incumbent licensees that the mandatory negotiation deadline for A- and B-Block PCS licensees is April 4, 1998. The Commission will not grant tax certificates for agreements with A- and B-Block licensees entered into after that date.

FOR FURTHER INFORMATION CONTACT: Jamison S. Prime, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, at jprime@fcc.gov or (202) 418–7474.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission released a *Public Notice* on March 25, 1998, to remind interested parties that the Commission will not issue tax certificates to microwave incumbent licensees forced to relocate or who reach agreements with A- and B-Block Personal Communications Services (PCS) licensees after the mandatory negotiation period. In its *Report and Order* in ET Docket No. 92–9 [57 FR 49020, October 29, 1992] the Commission established procedures for granting tax certificates to incumbent licensees in the 1850–1990 MHz frequency band who incur taxable income due to agreements with PCS licensees concerning relocation. Because the mandatory negotiation deadline for A- and B-Block PCS licensees is April 4, 1998, the Commission will not grant tax certificates for agreements with A- and B-Block licensees entered into after that date. In addition, all agreements associated with relocation transactions must be consummated prior to January 1, 2000. We note that this April 4, 1998, deadline does not affect tax certificate eligibility for agreements with other PCS licensees.

The Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau will continue to process tax certificate requests under the terms of the Public Notice, DA 95–1659, released August 3, 1995 (corrected notice). Requests should be sent to the Federal Communications Commission, Public Safety and Private Wireless Division, 2025 M Street, N.W., Room 8010, Washington, D.C. 20554, and marked "Attn: Tax Certificate Request." The processing of tax certificate requests that do not include all information requested in the Public Notice may be delayed or denied. As a result, in preparing their requests, applicants are reminded to refer to the Public Notice and to include the following:

- A statement that the certification is being made under penalty of perjury; and
- The date PCS licenses were granted (A and B Blocks were granted June 23, 1995) and the PCS market names and numbers.

Applicants are also reminded that tax certificate requests should be signed and submitted after the consummation date (i.e., the date the fixed microwave incumbent ceased use of, assigned, transferred, or otherwise relinquished control of the path(s) in the affected band).

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–8768 Filed 4–2–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1208–DR]

Alabama; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama (FEMA–1208–DR), dated March 9, 1998, and related determinations.

EFFECTIVE DATE: March 21, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective March 21, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–8800 Filed 4–2–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1195–DR]

Florida; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida, (FEMA–1195–DR), dated January 6, 1998, and related determinations.

EFFECTIVE DATE: March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Florida, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 6, 1998:

Hernando County for Public Assistance (already designated for Individual Assistance)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 98–8799 Filed 4–2–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1209–DR]

Georgia; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Georgia, (FEMA–1209–DR), dated March 11, 1998, and related determinations.

EFFECTIVE DATE: March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Georgia, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 11, 1998:

Bibb County for Public Assistance (already designated for Individual Assistance)
Bulloch County for Individual Assistance
Charlton County for Individual Assistance and Public Assistance

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–8801 Filed 4–2–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1209–DR]

Georgia; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Georgia, (FEMA–1209–DR), dated March 11, 1998, and related determinations.

EFFECTIVE DATE: March 30, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Georgia, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 11, 1998:

Clinch, Glynn, and Wilkinson Counties for Individual Assistance and Public Assistance

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Dennis H. Kwiatkowski,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 98–8802 Filed 4–2–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1211–DR]

North Carolina; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina, (FEMA–1211–DR), dated March 22, 1998, and related determinations.

EFFECTIVE DATE: March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of North Carolina, is hereby amended to include Public Assistance in the following areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 22, 1998:

Rockingham County for Public Assistance (already designated for Individual Assistance)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–8803 Filed 4–2–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Crisis Counseling Assistance and Training

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: FEMA gives notice that the extension period for the Minnesota regular crisis counseling program for disaster survivors of Polk County is extended from 90 days to 180 days. The severity of the emotional trauma resulting from the floods warrants an extension of an additional 90 days.

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Diana Nordboe, Human Services Division, Response and Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4026.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) is charged with coordinating Federal disaster assistance under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act) when the President has declared a major disaster. FEMA provided funding for a regular crisis counseling program to help those suffering the trauma resulting from the April 1997 floods.

FEMA received a request from the State of Minnesota to extend the otherwise applicable time limitations authorized by section 416 of the Act, so that the State can provide additional mental health services that are critically needed for citizens during the recovery operation. The extent of the emotional impact on the citizens of Polk County is of such magnitude that continuation of disaster mental health counseling beyond the normal crisis counseling time period is necessary.

The Director, Center for Mental Health Services (CMHS), as the delegate to FEMA for the Secretary, Department of Health and Human Services, helps FEMA implement crisis counseling training and assistance. FEMA believes there was a well-established need for continuation of the regular crisis counseling program beyond a 90-day extension. Based upon the sound CMHS recommendation, FEMA has approved a 180-day extension to the time period for the Minnesota regular crisis counseling program in Polk County.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Lacy Suiter,

Executive Associate Director.

[FR Doc. 98–8804 Filed 4–2–98; 8:45 am]

BILLING CODE 6718–02–P–M

FEDERAL HOUSING FINANCE BOARD

Hearing on FHLBank Investment Practices and an Approach for Limiting Certain Non-Housing-Related Investments

AGENCY: Federal Housing Finance Board.

ACTION: Notice of public hearing.

SUMMARY: The Federal Housing Finance Board (Finance Board) is hereby announcing a public hearing on Federal Home Loan Bank (FHLBank) investment practices and an approach for limiting certain non-housing-related investments.

DATES: The public hearing will be held on May 11, 1998 beginning at 9:00 a.m.. Written requests to participate in the hearing must be received no later than Monday, April 13, 1998.

ADDRESSES: The hearing will be held at the Office of Thrift Supervision Amphitheater, 1700 G Street, N.W., Washington, D.C. 20552. Send requests to participate in the hearing, written statements, or other written comments to Elaine Baker, Executive Secretariat, Federal Housing Finance Board, 1777 F Street N.W., Washington, D.C. 20006. The submission may be mailed, hand delivered, or sent by facsimile transmission to (202) 408–2895. Submissions must be received by 5:00 p.m. on the day they are due in order to be considered by the Finance Board. Late, misaddressed, or misidentified submissions may affect eligibility to participate in the hearing.

FOR FURTHER INFORMATION CONTACT: Kerrie Ann Sullivan, External Affairs Specialist, at (202) 408–2515, or Christine M. Freidel, Associate Director, Office of Policy at (202) 408–2976, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006

SUPPLEMENTARY INFORMATION: The Finance Board is interested in the views of System members, community groups, trade associations, federal or state agencies and departments, elected officials, and others on the implications of FHLBank investment practices for Finance Board investment policy. Specific questions that the Finance Board would like hearing participants to address and a Finance Board staff discussion paper follow:

Questions

(Question 1) Should the Finance Board limit FHLBank purchase of money market investments (MMI) beyond the level necessary for liquidity and cash management?

(Question 2) Should any limits on MMI apply to each FHLBank or to the FHLBank System? If a limit were applied to the System, should there be a mechanism allowing FHLBanks to trade the right to hold MMI beyond their pro-rata share of the System limit?

(Question 3) Could mission limits on FHLBank MMI affect the safe and sound operation of the FHLBanks? If so, how could such effects be mitigated?

(Question 4) The Finance Board is considering a definition of MMI that is total investments less mortgage and asset-backed securities and investments that support housing and targeted economic development. This definition includes fed funds, resale agreements, deposits, commercial paper, bank and thrift notes, bankers' acceptances, and U.S. government, U.S. government-guaranteed, and agency non-mortgage-backed securities (MBS) and asset-backed securities. Should all these assets be included in the definition of MMI?

(Question 5) What is the appropriate level of liquidity for the FHLBanks, taking into account their access to the government-sponsored enterprise (GSE) capital markets? Are the liquidity requirements in the Finance Board's Financial Management Policy (FMP) adequate?[1] If not, why not?

(Question 6) Are there circumstances where it is appropriate for the FHLBanks to hold MMI in levels greater than their liquidity and cash management needs?

(Question 7) What is the minimum appropriate level of advances as a percent of consolidated obligations (COs) and the maximum appropriate level of MMI funded with COs? Are there other approaches for limiting Bank MMI?

(Question 8) What should be the assumed spreads on MMI and MBS?

(Question 9) To what extent do MBS investments further the FHLBank System's housing finance mission? Should the FHLBanks be subject to additional MBS investment limitations?

(Question 10) How much of a decline in dividends would trigger a reassessment by voluntary members of

[1] The Federal Home Loan Bank Act requires each Bank to maintain an amount equal to the total deposits received from its members invested in: obligations of the United States; deposits in banks or trust companies (as defined in Finance Board regulation) which are eligible financial institutions; and advances that mature in 5 years or less to members. In addition, each Bank is required to maintain a daily average liquidity level each month in an amount not less than 20 percent of the sum of its daily average demand and overnight deposits and other overnight borrowings during the month, plus 10 percent of the sum of its daily average term deposits, COs and other borrowings that mature within one year. Certain money market investments authorized under the FMP may be used to satisfy the liquidity requirements.

the benefits of FHLBank System membership. How do institutions determine the minimum required return on FHLBank stock? What is an appropriate benchmark for FHLBank dividends and what is the minimum required spread over the benchmark?

(Question 11) Would FHLBank borrowing costs fall if CO issuance declined?

(Question 12) What is an appropriate transition rule for: (1) implementation of any new limits on FHLBank investment activity; and (2) FHLBanks that fall out of compliance due to situations such as merger activity and regional and cyclical downturns in advance demand?

(Question 13) What changes in interest rates and advances should be assumed to simulate the effects of investment limits during a cyclical economic downturn?

(Question 14) Should the FHLBank System's $300 million annual REFCorp payment be changed to a percentage of net income and should the Finance Board defer establishing limits on FHLBank money market investments until Congress has made such a change?

(Question 15) Should the FHLBanks be permitted to make a small amount of narrowly targeted investments in people and communities left behind, that would have credit quality significantly below the double-A level, and that might be more heavily weighted in evaluating the mission-related character of the overall portfolio?

Staff Analysis

Background

Prior to the thrift crisis and enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (Pub. L. 101–73, 103 Stat. 183 (1989)), the assets on the Federal Home Loan Banks' (FHLBanks or Banks) balance sheets were predominantly advances. The Banks maintained relatively small investment portfolios, primarily for liquidity purposes.[2] For the period 1980 through 1988, Bank System advances represented, on average, about 84 percent of System assets, while total investments represented about 14 percent of assets.

Significant and rapid changes in the structure of the FHLBank System's balance sheet and its profitability occurred following the enactment of FIRREA in 1989. The legislation, among other things, required: (1) closure of failing thrift institutions that resulted in advance prepayments and stock redemptions; (2) new, higher statutory capital requirements for thrifts that caused many Bank System thrift members during the early 1990s to either reduce their asset size and prepay advances or to stop growing and reduce their demand for new advances; (3) transfer of $2.5 billion in FHLBank retained earnings to the Resolution Funding Corporation (REFCorp) to help pay for the cost of thrift resolutions;[3] (4) a $300 million annual payment toward interest on the REFCorp bonds; and (5) a payment, beginning in 1990, of the greater of five percent of net income or $50 million and increasing by steps to the greater of ten percent of net income or $100 million in 1995 and thereafter, to fund the newly-required Affordable Housing Program (AHP). One other important provision in FIRREA also allowed federally insured commercial banks with at least 10 percent of their assets in residential mortgage loans to join the Bank System. The changes that occurred in the Banks' assets, liabilities, net income and membership in the post-FIRREA period are shown in the attached graphs.

After growing steadily during the 1980s, Bank System advances peaked at $166.7 billion in April 1989 and then declined 15 percent to $142 billion at year-end 1989. The shrinkage continued for two years, with advances declining 18 percent in 1990 to $117 billion and then an additional 32 percent to $79 billion at year-end 1991. Beginning in 1989, the Banks began to replace repaid and prepaid advances with generally lower-yielding investments.[4] Investments doubled from 1988 to 1989 from $17 billion to $34 billion and more than quadrupled between 1988 and 1991 to $72 billion. By year-end 1991, advances comprised about 51 percent of the System assets, down from 78 percent at year-end 1989. In addition, for the reasons discussed above, Bank capital levels fell by 25 percent between 1989 to 1991. Lower capital levels resulted in lowered Bank net earnings because a greater amount of Bank assets were funded with the proceeds from the issuance of consolidated obligations (COs) instead of by FHLBank capital.

Reduced spreads on earning assets, lower capital levels, and a lower interest rate environment all contributed to a marked decline in Bank System net income during the early 1990s. Net income peaked at $1.78 billion in 1989 and fell almost 18 percent to $1.47 billion in 1990. Net income fell an additional 21 percent in 1991 to $1.16 billion, and then 27 percent in 1992 bottoming out at $850 million. Net interest margin (net interest income divided by earning assets) fell by more than half from 1989 to 1992, from 1.13 percent to 0.47 percent, although the decline in net interest income was partially offset by advance prepayment fee income. Return on assets (ROA) declined from 95 basis points in 1989 to 53 basis points in 1992.

Declining System net income and weak demand for advances raised questions about the Banks' future ability to pay their statutorily mandated REFCorp and AHP obligations, and pay an adequate return to shareholders. The $300 million REFCorp payment as a percentage of Bank System net income increased from about 20 percent in 1990, to 26 percent in 1991, and to 35 percent in 1992.

Concerns about income pressures on the Bank System led the Finance Board to increase the FHLBanks' mortgage-backed security (MBS) investment authority from 50 percent to 200 percent of capital when it adopted the Financial Management Policy (FMP) in June 1991.[5] The Finance Board attached a two-year sunset to the expanded authority, although it removed the sunset before it would have become effective. In December 1992, the Finance Board changed the Bank System's regulatory leverage limit and the components of the leverage ratio. Prior to this time, Finance Board regulations had limited FHLBank System COs to 12 times the total paid-in capital stock of the FHLBanks; the amended regulation

[2] The Federal Home Loan Bank Board's (FHLBB) Investment Policy and the subsequent Funds Management Policy, adopted in 1988, set forth authorized investments for the FHLBanks. This list of eligible investments was similar to the current list of eligible investments in the Financial Management Policy (FMP). Currently, permissible Bank investments include overnight and term fed funds, overnight and term resale agreements, deposits, commercial paper, bank and thrift notes, bankers' acceptances, securities issued or guaranteed by the U.S., agency securities, mortgage-backed securities (MBS), and certain other assets that support housing and community development. Bank investments in MBS, prior to adoption of the FMP, were limited to 50 percent of a Bank's capital; such investments, along with investments in other eligible asset-backed securities, are currently limited to 300 percent of a Bank's capital.

[3] This payment was in addition to the FHLBanks' payment of $0.7 billion in retained earnings to defease the Financing Corporation bonds as required under the Competitive Equality Banking Act of 1987. (Pub.L. 100–86, 101 Stat. 552 (1987)).

[4] The Banks had funded these advances largely with the proceeds from non-callable consolidated obligations (COs). The Banks repurchased and retired some of this debt to the extent it was economically feasible, but a large portion remained outstanding after the advances were prepaid. The Banks reinvested these CO proceeds in allowable investments.

[5] The FMP consolidated into one document the policy guidelines governing much of the FHLBanks' non-advance financial activity and also established limits on unsecured credit risk and interest rate risk. The FMP restated the eligible investments in the Funds Management Policy and expanded the list of authorized investment to include private triple-A rated MBS and commercial paper.

raised the leverage limit to 20 times total capital and included COs and unsecured senior liabilities (e.g., deposits) in the leverage ratio. The expanded leverage ratio became effective September 22, 1993.

In December 1993, the Finance Board again increased the Banks' authority to invest in MBS, raising the limit from 200 to 300 percent of capital. Financial projections indicated that the Banks would have adequate earnings to meet their financial obligations in 1994. However, prepayment income, which represented nearly 25 percent of 1993 net earnings was declining (down from 46 percent of earnings in 1992), and the Finance Board was concerned that interest income from advances might be insufficient to offset the earnings decline. In addition, the Finance Board believed an absence of a quorum to be imminent and felt obliged to provide the Banks with sufficient investment capacity to adjust to near-term structural changes in their balance sheets.

Another major change in the Bank System was the growth of commercial bank membership. Until 1989, actual membership consisted almost exclusively of thrift institutions. (Prior to 1989, insurance companies were also eligible to become members, but very few actually joined and there was minimal borrowing activity.) System membership declined from 1989 to 1990 due to the closing of failed institutions, but rose rapidly thereafter as significant numbers of commercial banks joined the System. Total Bank System membership increased from 2,855 at year-end 1990 to 6,504 at year-end 1997. The greatest growth occurred at the FHLBanks of Des Moines, Atlanta, and Dallas. The volume of residential mortgage loans held by members increased from $905 billion in 1989 to $1.24 trillion in 1997.[6]

At year-end 1997, commercial bank members comprised 69 percent of System members and held 44 percent of Bank System capital stock. About 55 percent of commercial bank members had advances outstanding. Commercial banks borrow relatively less than thrifts. However, commercial bank share of outstanding advances has increased steadily over the last five years, from 8 percent ($6.4 billion) of outstanding advances in 1992 to 29 percent ($57.4 billion) of outstanding advances at year-end 1997. At year-end 1997, commercial bank members collectively held $578 billion in residential mortgage loans, indicating a sizable pool of collateral eligible to secure advances.

After bottoming out in 1992, advance levels ended the year at slightly higher levels relative to 1991 and then increased significantly each year thereafter except for 1995. Advances increased by 154 percent between 1992 and 1997—from $80 billion to $203 billion. In second quarter 1997, advance levels surpassed the previous all-time high of $166.7 billion. Although the Banks initially grew investments as a substitute for advances, FHLBank investments have generally increased over the past five years along with advances. Investments increased by 88 percent between 1992 and 1997—from $79 billion to $149 billion. At year-end 1997, advances represented about 57 percent of balance sheet assets, compared to about 79 percent in 1989.

As a result of the increases in advances and investments, the Bank System's balance sheet assets more than doubled between 1992 and 1997, increasing from $162 billion in 1992 to $359 billion at year-end 1997. An increase in capital due to new members joining the System and the decision by the Finance Board to expand the regulatory leverage limit allowed the Banks to grow their balance sheets. Between 1992 and 1997, capital levels almost doubled, from just under $11 billion to over $19 billion, and the Bank System's ratio of capital to assets declined from 6.5 percent to 5.4 percent.

Bank System liabilities increased to fund the expanded investments and advances. Between 1992 and 1997, COs (bonds and discount notes) outstanding increased by 174 percent—from $115 billion to $314 billion. Due to the short-term of the discount notes, discount note issuance increased many times more than outstandings. From 1992 to 1997, discount note issuance increased 20 times—from $97 billion to just under $2 trillion. As a result of the rapid increase in discount notes and their shortening maturity, the Finance Board in 1994 changed the limit in the Office of Finance's 1995 debt authorization from one based on obligations issued to one based on obligations outstanding.[7] The debt authorizations for 1996 and 1997 limited the level of COs outstanding and senior, unsecured obligations to 20 times total capital, the regulatory leverage limit.

Bank System net income bottomed out at $850 million in 1992 and increased 79 percent to $1.5 billion in 1997. Spreads on advances have generally narrowed over the last several years and much of the income growth has been due to greater levels of earning assets. The Bank System's net interest margin recovered somewhat from its low in 1992 but remains lower than the levels in the 1980s. The lower net interest margin is largely due to reduced spreads on advances and significantly larger volumes of lower-yielding investments on the balance sheet. Bank System return on assets declined slightly from 1992 to 1997, from 53 basis points to 47 basis points.

Given the large increase in voluntary members since 1989, maintaining a dividend adequate to retain voluntary members has been considered necessary for ensuring a stable System.[8] Dividend payments to shareholders have varied by Bank. From third quarter 1992 through fourth quarter 1997, the Bank System average dividend was 6.5 percent; eight Banks paid average dividends above the System average dividend.

Each Bank establishes its own dividend target and dividend benchmarks vary. Since at any point in time a voluntary member can withdraw from the System with six-month notice, one dividend benchmark may be the return on a six-month maturity CO, with a spread to compensate members for the relative illiquidity of the stock investment and the additional risk associated with holding equity relative to debt. With the exception of one FHLBank, all the FHLBanks paid dividends with returns above the six-month CO coupon between 1992 and 1997. The average spread was 157 basis points, ranging from a low of 27 basis points to a high of 409 basis points. Some members may view their cost of funds as a floor on Bank dividends. From third quarter 1992 to fourth quarter 1997, Bank dividends on average exceeded System members' average cost of funds by 214 basis points. Variation among the Banks ranged from a low of 23 basis points to a high of 461 basis points.

Member perceptions of an adequate dividend clearly vary across the districts.[9] One of the Banks that has paid one of the lowest dividends in the System has been very successful at attracting new members. The on-going

[6] Residential mortgage loans include housing construction loans, mortgage loans for single- and multi-family housing, and MBS.

[7] The Office of Finance (OF) is a joint office of the FHLBanks and serves as the FHLBanks' fiscal agent. The OF also acts as agent of the Finance Board in issuing consolidated obligations.

[8] With the exception of federally-chartered savings associations, all of the Bank System's members are now voluntary. (The Office of Thrift Supervision in April 1995 ceased requiring state-chartered thrifts to maintain Bank System membership.) At year-end 1997, voluntary members represented 85 percent (5,502) of the System's membership base and held 57 percent ($10.4 billion) of total System capital stock.

[9] The Furash Group is currently surveying members about their views of an adequate dividend and the other benefits of FHLBank membership.

adequacy of Bank System dividends is suggested by the fact that large numbers of voluntary members have joined the System while only a few have exited, and that as of year-end 1996 members collectively held $2.3 billion in capital stock beyond the amount they were required by law to hold. Of course, the benefit of System membership exceeds the return on stock. Besides receiving a dividend, System members maintain ongoing access to liquidity, long-term funding, and access to FHLBank programs, products, and services.

Issue

The FHLBanks, as governmentally sponsored enterprises (GSEs), can be viewed as representing a social compact between the Banks and their members and the federal government. The federal government bestows upon the Banks certain benefits through their GSE status, including: (1) an ability to borrow at rates only slightly above Treasury borrowing rates due to the perception of an implicit federal guarantee of GSE debt, as well as the ability to issue large amounts of debt, including debt with complex structures; (2) exemption from Securities and Exchange Commission registration and reporting requirements and fees; and (3) exemption from state and local income taxes. In exchange for these benefits, the Banks have a responsibility to serve the public by enhancing the availability of residential mortgage and targeted community development credit through their member institutions. As such, the federal benefits, most importantly the funding advantage, should be used to fund activities that safely and soundly further the Banks' public purpose.

During the period of rapidly declining advances and shrinking thrift membership in the early 1990s, the Finance Board took rational steps to alleviate earnings pressures by expanding the Banks' investment authority and increasing the leverage limit. However, despite the remarkable recovery that has since occurred in advances and System membership, Bank investments continue to increase. While advances at year-end 1997 were a record $202.7 billion, the System's advances to assets ratio of 56.6 percent was still slightly lower than the advances to assets ratio of 57.6 percent at year-end 1993 when advances were $103 billion.

Many of the assets in the Banks' investment portfolios—Treasury and agency securities, fed funds, resale agreements, commercial paper, bank and thrift notes, bankers' acceptances and deposits—bear little if any relationship to the Banks' mission of enhancing the provision of credit through members for housing and community development. Such investments, beyond those required for liquidity, can thus be considered non-mission related.[10]

The principal purpose of these primarily short-term money market investments has been to generate income to help the Banks satisfy their REFCorp and AHP obligations and pay a dividend sufficient to attract and retain voluntary members and offer competitively priced products. A large volume of money markets investments may have been justified during a temporary period of contracting advances, declining membership, and severe income pressures. However, now that membership and advances are at record levels and System income exceeds $1.5 billion, the need to maintain such investments—which averaged $98 billion during 1997—should be examined in light of the Banks' public mission as GSEs.

The Banks also hold substantial MBS investments—System-wide MBS investments averaged $47 billion in 1997. Although MBS are housing-related, the extent to which these investments support the Banks' housing finance mission is debatable. MBS generally are traded in large, well-established and liquid markets. The FHLBanks' presence in these markets may not result in increased availability of funds for housing, or in lower cost funds. Bank investment in MBS, therefore, could be considered as providing less "value" to housing than advances or other investments that provide financing that is not generally available or is available at lower levels or under less attractive terms.

However, absent any legislative reforms to the fixed $300 million REFCorp obligation and the Banks' capital structure, or any substantial and sustained increase in advances demand or other high yielding mission assets, a substantial reduction in the Banks' MBS authority would have a significant adverse impact on the Banks' net income and dividends. The Bank System's capital level is based on "subscription capital," i.e., statutory member stock purchase requirements, rather than the risk of its operations.[11] As a result, the System holds more capital than it can adequately leverage in advances business with members. Capital not supporting advances must be leveraged with other assets (e.g., money market assets, MBS subject to the 300 percent of capital limit, and other investments supporting housing and targeted community development) in order to generate earnings for dividends.

Assuming a 60 basis point spread on MBS, elimination of the Banks' $47 billion in MBS would reduce System income by $282 million. Other things being equal, and assuming 1997 average capital stock balances, this would reduce the average dividend by 161 basis points. With the decline in income, the $300 million REFCorp payment would represent a larger share of System net income. On the other hand, and as discussed in more detail below, significant volumes of low yielding money market assets can be rolled-off with a much smaller reduction in income. For example, assuming a 10 basis point spread on money market assets, the Banks could reduce these assets by $50 billion and net income would fall by $50 million. Other things being equal, this would result in an average decline in dividends of approximately 29 basis points assuming 1997 average capital stock balances.

Possible Approaches to Limiting Money Market Investments

There are several possible approaches to limiting Bank money market investments. One approach would be simply to restore the more restrictive leverage limit that existed before 1993. However, while such an approach could require the Banks to shrink their balance sheets, there would be no guarantee that the shrinkage would occur in money market investments rather than in investments that add more value in terms of advancing the System's public purpose.

Another approach would be to place restrictions on the composition of the liability side of the Banks' balance sheets. After the Finance Board ceased placing limits on debt issuance effective with the 1995 debt authorization, there were substantial, contemporaneous increases in the volumes of both discount notes and short-term money market investments. In December 1997, the Finance Board authorized a three-month extension of the Office of Finance's debt issuance authority so that staff could examine the relationship between discount notes and money market investments. As discussed in the debt authorization issues paper, staff concluded that the Banks could respond

[10] It is important to note that several of the FHLBanks have recently taken action to reduce their money market investments.

[11] By law, each member is required to hold capital stock equal to the greater of one percent of residential mortgage loans, 0.3 percent of total assets, or five percent of advance. Members that do not meet the definition of qualified thrift lender are required to hold stock against advances equal to five percent divided by their actual thrift investment percentage.

to any limitations placed on the discount note issuance by funding short term money market investments with longer term COs or by creating synthetic short-term funding instruments with possibly increased risk and cost.[12]

A more direct approach to limiting the holding of money market assets would be to place constraints on the Banks' holdings of such investments. If the policy objective is to ensure that the System's principal federal benefit— its GSE funding advantage—is being used to meet the System's public purpose, there is some logic to tying allowable levels of money market investments to the levels of COs outstanding. Such an approach would constrain the use of the GSE funding advantage to finance assets, beyond reasonable liquidity needs, not related to the Banks' housing and community investment mission. Money market investments funded with deposits and capital would not be subject to these limits because these sources of funds are not raised in the GSE debt market.

Implementing limits on Bank money market investments obviously requires making a distinction between non-mission related, money market investments and other types of assets, and could be an additional step toward evaluating on a systematic basis the degree to which Bank assets and products further System mission fulfillment. Bank System assets and products can be viewed on a continuum from those that are most mission-related, that is provide the greatest benefit to users of residential and community development credit, to those that are not mission-related and held solely for purposes of liquidity and income generation. Presumably, FHLBank products and services that are not readily available in the capital markets, such as long-term advances, could be considered the most mission-related. As part of its study, the Furash group will be attempting to develop a methodology for measuring System mission achievement, which could be helpful in making further distinctions among System assets and products.

Working within this conceptual approach, staff evaluated three options that placed limits on the allowable levels of money market investments. For simplicity of exposition, System assets were classified into three categories: Advances, MBS, and money market investments (MMI).[13] The three options were as follows:

(1) Advances required to be a minimum of 65 percent of COs, with MBS limited to the maximum of either the existing 300 percent of capital limit or 20 percent of COs;

(2) Advances required to be a minimum of 70 percent of COs, with MBS limited to the maximum of the existing 300 percent of capital limit or 20 percent of COs; and

(3) Advances required to be a minimum of 80 percent of COs, with MBS limited to the maximum of the existing 300 percent of capital limit or 20 percent of COs.

The change in the MBS limit from one based solely on capital to one based on COs represents a change in how the limit should be viewed. The Finance Board initially limited MBS investments to a multiple of capital in part because it was concerned about the Banks' ability to manage the interest rate and options risk associated with these assets. However, now that the Banks have developed more effective techniques for hedging these risks, and there are policy limits in place constraining the Banks' interest rate risk exposure, the MBS limit could be viewed as more of a mission than a safety and soundness constraint. Accordingly, under this approach, MBS investments would be limited to a percentage of COs outstanding. However, to the extent that the existing 300 percent of capital limit is less restrictive, it should also be retained so that the Banks would not be required to shrink their MBS portfolios.

Under this approach, the Banks could fund MMI through capital and deposits. Assuming MBS investments equal at least 20 percent of liabilities, allowable amounts of MMI funded by COs would be no more than 15 percent of COs in option one and no more than 10 percent of COs in option two. In option three, MMI could only be funded with deposits and capital to the extent a Bank maximizes its use of the MBS authority.[14]

At year-end 1997, advance to CO ratios at the individual FHLBanks ranged from a low of 45 percent to a high of 89 percent. The System average was 65 percent, with seven Banks below the average. The ratio of advances and MBS to COs ranged from 62 percent to 99 percent. The System average was 81 percent. The ratio of MBS to COs ranged from 10 percent to 23 percent, with a System average of 16 percent. MMI to CO ratios (excluding MMI funded with deposits and capital) ranged from one percent to 39 percent. The System average was about 20 percent.

Simulations

Staff generated simulations applying the limitations under each of the options to each Bank's 1997 average balance sheet. The simulations assume that Banks not meeting the minimum requirement for advances would reduce their levels of COs and money market investments until the minimum advance to CO requirement was satisfied. Advance and capital levels were fixed at 1997 average balances. As money market investments are reduced, therefore, Bank leverage decreases and capital-to-asset ratios increase.

Because these simulations assume no behavioral responses on the part of the Banks, the results should not be considered predictions of what would have happened had these investment restrictions actually been in place in 1997. Rather, they should be considered an indication of the magnitude of the Banks' required balance sheet adjustments, and the potential impact on net income and dividends. The simulations assume that all adjustments occur instantaneously, while in reality there would be a transition period.

Based on analysis of empirical data and discussions with FHLBank staff, the simulations assume that money market investments generate a spread of 10 basis points and MBS have a spread of 60 basis points. The low return on MMI should generally allow the Banks to roll-off substantial amounts of MMI without significantly reducing net income.

Overall, Bank System MMI would fall by 50 percent or $49 billion under option two. The effects of the approach vary by Bank and are related to a Bank's advances to CO ratio. The Banks with the lowest advances to CO ratios, and correspondingly the highest ratios of MMI to COs, would be required to roll-

[13] The Finance Board on March 13, 1998, authorized the Office of Finance to issue debt through year-end 1998. The debt authorization does not contain any limits on System debt issuance.

[13] Money market investments are defined as fed funds, resale agreements, deposits, commercial paper, bank and thrift notes, bankers' acceptances, and Treasury and agency non-MBS securities. As the Banks develop investments to support housing and community development, the classifications could be refined. For example, the Finance Board recently authorized the FHLBanks to invest in federally insured deposits of all members to enhance the Banks' ability to provide liquidity to members, particularly smaller members that do not have sufficient capital or the required rating to be deemed an eligible financial institution as set forth in the FMP. To the extent it is deemed appropriate, future refinements could allow these investments to be reclassified as mission related.

[14] From 1980 through 1988, advances averaged 118 percent of COs, indicating that the Banks funded advances with deposits and capital, as well as COs.

off the greatest volume of MMI. Reductions in MMI at the individual Banks would range from no change to an 80 percent decline.[15]

Total System assets would decline by .14 percent or $47 billion under option two. Reductions in assets at the individual Banks would range from no change to a 36 percent decline. With the exception of one FHLBank, leverage at all the Banks would decrease in option two due to the reduction in assets. The average System capital to asset ratio would increase from 5.6 percent in the base case to 6.6 percent. Capital to asset ratios at the Banks would range from 5.8 percent to 8.1 percent.

The approach allows the Banks to hold MBS equal to the greater of 300 percent of capital or 20 percent of COs. In most cases, the 300 percent of capital limit would be more permissive than the 20 percent of COs constraint. In option one, two Banks would hold MBS in levels greater than 300 percent of capital; in option two, only one Bank would have MBS greater than 300 percent of capital; and in option three, no FHLBank would have MBS greater than 300 percent of capital. In general, MBS would represent a greater percentage of COs at those Banks with the least leverage.

System-wide, MBS would average 21 percent of COs, compared to 17 percent in the base case. The ratio of MBS to COs would range from a low of 11 percent to a high of about 29 percent. System MBS levels would grow modestly, $2.6 billion or 5 percent, under the three options because the model assumes that each Bank maximizes its MBS holdings subject to Finance Board or Bank board requirements.[16] The growth in MBS mitigates the reduction in earnings resulting from the roll-off in MMI. System-wide, MMI (less MMI funded with deposits and capital) would decline from 23 percent of COs in the base case to about six percent in option two.

Under option two, System net income would fall by $30 million, or two percent, to $1.49 billion. Declines in net income would range from no change to a reduction of seven percent. Under option two, the average System dividend would drop by 17 basis points. As a result of the decline in System income, funding for the AHP program would fall by approximately $3 million, slightly less than three percent.

[15] Discussion centers on option two since it is the middle option.the magnitude of effects should be less for option one and greater for option three.

[16] In the base case, each Bank's average MBS balance was less than either 300 percentof capital or, with one exception, 20 percent of COs.

Dividend reductions would range from no change to a 54 basis point decline. System-wide, the average dividend under option two would have a spread of 106 basis points over the six-month CO rate. This spread is 17 basis points lower than the 123 basis point spread in the base case. Spreads over the six-month CO rate would range from 16 basis points to 216 basis points. Dividend spreads over member cost of funds under option two would range from 124 basis points to 309 basis points. System-wide, the average spread would be 228 basis points.

This analysis suggests that reducing MMI would generally result in modest declines in net income, with the magnitude of the effects varying across the Banks. To the extent the resulting return on equity (ROE) at a Bank is below its target ROE, the Bank could attempt to increase its return by taking greater risk. The Finance Board's FMP contains limits on the FHLBanks' interest rate risk and unsecured credit risk exposure. These limits, as well as regular on-site examination of the FHLBanks, should constrain incentives to increase risk. Another option would be to increase the spreads on advances to generate additional income. However, increased spreads would likely reduce demand for advances, and the Banks would be limited in their ability to replace advances with MMI.

Issues Requiring Further Analysis

This preliminary analysis suggests that the investment restrictions in option two, when applied to the 1997 average balance sheet, would achieve a 50 percent reduction in MMI—$49 billion—without significantly affecting Bank System net income and dividends. It seems unlikely that the relatively small reductions in dividends would trigger widespread withdrawal by voluntary members given that dividend spreads over comparable benchmarks generally would not be significantly lower than the spreads in the base case. Transition rules would be needed to facilitate Bank adjustment to any new investment limitations, particularly for those Banks requiring the greatest reduction in MMI. Transitional rules would also be needed for Banks that fall out of compliance due to situations such as merger activity and regional and cyclical downturns in advance demand.

This analysis assumed constant levels of advances and capital. The impact of limits on Bank MMI in a period of declining advances and interest rates should be analyzed, as well as the implications of declining capital levels due to the redemption of stock held in excess of the minimum statutory requirements. Another issue involves the payment of stock dividends by the FHLBanks. Stock dividends involve a greater taxpayer subsidy because taxes are deferred, and the Banks currently may leverage the stock in investments that do not support their public purpose.

It is also important that any Finance Board limits on Bank MMI do not result in inadequate levels of liquidity at the FHLBanks. The Banks are currently subject to statutory liquidity requirements and additional liquidity requirements set forth in the FMP.[17] Preliminary analysis indicates that all the Banks would have met their requirements at year-end 1997 under options one and two. One Bank would not have met its requirements under option three. Finance Board staff will be examining the adequacy of these liquidity requirements as part of its review of the FMP.

This analysis also made no assumptions about changes in FHLBank funding costs. It has been suggested that Bank borrowing costs could fall if CO issuance declined. Staff could review the existing research that has been done is this area and incorporate expected changes, if any, into the simulations.

Conclusions

The FHLBanks, as GSEs, can be viewed as representing a social compact between the Banks and their members and the federal government. The federal government bestows upon the Banks certain benefits through their GSE status, and such federal benefits should be used to fund activities that safely and soundly further the Banks' public purpose. The System acted rationally during the transition period following the resolution of the thrift crisis when it replaced declining advance balances with increasing levels of investments. However, now that the demand for advances has rebounded and reached record levels, and System membership is at record levels as well, the on-going maintenance of large balances of MMI

[17] The Bank Act requires each bank to maintain an amount equal to the total deposits received from its members invested in: obligations of the United States; deposits in banks or trust companies (as defined in Finance Board regualtion) which are eligible financial institutions; and advances that mature in 5 years or less to members. In addition, each Bank is required to maintain a daily average liquidity level each month in an amount not less than 20 percent of the sum of its daily average demand and overnight deposits and other overnight borrowings during the month, plus 10 percent of the sum of its daily average term deposits, COs and other borrowings that mature within one year. Certain money market investments authorized under the FMP may be used to satisfy the liquidity requirements.

appears to be inconsistent with the Banks' mission.

With the goal that the System's principal federal benefit—its GSE funding advantage—be used to meet the System's public purpose, staff evaluated three options that tied allowable levels of money market investments to the levels of consolidated obligations outstanding. Such an approach would constrain the use of the GSE funding advantage to finance money market assets. Preliminary analysis suggests that reducing low-yielding MMI by 50 percent, while holding advances and capital constant, would generally result in relatively small reductions in dividends. In most cases, FHLBank dividend spreads over comparable benchmarks would be only modestly lower than historical averages. It appears unlikely that these dividend reductions would result in a reassessment by voluntary members of the benefits of System membership.

Setting limits on Bank MMI could be viewed as another near-term step in restructuring the Banks' balance sheets. Longer-term efforts could involve Finance Board consideration of additional limits on Bank MBS investments, as well as the Banks' continued development of new and innovative investments that support housing and targeted community development.

Persons wishing to participate in the hearing should send a written request to the address listed in the **ADDRESSES** portion of this notice, to be received no later than Monday April 13, 1998. A request to participate in the hearing must include the following information:

(A) The name, title, address, business telephone and fax number of the participant; and

(B) The entity or entities that the participant will be representing.

Depending on the number of requests received, participants may be limited in the length of their oral presentations. All submissions will be included as part of the record, including written testimony not presented orally, although extraneous material may be deleted from the printed record to reduce printing costs. The Finance Board will notify those selected to make oral presentations if more requests are received for participation than may be accommodated in the time available.

Participants will be required to submit 100 copies of their written statements in advance of the hearing date. These written statements should incorporate the major points to be presented at the hearing and should be accompanied by an executive summary of no more than two pages. Written statements must be received no later than Friday, May 1, 1998, and should be sent to the address listed in the ADDRESSES portion of this notice. Anyone selected for an oral presentation whose testimony has not been received by Friday, May 1, 1998 may not testify except by special permission of the Finance Board.

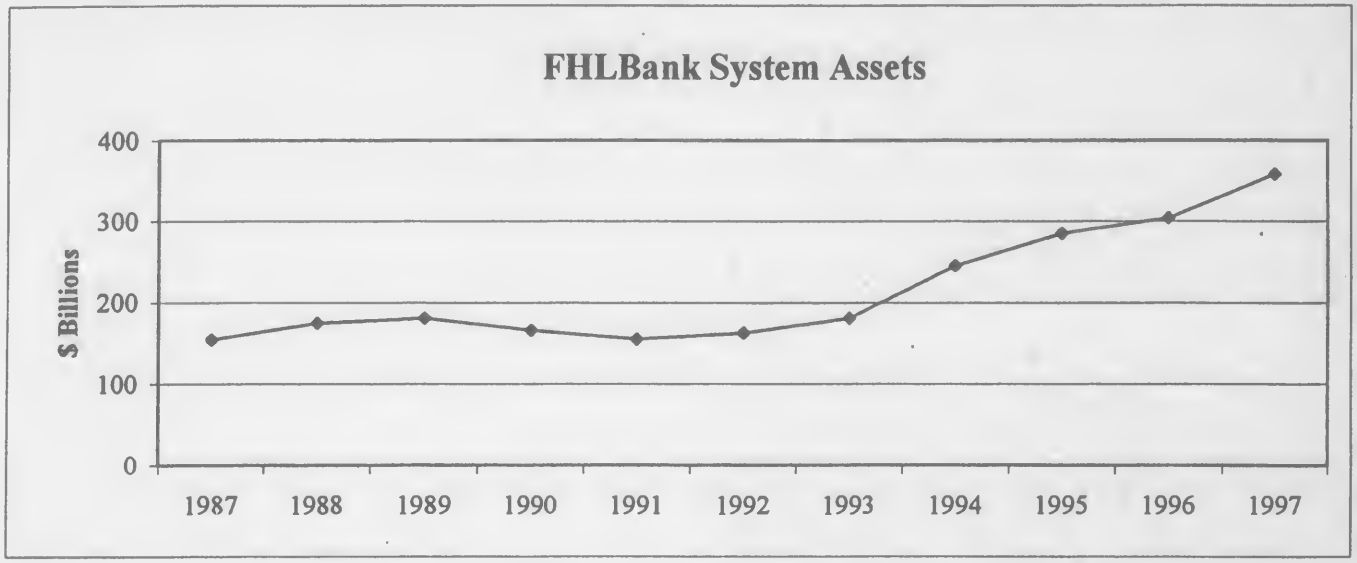
By the Federal Housing Finance Board.

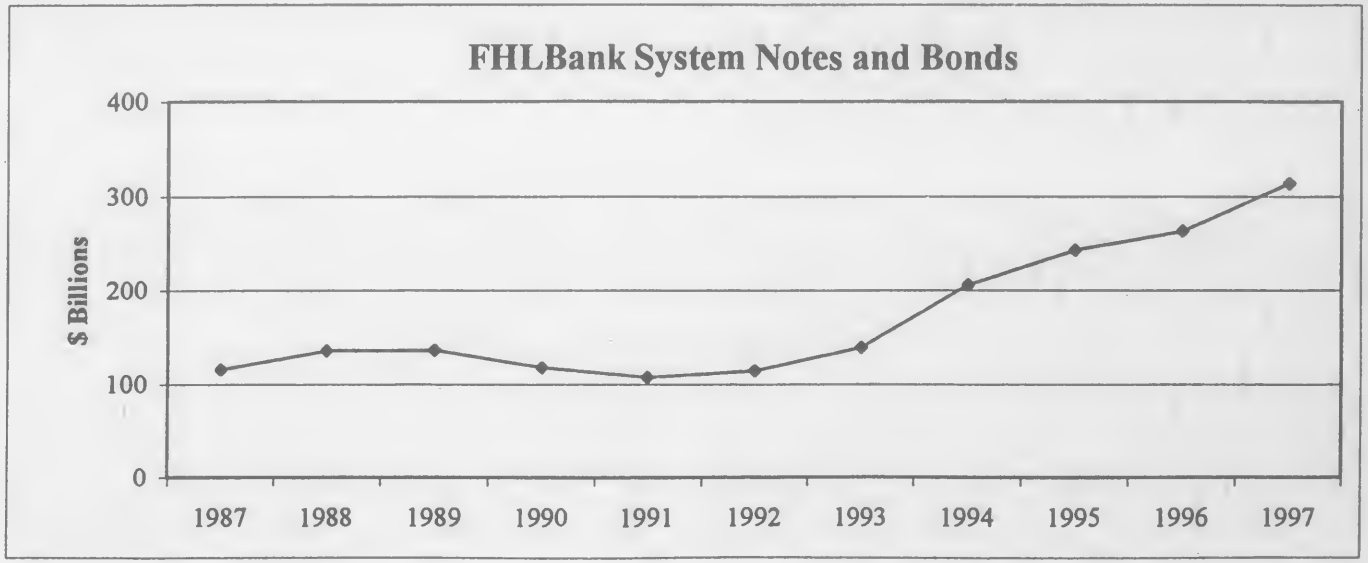
Bruce A. Morrison,

Chairman.

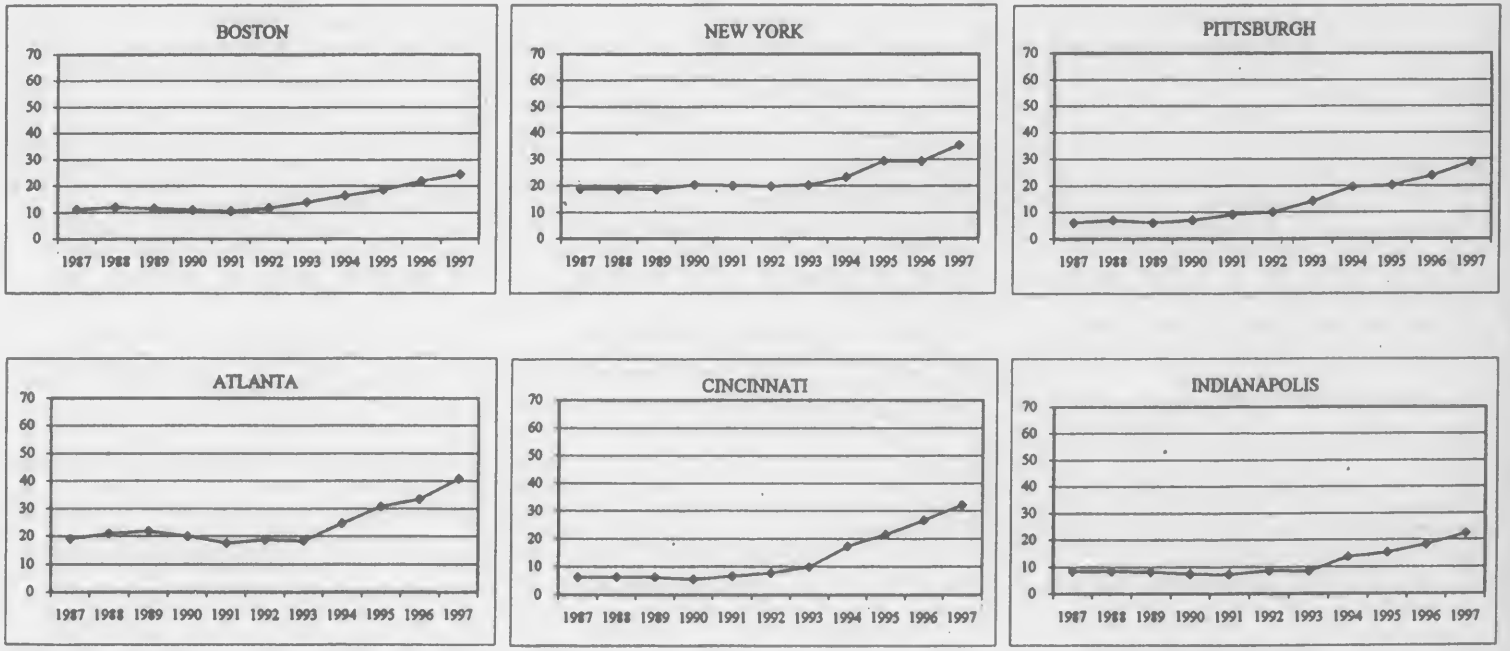
BILLING CODE 6725–01–P

FHLBank System



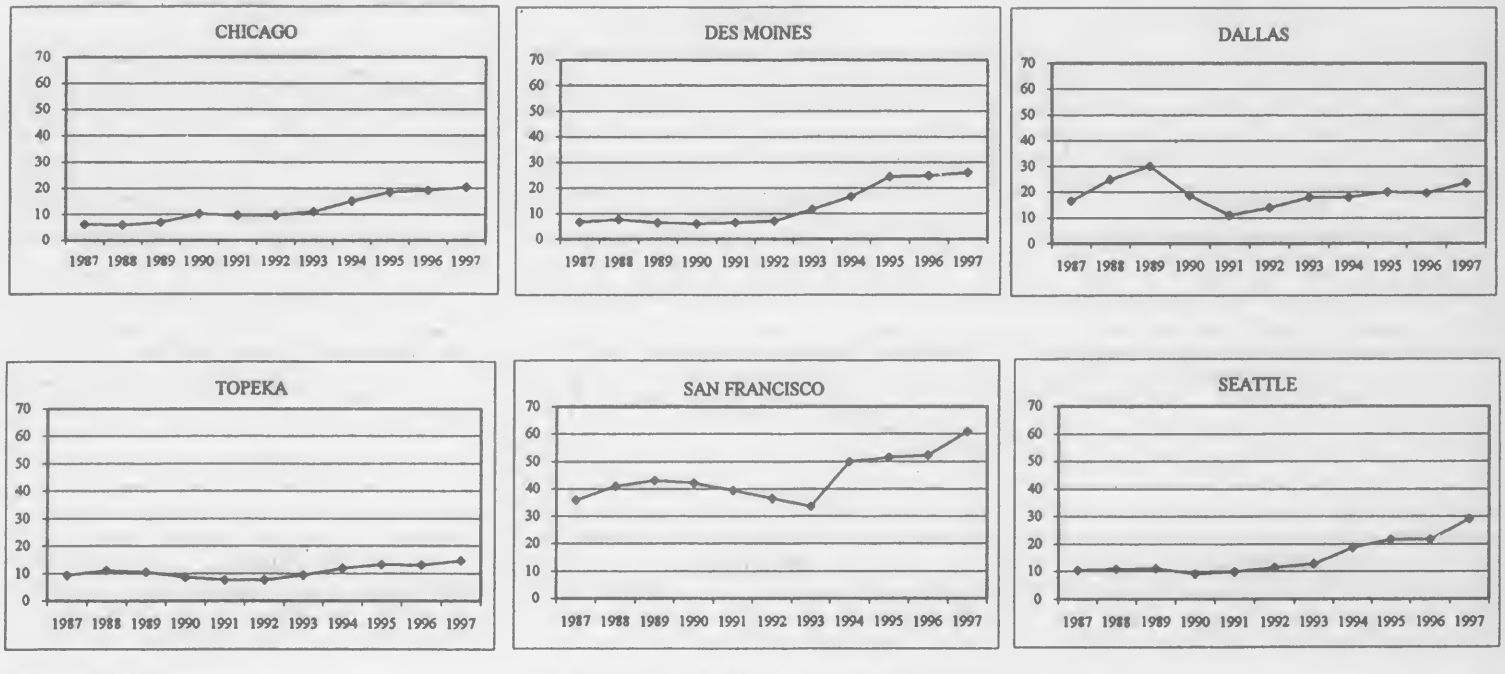


Assets of the FHLBanks



* Billions of Dollars

Assets of the FHLBanks



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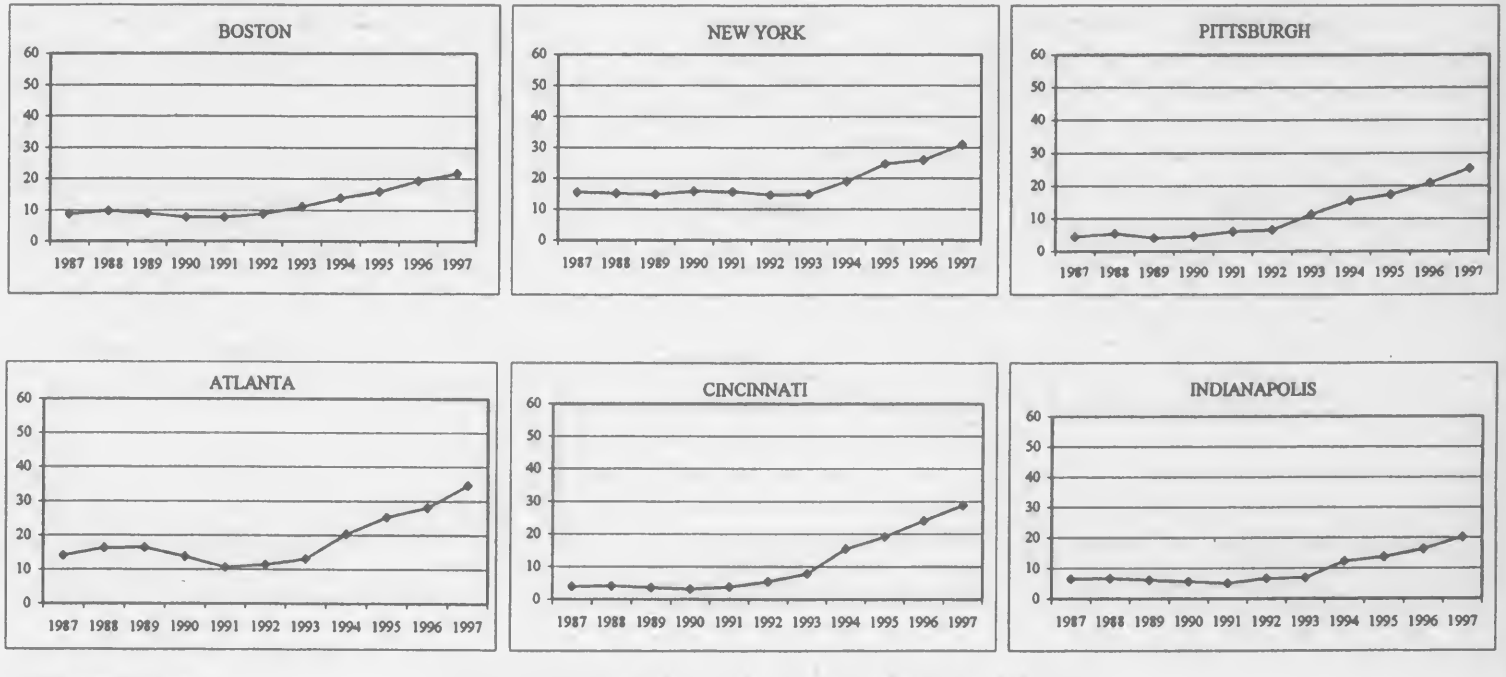
Notes and Bonds of the FHLBanks



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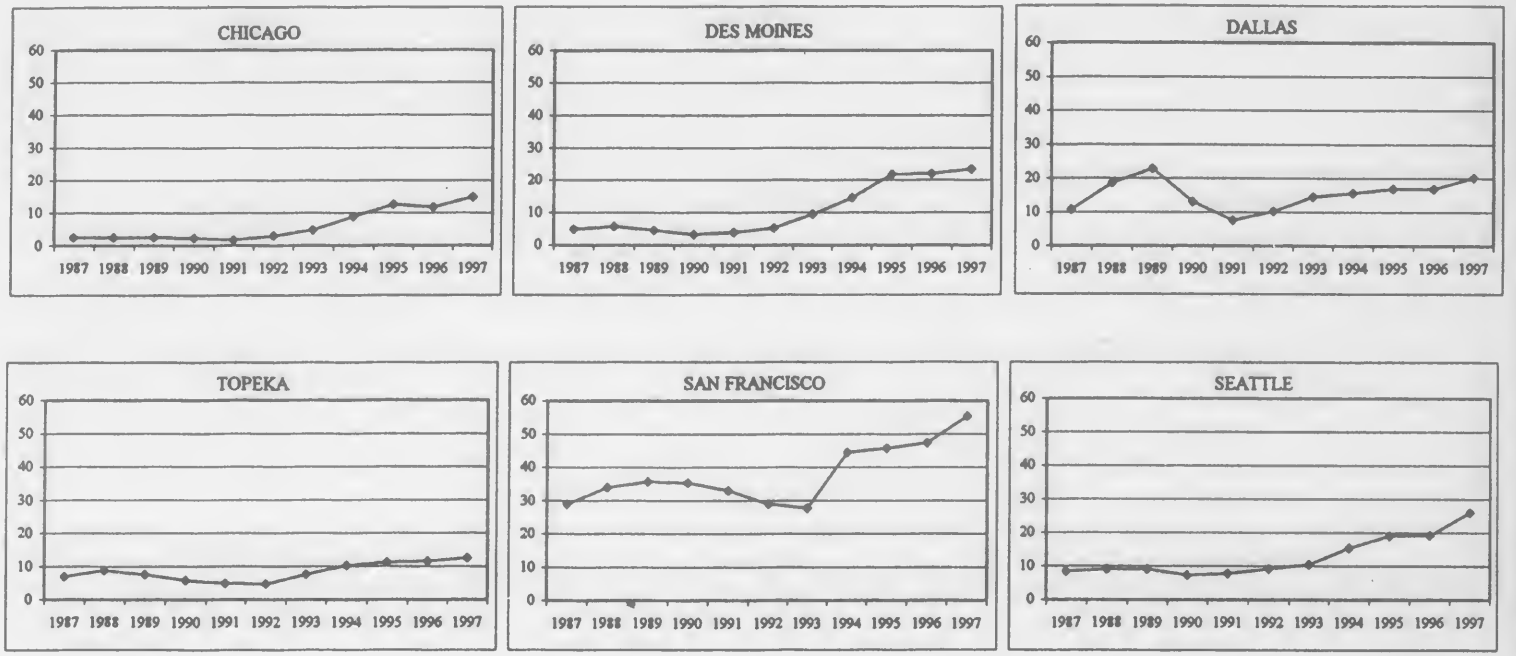

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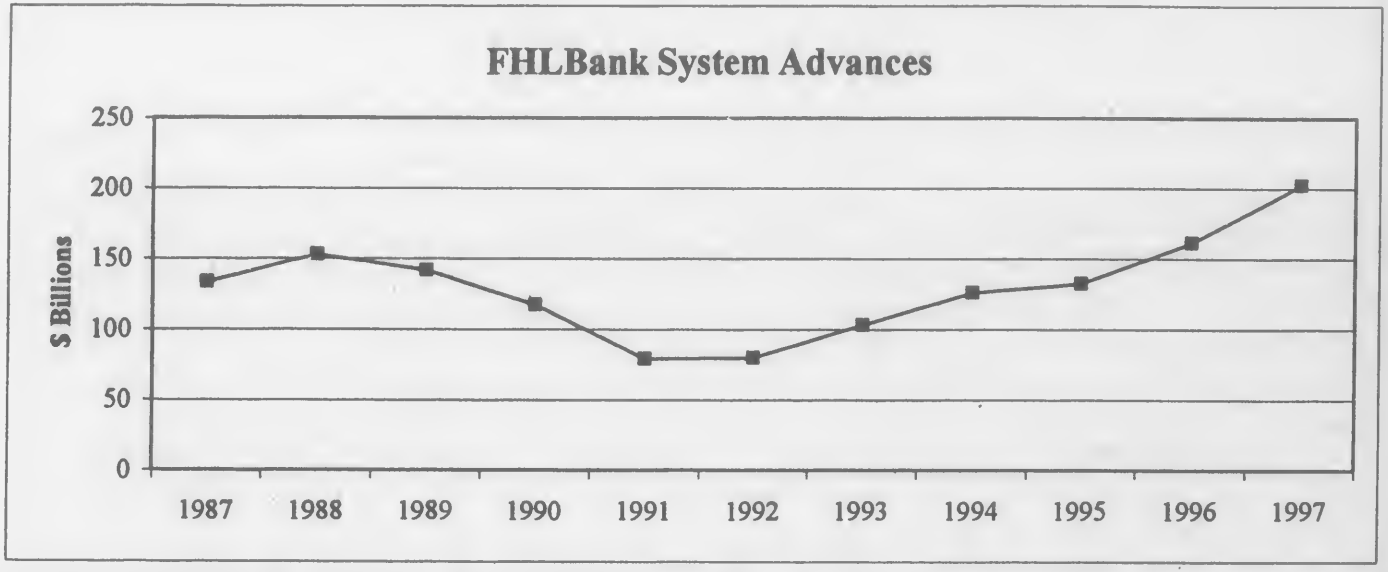
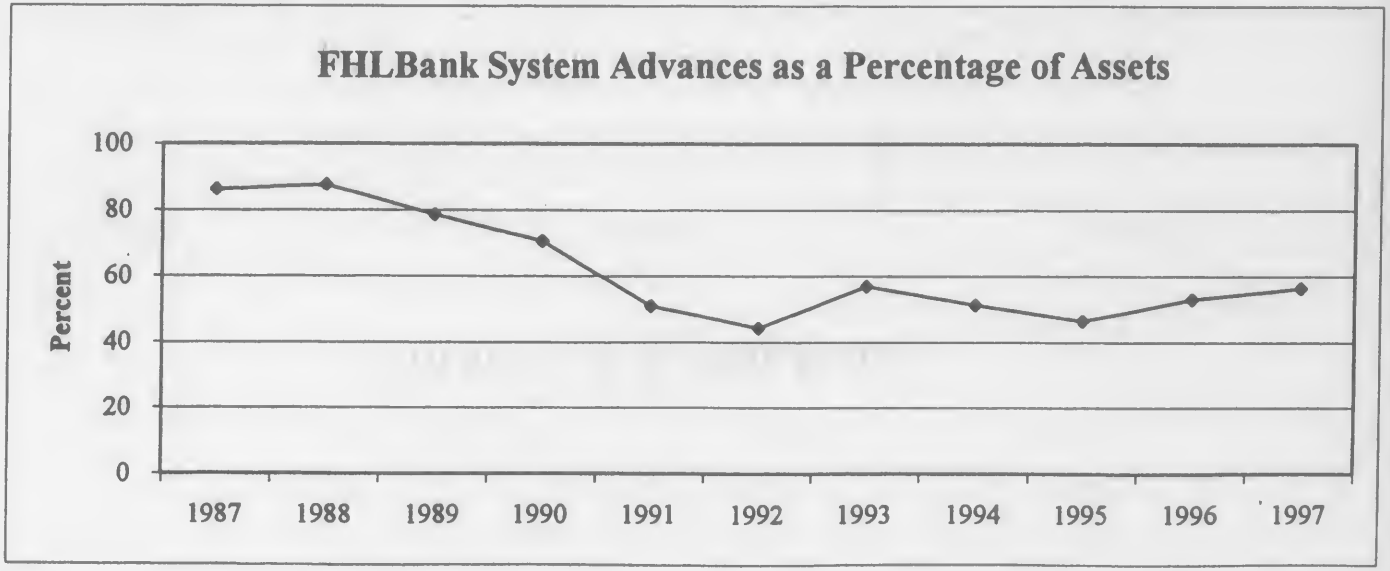
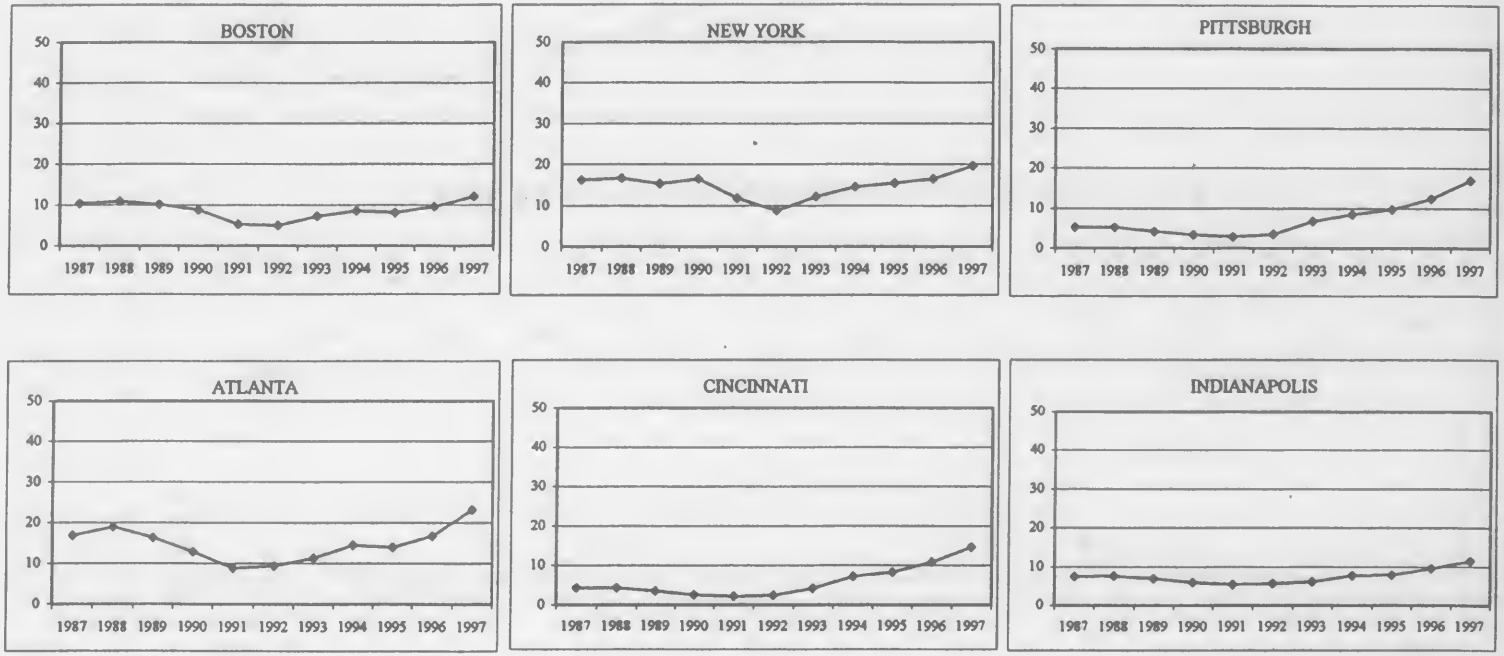
FHLBank System Advances





Advances of the FHLBanks



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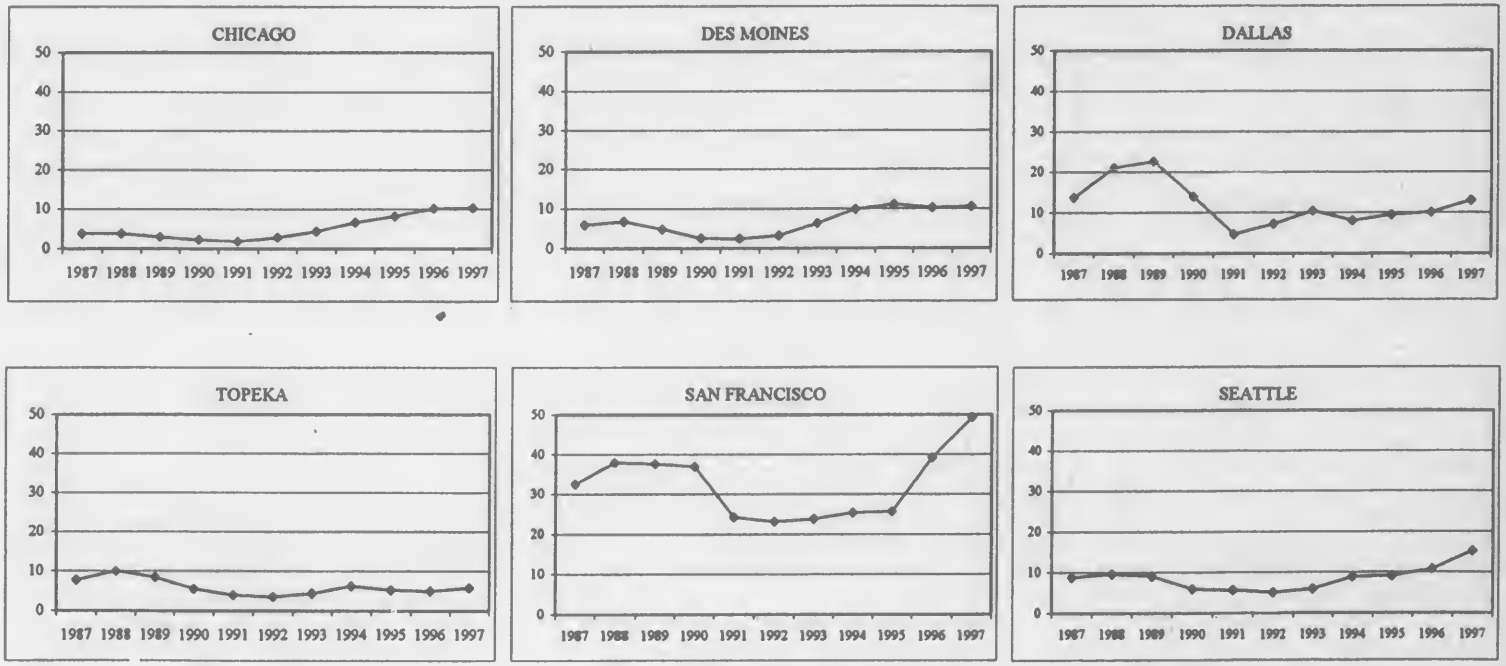

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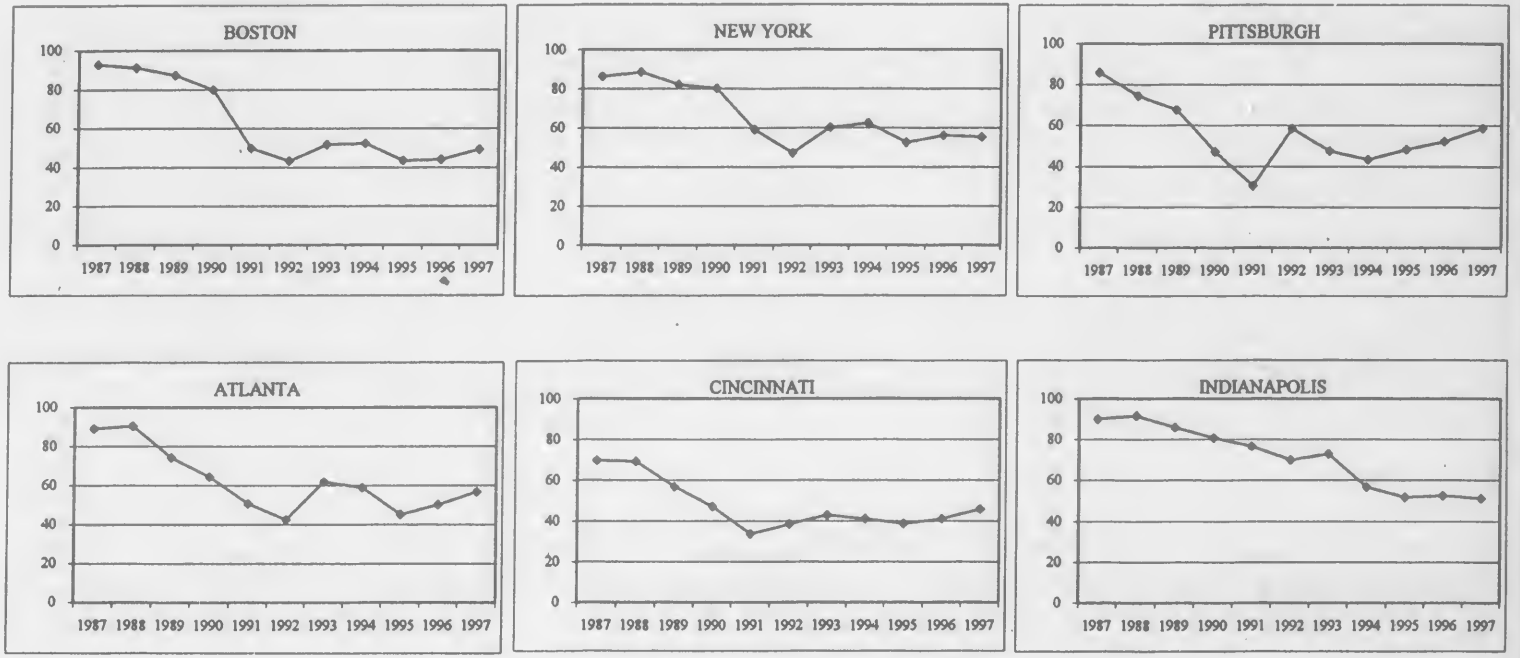
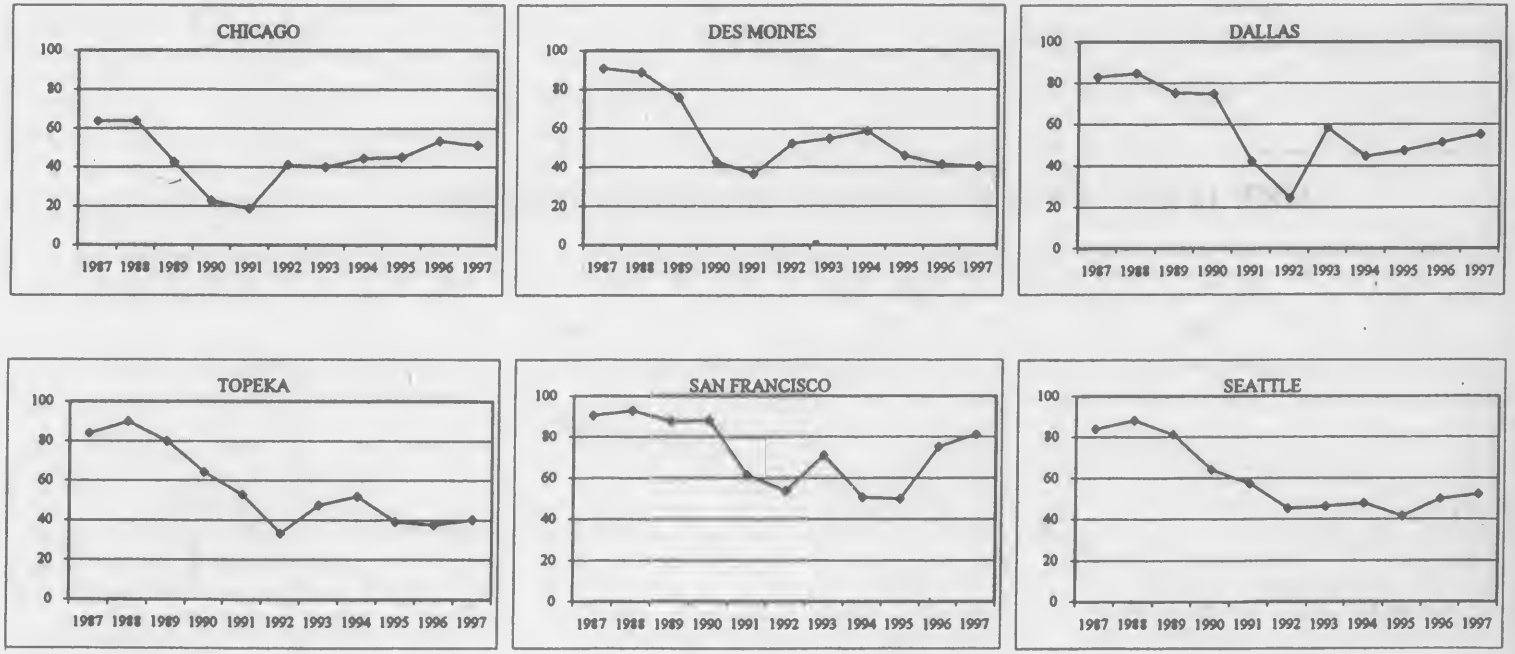
Advances of the FHLBanks as a Percentage of Assets



** Percent

Advances of the FHLBanks as a Percentage of Assets



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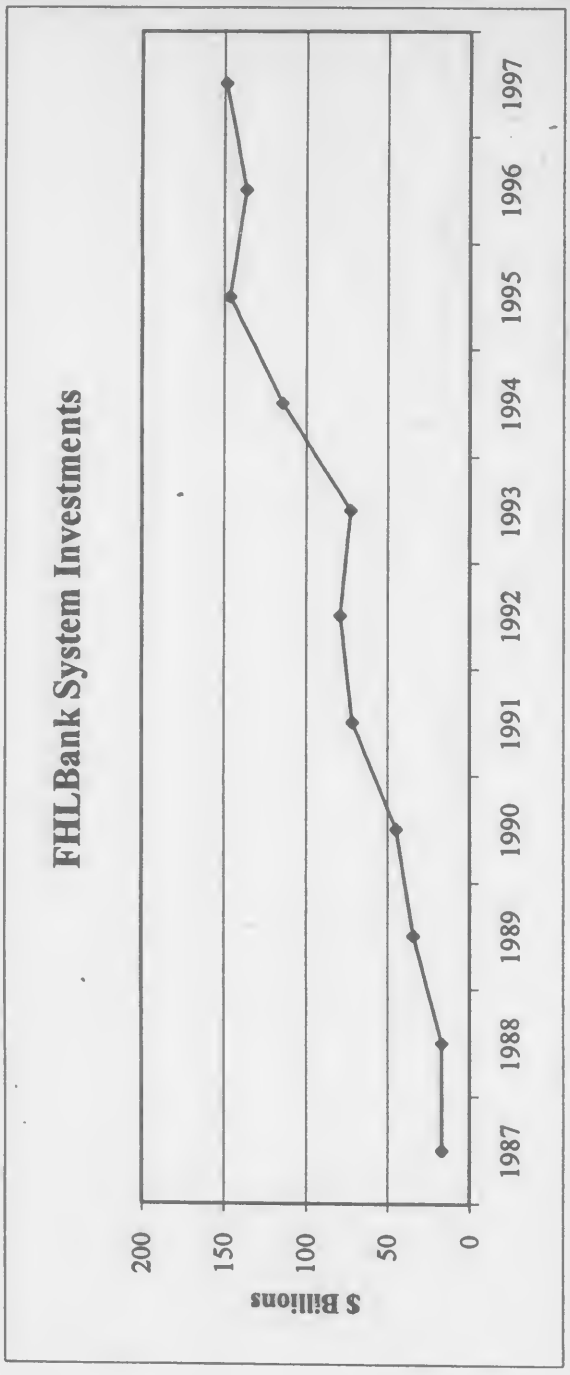
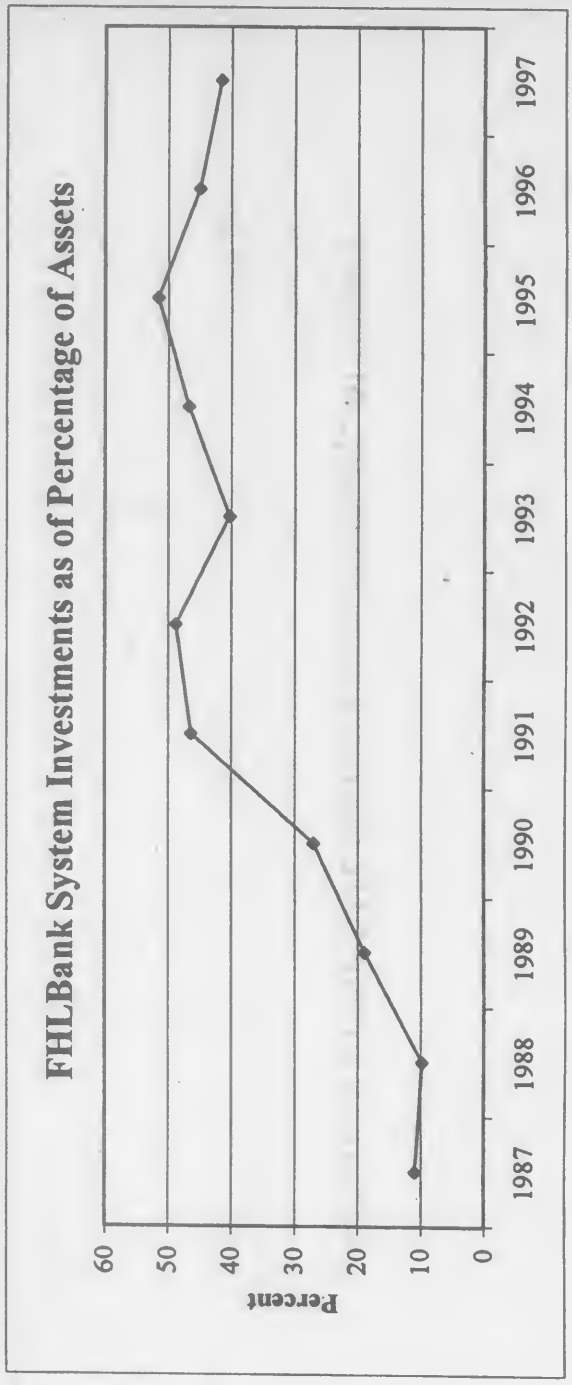
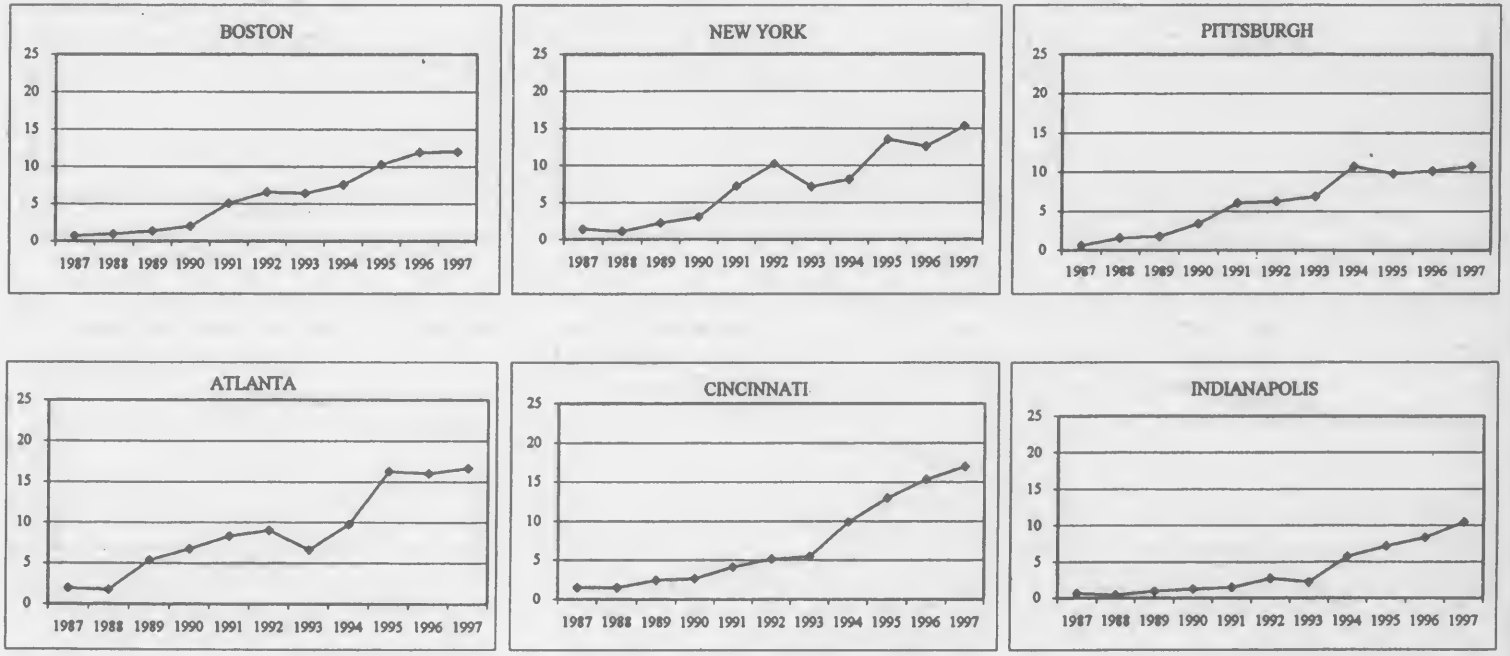
FHLBank System Investments





Investments of the FHLBanks



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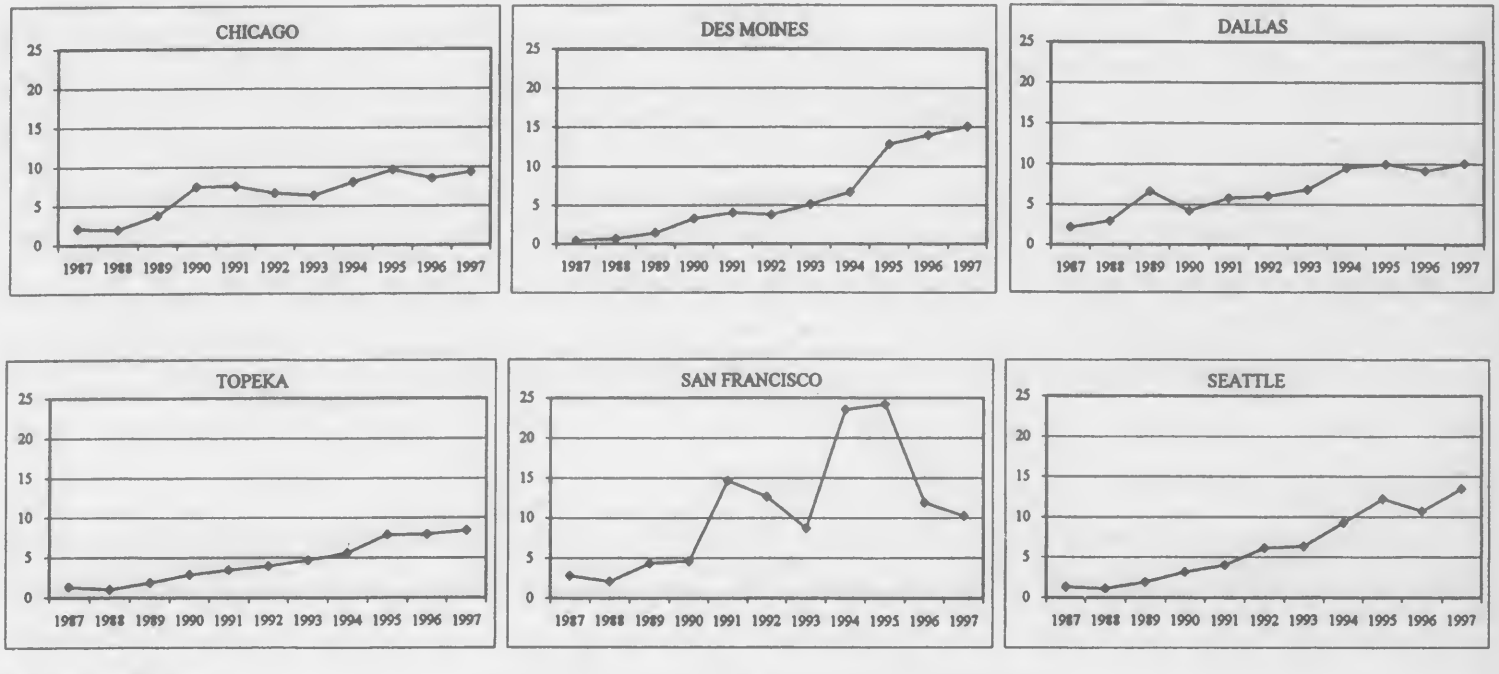
Investments of the FHLBanks



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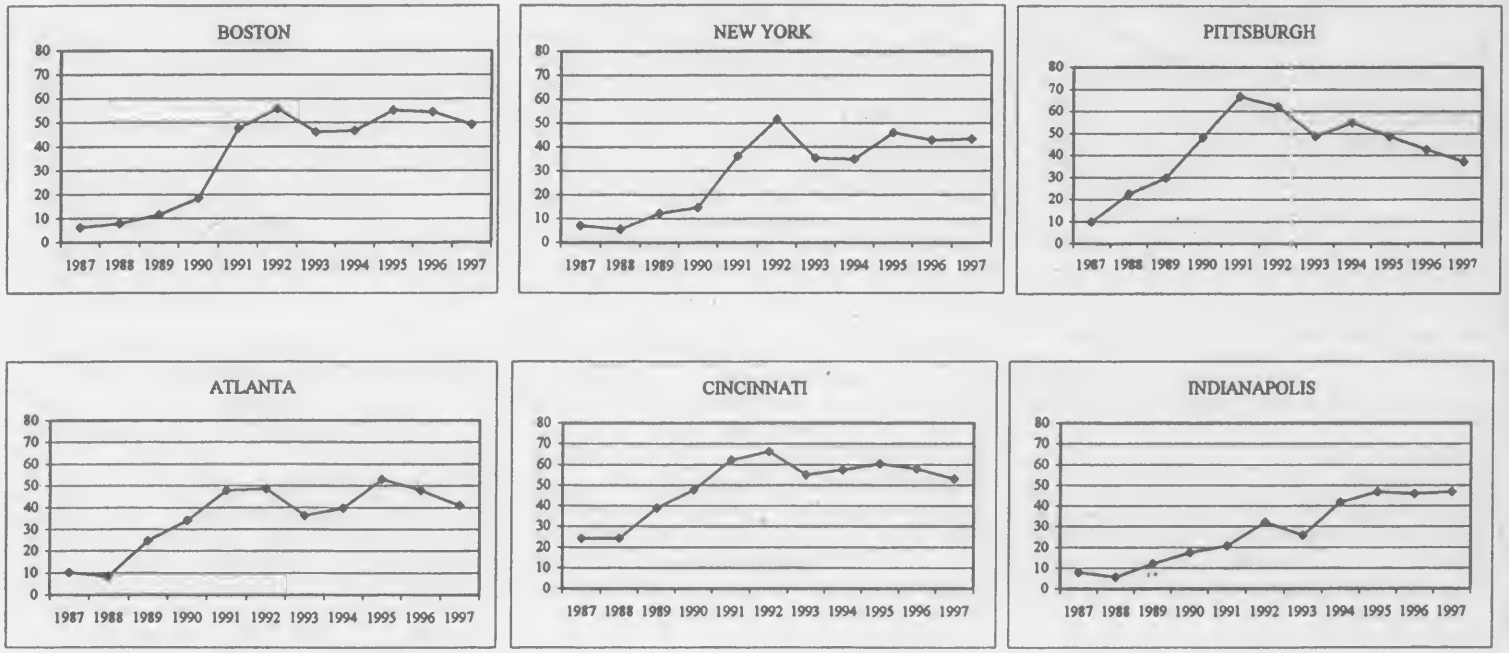
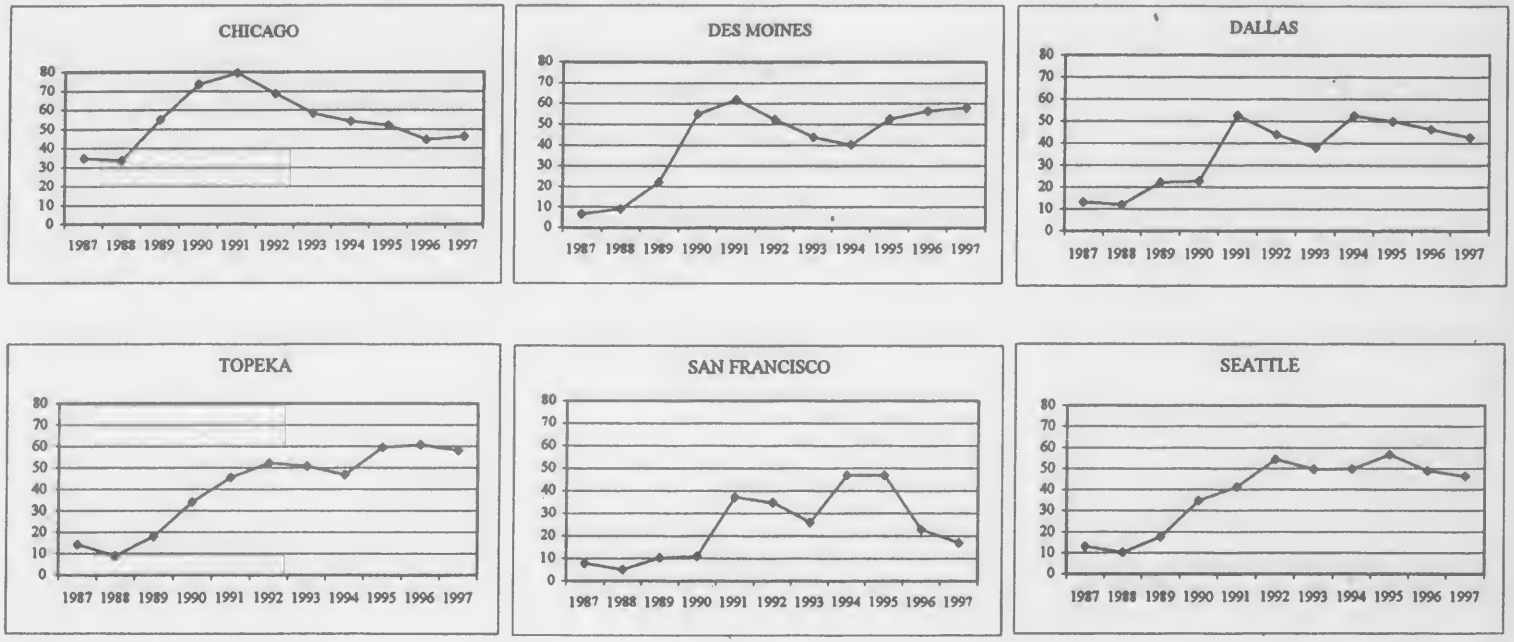
Investments of the FHLBanks as a Percentage of Assets



* Percent

Investments of the FHLBanks as a Percentage of Assets



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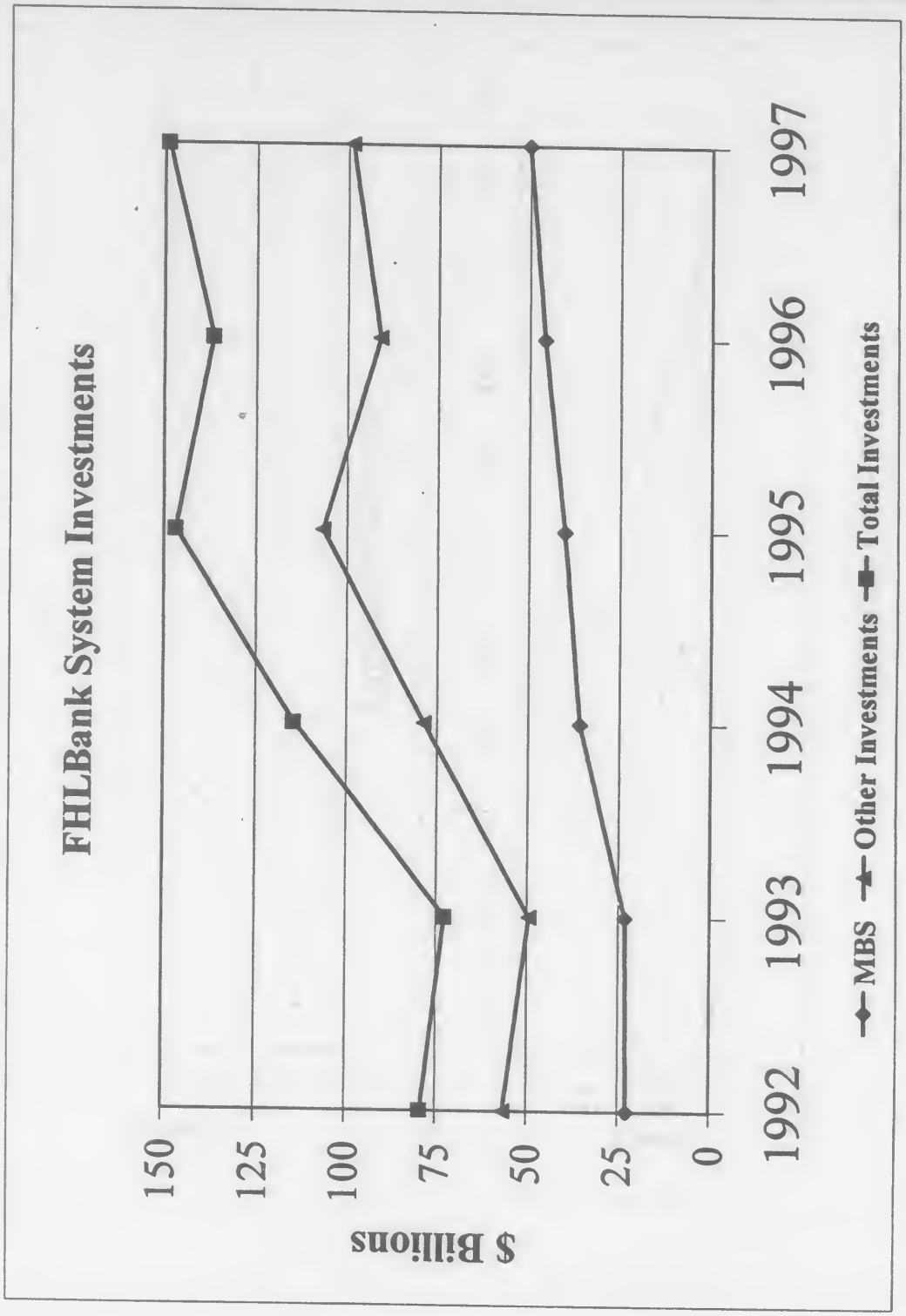
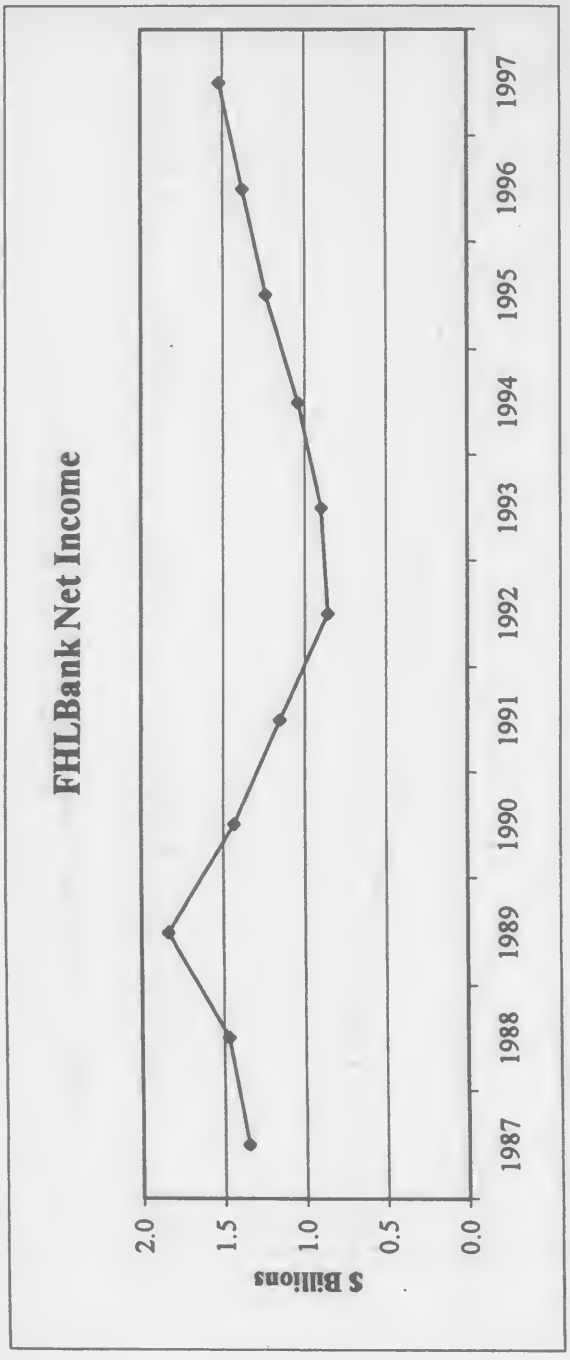
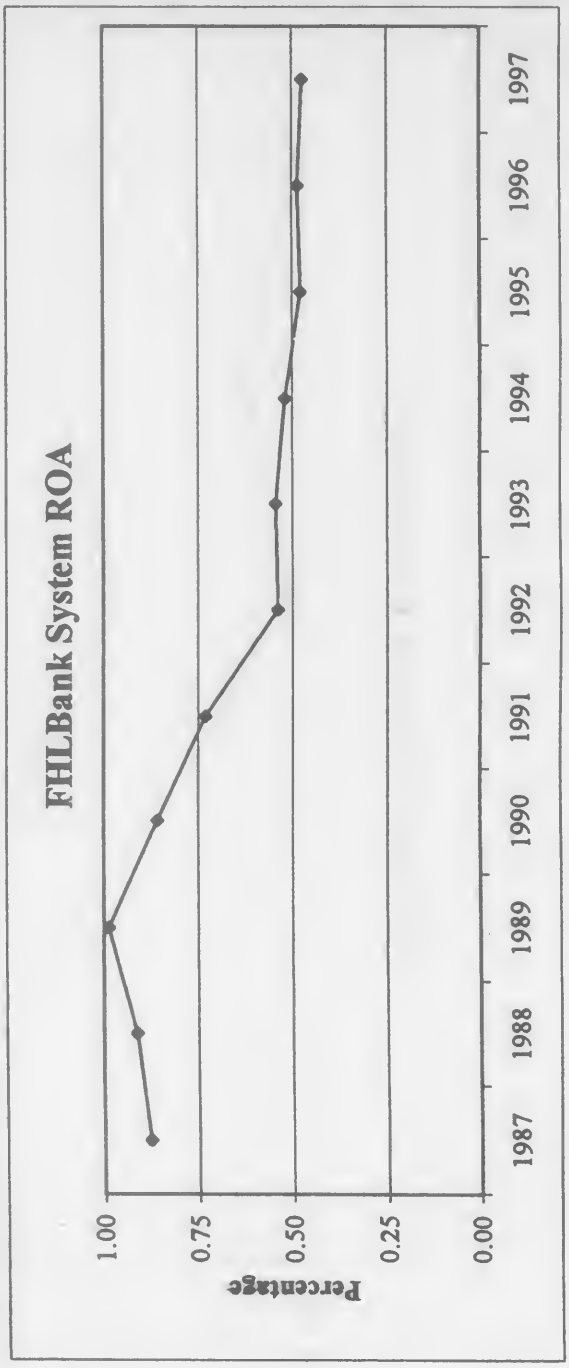
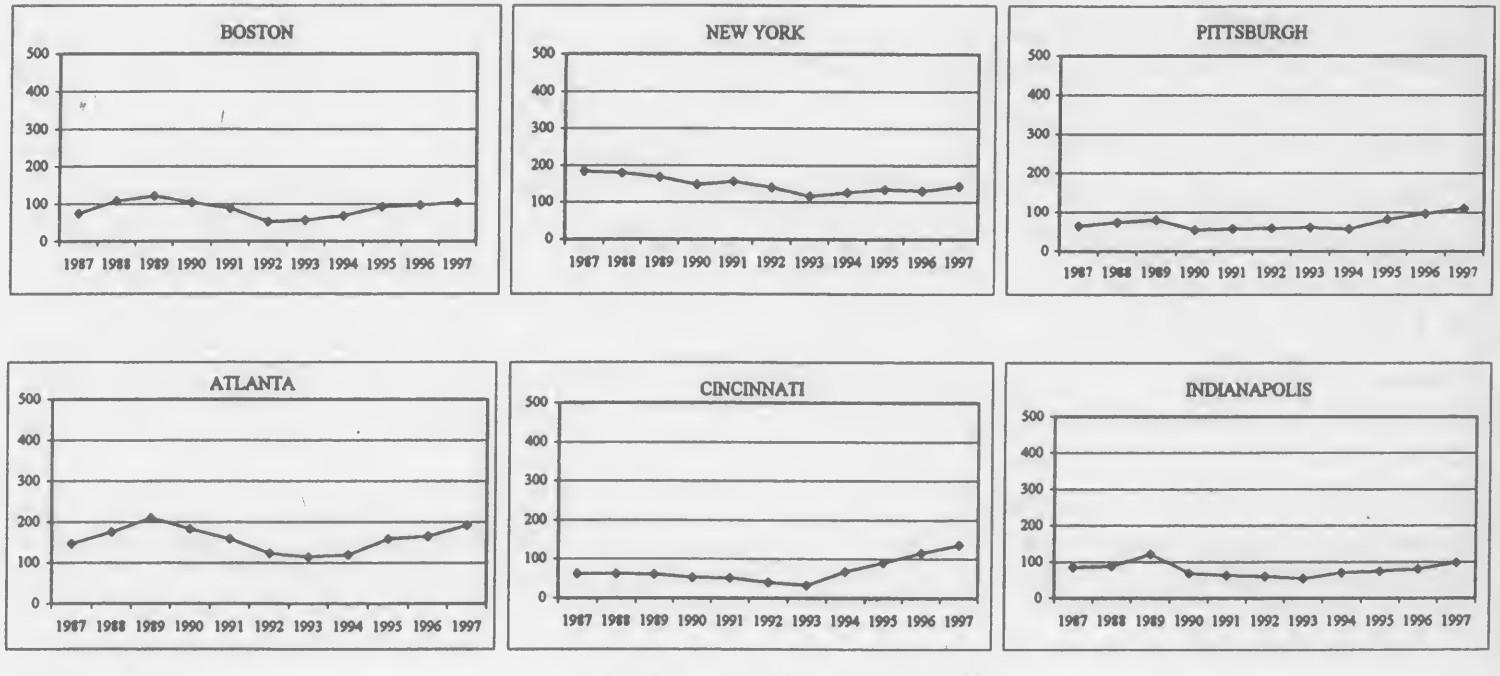

FHLBank System Investments
$ Billions
150
125
100
75
50
25
0
1992
1993
1994
1995
1996
1997
MBS
Other Investments
Total Investments

FHLBank System



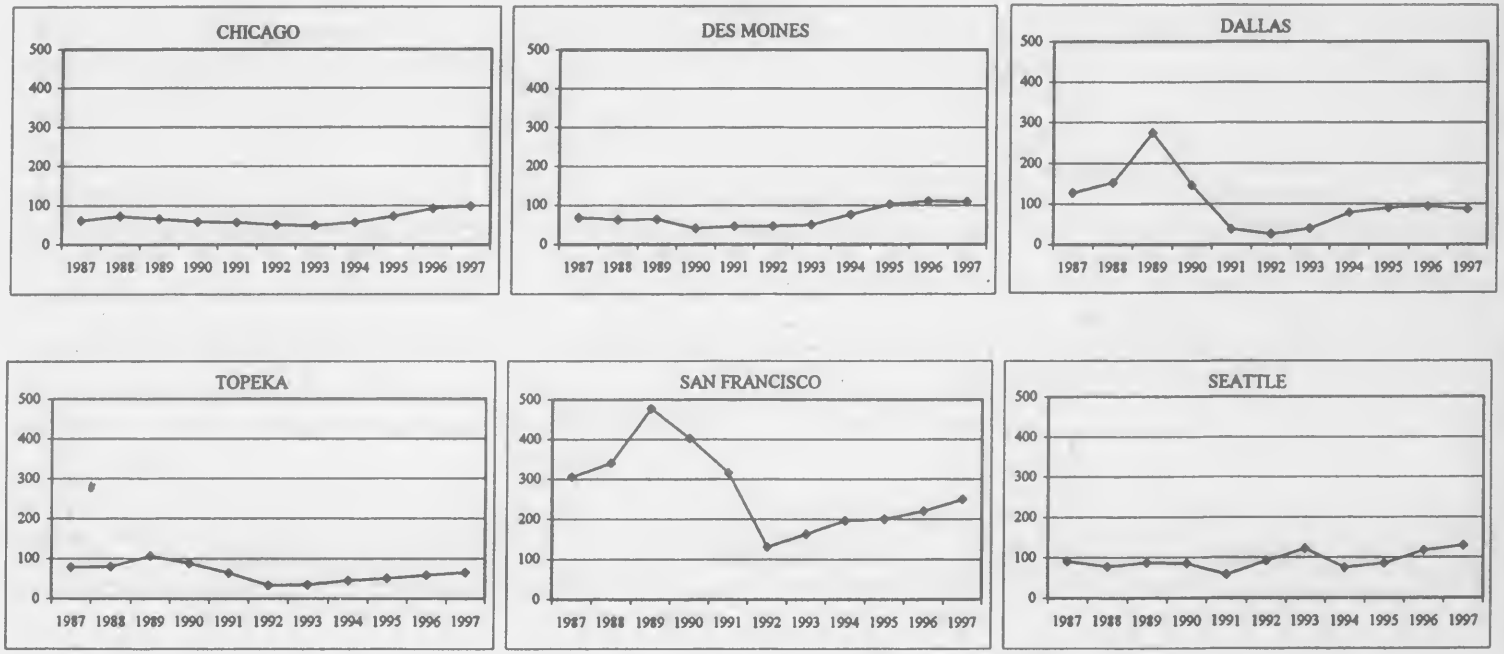


Net Income of the FHLBanks



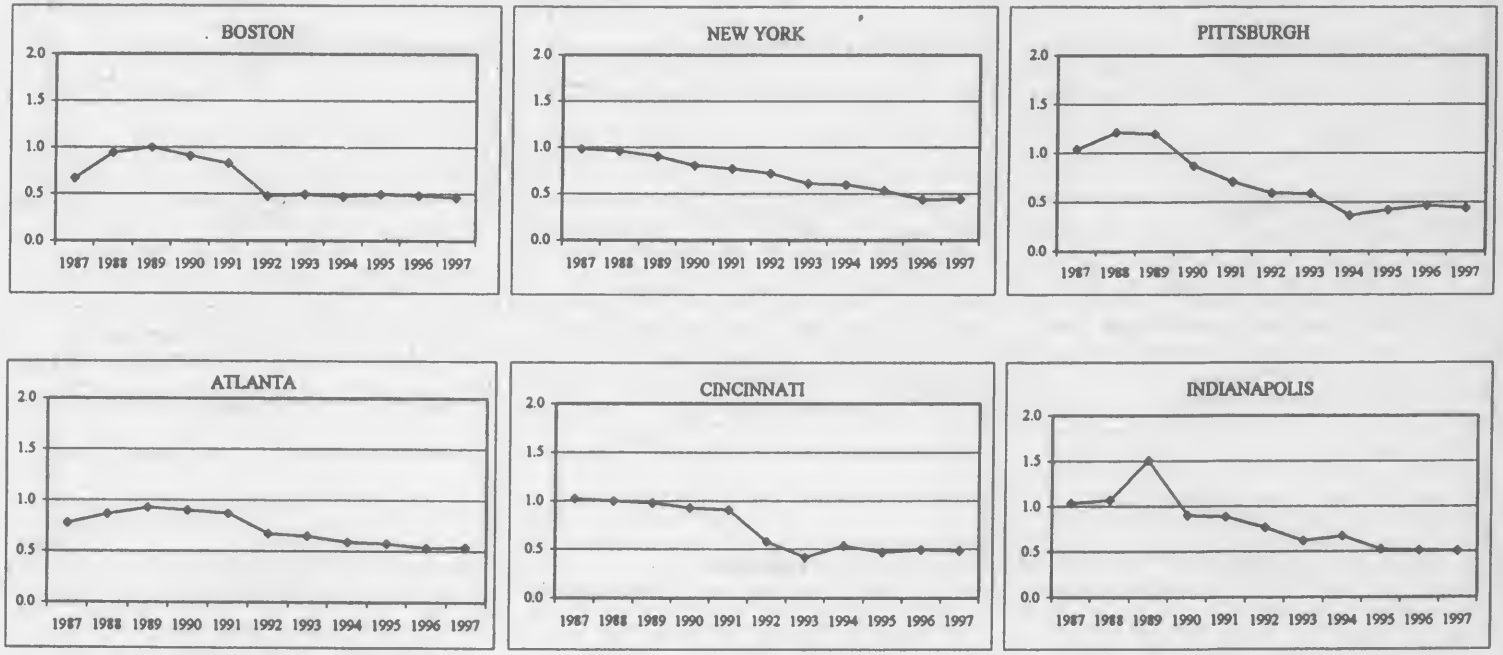
* Millions of Dollars

Net Income of the FHLBanks



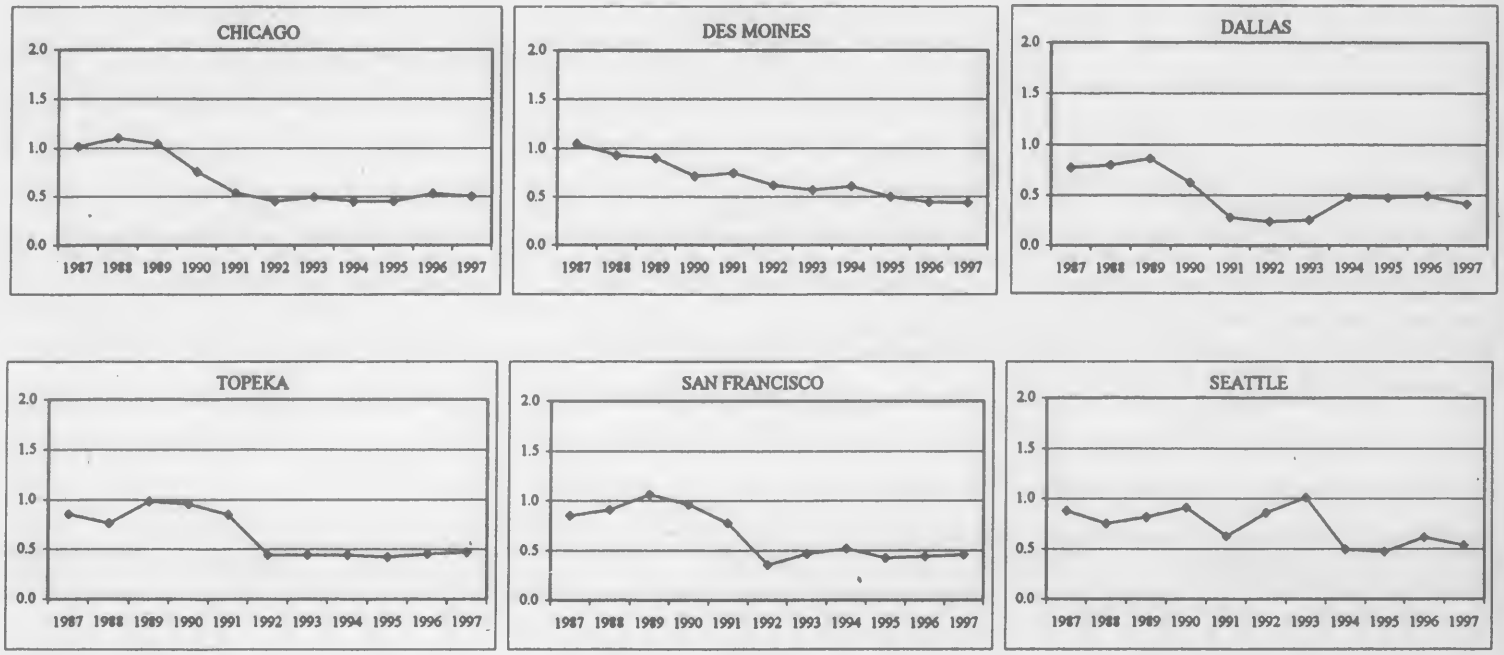
* Millions of Dollars

ROA of the FHLBanks



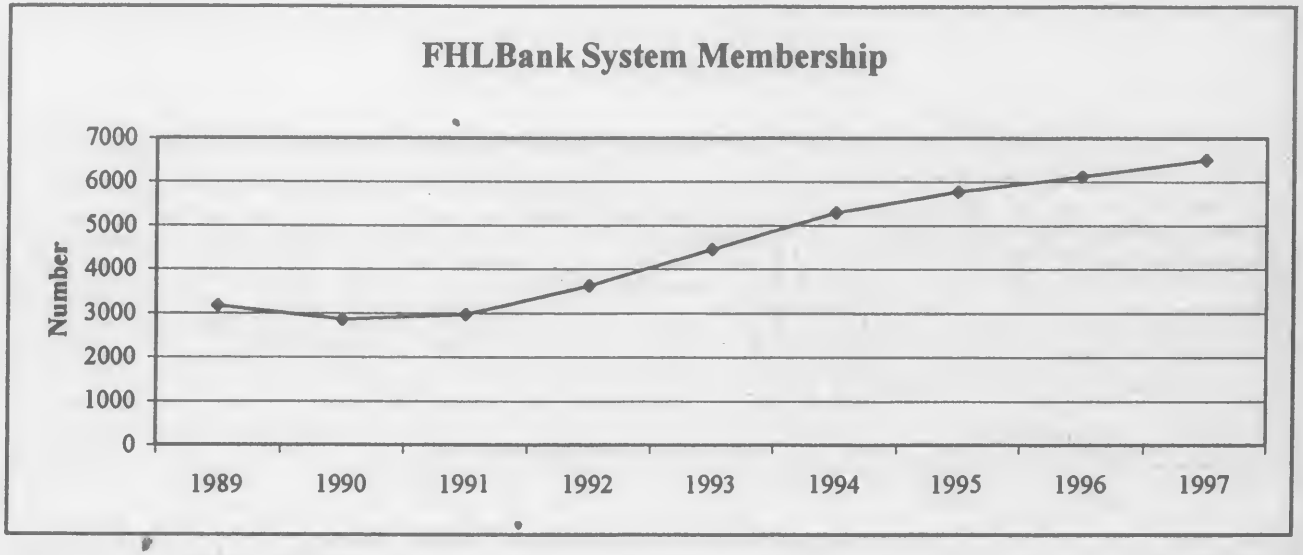
* Percent

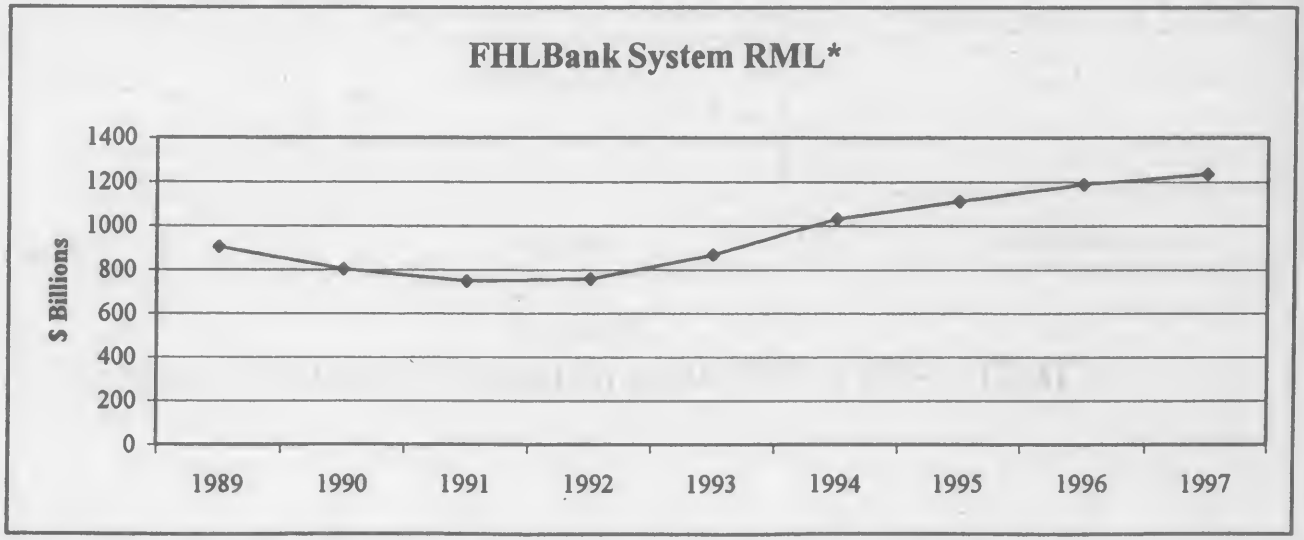
ROA of the FHLBanks



* Percent

FHLBank System

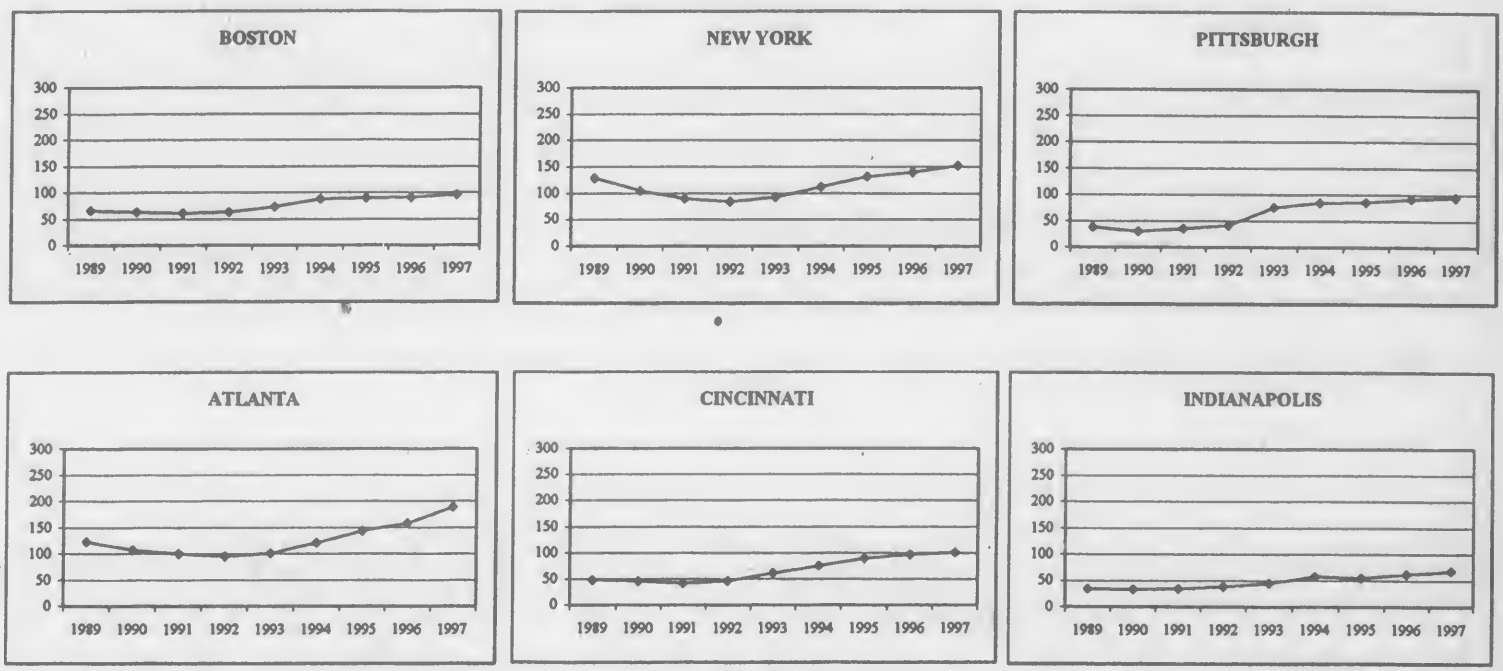




* Residential Mortgage Loans (RML) include housing construction loans, permanent mortgages, and mortgage backed securities.

FHLBank System Residential Mortgage Loans (RML*)

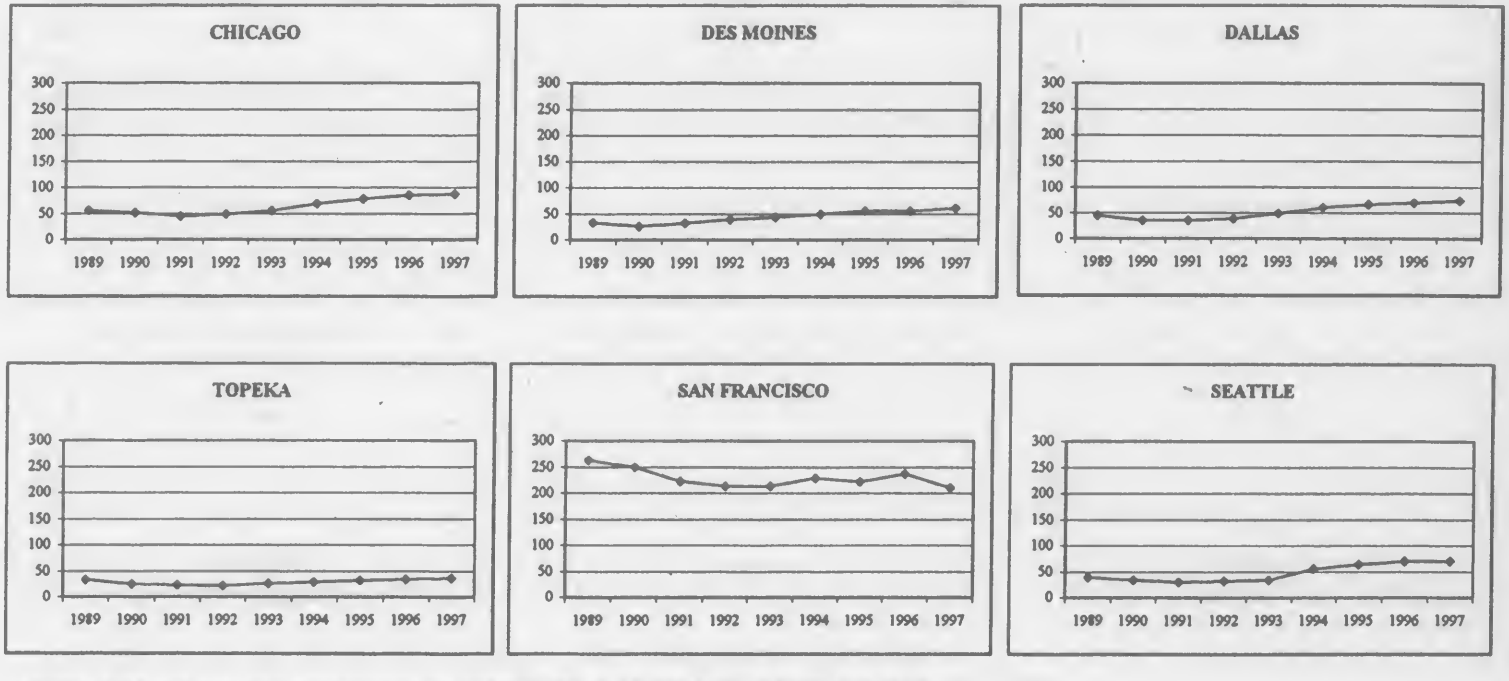
($Billions)



* Residential Mortgage Loans (RML) include housing construction loans, mortgages for single- and multi-family housing, and mortgage backed securities.

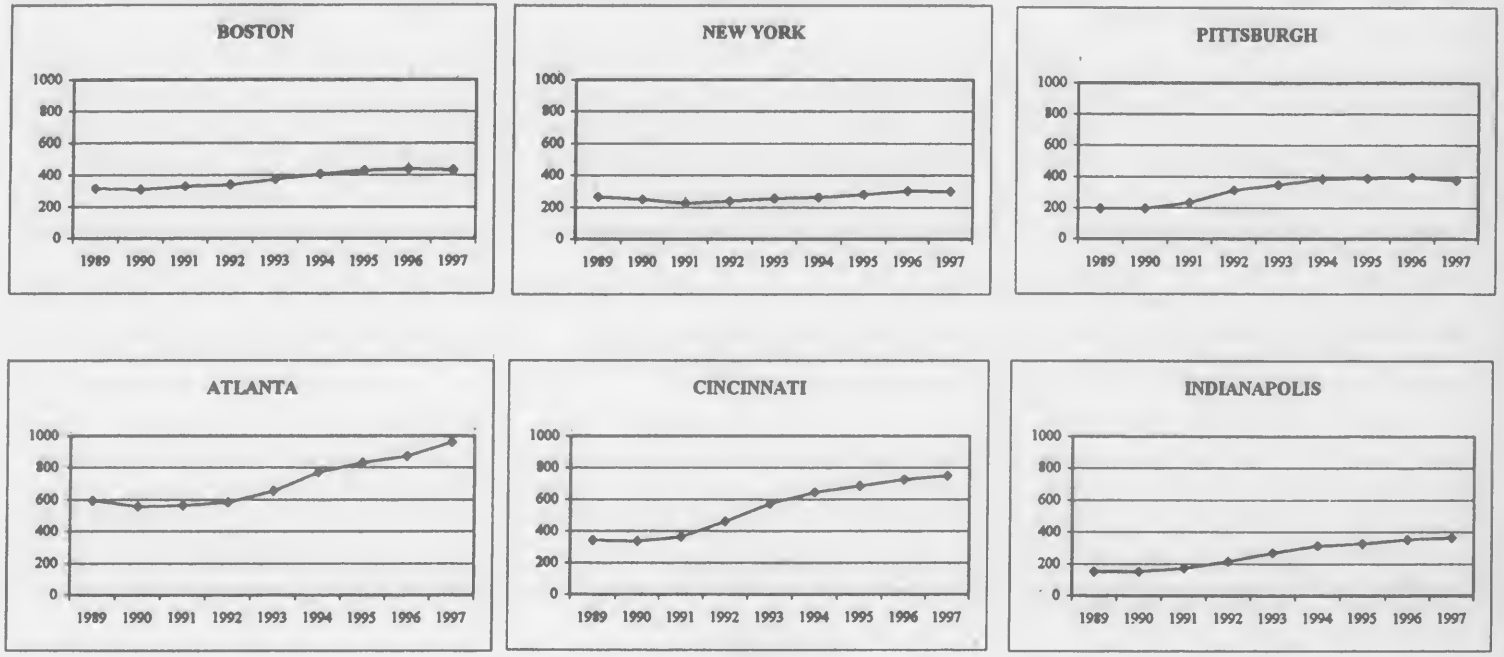
FHLBank System Residential Mortgage Loans (RML*)

($Billions)



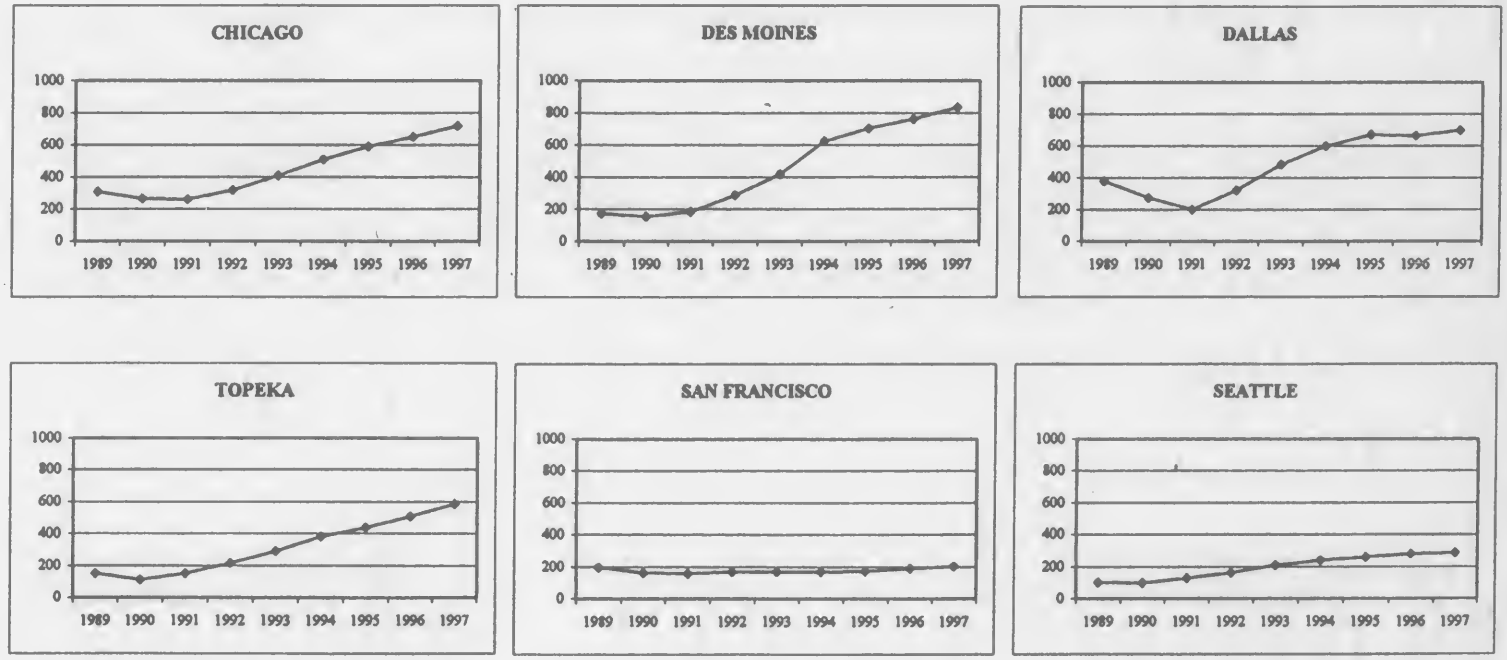
* Residential Mortgage Loans (RML) include housing construction loans, mortgages for single- and multi-family housing, and mortgage backed securities.

FHLBank System Membership



* Number of Members

FHLBank System Membership



* Number of Members

[FR Doc. 98–8508 Filed 4–2–98; 8:45 am]
BILLING CODE 6725–01–C

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 17, 1998.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Isaac E. Sayle, Charleston, Mississippi; to retain and acquire additional voting shares of Tallahatchie Holding Company, Charleston, Mississippi, and thereby indirectly acquire Tallahatchie County Bank, Charleston, Mississippi.

Board of Governors of the Federal Reserve System, March 30, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–8734 Filed 4–2–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 27, 1998.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. The Fuji Bank, Limited, Tokyo, Japan; to acquire 16.84 percent of the voting shares of Yasuda Trust and Banking Co., Ltd., Tokyo, Japan.

B. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. Cardinal Financial Corporation, Fairfax, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Cardinal Bank, N.A., Fairfax, Virginia, a *de novo* bank.

C. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Southern Heritage Bancorp, Inc., Oakwood, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Southern Heritage Bank, Oakwood, Georgia, a *de novo* bank.

D. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. Lino Lakes Banc Shares, Inc., Forest Lake, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Lino Lakes State Bank, Lino Lakes, Minnesota, a *de novo* bank.

E. Federal Reserve Bank of Dallas (W. Arthur Tribble, President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. LCNB Bancorporation, Inc., Houston, Texas, and LCNB Bancorporation of Delaware, Inc., Wilmington, Delaware; to become bank holding companies by acquiring 100 percent of the voting shares of Langham Creek National Bank, Houston, Texas.

Board of Governors of the Federal Reserve System, March 30, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–8733 Filed 4–2–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 17, 1998.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Bayerische Vereinsbank AG, Munich, Federal Republic of Germany; to acquire VB Risk Management Products Inc., New York, New York, and thereby engage in credit derivative activities, pursuant to § 225.28(b(8)(ii) the the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 30, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–8732 Filed 4–2–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, April 8, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: April 1, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–8908 Filed 4–1–98; 10:46 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTION GRANTED—EARLY TERMINATION

ET date	Trans. No.	ET req status	Party name
17–Feb–98	19980805	G	Wolter Kluwer, n.v.
		G	Kenneth R. Thomson.
		G	International Thomson Publishing Inc.
	19981528	G	MNH Holdings (Pty) Limited.
		G	Open TV, Inc.
		G	Open TV, Inc.
	19981529	G	Equifax Inc.
		G	Computer Sciences Corporation.
		G	CSC Accounts Management, Inc.
18–Feb–98	19981003	G	Clear Channel Communications, Inc.
		G	William E. Corey.
		G	Corey Media, Inc.
	19981547	G	Thomson S.A.
		G	Open TV, Inc.
		G	Open TV, Inc.
	19981581	G	Newell Co.
		G	Michael A. Zurawin.
		G	Adams Brush Mfg. Co., Inc., Fusion Bond Industries, Inc.
	19981596	G	Zenith National Insurance Corp.
		G	William D. Griffin.
		G	RISCORP, Inc., RISCORP Management Services, Inc.
	19981626	G	Republic Industries, Inc.
		G	Rouben Kandilian.
		G	Zakaroff Services and Wilshire Disposal Service.
19–Feb–98	19981521	G	Marshall S. Cogan.
		G	Foamex International Inc.
		G	General Felt Industries, Inc.
	19981530	G	Benchmark Electronics, Inc.
		G	Lockheed Martin Corporation.
		G	Lockheed Commercial Electronics Company.
	19981583	G	The St. Paul Companies, Inc.
		G	USF&G Corporation.
		G	USF&G Corporation.
	19981599	G	T.J. Dermot Dunphy.
		G	W.R. Grace & Co.
		G	W.R. Grace & Co.
	19981603	G	Atmel Corporation.
		G	Vishay Intertechnology, Inc.
		G	Temic Telefunken microelectronic GmbH, Matra MH S.A.
	19981605	G	Fabri-Centers of America, Inc.

TRANSACTION GRANTED—EARLY TERMINATION—Continued

ET date	Trans. No.	ET req - status	Party name
		G	House of Fabrics, Inc.
		G	House of Fabrics, Inc.
	19981609	G	Falcon Products, Inc.
		G	Howe Furniture Corporation.
		G	Howe Furniture Corporation.
	19981613	G	Spartech Corporation.
		G	Ralph B. Andy.
		G	Polycom Huntsman, Inc.
	19981614	G	Spartech Corporation.
		G	Jon M. Huntsman.
		G	Polycom Huntsman, Inc.
	19981615	G	Ford Motor Company.
		G	R.J. Brandes.
		G	Belgravia Financial Services, LLC.
	19981621	G	Ambac Financial Group, Inc.
		G	Warburg, Pincus Investors, L.P.
		G	Charter Financial, Inc.
	19981622	G	Alan Fischer.
		G	Ambac Financial Group, Inc.
		G	Ambac Financial Group, Inc.
	19981631	G	MarineMax, Inc.
		G	Richard C. LaManna, Jr.
		G	Harrison's Boat Center, Inc.
	19981632	G	MarineMax, Inc.
		G	Darrell Christopher LaManna.
		G	Harrison's Boat Center, Inc. and Harrison Realty.
	19981640	G	Gibralter Steel Corporation.
		G	Artcraft Industries, Inc.
		G	The Solar Group Division.
20–Feb–98	19980724	G	Allegheny Teledyne Incorporated.
		G	Oregon Metallurgical Corporation.
		G	Oregon Metallurgical Corporation.
	19981396	G	Dennis Mehiel.
		G	American Industrial Partners Capital Fund LP.
		G	Sweetheart Holdings Inc.
	19981464	G	Federal-Mogul Corporation.
		G	Fel-Pro Master General Partnership.
		G	Fel-Pro Master General Partnership.
	19981466	G	Federal-Mogul Corporation.
		G	Felt Products Mfg., Co.
		G	Felt Products Mfg., Co.
	19981635	G	Danaher Corporation.
		G	Pacific Scientific Company.
		G	Pacific Scientific Company.
24–Feb–98	19981689	G	Thayer Equity Investors, III, L.P.
		G	Stanley Fisher.
		G	Allied Bus Corporation.
25–Feb–98	19981512	G	Robert R. Norton, Jr.
		G	Sand Dollar Holdings, Inc.
		G	Sand Dollar Holdings, Inc.
	19971554	G	Robert E. Edwards.
		G	Jeffrey J. Steiner.
		G	Fairchild Corporation.
	19981555	G	Jeffrey J. Steiner.
		G	Robert Edwards.
		G	Edwards and Lock Management Corporation.
	19981561	G	Electronic Data Systems Corporation.
		G	Robert L. Praegitzer.
		G	SolidEdge/EMS Mechanical CAD/CAM Business.
	1998156	G	Mitsui O.S.K. Lines, Ltd.
		G	Burmah Castrolplc (a U.K. corporation).
		G	Burmah LNG Shipping, Inc.
27–Feb–98	19981549	G	Baxter International Inc.
		G	The BOC Group, plc.
		G	Ohmeda Pharmaceutical Products Div., Inc. & Ohme Cari.
	19981566	G	Welsh, Carson, Anderson & Stowe VII, L.P.
		G	The Cerplex Group, Inc.
		G	The Cerplex Group, Inc.
	19981723	Y	Community Newspaper Holdings, Inc.
		Y	Ben M. Smith.
		Y	Smith Newspapers, Inc.

TRANSACTION GRANTED—EARLY TERMINATION—Continued

ET date	Trans. No.	ET req status	Party name
	19981790	G	Textron Inc.
		G	The Boeing Company
		G	The Boeing Company.
	19982164	G	Harley Lippman.
		G	Renaissance Worldwide, Inc.
		G	Renaissance Worldwide, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–8765 Filed 4–2–98; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b) (2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTION GRANTED EARLY TERMINATION

ET date	Trans No.	ET req status	Party name
02–Mar–98	19981610	G	Philip F. Anschutz.
		G	Phoenix Network, Inc.
		G	Phoenix Network, Inc.
	19981729	G	Lafite.
		G	The Chalone Wine Group, Ltd.
		G	The Chalone Wine Group, Ltd.
	19981738	G	Pool Energy Services Co.
		G	Al A. Gonsoulin.
		G	Sea Mar, Inc.
	19981745	G	CGW Southeast Partners III, L.P.
		G	Charter Oak Partners, L.P.
		G	SIMCALA, Inc.
	19981749	G	American Capital Strategies, Ltd.
		G	Richard G. Chance.
		G	Chance Coach, Inc.
	19981753	G	The Beacon Group III—Focus Value Fund, L.P.
		G	OnCare, Inc.
		G	OnCare, Inc.
	19981761	G	Rexall Sundown, Inc.
		G	IVAX Corporation.
		G	Goldcaps, Inc. and Zenith Goldline Golden Glades, Inc.
	19981763	G	Applied Graphics Technologies, Inc.
		G	Devon Group, Inc.
		G	Devon Group, Inc.
	19981764	G	Marne Obernauer, Jr.
		G	Applied Graphics Technologies, Inc.
		G	Applied Graphics Technologies, Inc.
	19981765	G	Clayton, Dubilier & Rice Fund V Limited Partnership.
		G	The Gillette Company.
		G	Jafra Cosmetics International, Inc.
	19981766	G	DLJ Merchant Banking Partners II, LP.
		G	Thermadyne Holdings Corporation.
		G	Thermadyne Holdings Corporation.
	19981770	G	The York Group, Inc.
		G	Colonial Guild, Ltd.
		G	Colonial Guild, Ltd.
	19981771	G	MDC Communications Corporation.
		G	Artistic Greetings Incorporated.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Artistic Greetings Incorporated.
	19981773	G	FirstService Corporation.
		G	TeleSpectrum Worldwide Inc.
		G	TeleSpectrum Worldwide Inc.
	19981775	G	Charterhouse Equity Partners III, L.P.
		G	Dennis Mehiel.
		G	The Fonda Group, Inc.
	19981779	G	Dain Rauscher Corporation.
		G	Wessels, Arnold & Henderson Group, L.L.C.
		G	Wessels, Arnold & Henderson Group, L.L.C.
	19981781	G	Kommanditgesellschft Delta Betsiligungs-gessellschaf Co.
		G	Gordon I. Segal.
		G	Euromarket Designs, Inc. & Euromarket Designs, Inc.
	19981787	G	Centocor,Inc.
		G	Dr. h.c. Paul Sacher (a Swiss national).
		G	Roche Healthcare Limited (a Bermudian company).
	19981788	G	Tele-Communications, Inc.
		G	TLMD Station Group, Inc.
		G	TLMD Station Group, Inc.
	19981793	G	Contour Holdings, Inc.
		G	TA Acquisition Holdings, Inc.
		G	TA Acquisition Holdings, Inc.
	19981794	G	Bunge International Limited (a Bermuda corporation).
		G	Au Bon Pain Co., Inc.
		G	ABP Midwest.
	19981796	G	Apollo Investment Fund III, LP.
		G	Telemundo Group, Inc.
		G	Telemundo Group, Inc.
	19981798	G	Sony Corporation.
		G	Apollo Investment Fund III, LP.
		G	Telemundo Group, Inc.
	19981799	G	Texas Utilities Company.
		G	The Energy Group PLC.
		G	The Energy Group PLC.
	19981813	G	Specialty Teleconstructors, Inc.
		G	Picks, Muse, Tate, Furst Equity Fund III, L.P.
		G	OmniAmerica Holdings Corporation.
03–Mar–98	19981742	G	Commonwealth Energy System.
		G	President and Fellows of Harvard College.
		G	Medicaid Area Total Energy Plant, Inc. & Cogeneration.
	19981767	G	Wallace S. Wilson
		G	Smith International, Inc.
		G	Smith International, Inc.
	19981772	G	Polymer Group, Inc.
		G	Exxon Corporation.
		G	Exxon Corporation.
	19981776	G	Aviation Sales Company.
		G	Benito Quevedo.
		G	Caribe Aviation, Inc.
	19981792	G	Perseus Capital, L.L.C.
		G	The News Corporation Limited, an Australian company.
		G	Westview Books
	19981812	G	Hicks, Muse, Tate & Furst Equity Fund III, L.P.
		G	Specialty Teleconstructions, Inc.
		G	
		G	Specialty Teleconstructions, Inc.
04–Mar–98	19981722	G	Pioneer-Standard Electronics, Inc.
		G	Gordon L. and Melissa W. Dickens III (Husband and Wife).
		G	Dickens Data Systems, Inc.
	19981724	G	Marathon Fund Llimited Partnership, III.
		G	John R. and Carolyn J. Maness.
		G	Dixie Bedding Company.
	19981783	G	Gordon I. Segal.
		G	Kommanditgesellischaft Delta Beteiligungsgesellscha Co.
		G	Cllipper Holdings, Inc.
05–Mar–98	19981672	G	Prudential Corporation plc (A British Company).
		G	NuWorld Marketing Limited.
		G	NuWorld Marketing Limited.
	19981681	G	Republic Industries, Inc.
		G	Donald C. Mealey.
		G	First Team Automotive Corp.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
	19981706	G	Res-Care, Inc.
		G	Normal Life, Inc.
		G	Normal Life, Inc.
06–Mar–98	19981663	G	United Health Care Corporation.
		G	Eugene W. Lorenz.
		G	NexUS Healthcare Information Corporation.
	19982025	G	Reinhold Wurth.
		G	Service Supply Co., Inc. of Indiana.
		G	Service Supply Co., Inc. of Indiana.
09–Mar–98	19981638	G	Essilor International, S.A. (Compagnie Generale).
		G	Bell Optical Laboratory, Inc.
		G	Bell Optical Laboratory, Inc.
	19981698	Y	Smith International, Inc.
		Y	Wilson Industries, Inc.
		Y	Wilson Industries, Inc.
	19981708	G	Statesman Financial Corporation.
		G	Michigan Livestock Exchange.
		G	Michigan Livestock Credit Corporation.
	19981744	G	American Radio Systems Corporation.
		G	N.L. Bentson.
		G	WIT Communications, Inc., Washington International.
	19981784	G	The 1964 Simmons Trust.
		G	Tremont Corporation.
		G	Tremont Corporation.
	19981856	G	Tommy Hilfiger Corporation.
		G	Sportswear Holdings Limited.
		G	Sportswear Holdings Limited.
		G	Pepe Jeans USA, Inc.
	19981886	G	Spartan Communications, Inc.
		G	WKRG–TV, Inc.
		G	WKRG–TV, Inc.
10–Mar–98	19981703	G	Letitia Corporation.
		G	Stewart Warner Instrument Corporation.
		G	Stewart Warner Instrument Corporation.
	19981824	G	Siebe plc.
		G	Ronald O. Perelman.
		G	Coleman Safety and Security Products, Inc.
	19981854	G	RLLW, Inc.
		G	Tricon Global Restaurants, Inc.
		G	Pizza Hut, Inc.
	19981855	G	Sportswear Holdings Limited.
		G	Tommy Hilfiger Corporation.
		G	Tommy Hilfiger Corporation.
		G	Pepe Jeans USA, Inc.
	19981857	G	HIG Investment Group, L.P.
		G	Richard J. Sosebee.
		G	Cellular Warehouse, Inc.
	19981858	G	HIG Investment Group, LP.
		G	Frederick L. Hill, III.
		G	Cellular Warehouse, Inc.
	19981860	G	The Dow Chemical Company.
		G	The Dow Chemical Company.
		G	Chemtech Royalty Associates, L.P.
	19981867	G	Hicks, Muse, Tate & Furst, Equity Fund III, L.P.
		G	The Hearst Trust.
		G	Hearst-Argyle stations, Inc.
	19981868	G	The Hearst Trust.
		G	Hick, Muse, Tate & Furst Equity Fund III, L.P.
		G	STC Broadcasting, Inc.
	19981869	G	JP Foodservice, Inc.
		G	Westlund Provisions, Inc.
		G	Westlund Provisions, Inc.
	19981872	G	Chattem, Inc.
		G	Bristol-Myers Squibb Company.
		G	Bristol-Myers Squibb Company.
	19981873	G	International Paper Company.
		G	The Company.
		G	The Company.
	19981881	G	American International Group, Inc.
		G	The Company.
		G	The Company.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
11–Mar–98	19981664	G	International Business Machines Corporation.
		G	CommQuest Technologies, Inc.
		G	CommQuest Technologies, Inc.
	19981669	Y	Total Renal Care Holdings, Inc.
		Y	William P. Nixon, Jr., M.D.
		Y	Southeastern Dialysis Center, Inc.
	19981747	G	Toolex International N.V.
		G	Mr. Bruce Del Mar.
		G	Del Mar Avionics, Inc.
	19981831	G	Premier Parks Inc.
		G	Time Warner Inc.
		G	Six Flags Entertainment Corporation.
	19981859	G	National Data Corporation.
		G	Data Broadcasting Corporation.
		G	Check Rite International, Inc.
	19981875	G	General Electric Company.
		G	Neff Corporation.
		G	Neff Corporation.
	19981877	G	TPG Investors II, LP.
		G	Oxford Health Plans, Inc.
		G	Oxford Health Plans, Inc.
	19981878	G	TPG Parallel II, LP.
		G	Oxford Health Plans, Inc.
		G	Oxford Health Plans, Inc.
	19981879	G	TPG Partners II, LP.
		G	Oxford Health Plans, Inc.
		G	Oxford Health Plans, Inc.
	19981885	G	Dassault Systems S.A.
		G	International Business Machines Corporation.
		G	International Business Machines Corporation.
	19982022	G	Sunrise Medical Inc.
		G	Sentient Systems Technology, Inc.
		G	Sentient Systems Technology, Inc.
	19982087	G	Ronald Stamato.
		G	Eastern Environmental Services, Inc.
		G	Hudson Jersey Sanitation Co.
12–Mar–98	19981728	G	Ronald I. Dozoretz, M.D.
		G	Columbia/HCA Healthcare Corporation.
		G	Value Behavioral Health, Inc., Value Health Reinsurance.
	19981791	G	Princes Gate Investors II, LP.
		G	Corporacion Impsa S.A.
		G	Impact Corporation.
	19981816	G	Zurich Allied AG.
		G	Newco.
		G	Newco.
	19981819	G	Allied Zurich p.l.c.
		G	Newco.
		G	Newco.
13–Mar–98	19981760	G	Catholic Healthcare West.
		G	Community Health Systems of San Bernardino, Inc.
		G	Community Hospital of San Bernardino.
	19981803	G	Johnson & Johnson.
		G	Ergo Science Corporation.
		G	Ergo Science Corporation.
	19981899	G	Pomeroy Computer Resources, Inc.
		G	Global Combined Technologies, Inc.
		G	Global Combined Technologies, Inc.
	19981903	G	Code, Hennessey & Simmons III, L.P.
		G	Randall G. Mourot.
		G	Mail Contractors of Arkansas, Inc., Mail Contractors Amer.
	19981990	G	Marriott International, Inc.
		G	William B. Johnson.
		G	The Ritz-Carlton Hotel Company, LLC.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–8766 Filed 4–2–98; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Sections 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTION GRANTED EARLY TERMINATION

ET date	Trans No.	ET req status	Party name
16–Mar–98	19981734	G	USA Waste Services, Inc.
		G	American Waste Services, Inc.
		G	American Waste Services, Inc.
	19981852	G	Bass PLC (a British company).
		G	IHC Toshi Jigyo Kumiai.
		G	Saison Holdings B.V.
	19981932	G	SPS Technologies, Inc.
		G	Greenville Metals, Inc.
		G	Greenville Metals, Inc.
	19981947	G	Interpublic Group of companies, Inc. (The).
		G	Carmichael Lynch, Inc. Employee Stock Ownership Plan.
		G	Carmichael Lynch, Inc. Employee Stock Ownership Plan.
	19981984	G	Ford Motor Company.
		G	Emergent Group, Inc.
		G	Loan Pro$, Inc.; Premeier Financial Services, Inc.
	19982013	G	Corning Incorporated.
		G	Pharmacopeia, Inc.
		G	Pharmacopeia, Inc.
	19982018	G	General Electric Company.
		G	Integration Alliance Corporation.
		G	Integration Alliance Corporation.
	19982028	G	EVI, Inc.
		G	Christiana Companies, Inc.
		G	Christiana Companies, Inc.
	19982029	G	Sheldon B. Lubar.
		G	EVI, Inc.
		G	EVI, Inc.
	19982035	G	Richard A. Bernstein.
		G	KBMC Management.
		G	MANO Holdings, LLC.
	19982042	G	Texas Utilities Company.
		G	The Energy Group plc.
		G	The Energy Group plc.
	19982050	G	Boston Ventures Limited Partnership V.
		G	Richard Treibick.
		G	Cable Holdings of Georgia, Inc.
	19982051	G	Cintas Corporation.
		G	Uniforms To You and Company.
		G	Uniforms To You and Company.
	19982058	G	Whitehall Associates, L.P.
		G	Corning Incorporated.
		G	Corning Consumer Products Company.
	19982088	G	Patrick Stamato.
		G	Eastern Environmental Services, Inc.
		G	Eastern Environmental Services, Inc.
	19982107	G	Emery-Waterhouse Company (The).
		G	David G. Cook (debtor-in-possession).
		G	L.G. Cook Distributor, Inc.
	19982108	G	United Hardware Distributing Co.
		G	David G. Cook (debtor-in-possession).
		G	L.G. Cook Distributor, Inc.
17–Mar–98	19981743	G	Harnischfeger Industries, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Linsalata Capital Partners Fund II, LP.
		G	The Horsburgh & Scott Co.
	19981774	G	Brian L. Roberts.
		G	Brian L. Roberts.
		G	Sacramento Cable Television.
	19981829	G	American Business Information, Inc.
		G	Maurice L. Cunniffe.
		G	Armonk List Companies Corporation.
	19981861	G	Thayer Equity Investors III, L.P.
		G	James Miller.
		G	MTI Vacations, Inc.
	19981896	G	Citation Corporation.
		G	Amcast Industrial Corporation.
		G	Amcast Precision Products, Inc.
	19981900	G	Eastern Environmental Services, Inc.
		G	Ronald Stamato.
		G	Hudson Jersey Sanitation Co., West Milford Haulage Inc.
	19981901	G	Eastern Environmental Services, Inc.
		G	Patrick Stamato.
		G	Hudson Jersey Sanitation Co., West Milford Haulage Inc.
	19981902	G	Laidlaw Inc.
		G	Investment Resources Management, L.P.
		G	Investment Resources Management, L.P.
	19981908	G	French Fragrances, Inc.
		G	Joseph A. Pappalardo.
		G	J.P. Fragrances, Inc.
	19981910	G	Duke Energy Corporation.
		G	PG&E Corporation.
		G	Pacific Gas and Electric Company.
	19981911	G	Networks Associates, Inc.
		G	Mr. Igal Lichtman.
		G	Magic Solutions International, Inc.
	19981914	G	Green Equity Investors II, L.P.
		G	Kenneth Levine.
		G	Diamond Auto Glass Works, Inc.
	19981915	G	Green Equity Investors II, L.P.
		G	Richard Rutta.
		G	Diamond Auto Glass Works, Inc.
	19981931	G	American Capital Strategies, Ltd.
		G	Whitehall Associated, L.P.
		G	Borden, Inc. and BDH Two, Inc.
	19981935	G	The President and Fellows of Harvard College.
		G	White River Corporation.
		G	White River Corporation.
	19981936	G	John Connors.
		G	The Interpublic Group of Companies.
		G	Hill, Holiday, Connors, Cosmopulos, Inc.
	19981937	G	The Interpublic Group of Companies.
		G	John Connors.
		G	John Connors.
	19981946	G	Intergrated Health Services, Inc.
		G	Terry L. Cash.
		G	Magnolia Goup, Inc. and Medi-Serve, Inc.
	19981950	G	Akinola S. Olajuwon.
		G	DenAmerica Corp.
		G	DenAmerica Corp.
	19981973	G	Group 1 Automotive, Inc.
		G	Kenneth E. Johns.
		G	United Management Inc.
	19981977	G	Suiza Foods Corporation.
		G	Oberlin Farms Dairy Inc.
		G	Oberlin Farms Dairy Inc.
	19981980	G	AccuStaff Incorporated.
		G	Charles A. Murray.
		G	Actium Tools, Inc.
		G	Actium Technologies, Inc.
		G	Actium Corporation.
	19981983	G	Nalco Chemical Company.
		G	Jasper Stover and Elizabeth Stover.
		G	Paper Chemicals, Inc.
		G	Paper Chemicals of Alabama, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
	19982016	G	Cendant Corporation.
		G	National Library of Poetry, L.P.
		G	National Library of Poetry, L.P.
	19982038	G	The Industrial Bank of Japan, Limited.
		G	Thomas B. Slaughter
		G	Sanfrey Securities, Inc.
		G	Delphi Asset Management & Sanfrey Securities, Inc.
	19982039	G	The Industrial Bank of Japan, Limited.
		G	Marc Keller.
		G	Delphi Asset Management.
		G	Sanfrey Securities, Inc.
19–Mar–98	19981827	G	Roberts Pharmaceutical Corporation.
		G	Hoechst AG.
		G	Hoechst Marion Roussel, Inc.
	19981913	G	Golder, Thomas, Cressey, Rauner Fund V, L.P.
		G	Estate of Lester J. Heath, III.
		G	Albany Ladder Company, Inc.
	19981951	G	Blonder Tongue Laboratories, Inc.
		G	Scientific-Atlanta, Inc.
		G	Scientific-Atlanta, Inc.
	19981981	G	Rhone Capital LLC.
		G	Bliss Manufacturing Company
		G	HMI Industries Inc.
	19982066	G	Stephen G.E. Crane.
		G	Little Switzerland, Inc.
		G	Little Switzerland, Inc.
20–Mar–98	19981215	Y	John D. Phillips.
		Y	James R. Elliott.
		Y	Cherry Communications Incorporated.
	19981832	G	Doctors Corpration of America.
		G	Atlantic Adventist HealthCare Corporation.
		G	Boston Regional Medical Center.
	19982026	G	George S. Hofmeister.
		G	ITT Industries, inc.
		G	Barton Instrument Systems, L.L.C.
	19982047	G	O. Bruton Smith.
		G	Michael S. Cohen.
		G	M&S Auto Resources, Inc.
	19982048	G	O. Bruton Smith.
		G	Scott Fink.
		G	M & S Auto Resources, Inc.
		G	Clearwater Auto Resources, Inc.
	19982053	G	Kellstrom Industireis, Inc.
		G	Gideon Vaisman.
		G	Integrated Technology Corporation.
	19982055	G	Loews Corporation.
		G	MedicaLogic, Inc.
		G	MedicaLogic, Inc.
	19982056	G	International Business Machines Corporation.
		G	General Electric Company.
		G	General Electric Capital Corporation.
	19982062	G	Metals USA, Inc.
		G	Joseph Epstein.
		G	Sierra Pacific Steel, Inc.
	19982065	G	Kenneth R. Thomson. .
		G	Pearson plc.
		G	Federal Publications Inc.
	19982074	G	Ripplewood Partners, L.P.
		G	David McDavid, Sr.
		G	David McDavid, Nissan, Inc.
		G	David McDavid, Auto Group
		G	David McDavid, Luxury Imports, Inc.
		G	D.Q. Automobiles, Inc.
	19982082	G	AutoZone, Inc.
		G	TruckPro Limited Partnership.
		G	TruckPro Limited Partnership.
	19982083	G	Oglebay Norton Company.
		G	Minerals Technologies, Inc.
		G	Specialty Minerals Inc.
		G	Specialty Minerals (Michigan) Inc.
	19982095	G	Harbor Group Investment III, LP.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	John W. Jordon, II.
		G	Ventshade Holdings, Inc.
	19982096	G	Tribune Company.
		G	Jeffrey H. Smulyan.
		G	Dudley Communications Corporation.
	19982099	G	Big Flower Holdings, Inc.
		G	Lewis Teffeau.
		G	Mail-Gard Concepts, Inc.
		G	Communications Concepts, Inc.
		G	Database Marketing Solutions, Inc.
		G	Pacific Communications Concepts, Inc.
		G	Marketing Communication Systems, Inc.
	19982150	G	Larry C. Morgan.
		G	E. Ray Hibdon.
		G	Hibdon Tire Centers, Inc.
23–Mar–98	19981874	G	Clayton, Dubilier & Rice Fund V Limited Partnership.
	.....	G	U.S. Office Products Company.
	.....	G	U.S. Office Products Company.
	19981891	G	Columbus McKinnon Corp.
		G	LICO, Inc.
		G	LICO, Inc.
	19981939	G	Ian J. Pye.
		G	Greyvest Capital, Inc.
		G	Greyvest (U.S.) Inc.
	19981972	G	Owens-Illinois, Inc.
		G	BTR plc.
		G	BTR Nylex Ltd., Rockware Group, PET Technologies.
		G	B.V.
	19982041	G	Hicks, Muse, Tate & Furst Equity Fund III, LP.
		G	BankBoston Corporation.
		G	Masterview Window Company LLC.
	19982052	G	The Robert Rosenkranz Trust.
		G	Allan D. and Carol R. Rosen.
		G	Nationmark, Inc.
	19982100	G	TPG Partners II, L.P.
		G	Diamond Brands Incorporated.
		G	Diamond Brands Incorporated.
	19982101	G	Intermedia Communications Inc.
		G	National Telecommunications of Florida, Inc.
		G	National Telecommunications of Florida, Inc.
	19982105	G	The Williams Companies, Inc.
		G	US West, Inc.
		G	MediaOne Florida Telecommunications, Inc.
	19982109	G	Gannett Co., Inc.
		G	J. Curtis Lewis, Jr.
		G	WLTX–TV.
	19982110	G	Andre' Chagnon.
		G	The Nomura Securities Co., Ltd.
		G	Interactive Cable Systems, Inc./ICS Licenses, Inc.
	19982112	G	Code, Hennessey & Simmons III, L.P.
		G	ELM Packaging Company, L.P.
		G	ELM Packaging Company, L.P.
	19982113	G	Cortec Group Fund II, L.P.
		G	S. & S. Industries, Inc.
		G	S. & S. Industries, Inc.
	19982120	G	Robert L. Praegitzer.
		G	Intergraph Corporation.
		G	Integraph Corporation.
	19982132	G	Dycom Industries, Inc.
		G	Cable Com, Inc.
		G	Cable Com, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
	19982134	G	HealthPlan Services Corporation.
		G	Prudential Insurance Company of America, (The).
		G	Prudential Service Bureau, Inc.
	19982135	G	Sykes Enterprises, Incorporated.
		G	Prudential Insurance Company of America, (The).
		G	Prudential Service Bureau, Inc.
	19982136	G	Richard Geary, an individual.
		G	Peter Kiewit Sons', Inc.
		G	PKS Holdings, Inc.
	19982151	G	Dean Foods Company.
		G	Frank S. Hanckel, Jr.
		G	Coburg, Inc.
	19982158	G	KKK 1996 Fund L.P.
		G	Gary M. Lowenthal.
		G	The Boyds Collection, Ltd.
	19982160	G	Metals USA, Inc.
		G	William R. Bennett.
		G	The Levinson Steel Company.
	19982168	G	Edward Eskandarian.
		G	Snyder Communications, Inc.
		G	Snyder Communications, Inc.
	19982169	G	Snyder Communications, Inc.
		G	Edward Eskandarian
		G	Arnold Communications, Inc.
	19982170	G	P-Com, Inc.
		G	Cylink Corporation.
		G	Cylink Corporation.
	19982174	G	Prudential Corporation plc.
		G	SUSPA Compart AG.
		G	SUSPA Compart AG.
	19982175	G	FS Equity Partners IV, L.P.
		G	Nicholas F. Taubman.
		G	Advance Holding Corporation.
	19982176	G	Consolidation Capital Corporation.
		G	Charles F. Walker.
		G	Walker Engineering, Inc.
	19982184	G	Meditrust Operating Company.
		G	Meditrust Corporation.
		G	Meditrust Corporation.
24–Mar–98	19982046	G	Thayer Equity Investors III, L.P.
		G	Said Cohen.
		G	Cosmotronic Company Corp.
	19982061	G	The Learning Company, Inc.
		G	Pearson plc.
		G	Mindscape, Inc.
	19982177	G	Charles F. Walker.
		G	Consolidation Capital Corporation.
		G	Consolidation Capital Corporation.
25–Mar–98	19980792	G	E.I. du Pont de Nemours and Company.
		G	Western Gas Resources Inc.
		G	Western Gas Resources Inc.
	19980793	G	George P. Mitchell.
		G	Western Gas Resources, Inc.
		G	Wesstern Gas Resources, Inc.
	19982145	G	ASK asa.
		G	Proxima Corporation.
		G	Proxima Corporation.
26–Mar–98	19981759	G	Computer Sciences Corporation.
		G	Henry L. Ellison.
		G	Information Technology Solutions, Inc.
	19981976	Y	New York Life Insurance Company.
		Y	Columbia/HCA Healthcare Corporation.
		Y	Value Health, Inc., Managed Prescription Network, Inc.
	19982017	G	Flextronics International Ltd.
		G	Joseph L. Jeng and Marrina C. Jeng.
		G	Marathon Business Park LLC & Altatron, Inc.
		G	Altatron, Inc.
	19982020	G	CSM nv.
		G	Cahokia Flour Company.
		G	Cahokia Flour Company.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
	19982032	G	Philips Electronics N.V.
		G	Onstream, Inc.
		G	Onstream, Inc.
	19982037	G	Tyco international Ltd.
		G	The Waverly Group, LLC
		G	The Waverly Group, LLC
	19982040	G	Code, Hennessy & Simmons, III L.P.
		G	Finmeccanica S.p.A.
		G	The Dee Howard Co.
	19982045	G	Koninklijke Pakhoed N.V.
		G	C&G Holdings Inc.
		G	Weskem-Hall Inc.
	19982049	G	Martin Marietta Materials, Inc.
		G	Nova Materials, Inc.
		G	Nova Materials, Inc.
	19982076	G	Warner W. Henry.
		G	Monsey Products Co. T/A Monsey Bakor.
		G	Monsey Products Co. T/A Monsey Bakor.
	19982081	G	Diamond Homes Services, Inc.
		G	Reeves Southeastern Corporation.
		G	Reeves Southeastern Corporation.
	19982085	G	Viad Corp.
		G	Lloyd Hamilton.
		G	ESR Exposition Service, Inc., Expo Accessories, Inc. et.al.
	19982090	G	Emerson Electric Co.
		G	ENSIS Corporation Inc.
		G	Easy Heat, Inc.
	19982127	G	Sears, Roebuck and Co.
		G	Ernest L. Wilding.
		G	Spray-Tech, Inc.
	19982129	G	Columbia DBS Investors, L.P.
		G	Marshall W. Pagon.
		G	Pegasus Communications Corporation.
	19982130	G	Whitney Equity Partners, L.P.
		G	Marshall W. Pagon.
		G	Pegasus Communications Corporation.
	19982140	G	Farm Bureau Mutual Insurance Company.
		G	Iowa Farm Bureau Federation.
		G	Utah Farm Bureau Insurance Company.
	19982141	G	Den norske stats oljeselskap a.s.
		G	Public Service Enterprise Group Incorporated.
		G	CEA Stony Brook Inc.
	19982147	G	Western Atlas Inc.
		G	3–D Geophysical, Inc.
		G	3–D Geophysical, Inc.
	19982159	G	Willis Stein & Partners, LP.
		G	Larry G. Dobbs.
		G	Dobbs Publishing Group, Inc.
	19982161	G	Melvin S. and Ryna G. Cohen (Husband and Wife).
		G	Nashua Corporation.
		G	Nashua Photo Inc., Promolink Corporation.
	19982165	G	Networks Associates, Inc.
		G	Trusted Information Systems, Inc.
		G	Trusted Information Systems, Inc.
	19982167	G	LINC Capital, Inc.
		G	Catherine Ross.
		G	Monex Leasing Ltd.
	19982181	G	Catholic Healthcare West, a California nonprofit public
		G	EPMG Medical Group, Inc.
		G	EPMG Medical Group, Inc.
	19982197	G	Reilly Family Limited Partnership.
		G	Gregory W. Kunz.
		G	Northwest Outdoor Advertising, LLC.
27–Mar–98	19973260	Y	Degussa AG.
		Y	E.I. du Pont de Nemours and Company.
		Y	E.I. du Pont de Nemours and Company.
	19980898	G	The Williams Companies, Inc.
		G	MAPCO Inc.
		G	MAPCO Inc.
	19981287	G	Lehman Brothers Holdings Inc.
		G	AlliedSignal Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	AlliedSignal Technologies, Inc.; AlliedSignal Deutsch.
	19981866	G	Solectron Corporation.
		G	NCR Corporation.
		G	NCR Corporation.
	19981934	G	General Electric Company.
		G	Elbit Medical Imaging Ltd.
		G	Ausonics International (PTY) Ltd.
		G	Diasonics Israel Ltd.
		G	Sonotron Holding AG.
		G	Vingmed Sound A/S.
		G	Diasonics Ultrasound, Inc.
	19981975	G	Reptron Electronics, Inc.
		G	OECO Corporation.
		G	Hibbing Electronics Corporation.
	19981027	G	Sunbeam Corporation.
		G	Ronald O. Perelman.
		G	CLN Holdings, Inc.
	19982030	G	Ronald O. Perelman.
		G	Sunbeam Corporation.
		G	Sunbeam corporation.
	19982063	G	ConAgra, Inc.
		G	Schreiber Foods, Inc.
		G	Schreiber Foods, Inc.
	19982078	G	SAW Pipes Limited.
		G	U.S. Denro Steels, Inc.
		G	U.S. Denro Steels, Inc.
	19982089	G	BankAtlantic Bancorp, Inc.
		G	Ryan, Beck & Co., Inc.
		G	Ryan, Beck & Co., Inc.
		G	Princes Gate.
	19982093	G	WebQuicken, Inc.
		G	WebQuicken, Inc.
	19982106	G	Platinum Technology, Inc.
		G	Mastering, Inc.
		G	Mastering, Inc.
	19982116	G	ALLTEL Corporation.
		G	Georgia Independent RSA Nos. 7 and 10 Cellular Partnership.
		G	Georgia Independent RSA Nos. 7 and 10 Cellular Partnership.
	19982122	G	Citicorp.
		G	Douglas E. Deeter.
		G	Deeter Foundry, Inc.
	19982163	G	Renaissance Worldwide, Inc.
		G	Harley Lippman.
		G	Triad Data Inc.
	19982179	G	Mitsui & Co. Ltd.
		G	Investco, a newly formed corporation.
		G	Investco, a newly formed corporation.
	19982188	G	USI, Inc.
		G	Zurn Industries, Inc.
		G	Zurn Industries, Inc.
	19982189	G	Thayer Equity Investors III, L.P.
		G	International Heart Foundation Trust.
		G	The Derby Cycle Corporation.
	19982192	G	KKR 1996 Fund L.P.
		G	David N. Rosner.
		G	Coast National Holding Corporation.
		G	Security National Insurance Company.
		G	Insurance Data Services, Inc.
	19982208	G	Consolidated Graphics, Inc.
		G	Robert Tursack, Jr.
		G	Tursack Printing, Inc.; Digitial Direct, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–8767 Filed 4–2–98; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 971–0118]

Degussa Aktiengesellschaft, et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before June 2, 1998.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Joseph Krauss, FTC/H–386, Washington, D.C. 20580. (202) 326–2713.

SUPPLEMENTARY INFORMATION: Pursuant to Section 69(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 30, 1998), on the World Wide Web, at "http://www.ftc.gov/os/actions97.htm." A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, DC 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis To Aid Public Comment on the Provisionally Accepted Consent Order

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an Agreement Containing Consent Order from Degussa Aktiengesellschaft and Degussa Corporation (collectively "Degussa"). The proposed Order is designed to remedy anticompetitive effects stemming from a proposed transaction between Degussa and E.I. du Pont de Nemours & Co. ("DuPont"). On July 30, 1997, representatives of Degussa and DuPont signed a Letter of Intent setting out the elements of a proposed transaction whereby Degussa would require, inter alia, the assets of DuPont's worldwide hydrogen peroxide business, including its North American production facilities in Memphis, Tennessee; Maitland, Ontario; and Gibbons, Alberta, in exchange for $325 million. The parties have since proposed a modified transaction, whereby Degussa will acquire only DuPont's production facility in Gibbons, Alberta, and DuPont will retain its facilities in Memphis, Tennessee, and Maitland, Ontario.

The Agreement Containing Consent Order, if finally accepted by the Commission, would settle charges that the acquisition, as originally proposed, may have substantially lessened competition in the North American hydrogen peroxide market. The Commission has reason to believe that Degussa's original proposal to acquire DuPont's hydrogen perxide business, if consummated, would have violated Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The proposed complaint, described below, relates the basis for this belief.

The proposed Order has been placed on the public record for sixty (60) days for reception of comments from interested persons. After sixty (60) days the Commission will again review the Agreement and the comments received and will decide whether it should withdraw from the Agreement or make final the Agreement's proposed Order.

The Proposed Complaint

According to the Commission's proposed complaint, Degussa Aktiengesellschaft is a German corporation with worldwide sales exceeding $8.7 billion in 1997, which is engaged in, inter alia, the development and manufacture of chemicals, pharmaceutical specialties, and precious metals. Degussa Corporation, a wholly-owned subsidiary of Degussa A.G., manufactures and distributes widely diverse products in the markets for chemicals, pigments, metals, and dental materials in the United States, Canada, and Mexico. Among these products is hydrogen peroxide. In 1996, Degussa has sales in excess of $2.3 billion, to which sales of hydrogen peroxide contributed $65 million. DuPont is a publicly-traded corporation with reported revenues in 1996 of $43.8 billion and net income of $3.6 billion. DuPont is one of the largest chemical companies in the world, operating about 175 manufacturing and processing facilities in approximately 70 countries. DuPont is engaged in diverse businesses, including chemicals, fibers, films, polymers, petroleum, agricultural products, biotechnology, and pharmaceuticals. In 1996, DuPont posted sales of hydrogen peroxide of $156 million in North America.

According to the proposed complaint, the relevant line of commerce in which to analyze the effects of Degussa's proposed acquisition of Dupont's hydrogen peroxide production assets is the market for hydrogen peroxide, and the relevant geographic market is North America. The Commission's proposed complaint further alleges that the North American market for hydrogen peroxide is highly concentrated, and that the originally proposed acquisition would have increased concentration, as measured by the Herfindahl-Hirschman Index, by close to 600 points, to a level of over 2500. With the acquisition as modified, in which Degussa would acquire only DuPont's Gibbons plant, the level of the HHI would actually decrease. The proposed complaint charges that de novo entry or fringe expansion into the relevant market would require a substantial sunk investment and a significant period of time, such that new entry would be neither timely, likely, nor sufficient to deter or counteract anticompetitive effects of the originally proposed acquisition.

The proposed complaint alleges that the acquisition, as originally proposed, would likely lead to a substantial lessening of competition in the North American hydrogen peroxide market. The acquisition would substantially increase concentration in a market that is already highly concentrated. The increased concentration would enable the firms remaining in the market to engage more successfully and more completely in coordinated interaction. The complaint cites several bases for this conclusion. Significantly, there is a long history of collusion, both tacit and express, among the firms that would remain after the proposed acquisition, involving hydrogen peroxide and its derivative products. In addition, evidence demonstrates that competitive information in the North American hydrogen peroxide market is sufficiently available to allow producers to engage in coordinated interaction. Practices

such as public announcement of price increases, and the use of meeting competition clauses in contracts, serve to make competitive information available. There is also evidence of a strong degree of mutual interdependence among hydrogen peroxide producers, and evidence of market tendencies toward coordination and forbearance. For example, sales of hydrogen peroxide among producers are made with some frequency, and in some cases appear to be intended to avoid competitive conflicts. Finally, the complaint also cites projections in documents that prices would be higher after the acquisition than they otherwise would have been.

The Proposed Order

The proposed Order contains a provision that requires Degussa to obtain the prior approval of the Commission of an acquisition of either of the two plants that DuPont would retain. In addition, it contains a provision that requires Degussa to provide prior notification to the Commission before consummating an acquisition of any other North American hydrogen peroxide production facilities, unless such acquisition must be reported under the Hart-Scott-Rodino Antitrust Improvement Act of 1976, 15 U.S.C. 18a ("HSR"). This provision specifically requires that Degussa comply with HSR-like premerger notification and waiting periods.

In accord with the Commission's Statement of Policy Concerning Prior Approval and Prior Notice Provisions, 60 FR 39,745 (Aug. 3, 1995), reprinted in 4 Trade Reg. Rep. (CCH) ¶ 13,241, the prior approval provision ensures that the Commission will have the appropriate mechanism with which to review the originally proposed acquisition, which appeared likely to have anticompetitive effects. The prior notice provision, in addition, ensures that the Commission will obtain notification of hydrogen peroxide acquisitions by Degussa, including potential acquisitions in Canada, that may raise antitrust concerns but would not be reportable under HSR. The prior approval and prior notification provisions therefore afford the Commission ample opportunity to guard against such potentially anticompetitive acquisitions.

The purpose of this analysis is to invite public comment concerning the proposed order. This analysis is not intended to constitute an official interpretation of the agreement and order or to modify their terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–8764 Filed 4–2–98; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 981–0076]

The Williams Companies, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before June 2, 1998.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Phillip Broyles, FTC/S–2105, Washington, DC 20580. (202) 326–2805.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 27, 1998), on the World Wide Web, at "http://www.ftc.gov/os/actions97.htm." A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

I. Introduction

The Federal Trade Commission ("Commission") has accepted from The Williams Companies, Inc. ("Williams," or "Proposed Respondent") an Agreement Containing Consent Order ("Proposed Consent Order"). The Proposed Consent Order remedies the likely anticompetitive effects in two product markets arising from certain aspects of Williams' proposed acquisition of MAPCO Inc. ("MAPCO").

II. Description of the Parties and the Transaction

Williams, headquartered in Tulsa, Oklahoma, is a multinational company doing business in the energy and communications industries. Williams operates natural gas processing plants in Wyoming and pipelines that supply prepare to the upper Midwest. During 1997, Williams had total revenues of approximately $4.4 billion.

MAPCO, also with headquarters in Tulsa, Oklahoma, is involved in the energy industry. One of its principal businesses is the production, shipment, and sale of natural gas liquids, such as propane, butane, and natural gasoline. In 1997, MAPCO had sales and operating revenues of approximately $3.8 billion.

On November 23, 1997, Williams and MAPCO entered into an agreement and plan of merger under which MAPCO will be acquired by Williams. Under the agreement, each share of MAPCO common stock will be exchanged for shares of Williams common stock plus preferred stock purchase rights.

III. The Proposed Complaint and Consent Order

The Commission has entered into an agreement containing a Proposed Consent Order with Williams in settlement of a proposed complaint alleging that the proposed acquisition violates Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, and that consummation of the acquisition would violate Section 7 of the Clayton Act, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act. The complaint alleges that the acquisition will lessen competition in the following markets: (1) the transportation by pipeline and terminaling of propane to (a) central Iowa, including Des Moines and Ogden; (b) northern Iowa and southern Minnesota, including Clear Lake and Sanborn, Iowa, and Mankato,

Minnesota; (c) eastern Iowa, including Iowa City; (d) southern Wisconsin and northern Illinois, including Janesville, Wisconsin and Rockford, Illinois; and (e) north central Illinois, including Tampico and Farmington; and (2) the transportation by pipeline of raw mix from southern Wyoming to New Mexico, Texas, Oklahoma, and Kansas.

To remedy the alleged anticompetitive effects of the proposed acquisition, the Proposed Consent Order requires Williams to: (1) comply with a Pipeline Lease and Operating Agreement between Williams and Kinder Morgan Operating L.P. "A" ("Kinder Morgan"); and (2) agree to connect Williams' Wyoming gas processing plants to any proposed raw mix pipeline that could compete with MAPCO and requests such a connection. The Proposed Consent Order also provides that no modification to the Kinder Morgan Agreement shall be made without prior approval by the Commission.

For ten (10) years after the consent order becomes final, Williams is prohibited from acquiring any interest in a concern that provides, or any assets used for, the pipeline transportation or terminating of propane in Iowa or within 70 miles of the Iowa border, without giving prior notice to the Commission.

Williams is required to file annual compliance reports with the Commission for the next ten (10) years, with the first report due one year after the proposed order becomes final. Within 60 days and 120 days after this order becomes final, Williams is required to provide the Commission with a report detailing its compliance with Paragraph III.C. of the order.

IV. Resolution of Antitrust Concerns

The Proposed Consent Order alleviates the alleged antitrust concerns arising from the acquisition in the markets discussed below.

A. Pipeline Transportation and Terminaling of Propane to Markets in the Upper Midwest

Propane is shipped by pipeline from production centers in Kansas and Canada to terminals in the upper Midwest, including Iowa, Wisconsin, Illinois and Minnesota. Retail propane dealers pick up propane at these terminals for delivery to users of propane. Important uses for propane in the local markets involved here includes residential heating and agricultural crop drying.

Williams and MAPCO own pipelines and transport propane to terminals that serve customers at various locations in Iowa, Illinois, Wisconsin and Minnesota. In several areas, terminals supplied by Williams and MAPCO pipelines are the only, or almost the only, sources of propane. These area are: (a) central Iowa, including Des Moines and Ogden; (b) northern Iowa and southern Minnesota, including Clear Lake and Sanborn, Iowa, and Mankato, Minnesota; (c) eastern Iowa, including Iowa City; (d) southern Wisconsin and northern Illinois, including Janesville, Wisconsin and Rockford, Illinois; and (e) north central Illinois, including Tampico and Farmington.

MAPCO owns and operates pipelines that transport propane to MAPCO's terminals in these areas. MAPCO has terminals in Ogden, Sanborn and Iowa City, Iowa; Janesville, Wisconsin; Farmington, Illinois; and Mankato, Minnesota.

Williams owns and operates pipelines that supply propane to terminals owned by Kinder Morgan in these areas. Williams has agreements with Kinder Morgan under which Kinder Morgan leases pipeline capacity from Williams to supply its customers at Kinder Morgan terminals. One agreement gave Williams an option to terminate with one year's notice. The other agreements are due to expire by 2001. Williams' pipeline is the only source of propane for Kinder Morgan's terminal in Clear Lake, Iowa. Kinder Morgan's terminals in Rockford and Tampico, Illinois, and Iowa City and Des Moines, Iowa, receive propane from the Williams pipeline or a Kinder Morgan pipeline. The Williams pipeline supplies a substantial portion of the propane delivered to these Kinder Morgan terminals. Kinder Morgan needs this capacity to be an effective competitive constraint on MAPCO. Because it owns and operates the pipeline, Williams can effectively control the supply of propane to the Kinder Morgan terminals under the current agreement.

Each geographic area indicated above is a relevant antitrust geographic market because pipeline and terminal operators in each market could profitably raise prices by a small but significant and nontransitory amount without losing enough sales to other areas to make such an increase unprofitable. Retail propane dealers cannot economically turn to other areas to obtain their propane supply because of the additional costs associated with using more distant sources.

The acquisition will eliminate Williams and MAPCO as independent competitors in the pipeline transportation of propane in these areas. The acquisition also will increase the ability of the combined Williams/MAPCO, either unilaterally or through coordinated interaction, to raise prices and restrict the supply of propane. In addition, following the acquisition, Williams will have both the incentive and the ability to restrict access to propane at Kinder Morgan's terminals, which will diminish Kinder Morgan's ability to compete with MAPCO. New entry is unlikely to be timely and sufficient to defeat an anticompetitive price increase because it would entail substantial sunk costs. The transaction could raise the costs of propane in these markets by more than $2 million per year.

To remedy the potential anticompetitive effects, Paragraph II of the Proposed Consent Order requires the Proposed Respondent to comply with the Pipeline Lease and Operating Agreement between Williams and Kinder Morgan dated March 3, 1998. This Agreement will ensure Kinder Morgan's access to pipeline capacity, prevent Williams from affecting Kinder Morgan's ability to act as an independent competitor in the transportation and terminaling of propane in these markets, and thus prevent any lessening of competition.

B. Transportation of Raw Mix From Southern Wyoming

"Raw mix" is a mixture of natural gas liquids—including ethane, butanes, and propane—that remains after the natural gas is extracted. MAPCO owns the only pipeline that transports raw mix from natural gas processing plants in southern Wyoming to fractionation plants in Texas, New Mexico, Kansas, and Oklahoma. Those fractionation plants separate the raw mix into its component products. Williams operates two large gas processing plants in Wyoming, where it obtains raw mix from processing natural gas of its own and for others. Williams and the other owners of this raw mix ship it from southern Wyoming to fractionation plants on the MAPCO pipeline.

The pipeline transportation of raw mix from southern Wyoming to New Mexico, Texas, Oklahoma, and Kansas is a relevant antitrust market. MAPCO could profitably raise the price of such transportation by a small but significant and nontransitory amount without losing enough volume to make such an increase unprofitable. Owners of raw mix cannot economically use other means of transportation to deliver their product to fractionators in these states.

Because of MAPCO's monopoly position, other companies have considered building a competing pipeline to transport raw mix to fractionators. Reacting to the potential

competition, MAPCO planned to expand the capacity of its pipeline and to offer a discounted tariff.

Williams had discussions with companies about building a pipeline to compete with MAPCO. Once it entered into the agreement and plan of merger with MAPCO, Williams ended these discussions.

MAPCO perceived that Williams would be an important participant in a competing pipeline because of the location of its gas processing plants and the volume of raw mix extracted at these plants. The proposed acquisition would likely eliminate the possibility that any new or planned competing pipeline could connect to Williams' gas processing plants, which in turn would make it difficult or impossible for the owners of raw mix in Williams' plants to commit their volume to the competing pipeline. The unavailability of this volume would have made the construction of a competing pipeline very unlikely. As a result, the merged Williams/MAPCO would have an increased ability to raise prices and limit capacity on the MAPCO raw mix pipeline from southern Wyoming. Without the Proposed Consent Order, the merger could raise costs to raw mix owners in southern Wyoming by approximately $8 million or more per year.

To remedy this harm, Paragraph III of the Proposed Consent Order provides that, within 30 days of receipt of a written request from an exiting or proposed pipeline, Williams must agree to connect each of Williams' Wyoming gas processing plants to the pipeline.

V. Opportunity for Public Comment

The Proposed Consent Order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the Proposed Consent Order and the comments received and will decide whether it should withdraw from the Proposed Consent Order to make the order final.

The purpose of this analysis is to invite public comment on the Proposed Consent Order to aid the Commission in its determination of whether to make final the Proposed Consent Order. This analysis does not constitute an official interpretation of the Proposed Consent Order, nor is it intended to modify the terms of the Proposed Consent Order in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–8763 Filed 4–2–98; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement No. 98043]

National Partnerships for Human Immunodeficiency Virus (HIV) Prevention, Notice of Availability of Funds for Fiscal Year 1998

Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1998 funds for cooperative agreements with national organizations that have national, regional, State, or local networks, chapters, affiliates, constituent organizations, or offices to (a) develop national, State, and local leadership and support for HIV prevention programs and policies, and (b) build capacity and skills for HIV prevention activities at the State and local levels. This program focuses primarily on national business- or labor-related, religion- or faith-based, performing arts, and professional media organizations, as defined in this program announcement, but may also include national civic or service organizations. It may also include academic institutions working in partnership with such organizations.

This announcement relates to the priority areas of educational and community-based programs, HIV infection, and sexually transmitted diseases (STDs). It addresses the "Healthy People 2000" objectives by providing support for primary prevention for persons at risk for HIV infection and by increasing the availability and coordination of prevention and early intervention services for HIV-infected persons. CDC encourages all grant recipients to provide HIV prevention education to their employees and staff.

Eligible Applicants

To be eligible for funding under this announcement, applicants must be (1) a tax-exempt, non-profit national business- or labor-related, religion- or faith-based, performing arts, professional media, or civic or service organization , as defined below, whose net earnings in no part accrue to the benefit of any private shareholder or person; or (2) an academic institution working in collaboration with such organizations. Tax-exempt status is determined by the Internal Revenue Service (IRS) Code, Section 501(c)(3). Tax-exempt status may be proved by either providing a copy of the pages from the IRS' most recent list of 501(c)(3) tax-exempt organizations or a copy of the current IRS Determination Letter. Proof of tax-exempt status must be provided with the application. CDC will not accept an application without proof of tax-exempt status.

For purposes of this cooperative agreement, the following definitions are used:

A *national business-* or *labor-related organization* is a non-profit, professional or voluntary organization, that (1) has businesses, business leaders, or labor leaders as a major focus or constituency; or (2) is a labor union; or (3) is a trade association. In addition, the organization (1) has a formal or informal network, chapters, affiliates, constituent organizations, or offices in multiple U.S. States or territories; and (2) has access to national corporate, business, union, or labor leaders and managers (e.g., human resource managers). For example, a labor union with chapters in multiple States would meet the definition of a national business- or labor-related organization, whereas an individual State chapter of a national labor union would not.

A *national faith organization* is a non-profit, professional or voluntary organization which (1) has primarily a religious, faith, or spiritual basis or constituency; (2) has a formal or informal network, chapters, affiliates, constituent organizations, or offices in multiple U.S. States or territories; and (3) has access to national religious, faith, and spiritual leaders. For example, a national organization of churches that has constituent chapters or affiliates in multiple States would meet the definition of a national faith organization, whereas an individual church, mosque, or synagogue would not.

A *national performing arts organization* is a nonprofit, professional or voluntary organization which (1) has expertise in using the performing arts for health promotion purposes among youth (i.e., persons ≤24 years old), and (2) has, or has the capacity to develop, a formal or informal network of performing arts organizations or groups in multiple States or territories. For example, a performing arts organization or group that has a communications network with performing arts groups in multiple States would meet the

definition of a national performing arts organization, whereas a single performing arts group that has no affiliates or network would not.

A *national media organization* is a nonprofit, professional or voluntary organization which (1) has the radio, television, or print media as a major focus or constituency; or (2) is a media-related professional society; or (3) is a media-related trade association; and (1) has a formal or informal network, chapters, affiliates, constituent organizations, or offices in multiple U.S. States or territories; (2) has access to media leaders, content producers, or distributors; and (3) has access to important national, regional, State, or local media outlets or message delivery channels (e.g., national broadcasters or publishers, regional media networks, or local television or radio stations). For example, a media-related trade organization with constituent chapters or affiliates in multiple States would meet the definition of a national media organization, whereas an individual television or radio station would not.

A *national civic or service organization* is a nonprofit, professional or voluntary organization or agency which (1) has community service as a primary focus, and (2) has a formal or informal network, chapters, affiliates, constituent organizations, or offices in multiple States or territories. For example, a civic organization that has affiliates or chapters in multiple States would meet the definition of a national civic or service organization, whereas an individual State chapter would not.

Note: Organizations authorized under section 501(c)(4) of the Internal Revenue Code of 1986 are not eligible to receive Federal grant or cooperative agreement funds.

All applicants must clearly demonstrate that the proposed program services will ultimately reach targeted communities or groups in multiple States or territories, and these services will have a strong scientific, theoretical, or conceptual basis. Organizations or institutions may apply as either: (1) national business- or labor-related, faith, performing arts or professional media, or civic or service organizations that have the capacity to reach targeted communities or groups in multiple States or territories, or (2) academic institutions that will work on this program in collaboration with such organizations. If the primary applicant is an academic institution, the collaborating national organization must play a substantive role in the design and implementation of the proposed program.

Governmental or municipal agencies and their affiliate organizations or agencies (e.g., health departments, school boards, public hospitals) are not eligible for funding under this announcement.

Availability of Funds

In FY 1998, CDC expects approximately $2 million to be available for funding approximately 10 programs in four separate Categories. In FY 1998, however, $600,000 will be used for continuation of currently funded projects. Therefore, in FY 1998, CDC expects approximately $1.4 million to be available to fund approximately 10 programs in 4 categories for an eight month budget period. The second and third budget periods will be 12 months; the total project period will be 32 months. Applicants may apply for funding in only one of the four Categories; however, within each category, applicants may apply for one or both of two Activities, as defined in the section on Recipient Activities.

A. Category I—Business-or Labor-related Organization Programs

Up to three awards, including:

- Up to two that address Activity A (Leadership Activities), requests should not exceed $200,000 per year; and
- Up to two that address Activity B (Technical Assistance Activities), requests should not exceed $300,000 per year.

B. Category II—Faith Organization Programs

Up to three awards, including:

- Up to two that address Activity A (Leadership Activities), requests should not exceed $200,000 per year; and
- Up to two that address Activity B (Technical Assistance Activities), requests should not exceed $300,000 per year.

C. Category III—Performing Arts or Professional Media Organization Programs

Up to two awards, including:

- Up to two that address Activity A (Performing Arts Activities), requests should not exceed $300,000 per year; and
- Up to two that address Activity B (Professional Media Activities), requests should not exceed $300,000 per year.

D. Category IV—Civic or Service Organization Programs

Consideration will be given to proposals involving national civic or service organizations, including:

- Activity A (Leadership Activities), requests should not exceed $200,000 per year; and
- Activity B (Technical Assistance Activities), requests should not exceed $300,000 per year.

These estimates are subject to change based on the following: the actual availability of funds; the scope and the quality of applications received; appropriateness and reasonableness of the budget justification; and proposed use of project funds.

Funds available under this announcement must support activities directly related to primary HIV prevention (i.e., prevention of the transmission or acquisition of HIV infection). However, activities that involve preventing other STDs and drug use as a means of reducing or eliminating the risk of HIV infection may also be supported. No funds will be provided for direct patient medical care (including substance abuse treatment, medical prophylaxis or drugs). These funds may not be used to supplant or duplicate existing funding.

Although applicants may contract with other organizations under these cooperative agreements, applicants must perform a substantial portion of the activities (including program management and operations and delivery of prevention services) for which funds are requested. Applications requesting funds to support only administrative and managerial functions will not be accepted.

Awards will be made for one 8 month and two 12 month budget periods within a 32 month project period. (Budget period is the interval of time into which the project period is divided for funding and reporting purposes. Project period is the total time for which a project has been programmatically approved.)

Noncompeting continuation awards for a new budget period within an approved project period will be made on the basis of satisfactory progress in meeting project objectives and the availability of funds. Progress will be determined by site visits by CDC representatives, progress reports, results of program evaluation, and the quality of future program plans. Proof of continued eligibility will be required with the noncompeting continuation application.

Note: Applicants can apply in only one category. Within each category, applicants can apply for either or both of the specified activities. A separate application must be submitted for each activity; for example, an organization applying in both Category I/Activity A and Category I/Activity B, should submit an application for Category I/Activity A and a separate application for Category I/Activity B. With each application, applicants should state explicitly for which Category and Activity they are applying.

Program Requirements

A cooperative agreement is a legal agreement between CDC and the recipient in which CDC provides financial assistance and substantial Federal programmatic involvement with the recipient during the performance of the project. In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A; CDC will be responsible for activities under B.

A. Recipient Activities

1. Recipients in all categories must include the following general activities:

a. Incorporate cultural competency and linguistic appropriateness into all capacity and skills building efforts, including those involving the development, production, dissemination, and marketing of health communication or prevention messages;

b. Develop and implement a plan for obtaining additional resources from non-CDC sources to supplement the program conducted through this cooperative agreement and ensure its continuation after the end of the project period. Recipients are encouraged to obtain funds from non-CDC sources to match the CDC funds provided through this cooperative agreement in a 2:1 ratio (i.e., two dollars from other sources for each one dollar of CDC funds provided through this cooperative agreement);

c. Use epidemiologic data, needs assessments, and prioritization of groups and interventions to design program activities and place emphasis on communities at high risk for HIV;

d. Participate fully and freely as a member of a CDC-coordinated technical assistance network, including working with other national partners in a team approach, when appropriate;

e. Coordinate program activities with relevant national, regional, State, and local HIV prevention programs to prevent duplication of efforts;

f. Review and ensure consistency with applicable State and local comprehensive HIV prevention community plans when conducting program activities at the State and local levels;

g. Facilitate the dissemination of successful prevention interventions and program models through meetings, workshops, conferences, and communications with project officers;

h. Compile "lessons learned" from the project;

i. Monitor and evaluate all major program activities and services supported with CDC HIV prevention funds under this cooperative agreement;

j. Participate fully and freely in any CDC-conducted or CDC-funded evaluation of the National Partnerships Program; and

k. Adhere to CDC policies for securing approval for CDC sponsorship of conferences.

2. Category I—Business-or Labor-related Organization Programs.

a. Activity A—Leadership Activities.

(1) Develop and promote, at the national, State, and local levels, leadership, support for HIV prevention policies and strategies, volunteerism, community service, and philanthropic activities in support of HIV prevention.

(2) Influence and strengthen, at the national, State, and local levels, societal and community norms that dispel myths about HIV/AIDS, reduce discrimination against persons with HIV/AIDS, and facilitate HIV prevention by supporting the adoption and maintenance of safer behaviors.

(3) Review, promote, and market, at the national, State, and local levels, policies related to HIV/AIDS and HIV prevention education in the workplace.

b. Activity B—Technical Assistance Activities.

(1) Provide businesses and business- and labor-related organizations with training and technical assistance related to:

- Adopting and implementing appropriate CDC-recommended policies on HIV/AIDS in the workplace
- Educating managers and labor leaders about these policies;
- Educating workers about HIV/AIDS in the workplace;
- Educating workers and their families about HIV prevention, and
- Contributing to community efforts to control HIV transmission.

Prioritize these activities to focus on communities that are at high risk for HIV.

(2) Assist State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers in working with businesses and business-and labor-related organizations to strengthen and promote HIV prevention efforts in the community.

(3) Assist businesses and business- and labor-related organizations in working with State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers to strengthen and promote HIV prevention efforts in the community.

Note: Organizations conducting these technical assistance activities will function as members of a CDC-coordinated technical assistance network.

3. Category II—Faith Organization Programs.

(a) Activity A—Leadership Activities.

(1) Develop and promote, at the national, State, and local levels, leadership, support for HIV prevention policies and programs, volunteerism, community service, and philanthropic activities in support of HIV prevention.

(2) Influence and strengthen, at the national, State, and local levels, societal and community norms that dispel myths about HIV/AIDS, reduce discrimination against persons with HIV/AIDS, and facilitate HIV prevention by supporting the adoption and maintenance of safer behaviors.

b. Activity B—Technical Assistance Activities.

(1) Provide faith-based organizations, institutions, and groups with training and technical assistance related to:

- Educating their leaders, employees, and membership about HIV/AIDS and HIV prevention
- Planning and implementing HIV education and prevention programs and activities, and
- Contributing to community efforts to prevent HIV transmission.

Prioritize these activities to focus on communities that are at high risk for HIV.

(2) Assist State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers in working with regional, State, or local faith-based organizations or institutions to strengthen and promote HIV prevention efforts in the community.

(3) Assist regional, State, or local faith-based organizations or institutions in working with State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers to strengthen and promote HIV prevention efforts in the community.

Note: Organizations conducting these technical assistance activities will function as members of a CDC-coordinated technical assistance network.

4. Category III—Performing Arts or Professional Media Organization Programs.

a. Activity A—Performing Arts Activities.

(1) Develop a network of State and local organizations or groups that use the performing arts to promote HIV prevention among youth (i.e., persons ≤24 years old).

(2) Provide State and local performing arts organizations or groups with training and technical assistance to develop their capacity and skills for using the performing arts for HIV prevention among youth. Prioritize these activities to focus on communities that are at high risk for HIV.

(3) Assist State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers in working with performing arts organizations or groups to strengthen and promote HIV prevention among youth in the community.

(4) Assist performing arts organizations or groups in working with State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers to strengthen and promote HIV prevention among youth in the community.

Note: Organizations conducting these technical assistance activities will function as members of a CDC-coordinated technical assistance network.

b. Activity B—National Media Organization Programs.

(1) Provide radio and television stations and the print media with training and technical assistance to develop their capacity and skills for communicating effective HIV education and prevention messages to their audiences. Prioritize these activities to focus on communities that are at high risk for HIV.

(2) Assist State and local HIV prevention community planning groups, health department HIV prevention programs, CBOs, and other HIV prevention providers in working with radio and television stations and the print media to strengthen and promote HIV prevention efforts in the community.

(3) Assist radio and television stations and the print media in working with State and local HIV prevention community planning groups, health departments, CBOs and other HIV prevention providers to strengthen and promote HIV prevention efforts.

Note: Organizations conducting these technical assistance activities will function as members of a CDC-coordinated technical assistance network.

5. Category IV—Civic or Service Organization Programs

a. Activity A—Leadership Activities.

(1) Develop and promote, at the national, State, and local levels, leadership, support for HIV prevention policies and programs, volunteerism, community service, and philanthropic activities in support of HIV prevention.

(2) Influence and strengthen, at the national, State, and local levels, societal and community norms that dispel myths about HIV/AIDS, reduce discrimination against persons with HIV/AIDS, and facilitate HIV prevention by supporting the adoption and maintenance of safer behaviors.

b. Activity B—Technical Assistance Activities.

(1) Provide civic and service organizations with training and technical assistance related to:

- Educating their leaders, staff members, and membership about HIV/AIDS and HIV prevention;
- Planning and implementing HIV education and prevention programs and activities; and
- Contributing to community efforts to prevent HIV transmission.

Prioritize these activities to focus on communities that are at high risk for HIV.

(2) Assist State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers in working with regional, State, or local civic and service organizations to strengthen and promote HIV prevention efforts in the community.

(3) Assist regional, State, or local civic and service organizations in working with State and local HIV prevention community planning groups, health departments, CBOs, and other HIV prevention providers to strengthen and promote HIV prevention efforts in the community.

Note: Organizations conducting these technical assistance activities will function as members of a CDC-coordinated technical assistance network.

B. CDC Activities

1. Coordinate a national technical assistance network that will include organizations providing technical assistance under the cooperative agreement.

2. Provide recipients with consultation and technical assistance in planning, operating, and evaluating program activities and services. Provide consultation and technical assistance both directly from CDC and indirectly through prevention partners such as health departments, national and regional minority organizations (NRMOs), contractors, and other national organizations.

3. Provide up-to-date scientific information on the risk factors for HIV infection, prevention measures, and program strategies for prevention of HIV infection.

4. Assist recipients in collaborating with State and local health departments, HIV prevention community planning groups, and other federally-supported HIV/AIDS recipients.

5. Facilitate the dissemination of successful prevention interventions and program models through meetings of grantees, workshops, conferences, and communications with project officers.

6. Monitor recipient performance of program activities, protection of client confidentiality, and compliance with other requirements.

7. Facilitate exchange of program information and technical assistance among HIV prevention community planning groups, health departments, national and regional organizations, and CBOs.

8. Conduct an overall evaluation of the National Partnerships Cooperative Agreement program.

Application Content

A. Develop applications in accordance with PHS Form 5161–1 (OMB Number 0927–0189), and the general instructions, information, and examples contained below. The application should not exceed 25 double spaced printed pages, excluding attachments and required forms.

B. Submit the original and 2 copies of the application. Number each page clearly, and provide a complete index to the application and its appendices. Please begin each section of the application on a new page. The original and each copy of the application set must be submitted unstapled and unbound. All material must be printed, single spaced, with unreduced type on 8–½" by 11" paper, with at least 1" margins, headings and footers, and printed on one side only. Materials which should be part of the basic plan will not be accepted if placed in the appendices.

C. In developing the application, follow the instructions and format outlined below.

1. Abstract (not to exceed two pages).

Summarize your proposed program activities. Include the following:

a. Category and activity for which the application is being made;

b. Long-term goals;

c. Brief summary of the need for the proposed activities;

d. Brief description of organizational history and capacity;

e. Proposed first-year objectives;

f. Brief summary of proposed plan of operation;

g. Brief description of planned collaborations with governmental and non-governmental organizations (e.g., national agencies or organizations, State and local health departments, community planning groups, or State and local non-governmental organizations);

h. Brief summary of plans for evaluating the activities of this project; and

i. Brief summary of plans for obtaining training and technical assistance.

2. Long-term Goals:

Describe the broad goals that your proposed program aims to achieve over the course of the 32 month project period. Describe how these goals relate to the prevention of HIV infection, either directly or indirectly.

3. Assessment of Need and Justification for Proposed Activities:

Clearly identify the need that will be addressed by your proposed program. Describe how you assessed the need for your proposed program. Include epidemiologic and other data that was used to identify the need, an inventory of resources currently available that address the identified need, and an analysis of the gap between the identified need and the resources currently available to address the need (i.e., How will the proposed activities or program address an important unmet HIV prevention need or risk-group?). State why the funds being applied for in this application are necessary to address the need.

4. Organizational History and Capacity:

a. Describe your role as a national entity and how you meet the criteria for national organizations as defined in this program announcement. Describe your existing organizational structure, including constituent or affiliate organizations or networks, how that structure will support the proposed program activities, and how the proposed program will have the capacity to reach targeted communities or groups in multiple States or territories.

b. Describe your past and current experience in developing and implementing similar programs in the appropriate category and activity. For leadership activities, include capacity for and expertise in leadership development. For technical assistance activities, include capacity for and expertise in providing training and technical assistance related to HIV prevention.

c. Describe your knowledge of HIV transmission and behavioral and social interventions for preventing HIV transmission, and experience in developing and implementing effective HIV prevention strategies and activities. Include your capacity for and expertise in providing educational or prevention services to populations at risk for HIV.

d. Describe your capacity to provide culturally competent and appropriate services that respond effectively to the cultural, gender, environmental, social and multilingual character of the target audiences, including any history of providing such services.

e. Describe your experience and ability to (1) collaborate with other governmental and non-governmental organizations, including other national agencies or organizations, State and local health departments, community planning groups, and State and local non-governmental organizations that provide HIV prevention services; and (2) coordinate program development with existing governmental and private prevention efforts.

f. For any of the above areas in which you do not have capacity or expertise, describe how you will ensure that the proposed program has that capacity (e.g., through a collaborating organization or a subcontractor).

g. Describe your plan for obtaining additional resources from other (non-CDC) sources to supplement the program conducted through this cooperative agreement and ensure its continuation after the end of the project period.

5. Program Proposal:

Describe your proposed program, including:

a. Objectives: Provide specific, realistic, time-phased and measurable objectives to be accomplished during the first budget period. Describe how these objectives relate to the program's long-term goals. Describe possible barriers to or facilitators for reaching these objectives.

b. Plan of Operation: Describe in detail the methods (i.e., strategies and activities) you will use to achieve the proposed goals and objectives, and perform the required recipient activities. Identify program staff responsible for conducting the proposed activities. Describe specifically how you will address the general and activity-specific requirements. Describe your roles and responsibilities and those of each collaborating institution, organization, or subcontractor in performing the proposed activities.

c. Prioritize Program Activities: Describe how you will prioritize the program activities to place emphasis on populations or communities that are disproportionately affected by HIV/AIDS.

d. Coordination/Collaboration: Describe how you will work and coordinate with other national, regional, State, and local governmental and nongovernmental organizations and HIV prevention providers, such as other national agencies or organizations, State and local health departments, and State and local non-governmental organizations, to conduct the proposed activities. Describe how you will ensure consistency with applicable State and local comprehensive HIV prevention community plans when conducting program activities at the State and local levels.

e. Communications: Describe how you will share successful approaches with other organizations and how "lessons learned" will be compiled and disseminated.

f. Time Line: Provide a time line that indicates the approximate dates by which activities will be accomplished.

6. Scientific, Theoretical, or Conceptual Foundation for Proposed Activities:

Provide a detailed description of the scientific, theoretical, or conceptual foundation on which the proposed activities are based and which support the potential effectiveness of these activities for addressing the stated need.

7. Plan of Evaluation: Describe how you will monitor progress to determine if the objectives are being achieved, and determine if the methods used to deliver the proposed activities are effective. Describe how data will be collected, analyzed, and used to improve the program.

8. Training and Technical Assistance Plan: Describe areas in which you anticipate needing technical assistance in designing, implementing, and evaluating your program and how you will obtain this technical assistance. Describe anticipated staff training needs related to the proposed program and how these needs will be met.

9. Project Management and Staffing: Describe how the proposed program will be managed and staffed, including the location of the program within your organization. Describe in detail each existing or proposed position by job title, function, general duties, and activities. Include the level of effort and allocation of time for each project activity by staff positions. If the identity of any key personnel who will fill a position is known, provide their curriculum vitae (not to exceed two pages per person) as an attachment. Note experience and training related to the proposed project.

10. Budget Breakdown and Justification: Provide a detailed budget for each proposed activity. Justify all operating expenses in relation to the stated objectives and planned priority activities. CDC may not approve or fund all proposed activities. Be precise about the program purpose of each budget item and itemize calculations wherever appropriate.

For the personnel section, indicate the job title, annual salary/rate of pay, and percentage of time spent on this program.

For contracts contained within the application budget, identify the

contractor, if known; describe the services to be performed; justify the use of a third party; and provide a breakdown of and justification for the estimated costs of the contracts; the kinds of organizations or parties to be selected; the period of performance; and the method of selection.

Note: If indirect costs are requested, you must provide a copy of your organization's current negotiated Federal indirect cost rate agreement.

11. Attachments:

Provide the following as attachments: budget resolution:

a. Proof of nonprofit status;

b. An organizational chart and listing of existing and proposed staff, including volunteer staff;

c. Description of collaborating organizations or institutions and original, signed letters from the chief executive officers of each such organization or institution assuring their understanding of the intent of this program announcement, the proposed program, their role in the proposed program, and the responsibilities of recipients;

d. A description of any funding being received from CDC or other sources to conduct similar activities which includes:

(1) A summary of funds and income received to conduct HIV/AIDS programs. This summary must include the name of the sponsoring organization/source of income, level of funding, a description of how the funds have been used, and the budget period. In addition, identify proposed personnel devoted to this project who are supported by other funding sources and the activities they are supporting;

(2) A summary of the objectives and activities of the funded programs described above;

(3) A description of how funds requested in this application will be used differently or in ways that will expand upon the funds already received, applied for, or being received; and

(4) An assurance that the funds being requested will not duplicate or supplant funds received from any other Federal or non-Federal source. CDC awarded funds can be used to expand or enhance services supported with other Federal or non-Federal funds.

e. Evidence of collaboration, or intent to collaborate, with State and local chapters, affiliates, organizations, or venues; and

f. Independent audit statements from a certified public accountant for the previous 2 years.

Evaluation Criteria

A CDC-convened committee will evaluate each application on an individual basis according to the following criteria:

A. Long-term Goals and Justification (Total 10 Points)

1. The quality of the applicant's stated long-term goals and the extent to which the goals are consistent with the purpose of this cooperative agreement, as described in this program announcement. (5 points)

2. The extent to which the applicant soundly and convincingly documents a substantial need for the proposed program and activities. (5 points)

B. Organizational History and Capacity (Total 25 Points)

The extent of the applicant's documented experience, capacity, and ability to address the identified needs and implement the proposed activities, including:

1. How the applicant's organizational structure and planned collaborations (including constituent or affiliated organizations or networks) will support the proposed program activities, and how the proposed program will have the capacity to reach targeted communities or groups in multiple States or territories; (5 points)

2. Summary of the applicant's past and current experience in developing and implementing similar programs in the appropriate category (For leadership activities, this should include capacity for and expertise in leadership development. For technical assistance activities, this should include capacity for and expertise in providing training and technical assistance related to HIV prevention); (5 points)

3. The applicant's knowledge of HIV transmission and behavioral and social interventions for preventing HIV transmission and experience in developing and implementing effective HIV prevention activities; (3 points)

4. Past and current experience providing culturally competent and appropriate services which respond effectively to the cultural, gender, environmental, social and multilingual character of the target audiences, including documentation of any history of providing such services; (3 points)

5. Experience and ability in collaborating with other governmental and non-governmental organizations, including other national agencies or organizations, State and local health departments, community planning groups, and State and local non-governmental organizations that provide HIV prevention services; (3 points)

6. Experience and ability in coordinating program development with existing governmental and private prevention efforts; (3 points) and

7. The quality of the applicant's plans for obtaining additional resources from other non-CDC sources to supplement the program conducted through this cooperative agreement and ensure its continuation after the end of the project period. (3 points)

C. Objectives (Total 5 Points)

1. The extent to which the proposed first-year objectives are specific, realistic, measurable, time-phased, and consistent with the program's long-term goals and proposed activities. (3 points)

2. The extent to which the applicant identifies possible barriers to or facilitators for reaching these objectives. (2 points)

D. Plan of Operation (Total 25 Points)

1. The overall quality of the applicant's plan for conducting program activities and the likelihood that the proposed methods will be successful in achieving proposed goals and objectives; (7 points)

2. The quality of the applicant's plans to address the general and category/activity-specific requirements listed under Recipient Activities; (6 points)

3. The extent to which the roles and responsibilities of the primary applicant and each collaborating institution, organization, or subcontractor are consistent with the proposed activities; (5 points) and

4. The quality of the applicant's plan to focus the proposed program and activities on communities that are at high risk for HIV. (7 points)

E. Coordination With Other Programs (Total 10 Points)

1. The extent to which the applicant describes and documents intended coordination with other national, regional, State, and local governmental and nongovernmental organizations and HIV prevention providers, such as other national agencies or organizations, State and local health departments; (4 points)

2. The quality of the applicant's plan to ensure consistency with applicable State and local comprehensive HIV prevention community plans when conducting activities at the State and local levels; (4 points) and

3. The quality of the applicant's plan for communicating successful approaches and "lessons learned" to other organizations. (2 points)

F. Scientific, Theoretical, or Conceptual Foundation (Total 10 Points)

1. The extent to which the program, as described, has a clearly described and

sound scientific, theoretical, or conceptual foundation; (5 points) and

2. The extent to which data, theory, or conceptual framework convincingly demonstrate that the proposed activities are likely to meet the stated needs. (5 points)

G. Evaluation and Technical Assistance (Total 15 Points)

1. The quality of the applicant's evaluation plan for monitoring the implementation of proposed activities and measuring the achievement of program goals and objectives; (10 points) and

2. The quality of the applicant's plan for obtaining needed technical assistance and staff training to support the proposed program. (5 points)

H. Budget (Not Scored)

Extent to which the budget is reasonable, itemized, clearly justified, and consistent with intended use of funds.

A fiscal Recipient Capability Audit may be required of some applicants before funds will be awarded.

Other Requirements

A. Reporting Requirements

Biannual narrative progress reports will be required 30 days after the end of each six-month interval. Progress reports should document services provided and problems encountered, with careful attention to answering questions and documenting accomplishments and problems encountered in meeting program objectives. Progress reports should follow the OMB report format (OMB 0920–0249) as indicated in the application kit. In the third and final year of the project, CDC will ask recipients to report on their plans to sustain the program in the event CDC funding is not continued for another project period.

Annual financial status reports are required no later than 90 days after the end of each budget period. Final financial status and performance reports are required 90 days after the end of the project period.

B. AR98–4 HIV/AIDS Confidentiality Provisions

C. AR98–5 HIV Program Review Panel Requirements

D. AR98–7 Executive Order 12372 Review

E. AR98–9 Paperwork Reduction Act Requirements

F. AR98–10 Smoke-Free Workplace Requirements

G. AR98–11 Healthy People 2000

H. AR98–12 Lobbying Restrictions

I. AR98–14 Accounting System Requirements

J. AR98–15 Proof of Non-Profit Status

Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under the Public Health Service Act, Section 301(a) [42 U.S.C. 241(a)], 317(k)(2) [42 U.S.C. 247b(k)(2)], as amended. The Catalog of Federal Domestic Assistance Number is 93.939, HIV Prevention Activities—Non-Governmental Organization Based.

Where To Obtain Additional Information

Please refer to Program Announcement [98043] when you request information. For a complete program description, information on application procedures, an application package, and business management technical assistance, contact: Maggie Slay-Warren, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 98043, Centers for Disease Control and Prevention (CDC), Room 300, 255 East Paces Ferry Road, NE., Mailstop E16, Atlanta, GA 30305–2209, telephone (404) 842–6797, E-mail address MCS9@CDC.GOV.

See also the CDC home page on the Internet: http://www.cdc.gov

You may obtain programmatic technical assistance by calling Victor Barnes, M.D., Division of HIV/AIDS Prevention—Intervention Research and Support; National Center for HIV, STD, and TB Prevention; Centers for Disease Control and Prevention (CDC), Mail Stop E–58, Atlanta, GA 30333, telephone (404) 639-5200, E-mail VCB3@CDC.GOV.

Dated: March 30, 1998.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–8747 Filed 4–2–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Deafness and Other Communication Disorders; Notice of Meeting of the National Deafness and Other Communication Disorders Advisory Council and its Planning Subcommittee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Deafness and Other Communication Disorders Advisory Council and its Planning Subcommittee on May 6–7, 1998, at the National Institute of Health, 9000 Rockville Pike, Bethesda, Maryland. The meeting of the full Council will be held in Conference Room 6, Building 31C, and the meeting of the Subcommittee will be in Conference Room, 7, Building 31CZ.

The meeting of the Planning Subcommittee will be open to the public on May 6 from 2 pm until 3 pm for the discussion of policy issues. The meeting of the full Council will be open to the public on May 7 from 8:30 am until 11:30 am for a report from the Institute Director and discussion of extramural polices and procedures at the National Institutes of Health and the National Institute of Deafness and Other Communication Disorders. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting of the Planning Subcommittee on May 6 will be closed to the public from 3 pm to adjournment. The meeting of the full Council will be closed to the public on May 7 from 12:30 pm until adjournment. The meetings will include the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council and Subcommittee meeting may be obtained from Dr. Craig A. Jordan, Executive Secretary, National Deafness and other Communication Disorders Advisory Council, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Executive Plaza South, Room 400C, 6120 Executive Blvd. MSC7180,

Bethesda, Maryland 20892, (301) 496–8693. A summary of the meeting and rosters of the members may also be obtained from his office. For individuals who plan to attend and need special assistance such as sign language interpretation of other reasonable accommodations, please contact Dr. Jordan at least two weeks prior to the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: March 27, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8821 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: April 8, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 4152, Telephone Conference.

Contact Person: Dr. Marcelina Powers, Scientific Review Administrator, 6701 Rockledge Drive, Room 4152, Bethesda, Maryland 20892, (301) 435–1720.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.

Date: April 20, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 6164, Telephone Conference.

Contact Person: Dr. Krish Krishnan, Scientific Review Administrator, 6701 Rockledge Drive, Room 6164, Bethesda, Maryland 20892, (301) 435–1779.

Name of SEP: Clinical Sciences.

Date: April 28, 1998.

Time: 10:00 a.m.

Place: NIH, Rockledge 2, Room 4136, Telephone Conference.

Contact Person: Dr. Gordon Johnson, Scientific Review Administrator, 6701 Rockledge Drive, Room 4136, Bethesda, Maryland 20892, (301) 435–1212.

Name of SEP: Microbiological and Immunological Sciences.

Date: April 28, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 4190, Telephone Conference.

Contact Person: Dr. Garrett Keefer, Scientific Review Administrator, 6701 Rockledge Drive, Room 4190, Bethesda, Maryland 20892, (301) 435–1152.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93,893, National Institutes of Health, HHS)

Dated: March 27, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8822 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Low Income Home Energy Assistance Program (LIHEAP) Carryover and Reallotment Report.

OMB No.: 0970–0106.

Description: The LIHEAP statute and regulations require LIHEAP grantees to report certain information to HHS concerning funds forward and funds subject to reallotment. The 1994 reauthorization of the LIHEAP statute, the Human Service Amendments of 1994 (Public Law 103–252), requires that the carryover and reallotment report for one fiscal year be submitted to HHS by the grantee before the Allotment for the next fiscal year may be awarded.

Respondents: State, Local or Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Carryover & Reallotment	177	1	3	531
Estimated Total Annual Burden Hours:				531

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected, and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: March 31, 1998.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 98–8758 Filed 4–2–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–2728]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* End Stage Renal Disease Medical Evidence Report Medicare Entitlement and/or Patient Registration and Supporting Regulations 42 CFR 405.2133; *Form No.:* HCFA–2728; *Use:* This form captures the necessary medical information required to determine Medicare eligibility of an end stage renal disease claimant. It also captures the specific medical data required for research and policy decisions on this population as required by law. *Frequency:* Quarterly, weekly, semi-annually, monthly, and annually; *Affected Public:* Individuals or Households; *Number of Respondents:* 60,000; *Total Annual Responses:* 60,000; *Total Annual Hours:* 25,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 23, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–8695 Filed 4–2–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–226]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection; *Title of Information Collection:* Evaluation of Medicare Choices Demonstration; *Form No.:* HCFA–R–226; *Use:* The objective of the evaluation of the Medicare Choices Demonstration is to determine whether the newer types of managed care delivery systems in the demonstration are effective at attracting and retaining Medicare enrollees and providing a high quality, cost-effective care. The key research questions HCFA will ask Medicare enrollees include: Beneficiary choice, knowledge, and biased selection. Why do beneficiaries enroll (or not enroll) in plans? What proportion of enrollees disenroll, and why? What is the nature and extent of biased selection in the demonstration, and does it vary across plans? How well do enrollees understand their plans and the rules and procedures for obtaining care? Effects on service use. What are the effects of the plans on the use of Medicare-covered services? Are some plans more effective at controlling service use than others? Effects on Medicare costs. What are the effects of the various payment methods being tested in the demonstration on Medicare costs (relative to both the AAPCC payment system and the FFS sector)? Effects on satisfaction, access, and quality. What are the effects of the plans on enrollee satisfaction, access to care, and quality of care? How does this vary across plans? *Frequency:* Other, one time; *Affected Public:* Individuals or Households; *Number of Respondents:* 10,000; *Total Annual Responses:* 10,000; *Total Annual Hours:* 3,880.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 24, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–8696 Filed 4–2–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–174]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of

information, including any of the following subjects: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Quality Assurance for Phase II of the Home Agency Prospective Payment Demonstration; *Form No.:* HCFA–R–174, OMB–0938–0675; *Use:* This instrument will be used to collect information to continue monitoring the quality of care provided by agencies participating in Phase II of the Home Health Agency Prospective Payment Demonstration. *Frequency:* Monthly; *Affected Public:* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 20,520; *Total Annual Responses:* 53,352; *Total Annual Hours:* 6,669.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 25, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–8697 Filed 4–2–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Meeting of the National Advisory Council for Human Genome Research

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Council for Human Genome Research, National Human Genome Research Institute, National Institutes of Health, Building 31, C Wing, 6th Floor, Conference Room 10.

This meeting will be open to the public on Monday, May 4, 8:30 a.m. to approximately 3:00 p.m. to discuss administrative details or other issues relating to committee activites. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 4, from 3:00 p.m. to recess and on May 5 from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Elke Jordan, Deputy Director, National Human Genome Research Institute, National Institutes of Health, Building 31, Room 4B09, Bethesda, Maryland 20892, (301) 496–0844, will furnish the meeting agenda, rosters of Committee members and consultants, and substantive program information upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Jane Ades, (301) 594–0654, two weeks in advance of the meeting.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research)

Dated: March 26, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8817 Filed 4–2–98; 8:45 am]

BILLING CODE 4144–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Cancer Institute Special Emphasis Panel (SEP) meeting:

Name of SEP: Study to Assess Raloxifene for Preventing Breast Cancer.

Date: April 22, 1998.

Time: 9:00 a.m. to Adjournment.

Place: The St. James Hotel, 950 24th Street, NW., Washington, DC 20037.

Contact Person: Ray Bramhall, Ph.D., Scientific Review Administrator, National Cancer Institute, NIH, Executive Plaza North, Room 636B, 6130 Executive Boulevard, MSC 7405, Bethesda, MD 20892–7405, Telephone: 301/496–3428.

Purpose/Agenda: To review, discuss and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Number: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: March 24, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8813 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Cancer Institute Special Emphasis Panel (SEP) meeting:

Name of SEP: The Guanacaste Project: A Population-Based Natural History Study of Cervical Neoplasia.

Date: April 17, 1998.

Time: 9:00 a.m. to Adjournment.

Place: Executive Plaza North, Conference Room F, 6130 Executive Boulevard, Bethesda, MD 20892.

Contact Person: Lalita Palekar, Ph.D., Scientific Review Administrator, National Cancer Institute, NIH, 6130 Executive Boulevard, EPN, Room 622B, Bethesda, MD 20892–7405, Telephone: 301/496–7575.

Purpose/Agenda: To review, discuss and evaluate responses to Request for Proposal.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information

concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: March 24, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8814 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Cancer Institute Special Emphasis Panel (SEP) meetings:

Name of SEP: Pivotal Clinical Trials for Chemoprevention Agent Development.

Date: April 15–16, 1998.

Time: April 15—7:00 p.m. to Recess; April 16—8:00 a.m. to Adjournment.

Place: Double Tree Hotel—Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Rashmi Gopal-Srivastava, Ph.D., Scientific Review Administrator, National Cancer Institute, NIH, Executive Plaza North, Room 609, 6130 Executive Boulevard, MSC 7410, Bethesda, MD 20892–7410, Telephone: 301/496–2378.

Purpose/Agenda: To evaluate and review grant applications.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research, 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: March 24, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8815 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the President's Cancer Panel.

This meeting will be open to the public as indicated below, with attendance by the public limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Linda Quick-Cameron, Committee Management Officer, National Cancer Institute, Executive Plaza North, Room 609, 6130 Executive Blvd., MSC 7410, Bethesda, MD 20892–7410 (301/496–5708). A summary of the meeting and the roster of committee members will be provided upon request. Other information pertaining to the meeting may be obtained from the contact person indicated below.

Committee Name: President's Cancer Panel.

Date: April 23, 1998.

Place: Jonssen Comprehensive Cancer Center, University of California, Bradley Ballroom, 417 Circle Drive West, Tom Bradley International Center, Los Angeles, California 90095–7907.

Open: 8:00 a.m. to Adjournment.

Agenda: Quality of Cancer Care/Quality Life Defining Quality for Cancer Care.

Contact Person: Maureen O. Wilson, Ph.D., Executive Secretary, National Cancer Institute, Building 31, Room 4A48, Bethesda, MD 20892, Telephone: (301) 496–1148.

Dated: March 24, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8816 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental Research; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Dental Research Special Emphasis Panel (SEP) meetings.

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of R13 (98–29).

Dates: May 4, 1998.

Time: Noon.

Place: Natcher Building, Rm. 4AN–44F, National Institutes of Health, Bethesda, MD 20892 (teleconference).

Contact Person: Dr. George Hausch, Chief, Extramural Review Division, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Instiute of Dental Research Special Emphasis panel-Review of R44 (98–30).

Dates: May 5, 1998.

Time: 11:30 a.m.

Place: Natcher Building, Rm. 4AN–44F, National Institutes of Health, Bethesda, MD 20892 (teleconference).

Contact Person: Dr. George Hausch, Chief, Extramural Review Division, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892 (301) 594–2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of P01 (98–41).

Dates: May 6, 1998.

Time: 1:00 p.m.

Place: Natcher Building, Rm. 4AN–44F, National Institutes of Health, Bethesda, MD 20892 (teleconference).

Contact Person: Dr. Philip Washko, Scientist Review Administrator, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

Name of SEP: National Institute of Dental Research Special Emphasis Panel-Review of P01 (98–43).

Dates: May 13, 1998.

Time: 11:00 a.m.

Place: Natcher Building, Rm. 4AN–44F, National Institutes of Health, Bethesda, MD 20892, (teleconference).

Contact Person: Dr. Philip Washko, Scientist Review Administrator, 4500 Center Drive, Natcher Building, Room 4AN–44F, Bethesda, MD 20892, (301) 594–2372.

Purpose/Agenda: To evaluate and review grant applications and/or contract proposals.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research)

Dated: March 26, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8818 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee name: National Institute of Mental Health Special Emphasis Panel.

Date: April 17, 1998.

Time: 11 a.m.

Place: Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Jean G. Noronha, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301–443–6470.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: March 26, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8819 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel Meeting.

Name of SEP: ZDK1 GRB C M2–S.

Date: April 9, 1998.

Time: 4:00 p.m.

Place: Room 6AS–37B, Natcher Building, NIH (Telephone Conference Call).

Contact: Dan E. Matsumoto, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37B, National Institutes of Health, Bethesda, Maryland 20892–6600, Phone: (301) 594–8894.

Purpose/Agenda: To review and evaluate grant applications.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated; March 30, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8823 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C.) Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings.

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: April 3, 1998.

Time: 12:30 p.m.

Place: NIH, Rockledge 2, Room 6154, Telephone Conference.

Contact Person: Dr. David Remondini, Scientific Review Administrator, 6701 Rockledge Drive, Room 6154, Bethesda, Maryland 20892, (301) 435–1038.

Name of SEP: Biological and Physiological Sciences.

Date: April 6, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 4152, Telephone Conference.

Contact Person: Dr. Marcelina Powers, Scientific Review Administrator, 6701 Rockledge Drive, Room 4152, Bethesda, Maryland 20892, (301) 435–1720.

Name of SEP: Behavioral and Neurosciences.

Date: April 7, 1998.

Time: 1:15 p.m.

Place: NIH, Rockledge 2, Room 5160, Telephone Conference.

Contact Person: Dr. Sam Rawlings, Scientific Review Administrator, 6701 Rockledge Drive, Room 5160, Bethesda, Maryland 20892, (301) 435–1243.

Name of SEP: Biological and Physiological Sciences.

Date: April 7, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 6154, Telephone Conference.

Contact Person: Dr. David Remondini, Scientific Review Administrator, 6701 Rockledge Drive, Room 6154, Bethesda, Maryland 20892, (301) 435–1038.

Name of SEP: Microbiological and Immunological Sciences.

Date: April 8, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5110, Telephone Conference.

Contact Person: Dr. Mohindar Poonian, Scientific Review Administrator, 6701 Rockledge Drive, Room 5110, Bethesda, Maryland 20892, (301) 435–1218.

Name of SEP: Microbiological and Immunological Sciences.

Date: April 14, 1998.

Time: 10:00 a.m.

Place: NIH, Rockledge 2, Room 4186, Telephone Conference.

Contact Person: Dr. Gerald Liddel, Scientific Review Administrator, 6701 Rockledge Drive, Room 4186, Bethesda, Maryland 20892, (301) 435–1150.

Name of SEP: Biological and Physiological Sciences.

Date: April 14, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 6154, Telephone Conference.

Contact Person: Dr. David Remondini, Scientific Review Administrator, 6701 Rockledge Drive, Room 6154, Bethesda, Maryland 20892, (301) 435–1038.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.

Date: April 16, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 6154, Telephone Conference.

Contact Person: Dr. David Remondini, Scientific Review Administrator, 6701 Rockledge Drive, Room 6154, Bethesda, Maryland 20892, (301) 435–1038.

Name of SEP: Clinical Sciences.

Date: May 1, 1998.

Time: 10:00 a.m.

Place: NIH, Rockledge 2, Room 4104, Telephone Conference.

Contact Person: Dr. Priscilla Chen, Scientific Review Administrator, 6701 Rockledge Drive, Room 4104, Bethesda, Maryland 20892, (301) 435–1787.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the

discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 26, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–8820 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

HEALTH AND HUMAN SERVICES

Public Health Service

National Institute of Environmental Health Sciences; Notice of Workshop on "Characterizing the Effects of Endocrine Disruptors on Human Health At Environmental Exposure Levels"

The workshop will be held in the Brownestone Hotel, Raleigh, North Carolina on May 11–13, 1998, from 9:00 am to 5:30 pm on May 11th, from 8:30 am to 5:30 pm on May 12th, and from 8:300 am to 12:30 pm on May 13th.

Background and Workshop Goals

Evaluating potential low dose risks of endocrine disruptors is a major challenge for the risk assessment community. Most important is how to incorporate mechanistic information that will lead to biologically based and scientifically credible low-dose extrapolations. This workshop was organized to provide a forum for discussion of methods and data needs to improve risk assessments of endocrine disruptors, with special emphasis on characterizing potential health effects at low doses (environmental levels). The Workshop will focus on how to make better use of current knowledge on endocrine signaling pathways to understand and quantify perturbations induced by endocrine disrupting agents that lead to adverse health effects (reproductive and developmental toxicity, neurotoxicity, immunotoxicity, or cancer) and to specifically address exposures and perturbations at critical stages of development. Research needs will be identified within the framework of a risk assessment approach and a final workshop report to be published in the open scientific literature will include recommendations and guidance on how to incorporate mechanistic information into low-dose extrapolations.

Workshop Topics

To address the workshop objectives, six breakout group topics have been identified:

- Homeostasis and endocrine function in adults
- Endocrine function during development
- Species variability, interindividual variability, and tissue specificity
- Dose-response models that link xenobiotic-induced perturbations in endocrine signaling pathways with tissue response in adults and during development
- Case study: estimating risk from exposure to DES
- Case study: estimating risk from environmental exposure to PCBs

Invited participants will lead the discussions in each breakout group. Outside observers from the public sector are welcome with attendance limited by space available.

Workshop Co-Sponsors

NIH/National Institute of Environmental Health Sciences
FDA/National Center for Toxicological Research
US Environmental Protection Agency
Chemical Manufacturers Association

For further information including observer registration contact Alma Britton (919–541–0530; fax: 919–541–0295).

Dated: March 24, 1998.

Kenneth Olden,

Director, National Institute of Environmental Health Sciences.

[FR Doc. 98–8824 Filed 4–2–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4349–N–10]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: May 4, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 27, 1998.

David S. Cristy,

Director, IRM Policy, and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Disaster Recovery Grant Reporting System.

Office: Community Planning and Development.

OMB Approval Number: 2506–xxxx.

Description of The Need For The Information and Its Proposed use: This

electronic data collection system will be placed on the world wide web. Grantees will use the system to complete an Action Plan and report performance. HUD Field Offices will use the system to review grantee Action Plans and performance.

Form Number: None.

Respondents: State, Local or Tribal Government.

Frequency of Submission: Quarterly and Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Action Plan	96		4		32		12,228

Total Estimated Burden Hours: 12,228.

Status: New.

Contact: Jan Opper, HUD, (202) 708–3587 Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: March 27, 1998.

[FR Doc. 98–8682 Filed 4–2–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary—Water and Science

[DES 98–13]

Central Utah Project Completion Act; Spanish Fork Canyon-Nephi Irrigation System, Bonneville Unit, Central Utah Project

AGENCIES: The Department of the Interior (Department); the Central Utah Water Conservancy District (CUWCD); and the Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission).

ACTION: Notice of availability of the Draft Environmental Impact Statement (Draft EIS).

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, the Department, the CUWCD, and the Mitigation Commission have issued a Draft EIS for the Spanish Fork Canyon-Nephi Irrigation System (SFN System). The Draft EIS analyzes alternatives and impacts associated with construction, operation, and delivery of water for irrigation and municipal and industrial (M&I) uses in southern Utah County and irrigation uses in eastern Juab County. The Draft EIS also discusses proposed changes in the operation of the partially constructed Diamond Fork System. The two systems are interdependent in layout and operation. Since NEPA was completed on the Diamond Fork System in 1990, the operation and components of the Diamond Fork System have changed slightly.

With the filing of this Draft EIS, related draft technical reports are incorporated into the Draft EIS by reference and are available for review. These reports provide detailed information in support of the Draft EIS. Also available for review, although not part of the Draft EIS, is the draft supplement to the 1988 Bonneville Unit Definite Plan Report (Draft DPR Supplement) and associated appendices. The Draft DPR Supplement and appendices are prepared pursuant to the Central Utah Project Completion Act and present the completion plan for the Bonneville Unit of the Central Utah Project.

Public participation has occurred throughout the Draft EIS process. A Notice of Intent was filed in the Federal Register on December 31, 1992. Since that time, scoping meetings, open houses, public meetings, tours, and mailouts have been conducted to solicit comments and ideas. Any comments received throughout the process have been considered.

DATES: Written comments on the Draft EIS must be submitted or postmarked no later than June 15, 1998. Comments on the Draft EIS may also be presented verbally or submitted in writing at the public hearings to be held at the following times and locations:

- May 11, 1998 6:30 p.m., Salt Lake County Commission Chambers, 2001 South State Street, Room N1100, Salt Lake City, Utah.
- May 12, 1998 6:30 p.m., Santaquin City Seniors Center, 65 West 100 South, Santaquin, Utah.

In order to be included as part of the hearing record, written testimony must be submitted at the time of the hearing. Verbal testimony will be limited to 5 minutes. Those wishing to give testimony at a hearing should submit a registration form, included at the end of the Draft EIS, to the address listed below by May 8, 1998.

ADDRESSES: Comments on the Draft EIS should be addressed to: Sheldon Talbot, Project Manager, Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058

FOR FURTHER INFORMATION CONTACT: For additional copies of the Draft EIS or for information on matters related to this notice please contact: Ms. Nancy Hardman, Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058, Telephone: (801) 226–7187, Fax: (801) 226–7150.

Copies of the Draft DEIS are available for review at:

Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058.

Utah Reclamation Mitigation and Conservation Commission, 102 West 500 South, Suite 315, Salt Lake City, Utah 84101.

Department of the Interior, Natural Resource Library, Serials Branch, 18th and C Streets, NW, Washington, DC 20240.

Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606.

Copies of the Draft EIS technical reports and Draft DPR Supplement and appendices are available for review at:

Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058.

Utah Reclamation Mitigation and Conservation Commission, 102 West 500 South, Suite 315, Salt Lake City, Utah 84101.

Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606.

Dated: March 31, 1998.

Ronald Johnston,

CUPCA Program Director, Department of the Interior.

[FR Doc. 98–8748 Filed 4–2–98; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Geological Survey

National Cooperative Geologic Mapping Program (NCGMP) Advisory Committee

AGENCY: United States Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 105–36, the NCGMP Advisory Committee

will meet in room 7000A of the Main Interior Building, 1849 C Street NW, Washington, DC. The Advisory Committee, comprised of scientists from Federal agencies, State agencies, academic institutions, and private companies, will advise the Director on planning and implementation of the geologic mapping program.

Topics to be reviewed and discussed by the Advisory Committee include the progress and implementation of the National Cooperative Geologic Mapping Program in fulfilling the purposes of the National Cooperative Geologic Mapping Act, as re-authorized by Public Law 105–36, as well as strategic goals for the program.

DATES: April 15–16, 1998, commencing at 1:00 PM on the 15th and adjourning by 3:00 PM on April 16th.

FOR FURTHER INFORMATION CONTACT: Dr. John S. Pallister, U.S. Geological Survey, Mail Stop 908, National Center, Reston, Virginia, 22092, (703) 648–6960.

SUPPLEMENTARY INFORMATION: Meetings of the National Cooperative Geologic Mapping Program Advisory Committee are open to the public.

Dated: March 30, 1998.

P. Patrick Leahy,

Chief Geologist, U.S. Geological Survey.

[FR Doc. 98–8686 Filed 4–2–98; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Environmental Impact Statement (DEIS) for the Proposed High Mesa Waste Management Facility on the Nambe Indian Reservation, Santa Fe County, NM

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Correction of public comment, date, and notice of additional public hearing.

SUMMARY: On March 2, 1998, the Bureau of Indian Affairs (BIA) published in the **Federal Register** (FR 10236–10237) a Notice of Availability and public comment and hearing dates for the Draft Environmental Impact Statement (DEIS) for the Proposed High Mesa Waste Management Facility on the Nambe Indian Reservation, Santa Fe County, New Mexico. The date given in that Notice for the close of the public comment period on the DEIS was incorrect. The BIA wishes to correct this error, and to give notice of an additional public hearing on the DEIS.

The proposed BIA action is approval for the lease to High Mesa Environmental LLC of 100 acres of Indian trust lands of the Pueblo of Nambe for the purpose of constructing and operating a combined, municipal solid waste and construction and demolition waste facility. The facility will not receive hazardous waste.

This notice is published pursuant to Section 1503.1 of the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Department of Interior Manual (516 DM 1–6); and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

DATES: The date by which written comments must arrive at the address given below is corrected from March 30,1998 to May 12, 1998. The additional public hearing will be held on April 21, 1998, at the location shown below.

ADDRESSES: Address comments to Rob Baracker, Area Director, Albuquerque Area Office, Bureau of Indian Affairs, P.O. Box 26567, Albuquerque, NM 87125–6567. The additional public hearing will be held at from 6:00 p.m. to 10:00 p.m. on April 21, 1998, at the Nambe Pueblo Fuel Terminal east of Allsup's Convenience Store, at the Cuyamungue Arroyo on U.S. Route 84/285.

FOR FURTHER INFORMATION CONTACT: Curtis Canard, Albuquerque Area Office, 505–766–3170.

Dated: March 27, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–8725 Filed 4–2–98; 8:45 am]

BILLING CODE 4310–02–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV 910 0777 30]

Northeastern Great Basin Resource Advisory Council Meeting Location and Time

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Councils' meeting location and time.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), Council meetings will be held as indicated below. The agenda for this meeting includes: Approval of minutes of the previous meeting, preparation of comments on the Interior Columbia River Basin Draft Environmental Impact Statement and determination of the subject matter for future meetings.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. The public comment period for the Council meeting is listed below. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the District Manager at the Elko District Office, 3900 East Idaho Street, Elko, Nevada, 89801, telephone (702) 753–0200.

DATES, TIMES: The time and location of the meeting is as follows: Northeastern Great Basin Resource Advisory Council, BLM Office, 3900 East Idaho Street, Elko, Nevada, 89801; May 4, 1998, starting at 1:00 p.m.; public comments will be at 3:00 p.m.; tentative adjournment 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Curtis G. Tucker, Team Leader for the Northeastern Resource Advisory Council, Ely District Office, 702 North Industrial Way, HC 33 Box 33500, Ely, NV 89301–9408, telephone 702–289–1841.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues, associated with the management of the public lands.

Dated: March 25, 1998.

Helen Hankins,

District Manager, Elko.

[FR Doc. 98–8692 Filed 4–2–98; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–020–1220–00]

Notice of Meeting

AGENCY: Bureau of Land Management (BLM), Montana, Miles City District, Interior.

ACTION: Notice of meeting.

SUMMARY: The Miles City District Resource Advisory Council will have a meeting Wednesday, May 6 starting at 1:00 p.m. at the Jordan Inn, 223 North

Merrill, Glendive, Montana and continuing at 8:00 a.m. on May 7. The meeting is called primarily to discuss off-highway vehicle issues, land exchanges, and to share information on Makoshika State Park. The meeting is expected to last until noon on May 7.

The meeting is open to the public and the public comment period is set for 4:00 p.m. on May 6. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying during regular business hours.

FOR FURTHER INFORMATION CONTACT: Marilyn Krause, Public Affairs Specialist, Miles City District, 111 Garryowen Road, Miles City, Montana 59301, telephone (406) 233–2831.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management. The 15 member Council includes individuals who have expertise, education, training or practical experience in the planning and management of public lands and their resources and who have a knowledge of the geographical jurisdiction of the Council.

Dated: March 27, 1998.

Janet L. Edmonds,

Acting District Manager.

[FR Doc. 98–8780 Filed 4–2–98; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–020–03–4210–05, FL–ES–41957 and FL–ES–41958]

Realty Action; Classification of Public Lands for Recreation and Public Purposes; Walton County, FL

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action for the classification of public lands for lease/conveyance pursuant to the Recreation and Public Purposes Act.

SUMMARY: The following described public lands in Walton County, Florida have been examined and found suitable for lease or conveyance pursuant to the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 *et seq.*, and the regulations promulgated thereunder, title 43 Code of Federal Regulation, part 2912:

Tallahassee Meridian, Florida

T. 3 S., R. 18 W.
Sec. 19, Lot 34 (1.28 acres)
T. 3 S., R. 20 W.
Sec. 4, Lot 37 (1.65 acres)
Totalling 2.93 acres.

The Board of County Commissioners plan to use these lands for recreational areas. The lands are not needed for Federal purposes. Lease/conveyance is consistent with current Bureau of Land Management land use planning and conveyance is deemed to be in the public interest.

The lease/patent, when issued, shall be subject to the provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior, and to the following reservations to the United States:

1. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

3. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests herein.

EFFECTIVE DATE: Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons or parties may submit comments regarding the proposed lease/conveyance or classification of the lands to the Field Manager, Jackson Field Office, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206. Any adverse comments will be reviewed by the Field manager. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Mary Weaver, Realty Specialist, Jackson Field Office, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39207 (601) 944–5435.

Dated: March 5, 1998.

Bruce Dawson,

Field Manager.

[FR Doc. 98–8689 Filed 4–2–98; 8:45 am]

BILLING CODE 4210–05–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–050–1610–00; GP8–0139]

Criterion/Tenmile Creek Resource Management Plan Amendment for the Two Rivers Resource Management Plan, Wasco County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an amendment to the Two Rivers Resource Management Plan.

SUMMARY: In accordance with 43 CFR 1610.2, the Deschutes Resource Area of the Prineville District, announces that a proposed plan amendment and associated environmental impact statement to address management options for the Criterion Ranch area is being prepared. The proposed management plan will provide long term direction, allocate resources and provide a basis for authorizing, restricting or prohibiting land use on approximately 15,000 acres of Bureau managed lands. Public comments on the scope of the analysis, planning issues, alternatives to be considered, analysis techniques and further public participation activities and forums will be accepted for 60 days from the date of this notice at the address shown below.

SUPPLEMENTARY INFORMATION:

1. *Description of the proposed planning action:* To amend the 1986 Two Rivers Resource Management Plan (RMPA). The planning amendment will be based on existing statutory requirements and policies, and will carry out the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA). The Criterion RMPA and Environmental Impact Statement (EIS) will provide a basis for modifying the Two Rivers RMP to provide specific management direction for approximately 13,000 acres of newly acquired land adjacent to or associated with the lower Deschutes River. The actual plan amendment planning area will also address management options on an additional 2,000 acres of public land contiguous with the acquired tracts. The amendment will include identification of closed vehicular areas; clarification of the type and seasons of livestock use, if any; management for diverse and healthy ecosystems; and identification for the types of recreational use that will be authorized and restrictions of the same. In addition, portions of the consolidated federal lands will be evaluated for potential suitability as areas of special designation, such as Wilderness Study

Areas or Areas of Critical Environmental Concern.

2. *Identification of the geographic area involved:* The planning area involved within the Two Rivers RMP amendment includes approximately 13,000 acres of public lands near the Criterion Summit, midway between Shaniko Junction (junction of Highways 197 and 97) and the City of Maupin, and approximately 2,000 acres along Tenmile Creek, just west of Shaniko Junction in southern Wasco and northern Jefferson counties.

3. *General types of issues anticipated:* Issues expected to be addressed in the plan amendment would include access, vegetation management, and areas of special designation.

4. *Disciplines to be represented and used to prepare the RMP amendment will include:* botany, cultural resources, range, fire management, fisheries, recreation, noxious weeds, wildlife, hydrology, economics, and land use planning.

5. *The kind and extent of public opportunities provided:* Several public scoping meetings will be held in the spring of 1998 and will be announced through news media and a mailed scoping document. Two field tours of the acquisition are also planned for the spring of 1998 and will be announced through the media. Public participation will be carried out through document and public review periods to be announced through the **Federal Register** and local newspapers. Interested parties will receive a scoping mailer. Estimated mailing time is April 1998. Additional copies will be available at: Prineville District Office, 3050 NE 3rd St., Prineville, Oregon 97754, phone 541–416–6700.

6. *Times, dates and locations for anticipated public meetings and field tours:* When scheduled, pertinent information will be published in local newspapers such as The Bend Bulletin, The Central Oregonian, The Oregonian, The Redmond Spokesman, The Dalles Chronicle and others. Public input through written comments and public workshops will be emphasized.

7. *Name, title, address and telephone number of the Bureau of Land Management official who may be contacted for further information:* J.C. Hanf, Project Lead, 3050 NE 3rd St., P.O. Box 550, Prineville, Oregon 97754, phone 541–416–6700. The responsible line official is Jim Kenna, Deschutes Resource Area Manager, who may be reached at the same address and phone number.

8. *Location and availability of documents relevant to the planning process:* Many, if not all, of the planning documents and supporting records are expected to be available in both paper and an electronic format, including a District Internet address (to be determined). Additional copies of published documents and the supporting record will be available at: Prineville District Office, 3050 NE 3rd St., Prineville, Oregon 97754, phone 541–416–6700 during normal working hours. Published documents will also be available for public review in the Public Room at the Oregon State Office, 1515 SW 5th Ave., Portland, Oregon 97201, phone 503–952–6000. Public and interagency comments on the plan amendment and associated analysis, including names and addresses of respondents, will be available for public review at the above address as part of the supporting record. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions for organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or business, will be made available for public inspection in their entirety.

Date: March 26, 1998

James L. Hancock,

District Manager.

[FR Doc. 98–8781 Filed 4–2–98; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a new information collection.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on a proposal to request approval of the new collection of information discussed below. The Paperwork Reduction Act of 1995 (PRA) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number.

DATES: Submit written comments by June 2, 1998.

ADDRESSES: Direct all written comments to the Rules Processing Team, Minerals Management Service, Mail Stop 4024, 381 Elden Street, Herndon, Virginia 20170–4817.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may contact Alexis London to obtain a copy of the proposed collection of information at no cost.

SUPPLEMENTARY INFORMATION:

Title: Survey—Recreational Usage of Oil and Gas Rigs by Fishermen and Divers

Abstract: The Outer Continental Shelf (CS) Lands Act (at U.S.C. 1346, Environmental Studies), instructs the Secretary of the Interior, subsequent to the leasing and developing of any area or region, to conduct additional studies to establish environmental information as he deems necessary and to monitor the human, marine, and coastal environments of such area or region in a manner designed to provide time-series and data trend information which can be used for comparison with previously collected data for the purpose of identifying any significant changes in the quality and productivity of such environments, for establishing trends in the areas studied and monitored, and for designing experiments to identify the causes of such changes.

Biological studies have shown that there are between 20 and 50 times more fish found under and near oil platforms than in nearby soft bottom areas of the Gulf of Mexico. Therefore, in order to make decisions regarding the conversion of existing rigs to artificial reefs, MMS needs statistically accurate information on the extent to which oil and gas structures are used by recreational fishers and divers and the economic impact of the continued availability of these structures on local communities.

A data collection survey is being proposed to obtain statistically reliable estimates of the level of fishing and diving activity at oil and gas structures in the Gulf of Mexico from Alabama through Texas and to determine the levels of economic activity associated with this fishing and diving.

Frequency: This is a one time survey. Data collection will occur over a one year period (January 1, 1999—December 31, 1999).

Estimated number and description of respondents and reporting and recordkeeping "hour" burden: The estimated hour burden is shown in

parenthesis for each type of proposed respondent:

Dockside field interviews with 6,513 private boat fishermen from Alabama through Texas. Private boat fishermen are individuals who are fishing either from a boat that they own or rent (10.0 minutes).

Dockside field interviews with 1,331 charter boat fishermen from Alabama through Texas. This includes fishermen who "lease" an entire boat for, usually, either a ½ day or full day fishing trip. The charter boat is usually licensed to carry 6 or less people (10 minutes).

Dockside field interviews with 400 party boat fishermen from Alabama through Texas. Party boats usually take out more than six people for a fee and the group consists of individual fishermen buying a single spot on a boat not leasing the entire boat (10 minutes).

Dockside field interviews with 200 divers from Alabama through Texas. This includes both snorkelers as well as individuals wearing self contained breathing apparatus who may be spear fishing or swimming (10 minutes).

Telephone follow-up interviews with 3,255 private boat anglers (20.6 minutes), 920 charter boat anglers and 280 party boat anglers (12.3 minutes), and 200 divers (20.2 minutes).

Telephone survey of 200 charter boat operators from Alabama through Texas. Boat operators are the individuals captaining the vessel (6.2 minutes).

Telephone interviews with 50 party boat operators from Alabama through Texas (6.2 minutes).

Telephone interviews with 50 dive shop or diving guide service providers from Alabama through Texas (2.0 minutes).

Estimated Reporting and Recordkeeping Cost Burden: The PRA requires agencies to estimate the total annual cost burden to respondents as a direct result of this collection of information. This is a one time survey. There are no questions asked which would require review of such detailed records as capital or operating expenditures of businesses or individuals. There is no cost burden on the respondents associated with this collection of information.

Comments: The MMS will summarize written responses to this notice and address them in its submission for OMB approval. All comments will become a matter of public record. In calculating the burden, MMS has assumed that information requested from respondents will not require the reviewing of detailed records. Questions have been designed to elicit information which would reasonably be recalled by respondents or quickly estimated. The MMS specifically solicits comments on the following questions:

(a) Is the proposed collection of information necessary for the proper performance of MMS's functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: March 26, 1998.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 98–8691 Filed 4–2–98; 8:45 am]

BILLING CODE 4310–MR–U

DEPARTMENT OF THE INTERIOR

National Park Service

Gettysburg National Military Park Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the twenty-fifth meeting of the Gettysburg National Military Park Advisory Commission.

DATES: The Public meeting will be held on April 15, 1998, from 7:00 p.m.–9:00 p.m.

LOCATION: The meeting will be held at Holiday Inn-Battlefield, 516 Baltimore Street, Gettysburg, Pennsylvania 17325.

AGENDA: Sub-Committee Reports, Update on General Management Plan, Federal Consistency Projects Within the Gettysburg Battlefield Historic District, Operational Update on Park Activities, and Citizens Open Forum.

FOR FURTHER INFORMATION CONTACT: John A. Latschar, Superintendent, Gettysburg National Military Park, 97 Taneytown Road, Gettysburg, Pennsylvania 17325.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning agenda items. The statement should be addressed to the Advisory Commission, Gettysburg National Military Park, 97 Taneytown Road, Gettysburg, Pennsylvania 17325. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Gettysburg National Military Park located at 97 Taneytown Road, Gettysburg, Pennsylvania 17325.

Dated: March 17, 1998.

John A. Latschar,

Superintendent, Gettysburg NMP/Eisenhower NHS.

[FR Doc. 98–8685 Filed 4–2–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

AGENCY: Executive Office for Immigration Review.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of the Clerk of the Board of Immigration Appeals, Executive Office for Immigration Review, is moving to a new location.

EFFECTIVE DATE: This notice is effective April 6, 1998.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, Virginia 22041, (703) 305–0470.

SUPPLEMENTARY INFORMATION: The new street address for the Office of the Clerk is: 5201 Leesburg Pike, Suite 1300, Falls Church, VA 22041. The new mailing address is: Office of the Clerk, P.O. Box 8530, Falls Church, VA 22041. The main telephone number is (703) 605–1007. Public window hours are 8:00 a.m. to 4:30 p.m. The internet site for all components of the Executive Office for Immigration Review continues to be www.usdoj.gov/eoir/.

Dated: March 25, 1998.

Margaret Philbin,

General Counsel, Executive Office for Immigration Review.

[FR Doc. 98–8699 Filed 4–2–98; 8:45 am]

BILLING CODE 4410–30–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, and Section 122 of CERCLA, 42 U.S.C. 9622, notice is hereby given that on March 23, 1998, a

proposed *De Minimis* Consent Decree in *United States* v. *Champion Enterprises, Inc.*, Civil Action No. 98–71283, was lodged with the United States District Court for the Eastern District of Michigan, Southern Division. This consent decree represents a settlement of claims of the United States against Champion Enterprises, Inc. for reimbursement of response costs and injunctive relief in connection with the Metamora Landfill Superfund Site ("Site") pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*

Under this settlement with the United States, Champion Enterprises, Inc. will pay $3,000,000 in reimbursement of response costs incurred by the United States Environmental Protection Agency at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Champion Enterprises, Inc.*, D.J. Ref. 90–11–3–289K.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Michigan, Southern Division, 211 West Fort Street, Suite 2300, Detroit, MI 48226, at the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604–3590, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $5.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bruce Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–8698 Filed 4–2–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree

Notice is hereby given that a proposed Consent Decree with Trinity Industries, Inc. and Mosher Steel Company in *United States* v. *Trinity Industries, Inc., et al.*, No. 97–2598–EEO, was lodged on March 24, 1998, with the United States District Court for the District of Kansas.

In this action, brought under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607, the United States sought the recovery of response costs it incurred at the Kansas City Structural Steel Site in Kansas City, Kansas. The Consent Decree provides that the Settling Defendants will pay to the EPA Hazardous Substance Superfund $130,804. A previous Consent Decree lodged with the Court provides that ASARCO will pay to the Superfund $318,212. Approximately $450,000 in costs are outstanding.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Trinity Industries, Inc., et al.*, DOJ Ref. #90–11–2–789B.

The proposed Consent Decree may be examined at the office of the United States Attorney, 500 State Avenue, Suite 360, Kansas City, Kansas 66101; the Region 7 office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy refer to the referenced case and enclose a check in the amount of $4.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section.

[FR Doc. 98–8700 Filed 4–2–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

March 31, 1998.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Todd R. Owen ((202) 219–5096 ext. 143) or by E-Mail to Owen-Todd@dol.gov. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday–Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), on or before May 4, 1998.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Office of the Assistant Secretary for Administration and Management.

Title: Compliance Information Report—29 CFR part 31 (Title VI), Nondiscrimination-Disability—29 CFR part 32 (Section 504), Nondiscrimination-Job Training Partnership Act—29 CFR part 34 (Section 167).

OMB Number: 1225–0046 (Extension).

Frequency: On occasion.

Affected Public: Not-for-profit institutions; State, local governments.

Requirement	Respondents	Total responses	Average time per respondent (seconds)
Compliance Information	26,556,330	26,556,330	20
Employment Record keeping	117,975	117,975	5

Total Burden Hours: 147,706.
Total annualized capital/startup costs: 0.
Total annual costs (operating/maintaining systems or purchasing services): $113,900.00.
Description: The Compliance Information Report and its information collections is designed to ensure that programs or activities funded in whole or in part by the Department of Labor operate in a nondiscriminatory manner. The Report requires such programs and activities to collect, maintain and report upon request from the Department, race, sex, age and disability data for program applicants, eligible applicants, participants, terminees, applicants for employment and employees.

Todd R. Owen,

Departmental Clearance Officer.

[FR Doc. 98–8812 Filed 4–2–98; 8:45 am]

BILLING CODE 4510–23–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of March, 1998.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–34,214; Fort James Corp., Towel & Tissue Div., Ashland, WI
TA–W–34,184; Forsyth Industries, Inc., East Aurora, NY
TA–W–34,248; Michigan Carton Co., Battle Creek MI
TA–W–34,229; Kleinerts, Inc., of Alabama, Greenville, AL
TA–W–34,199; Sangamon, Inc., Taylorville, IL
TA–W–34,204; Pride Companies, L.P., Abilene, TX

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–34,148; Molten Metal Technology, Fall River, MA
TA–W–34,246; General Electric Co., Appliance Parts, Distribution Center, New Concord, OH
TA–W–34,277; Bayer/Corp/AGFA Div., Ridgefield Park, NJ
TA–W–34,313; Lady Ester Lingerie Corp., Berwick, PA

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–34,253; Oxford Automotive, Winchester, IN
TA–W–34,178; Allied Signal, Stratford, CT
TA–W–34,224; VIZ Manufacturing Co. A/k/a Sippican, Inc., Philadelphia, PA
TA–W–34,134; P & M Cedar Product, Wood Component Div., Anderson, CA
TA–W–34,121; C.R. Bard, Inc., Billerica, MA
TA–W–34,116 & A; Tonkawa Gas Processing, Woodward, OK and Delhi Gas Pipeline Corp., Dallas, TX

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–34,164; Sara Lee Casual Wear, Hillsville, VA: January 10, 1997.
TA–W–34,235; i-Stat Corp., Plainsboro, NJ: January 29, 1997.
TA–W–34,298; Warner Manufacturing Co., Akeley, MN: February 17, 1997.
TA–W–34,308; MIJA Industries, Inc., Plymouth, MA: February 26, 1997.
TA–W–34,237; Smartflex Systems, Inc., Tustin, CA: February 9, 1997.
TA–W–34,002; traditional Maine Stitching, Inc., Lewiston, ME: November 1, 1996.
TA–W–34,126; Crown Cork & Seal Co., Inc., Plant #01, Philadelphia, PA: December 17, 1996.
TA–W–34,256; Bosch Braking Systems, Frankfort, OH: January 30, 1997.
TA–W–34,309; Clifton Precision Products, A Div. Of Litton Poly-Scientific, Murphy, NC: February 25, 1997.
TA–W–34,272, A & B; Premier Knits, Inc., Daviston, AL, Alabama Apparel, Inc., Dadeville, AL, Premier Sportswear, Wedowee, AL: February 18, 1997.
TA–W–33,262; OH My Goodknits, Inc., Allentown, PA: January 29, 1997.
TA–W–34,198; Cindy Lee, Inc., Pen Argyl, PA: January 17, 1997.
TA–W–34,285; Dee's Manufacturing, Inc., Burnsville, NC: February 13, 1997.
TA–W–34,270; M.T.W., Inc., Kittanning, PA: February 18, 1997.
TA–W–34,109; Viti Fashions, Inc., Hialeah, FL: November 20, 1996.
TA–W–34,958; Herschel Manufacturing Co., Potosi, MO: September 30, 1996.
TA–W–34,247; Most Manufacturing, Inc., Colorado Springs, CO: January 28, 1997.
TA–W–34,314 & A; Hewlett-Packard Co., Vancouver Div (VCD), Vancouver, WA: February 24, 1997 and Vancouver Printer Div. (VPR), Vancouver, WA: February 28, 1997.
TA–W–34,227 & A; Sparton Engineered Products, Inc., Flora, IL and Grayville, IL: January 9, 1997.
TA–W–34,102; Precision Textile, Inc., Hialeah, FL: December 11, 1996.
TA–W–34,220; Wyeth-Ayerst Laboratories, American Home

Products Corp., Bound Brook, NJ: January 21, 1997.

TA–W–34,166: Mitsubishi Consumer Electronics America, Inc., Engineering Center; Costa Mesa, CA: January 9, 1997.

TA–W–34,086; Takata Restraint Systems, Inc., Highland Industries, Cheraw, SC: November 25, 1996.

TA–W–34,165 & A; Mitsubishi Consumer Electronics America, Inc., Braselton, GA and Norcross, GA: January 9, 1997.

TA–W–34,192; Handy Girl, LLC, Deer Park, MD: January 20, 1997.

TA–W–33,830; Calvin Klein, New York, NY: September 3, 1996.

TA–W–34,127; Country Elegance Wedding Weeds, Studio City, CA: December 14, 1996.

TA–W–34,301 & A; Tultex Corp., Dobson Plant, Dobson, NC and Chilhowie Plant, Chilhowee, VA: February 18, 1997.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of March, 1998.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negaitve Determination NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–01988; Henschel Manufacturing, Potosi, MO

NAFTA–TAA–02220; Klamath Machinery Co., Inc., Klamath Falls, OR

NAFTA–TAA–02189; Oh My Goodknits, Allentown, PA

NAFTA–TAA–02082; C.R. Bard, Inc., Billerica, MA

NAFTA–TAA–02184; Michigan Carton Co., Battle Creek, MI

NAFTA–TAA–02092; Country Elegance Wedding Weeds, Studio City, CA

NAFTA–TAA–02178; Oxford Automotive, Winchester, IN

NAFTA–TAA–02066; Precision Textile, Inc., Hialeah, FL

NAFTA–TAA–02157; Fort James Corp., Towels and Tissue Div., Ashland, WI

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–02232; NPC Services, Inc., Ticket Services, Phoenix, AZ

NAFTA–TAA–02227; Lady Ester Lingerie Corp., Berwick, PA

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–02248; Preator Construction, Inc., Cody, WY: March 5, 1997.

NAFTA–TAA–02193; Tultex Corp., Dobson Plant, Dobson, NC: January 29, 1997.

NAFTA–TAA–02062; Criterion Plastics, Inc., Kingsville, TX: Including Leased Workers of Manpower Temporary Services, Corpus Christi, TX and Kingsville, TX: December 5, 1996.

NAFTA–TAA–02196; Smartflex Systems, Inc., Tustin, CA: February 9, 1997.

NAFTA–TAA–02228; Hewlett-Packard Co., Vancouver Div. (VCD). Vancouver, WA: February 24, 1997 and Vancouver Printer Div. (VPR), Vancouver, WA: February 28, 1997.

NAFTA–TAA–02094; Crown Cork and Seal Co., Inc., Philadelphia, PA: December 17, 1996.

NAFTA–TAA–02213; Dee's Manufacturing, Inc., Burnsville, NC: February 24, 1997.

NAFTA–TAA–02206 & A; Premier Knits, Inc., Daviston, AL and Wedowee, AL: February 21, 1997.

NAFTA–TAA–02207; Alabama Apparel, Inc., Dadeville, AL: February 18, 1997.

NAFTA–TAA–02242; Ringgold Apparel, Inc., Ringgold, GA: February 25, 1997.

NAFTA–TAA–02116; Viti Fashions, Inc., Hialeah, FL: December 5, 1996.

NAFTA–TAA–02225; Tray Special Products, a/k/a Gitsch Special Products, Inc., Dallas, TX: February 25, 1997.

NAFTA–TAA–02173; VIZ Manufacturing Co., a/k/a/ Sippican, Inc., Philadelphia, PA: January 28, 1997.

I hereby certify that the aforementioned determinations were issued during the month of March 1998. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 24, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–8809 Filed 4–2–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,306]

DAA Draexlmaier Automotive of America, Duncan, SC; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 9, 1998 in response to a worker petition which was filed on behalf of workers and former workers at DAA Draexlmaier Automotive of America, located in Duncan, South Carolina (TA–W–34,306).

The Department of Labor has determined that the petitioner is covered by an existing certification, as amended (TA–W–31,128). Consequently, further investigation in this matter would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 23rd day of March 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–8810 Filed 4–2–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–31,128]

NETP, Inc., A/K/A DAA Draeximaier Automotive of America, Niagara Falls, New York; Amended Certification Regarding Eligibiiity To Appiy for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on June 29, 1995, applicable to workers of NETP, Inc. located in Niagara Falls, New York. The notice was published in the **Federal Register** on July 19, 1995 (60 FR 37083).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. New findings on review show that after the closure of the plant, some of the workers wages were reported to the Unemployment Insurance tax account under the parent company, DAA Draexlmaier Automotive of America, Duncan, South Carolina. The intent of the Department's certification is to include all workers of NETP, Inc., who were affected by increased imports. Accordingly, the Department is amending the worker certification to reflect this matter.

The amended notice applicable to TA–W–31,128 is hereby issued as follows:

All workers of NETP, Inc., Niagara Falls, New York, including workers whose wages were paid by DAA Draexlmaier Automotive of America, Duncan, South Carolina, who became totally or partially separated from employment on or after May 30, 1994 through June 29, 1997, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, D.C. this 23rd day of March, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–8811 Filed 4–2–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Empioyment and Training Administration

investigations Regarding Certifications of Eligibility To Apply for Workers Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Acting Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address show below, not later than April 13, 1998.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 13, 1998.

The petitions filed in this case are available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of March, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

[Petitions instituted on March 16, 1998]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
34,315	Northside Manufacturing (Co.)	Philipsburg, PA	03/02/98	Men's Suits and Sportswear.
34,316	Pinewood Casuals, Inc (Co.)	Philipsburg, PA	03/02/98	Men's Pants.
34,317	Sports Spectacular Int'l (Co.)	Philipsburg, PA	03/02/98	Men's Sport Coats.
34,318	Streamline Manufacturing (Co.)	Philipsburg, PA	03/02/98	Men's Suit Coats.
34,319	Parsons and Rives, Inc (Wkrs)	Independence, VA	03/03/98	Pre-Wash, Pressing etc. of Garments.
34,320	Montgomery Kone (Wkrs)	Moline, IL	03/03/98	Traction Elevator Hoisting Equipment.
34,321	Jean Hosiery Mill, Inc (Wkrs)	Villa Rico, GA	03/02/98	Hosiery—Socks.
34,322	Triboro Electric Co. L.P. (IBEW)	Doylestown, PA	03/02/98	Electrical Wiring Devices.
34,323	Cranston Print Works Co (Co.)	Fletcher, NC	02/24/98	Printed Fabrics.
34,324	Paragon Trade Brands (Wkrs)	Waco, TX	02/24/98	Ultra and Economy Disposable Diapers.
34,325	Masonite Corporation (IBT)	Ukiah, CA	02/27/98	Molded Door Facings.
34,326	Rubber Maid—Cortland (Wkrs)	Cortland, NY	02/25/98	Molded Parts for Rubber Maid Containers.
34,327	G and W Manufacturing (Co.)	Paducah, KY	03/02/98	Annealed Floral Wire.
34,328	Mexicana Airlines (Wkrs)	San Antonio, TX	02/25/98	Passenger Airline.
34,329	Jostens, Inc (Wkrs)	Attleboro, MA	03/04/98	High School Class Rings.
34,330	Clark Embroidery, Inc (Wkrs)	Jasper, AL	03/04/98	Embroidery—Golf Bags, Shirts.
34,331	Preator Construction (Wkrs)	Cody, WY	03/04/98	Exploration, Drilling, Oil and Gas.
34,332	NGK Metals Corporation (USWA)	Temple, PA	03/05/98	Cu-Be, Rod, Bar, Shapes & Strip Plate.
34,333	Phenix, Inc (Wkrs)	Morristown, TN	03/05/98	Pillowcases, Patient Gowns.
34,334	Fort James (Wkrs)	Camas, WA	03/04/98	Bond Paper, Towel and Tissue.
34,335	Estle Tops (Wkrs)	Huntington Park, CA	02/26/98	Tops, Blouses.
34,336	Nobel Biocare (Co.)	Oglesby, IL	03/03/98	Titanium Dental Implants.
34,337	Newton Company (Wkrs)	Newton, MS	03/03/98	Cotton denim jeans.

Appendix—Continued

[Petitions instituted on March 16, 1998]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
34,338	P.K. Electronics (Wkrs)	Scottsdale, AZ	03/09/98	Power Supplies.
34,339	AR Accessories (UPWU)	West Bend, WI	03/03/98	Purses, Wallets, Belts, etc.
34,340	Weyerhaeuser Co (Comp)	Springfield, OR	03/05/98	Particle Board Panels.

[FR Doc. 98–8808 Filed 4–2–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act: Employment and Training Assistance for Dislocated Workers; Reallotment of Title III Funds

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor is publishing for public information the Job Training Partnership Act Title III (Employment and Training Assistance for Dislocated Workers) funds identified by States for reallotment, and the amount to be reallotted to eligible States.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Holl, Office of Worker Retraining and Adjustment Programs, Employment and Training Administration, Department of Labor, Room N–5426, 200 Constitution Avenue NW., Washington, D.C. 20210. Telephone: 202–219–5577 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to Title III of the Job Training Partnership Act (JTPA or the Act), as amended by the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA), the Secretary of Labor (Secretary) is required to recapture funds from States identified pursuant to section 303(b) of the Act, and reallot such funds by a Notice of Obligation (NOO) adjustment to current year funds to "eligible States" and "eligible high unemployment States," as set forth in section 303(a), (b), and (c) of JTPA. 29 U.S.C. 1653. The basic reallotment process was described in Training and Employment Guidance Letter No. 4–88, dated November 25, 1988, Subject: Reallotment and Reallocation of Funds under Title III of the Job Training Partnership Act (JTPA), as amended, 53 FR 43737 (December 2, 1988). The reallotment process for Program Year (PY) 1996 funds was described in Training and Employment Guidance Letter No. 2–96, dated January 28, 1997, Subject: Reallotment of Job Training Partnership Act (JTPA) Title III Formula-Allotted Funds.

NOO adjustments to the PY 1997 (July 1, 1997–June 30, 1998) formula allotments are being issued based on expenditures reported to the Secretary by the States, as required by the recapture and reallotment provisions at Section 303 of JTPA. 29 U.S.C. 1653.

Excess funds are recaptured from PY 1997 formula allotments, and are distributed by formula to eligible States and eligible high unemployment States, resulting in either an upward or downward adjustment to every State's PY 1997 allotment.

Unemployment Data

The unemployment data used in the formula for reallotments, relative numbers of unemployed and relative numbers of excess unemployed, were for the October 1996 through September 1997 period. Long-term unemployment data used were for calendar year 1996. The determination of "eligible high unemployment States" for the reallotment of excess unexpended funds was also based on unemployment data for the period October 1996 through September 1997, with all average unemployment rates rounded to the nearest tenth of one percent. The unemployment data were provided by the Bureau of Labor Statistics, based upon the Current Population Survey.

The table below displays the distribution of the net changes to PY 1997 formula allotments.

BILLING CODE 4510–30–M

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
PY 1997 JTPA Title III Reallotment to States

	COL 1	COL 2	COL 3	COL 4	COL 5	COL 6
Alabama	4.6	0	3,417	0	1,185	1,185
Alaska	7.5	70,938	0	0	0	(70,938)
Arizona	4.9	0	4,437	0	1,539	1,539
Arkansas	5.3	0	3,077	3,077	1,067	4,144
California	6.6	14,571	75,496	75,496	26,191	87,116
Colorado	3.5	0	2,285	0	793	793
Connecticut	5.2	0	4,603	4,603	1,597	6,200
Delaware	4.6	0	645	0	224	224
District of Columbia	7.7	0	1,888	1,888	655	2,543
Florida	4.9	0	14,181	0	4,919	4,919
Georgia	4.5	0	5,394	0	1,871	1,871
Hawaii	6.1	0	2,353	2,353	816	3,169
Idaho	5.1	0	1,390	0	482	482
Illinois	4.8	0	12,553	0	4,355	4,355
Indiana	3.4	0	3,572	0	1,239	1,239
Iowa	3.3	0	1,703	0	591	591
Kansas	4.1	0	1,655	0	574	574
Kentucky	5.4	0	5,431	5,431	1,884	7,315
Louisiana	6.1	0	8,081	8,081	2,803	10,884
Maine	4.7	0	1,253	0	435	435
Maryland	4.6	0	4,775	0	1,656	1,656
Massachusetts	4.0	0	4,609	0	1,599	1,599
Michigan	4.3	0	6,808	0	2,362	2,362
Minnesota	3.4	0	2,839	0	985	985
Mississippi	5.5	0	3,910	3,910	1,356	5,266
Missouri	4.2	0	4,031	0	1,398	1,398
Montana	4.9	0	952	0	330	330
Nebraska	2.5	0	645	0	224	224
Nevada	4.7	0	1,528	0	530	530
New Hampshire	3.1	0	745	0	259	259
New Jersey	5.6	0	14,271	14,271	4,951	19,222
New Mexico	6.8	0	4,026	4,026	1,397	5,423
New York	6.3	0	37,567	37,567	13,033	50,600
North Carolina	3.8	0	4,367	0	1,515	1,515
North Dakota	2.8	0	267	0	92	92
Ohio	4.7	0	9,908	0	3,437	3,437
Oklahoma	3.7	0	1,814	0	629	629
Oregon	5.6	0	4,986	4,986	1,730	6,716
Pennsylvania	5.1	0	14,823	0	5,142	5,142
Puerto Rico	13.0	0	16,438	16,438	5,702	22,140
Rhode Island	5.1	0	1,183	0	410	410
South Carolina	5.3	0	5,511	5,511	1,912	7,423
South Dakota	2.9	0	292	0	101	101
Tennessee	5.2	0	6,126	6,126	2,125	8,251
Texas	5.5	0	26,733	26,733	9,274	36,007
Utah	3.1	0	802	0	278	278
Vermont	4.0	0	426	0	148	148
Virginia	4.2	0	4,765	0	1,653	1,653
Washington	5.4	0	8,156	8,156	2,829	10,985
West Virginia	7.0	264,596	0	0	0	(264,596)
Wisconsin	3.5	0	2,961	0	1,027	1,027
Wyoming	4.7	0	427	0	148	148
NATIONAL TOTAL	5.1	350,105	350,105	228,653	121,452	0

COLUMN 1	Unemployment rate for 12 month period
COLUMN 2	Amount of funds subject to recapture
COLUMN 3	Initial distribution of total recaptured dollars among all "eligible" States
COLUMN 4	Step 1: For "eligible high unemployment" States, amount equal to Column 3
COLUMN 5	Step 2: Remaining dollars distributed to all "eligible" States
COLUMN 6	Total: Column 4 (Step 1) + Column 5 (Step 2) less Column 2 (recaptured amount)

BILLING CODE 4510–30–C

Explanation of Table

Column 1: This column shows each State's unemployment rate for the twelve months ending September 1997.

Column 2: This column shows the amount of excess funds which are subject to recapture. PY 1997 funds in an amount equal to the excess funds identified will be recaptured from such States and distributed as discussed below.

Column 3: This column shows total excess funds initially distributed among all "eligible States" by applying the regular Title III formula. "Eligible States" are those with unexpended PY 1996 funds at or below the level of 20 percent of their PY 1996 formula allotments as described above.

Column 4: Eligible States with unemployment rates higher than the national average, which was 5.1 percent for the 12-month period, are "eligible high unemployment States." These eligible high unemployment States received amounts equal to their share of the excess funds (the amounts shown in column 3) according to the regular Title III formula. This is Step 1 of the reallotment process. These amounts are shown in column 4 and total $228,653.

Column 5: The sum of the remaining shares of available funds ($121,452) is distributed among all eligible States, again using the regular Title III allotment formula. This is Step 2 of the reallotment process. These amounts are shown in column 5.

Column 6: Net changes in PY 1997 formula allotment are presented. This column represents the decreases in Title III funds shown in column 2, and the increases in Title III funds shown in columns 4 and 5. NOOs in the amounts shown in column 6 are being issued to the States listed.

Equitable Procedures

Pursuant to section 303(d) of the Act, Governors of States required to make funds available for reallotment shall prescribe equitable procedures for making funds available from the State and substate grantees. 29 U.S.C. 1653(d).

Distribution of Funds

Funds are being reallotted by the Secretary in accordance with section 303(a), (b), and (c) of the Act, using the factors described in section 302(b) of the Act. 29 U.S.C. 1652(b) and 1653(a), (b), and (c). Distribution within States of funds allotted to States shall be in accordance with section 302(c) and (d) of the Act (29 U.S.C. 1652(c) and (d)), and the JTPA regulation at 20 CFR 631.12(d).

Signed at Washington, D.C., this 25th day of March, 1998.

Raymond J. Uhalde,

Acting Assistant Secretary of Labor.

[FR Doc. 98–8806 Filed 4–2–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement—Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Acting Director of the Office Trade Adjustment Assistance (OTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes actions pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment after December 8, 1993 (date of enactment of Pub. L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Acting Director of OTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request is filed in writing with the Acting Director of OTAA not later than April 13, 1998.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Acting Director of OTAA at the address shown below not later than April 13, 1998.

Petitions filed with the Governors are available for inspection at the Office of the Acting Director, OTAA, ETA, DOL, Room C–4318, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 27th day of March, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
American Garment (Wkrs)	El Paso, TX	02/06/1998	NAFTA–2,177	Stone Wash & Dye Clothes.
Oxford Automotive (UAW)	Winchester, IN	01/05/1998	NAFTA–2,178	Automotive stampings.
U.S. Kids Apparel (Comp)	Canton, GA	02/03/1998	NAFTA–2,179	Children's Clothing.
Eagle Veneer (Wkrs)	Harrisburg, OR	02/05/1998	NAFTA–2,180	Finished Plywood.
MIJA Industries (Co.)	Plymouth, MA	02/05/1998	NAFTA–2,181	Pressure gauges.
ChamberDoor Industries, Inc ( )	Hot Springs, AR	02/02/1998	NAFTA–2,182	Doors.
Federal Mogul (UAW)	Greenville, MI	01/16/1998	NAFTA–2,183	Bearings for auto engines.
Michigan Carton (GCIU)	Battle Creek, MI	01/15/1998	NAFTA–2,184	Folding cartons printed on paperboard.
Gambro Healthcare (Co.)	Deland, FL	02/10/1998	NAFTA–2,185	On-off dialysis kits.
Niagara Mohawk Power Corp ( )	Syracuse, NY	02/10/1998	NAFTA–2,186	Electric Power Generation.
Kwikset Corporation (Wkrs)	Anaheim, CA	02/17/1998	NAFTA–2,187	Handlesets, levers, doorknobs.
Donna Maria's Sewing (Co.)	Ripley, WV	02/11/1998	NAFTA–2,188	Women's clothing.
Oh My Goodknits (Wkrs)	Allentown, PA	02/17/1998	NAFTA–2,189	Infant and adult knit apparel.
Weyerhaeuser (IAM)	North Bend, OR	02/04/1998	NAFTA–2,190	Logging operations.
Cooper Industries (Wkrs)	Cullman, AL	02/17/1998	NAFTA–2,191	Hand tools.

APPENDIX—Continued

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Erickson Air Crane (Wkrs)	Central Point, OR	01/23/1998	NAFTA–2,192	Helicopters.
Tultex Corporation (Co.)	Dobson, NC	02/10/1998	NAFTA–2,193	Jersey and fleece tops.
New American Wood Products (Wkrs)	Winlock, WA	02/10/1998	NAFTA–2,194	Finished wood products.
Morrison Enterprises (Wkrs)	Redmond, OR	01/23/1998	NAFTA–2,195	Cutstock.
Smartflex Systems (Co.)	Tustin, CA	02/10/1998	NAFTA–2,196	Electronic circuit board assemblies.
Tenneco Packaging (Wkrs)	Clayton, NJ	02/17//1998	NAFTA–2,197	Disposable foil containers.
Warner Manufacturing (Wkrs)	Akeley, MN	02/23/1998	NAFTA–2,198	Wallpaper brush & sanding block handles.
Kao Information Systems (Wkrs)	Plymouth, MA	02/18/1998	NAFTA–2,199	Floppy disk and CD's.
Charles Navasky (Co.)	Philipsburg, PA	02/19/1998	NAFTA–2,200	Mens and boys' suits and sportswear.
Johns Manville (UFCW)	Waukegan, IL	02/18/1998	NAFTA–2,201	Roofing products.
J. Walsh Company (The) (Co.)	Leesville, SC	02/19/1998	NAFTA–2,202	Boys' suits & vests, outerwear jackets.
Master Lock (Co.)	Auburn, AL	02/18/1998	NAFTA–2,203	Door hardware products (locks).
Interwest Mining (UWUW)	Glenrock, WY	02/18/1998	NAFTA–2,204	Mines coal.
Harman Automotive (UAW)	Bolivar, TN	02/17/1998	NAFTA–2,205	Exterior rearview mirrors.
Premier Knits (Co.)	Daviston, AL	02/23/1998	NAFTA–2,206	Active apparel.
Premier Sportswear (Co.)	Wedowee, AL	02/23/1998	NAFTA–2,206	Active apparel.
Alabama Apparel (Co.)	Dadeville, AL	02/23/1998	NAFTA–2,207	Active apparel.
Wagner Electronic Products (Wkrs)	Rogue River, OR	02/23/1998	NAFTA–2,208	Detection equipment.
Pekin Plastics (Co.)	Pekin, IN	02/19/1998	NAFTA–2,209	Video boxes.
Trico Products (Wkrs)	Vanceboro, NC	02/24/1998	NAFTA–2,210	Windshield wiper.
Swiss Re Life and Health America (Wkrs).	New York, NY	02/24/1998	NAFTA–2,211	Administration services to insurance co.
Thomas and Betts (Wkrs)	Horseheads, NY	02/24/1998	NAFTA–2,212	Connecting parts.
Dee's Manufacturing (Co.)	Burnsville, NC	02/24/1998	NAFTA–2,213	Women's apparel.
Harris Enterprises (Wkrs)	Marshfield, MO	02/24/1998	NAFTA–2,214	Slip sheets.
Universal Transport (Co.)	Riddle, OR	02/27/1998	NAFTA–2,215	Transportation.
Munekata America (Co.)	Dalton, GA	02/25/1998	NAFTA–2,216	Television components.
Casolco USA (LOW)	El Paso, TX	03/02/1998	NAFTA–2,217	Apparel.
Harvard Industries (UAW)	Toledo, OH	02/26/1998	NAFTA–2,218	Casting.
Copes Vulcan (Co.)	Lake City, PA	02/26/1998	NAFTA–2,219	Boiler cleaning equipment.
Klamath Machinery (Co.)	Klamath Falls, OH	02/25/1998	NAFTA–2,220	Sawmill equipment.
Jandy Apparel (Wkrs)	Hellam, PA	02/26/1998	NAFTA–2,221	Girls clothing.
Hafer Logging (Wkrs)	La Grande, OR	02/26/1998	NAFTA–2,222	Wood products.
Thomson Consumer Electronic (LOW)	El Paso, TX	03/02/1998	NAFTA–2,223	Video equipment.
Frank Ix and Sons (Wkrs)	Lexington, NC	03/02/1998	NAFTA–2,224	Textile.
Tray Special Production (Co.)	Dallas, TX	03/02/1998	NAFTA–2,225	Air bag filters, diesel filters.
Wulfrath Refractories (USWA)	Tarentum, PA	03/03/1998	NAFTA–2,226	Refractory bricks.
Lady Ester Lingerie (Wkrs)	Berwick, PA	03/03/1998	NAFTA–2,227	Women's and children's lingerie.
Hewlett Packard (Wkrs)	Vancouver, WA	03/02/1998	NAFTA–2,228	Printers.
Hewlett Packard (Wkrs)	Vancouver, WA	03/02/1998	NAFTA–2,228	Printers.
Fashion Development Center (Wkrs)	El Paso, TX	03/02/1998	NAFTA–2,229	Apparel consulting.
Young Morgan Lumber (Co.)	Mill City, OR	02/24/1998	NAFTA–2,230	Finished lumber.
Spirax Sarco International (USWA)	Allentown, OR	03/03/1998	NAFTA–2,231	Steam system products.
NPC Services (Co.)	Phoenix, AZ	03/03/1998	NAFTA–2,232	Airline ticket transaction processing.
Electromotive (UAW)	Commerce, CA	03/03/1998	NAFTA–2,233	Locomotive engines.
Sharp (Wkrs)	Cucamunga, CA	03/03/1998	NAFTA–2,234	Sporting goods.
Weyerhaeuser (Co.)	Springfield, OR	03/05/1998	NAFTA–2,235	Particleboard panels.
Weyerhaeuser (Co.)	North Bend, OR	03/04/1998	NAFTA–2,236	Docks.
Jean Hosiery Mill (Wkrs)	Villa Rica, GA	03/03/1998	NAFTA–2,237	Hosiery.
U.P. Jacket (Wkrs)	Menominee, MI	02/17/1998	NAFTA–2,238	Sportswear.
Cranston Print Works (Co.)	Fletcher, NC	03/05/1998	NAFTA–2,239	Fabric design printing.
Paragon Trade Brands (Wkrs)	Waco, TX	03/05/1998	NAFTA–2,240	Disposable diapers.
Georgia Pacific (IBU)	Spokane, WA	03/06/1998	NAFTA–2,241	Lumber and wood products.
Ringgold Apparel (Co.)	Ringgold, GA	03/06/1998	NAFTA–2,242	Knit garments.
Foster Electric (Wkrs)	Schaumburg, IL	03/06/1998	NAFTA–2,243	Automobile speakers.
Northside (Co.)	Philipsburg, PA	03/05/1998	NAFTA–2,244	Men's suits and sportswear.
Pinewood Casuals (Co.)	Philipsburg, PA	03/05/1998	NAFTA–2,245	Men's suits and sportswear.
Sports Spectacular (Co.)	Philipsburg, PA	03/05/1998	NAFTA–2,246	Men's suits and sportswear.
Streamline Manufacturing (Co.)	Philipsburg, PA	03/05/1998	NAFTA–2,247	Men's suits and sportswear.
Preator Construction (Wkrs)	Cody, WY	03/09/1998	NAFTA–2,248	Drilling well sites.
Triboro Electric (IBEW)	Doylestown, PA	03/12/1998	NAFTA–2,249	Fluorescent & incandescent lighting.
Koch Refining (Wkrs)	Corpus Christ, TX	03/11/1998	NAFTA–2,250	Petrochemical products.
Lipton (Wkrs)	Flemington, NJ	03/11/1998	NAFTA–2,251	Soups and side dishes.
Briggs Industries (GMPPU)	Somerset, PA	03/12/1998	NAFTA–2,252	China.
Otis Elevator (IUE)	Bloomington, IN	03/13/1998	NAFTA–2,253	Designer cabs, doors.
Parson and Rives (Co.)	Independence, VA	03/09/1998	NAFTA–2,254	Ladies, men and children's garments.
General Electric Environmental Services (USWA).	Lebanon, PA	03/12/1998	NAFTA–2,255	Cyclones.

APPENDIX—Continued

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Interbake Foods (BCT)	Tacoma, WA	03/12/1998	NAFTA–2,256	Cookies and crackers.
Jantzen—Vanity Far (Wkrs)	Vancouver, WA	03/13/1998	NAFTA–2,257	Men's women's & children's sportswear.
General Datacomm (Wkrs)	Naugatuch, CT	03/13/1998	NAFTA–2,258	Printed circuit board.
Stanley Blacker, Inc (Comp)	Vidalia, GA	03/17/1998	NAFTA–2,259	Men's Dress Slacks and Suit Pants.
Sero Co., Inc (The) (Wrks)	Cordele, GA	03/13/1998	NAFTA–2,260	Shirts, Pants, Sweaters.
P.K. Electronics (Wrks)	Scottsdale, AZ	03/16/1998	NAFTA–2,261	Power Supplies.
Pioneer Natural Resources, Inc (Comp)	Midland, TX	03/17/1998	NAFTA–2,262	Oil.
Sansonite (Wkrs)	Tucson, AZ	03/12/1998	NAFTA–2,263	Luggage.
Delphi Interior and Lighting Brea (UAW).	Brea, CA	03/20/1998	NAFTA–2,264	Seat covers.
Deen (Co.)	Tolleson, AZ	03/19/1998	NAFTA–2,265	Men's amd women's underwear.
Intercraft (Wkrs)	Mundrlein, IL	03/18/1998	NAFTA–2,266	Picture frames.
BHP (IBEW)	Globe, AZ	03/17/1998	NAFTA–2,267	Copper.
Banta—KCS Industries (GCIU)	Milwaukee, WI	03/18/1998	NAFTA–2,268	Advertising display.
Avent (Wkrs)	Tucson, AZ	03/17/1998	NAFTA–2,269	Medical custom pack.
Forstmann and Company (Co.)	Dublin, GA	03/18/1998	NAFTA–2,270	Woolen broad cloth.
Cannon County Knitting (Wkrs)	Smithville, TN	03/18/1998	NAFTA–2,271	Shirts, dresses, jackets, pajamas.
Delta Woodside Industries (Co.)	Greer, SC	03/23/1998	NAFTA–2,272	Yarn.
Chic by H.I.S. (Co.)	Saltillo, TN	03/19/1998	NAFTA–2,273	Men's and and ladies cotton slacks.
CCL Industries (USWA)	Chester, PA	03/24/1998	NAFTA–2,274	Collapsible tubes.
Don Mart Clothes (Co.)	Philipsbury, PA	03/24/1998	NAFTA–2,275	Men's suits and sportwear.
Harrison Alloys (Wkrs)	Harrison, NJ	03/24/1998	NAFTA–2,276	Wire.

[FR Doc. 98–8807 Filed 4–2–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standard Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). this program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning six information collections: (1) Notice of Law Enforcement Officer's Injury or Occupational Disease (CA–721), and Notice of Law Enforcement Officer's Death (CA–722); (2) Maintenance of Receipts for Benefits Paid by a Coal Mine Operator (CM–200); (3) Operator Controversion (CM–970), and Operator Response (CM–970a); (4) Application for Federal Certificate of Age (WH–14); (5) Waiver of Child Labor Provisions for Agricultural Employment of Short Season Crops—29 CFR 575; and (6) Rehabilitation Maintenance Certificate (OWCP–17). Copies of the proposed information collection requests can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before June 7, 1998. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSEES: Contact Ms. Patricia Forkel at the U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 219–7601. The Fax number is (202) 219–6592. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Notice of Law Enforcement Officer's Injury or Occupational Disease (CA–721), Notice of Law Enforcement Officer's Death (CA–722)

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA). The Act provides that non-Federal law enforcement officers and/or their survivors injured or killed under certain circumstances are entitled to benefits of the Act to the same extent as employees of the Federal government. The Notice of Law Enforcement Officer's Injury or Occupational Disease (CA–721) and the Notice of Law Enforcement Officer's Death (CA–722) are the forms used by non-Federal law enforcement officers and their survivors to claim compensation under FECA.

II. Current Actions

The Department of Labor seeks extension of approval to collect

information necessary to determine eligibility for benefits.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Notice of Law Enforcement Officer's Injury or Occupational Disease (CA–721), Notice of Law Enforcement Officer's Death (CA–722).

OMB Number: 1215–0116.

Agency Numbers: CA–721, CA–722.

Affected Public: Individuals or households; businesses or other for-profit; State, Local, or Tribal Government.

Total Respondents: 63.

Frequency: On occasion.

Total Responses: 63.

Average Time Per Response: 60 min. (CA–721), 90 min. (CA–722).

Estimated Total Burden Hours: 87.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $30.45.

Maintenance of Receipts for Benefits Paid by a Coal Mine Operator (CM–200)

I. Background

The Office of Workers' Compensation Programs administers the Black Lung Benefits Act. Under 20 CFR 725.531, self-insured coal mine operators or insurance carriers must maintain receipts for black lung benefit payments made for five years after the date on which the receipt was executed. This requirement is designated as CM–200, Maintenance of Receipts for Benefits Paid by a Coal Mine Operator. There is no form or format for the receipts; a canceled check will satisfy the requirement.

II. Current Actions

The Department of Labor (DOL) seeks extension of approval for this information collection in order that coal mine operators and insurers can provide evidence, as necessary, that payment to claimants has been made and received.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Maintenace of Receipts for Benefits Paid by a Coal Mine Operator.

OMB Number: 1215–0124.

Agency Number: CM–200.

Affected Public: Business or other for-profit; State, Local, or Tribal Government.

Total Respondents: 150.

Frequency: On occasion.

Total Responses: 150.

Total Burden Hours (recordkeeping): 1.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): 0.

Operator Controversion (CM–970), Operator Response (CM–970a)

I. Background

The Office of Workers' Compensation Programs administers the Black Lung Benefits Act. Under 30 USC 901 *et seq.*, 20 CFR 725.412, and 20 CFR 725.413, a coal mine operator who has been identified as potentially liable for payment of black lung benefits must be notified of this initial finding. The CM–970, Operator Controversion, gives the operator the opportunity to controvert the liability, the applicant's eligibility, and other issues. The regulations require the coal mine operator to be identified and notified of potential liability as early in the adjudication process as possible. The CM–970a gives the coal mine operator the opportunity to agree or disagree with the identification.

II. Current Actions

The Department of Labor seeks extension of approval to collect this information in order to carry out its responsibility to inform responsible coal mine operators of a claim and to offer them the opportunity to controvert the claim.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Operator Controversion (CM–970), Operator Response (CM–970a).

OMB Number: 1215–0058.

Agency Numbers: CM–970, CM–970a.

Affected Public: Businesses or other for-profit; State, Local, or Tribal Government.

Total Respondents: 4,000.

Frequency: On occasion.

Total Responses: 8,000.

Average Time per Response: 15 minutes.

Total Burden Hours: 2,000.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): $2,800.

Application for Federal Certificate of Age (WH–14)

I. Background

The Fair Labor Standards Act (FLSA) provides, in part, that an employer may protect against unwitting employment of "oppressive child labor" by having on file a certificate issued pursuant to Department of Labor regulations certifying that the named person meets the FLSA minimum age requirements for employment. The Application for Federal Certificate of Age (WH–14) is the form used by the employer to obtain the certificate.

II. Current Actions

The Department of Labor seeks an extension of approval to collect this information in order to afford the employer protection in cases where compliance with child labor regulations is questioned.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Application for Federal Certification of Age.

OMB Number: 1215–0083.

Agency Number: WH–14.

Affected Public: Businesses or other for-profit; State, Local, or Tribal Government; individuals or households; not-for-profit institutions; Farms.

Total Respondents: 50.

Frequency: On occasion.

Total Responses: 50.

Average Time per Response (reporting): 10 minutes.

Average Time per Response (recordkeeping): One-half minute.

Total Burden Hours (reporting and recordkeeping): 9.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): $17.50.

Waiver of Child Labor Provisions for Agricultural Employment of 10 and 11 Year Old Minors in Hand Harvesting of Short Season Crops—29 CFR Part 575

I. Backgrounds

Section 13(c)(4) of the Fair Labor Standards Act (FLSA), 29 USC 201 *et seq.*, authorizes the Secretary of Labor to grant a waiver of the child labor provisions of the FLSA for the agricultural employment of 10 and 11 year old minors in the hand harvesting of short season crops if specific requirements are met. The Act requires that employers who are granted such waivers keep on file a signed statement of the parent or person standing in the place of the parent of each 10 and 11 year minor, consenting to their employment, along with a record of the name and address of the school in which the minor is enrolled.

II. Current Actions

The Department of Labor seeks an extension of this information collection in order to determine whether the statutory requirements and conditions for granting a requested exemption have been met.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Waiver of Child Labor Provisions for Agricultural Employment of 10 and 11 Year Old Minors in Hand Harvesting of Short Season Crops—29 CFR Part 575.

OMB Number: 1215–0120.

Affected Public: Farms; individuals or households.

Total Respondents: 1.

Frequency: On occasion.

Total Responses: 1.

Average Time per Response (recordkeeping): 1 hour.

Total Reporting and Recordkeeping Hours: 4.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): $.35.

Rehabilitation Maintenance Certificate (OWCP–17)

I. Background

The Office of Workers' Compensation Programs administers the Longshore and Harbor Workers' Compensation Act (LHWCA) and the Federal Employees' Compensation Act (FECA). The Acts provide rehabilitation benefits to eligible injured workers. The Rehabilitation Maintenance Certificate is used to request reimbursement for expenses incurred as a result of an injured employee's participation in an approved rehabilitation effort.

II. Current Action

The Department of Labor seeks an extension of this information collection in order to assist the injured worker who is not currently employed, due to injury, to be provided with rehabilitation services.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Rehabilitation Maintenance Certificate.

OMB Number: 1215–0161.

Agency Number: OWCP–17.

Affected Public: Individuals or households; businesses or other forprofit; not-for-profit institutions; State, Local or Tribal Government.

Total Respondents: 1,300.

Frequency: Every four weeks.

Total Responses: 15,600.

Average Time per Response: 10 minutes.

Total Burden Hours: 2,605.

Total Burden Cost: (capital/startup): 0.

Total Burden Cost: (operating/maintenance: 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 30, 1998.

Cecily A. Rayburn,

Director, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 98–8805 Filed 4–2–98; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 27th Day of March 1998.

Carl Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 98–8993 Filed 4–2–98; 8:45 am]

BILLING CODE 4510–27–M

MEDICARE PAYMENT ADVISORY COMMISSION

Computer Programming Support Services: Contractor Solicitation

AGENCY: Medicare Payment Advisory Commission.

ACTION: Notice of solicitation RFP 02–98–MedPAC, computer programming, data analysis, and related support services.

SUMMARY: The Medicare Payment Advisory Commission (MedPAC) is seeking a contractor to provide computer programming support services including data base development/management and empirical analysis. These services will support MedPAC's evaluation and monitoring of Medicare's payment policies. A single contractor is being sought to provide these services under time-and-materials contract for a period of one year with options to extend the contract for up to two additional years. Potential offerors must have extensive demonstrated experience in programming for analyses involving Medicare files.

DATES: RFP 02–98–MedPAC will be issued on or about April 1, 1998. Offerors must submit their proposals not later than 5:00 pm local time on May 11, 1998.

ADDRESSES: Interested sources must submit a written request for a copy of this RFP to Delores Curtis, Medicare Payment Advisory Commission, 1730 K Street, N.W., Suite 800, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Delores Curtis (202) 653–7220.

Dated: March 30, 1998.

Helaine I. Fingold,

Contracting Officer.

[FR Doc. 98–8761 Filed 4–2–98; 8:45 am]

BILLING CODE 6820–BW–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AGENCY

[Notice 98–046]

Information Collection: Submission for OMB Review, Comment Request

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of agency report forms under OMB review.

SUMMARY: The National Aeronautics and Space Administration has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this proposal should be received on or before May 4, 1998.

ADDRESSES: All comments should be addressed to Mr. Richard Kall, Office of Aeronautics & Space Transportation Technology, Code HK, National Aeronautics and Space Administration, Washington, DC 20546–0001.

FOR FURTHER INFORMATION CONTACT: Ms. Carmela Simonson, Office of the Chief Information Officer, (202) 358–1223.

Reports: None.

Title: NASA FAR Supplement, Part 1827, Patents, Data and Copyrights.

OMB Number: 2700–0052.

Type of review: Extension.

Need and Uses: The information is used by NASA legal and contracting offices to ensure disposition of inventions in accordance with statutes and to determine the Government's rights in data.

Affected Public: Business or other for-profit, Not-for-profit institutions, Federal Government, State, Local or Tribal Government.

Number of Respondents: 2,845.

Responses Per Respondent: 1.

Annual Responses: 3,557.

Hours Per Request: 8 hrs, ½ hr for negative response.

Annual Burden Hours: 10,884.

Frequency of Report: As discovered.

Donald J. Andreotta

Deputy Chief Information Officer (Operations), Office of the Administrator.

[FR Doc. 98–8796 Filed 4–2–98; 8:45 am]

BILLING CODE 4510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–045)]

National Environmental Policy Act; Mars Surveyor Program

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of intent to prepare a Tier I environmental impact statement (EIS) and a Tier II EIS and conduct scoping for the Mars Surveyor Program.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and NASA's policy and procedures (14 CFR Part 1216 Subpart 1216.3), NASA intends to prepare a Tier I EIS and a Tier II EIS for the Mars Surveyor Program. This program has been authorized by Congress to launch missions to Mars periodically as part of a long-term program of Mars exploration. The purposes of the Mars Surveyor Program are to (1) conduct additional scientific exploration of Mars, and (2) use the first Mars Sample Return (MSR) mission to return Martian samples collected earlier by either the Mars 2001 or Mars 2003 mission to Earth.

The Tier I EIS will serve as a programmatic EIS for the Mars Surveyor Program and as a mission-specific EIS for the proposed Mars 2001 and Mars 2003 missions. It will address the environmental impacts of the proposed Mars 2001 and Mars 2003 missions and give a preliminary overview of the proposed first MSR mission which is planned for 2004. The Tier II EIS will provide further details of the MSR mission, including the potential environmental impacts of returning a sample of Martian surface materials and atmosphere to Earth.

The Mars 2001 and 2003 missions are currently proposed to launch from Cape Canaveral Air Station (CCAS), Florida. The Mars 2001 orbiter is scheduled for launch in February 2001. The lander and rover are scheduled for launch in April 2001. The Mars 2003 orbiter, lander, and rover are proposed for launch in May 2003. The first proposed MSR mission, including orbiter, lander and Earth reentry capsule, is scheduled for a single launch in November 2004. Environmental impacts to be considered are those impacts associated with a normal launch from CCAS, and the potential radiological and non-radiological risks of launch accidents. The Mars 2001 and 2003 missions may require the use of up to eight Radioisotope Heater Units (RHU's) for each mission, and minor quantities of Curium-242, Curium-244, and Cobalt–57 for scientific instrumentation. The MSR mission may require the use of up to thirty RHU's.

DATES: Interested parties are invited to submit comments or environmental concerns on or before May 18, 1998 to assure full consideration during the scoping process.

ADDRESSES: Comments should be addressed to Mr. Mark R. Dahl, NASA Headquarters, Code SD, Washington, DC 20546–0001. While hard copy comments are preferred, comments by electronic mail may be sent to marsscop@hq.nasa.gov.

FOR FURTHER INFORMATION CONTACT: Mark R. Dahl, 202–358–1544; electronic mail (marsscop@hq.nasa.gov).

SUPPLEMENTARY INFORMATION: The goal of the Mars Surveyor Program is to understand Mars in terms of life, climate and resources. The specific goals of the 2001, 2003, and MSR missions are to: Do a detailed exploration and characterization of selected areas of the Martian surface; characterize, collect, cache (store) and return samples of the Martian surface materials and atmosphere; map the global geochemical and mineralogical composition of Mars; acquire data on the radiation environment of Mars; demonstrate the viability of in-situ propellant production; and demonstrate aerocapture and precision landing capabilities.

In accordance with the Mars Robotic Exploration Plan, one or two spacecraft to Mars are proposed to be launched during the time period around each orbital opportunity (approximately every twenty-six months). The missions could include the participation of scientists from the broad research community. The science community and industry would supply science instruments. These missions would be conducted in partnership with industry, and are to be executed within a specific funding profile. The Mars Surveyor Program would include the implementation of an education and outreach program. The 2001 and 2003 proposed mission plans, as defined at this time, include global observations from orbit and, from the surface, collections, storage and analysis of Martian soil and rock samples. The proposed MSR mission plan, as presently defined, includes returning to Earth for more extensive study that cache of samples from either the 2001 or 2003 caches, which is determined to be of most scientific interest. In order to ensure the maximum scientific payoff for the missions, the 2001 and 2003 landers would collect data for 100 days, and the rovers each would collect science data for about one Earth year. In order for the rovers and surface instruments to survive at the low Mars temperatures, RHU's are proposed for use on the rover and on the Mars In-situ Propellant Production instrument in 2001 and on the rover and possibly on instruments not yet selected on the 2003 lander. The landed elements of each of these missions may use up to eight RHU's. RHU's are also likely to be required for the larger MSR spacecraft, but the number and location of any RHU's are still to be determined. However, present planning suggests that the MSR mission may need to use up to thirty RHU's. Each RHU would contain approximately 2.7 grams (about 0.1 ounce) of plutonium dioxide.

NASA plans to address the environmental impacts of the Mars Surveyor Program through a two-tiered EIS process. The Tier I EIS will discuss the overall purpose and need for the Mars Surveyor Program. This EIS also will focus on the specific purpose and need for and the environmental impacts associated with the proposed Mars 2001 and 2003 missions, as well as alternatives to the proposals. Because of unavailable information, it is likely that the MSR mission will only be addressed in terms of a broad conceptual framework in the Tier I EIS. The Mars 2001 and 2003 missions would serve purposes and needs independent of whether or not the MSR is ultimately approved. The Record of Decision (ROD) issued pursuant to the Tier I EIS and other relevant information will

focus on the determination of whether or not to proceed with the proposed Mars 2001 and 2003 missions.

A decision on the MSR mission will be deferred until after the completion of the NEPA process associated with the Tier II EIS. NASA plans to focus the Tier II EIS on the purpose and need for the proposed MSR mission, other alternatives (both for launch and sample return to Earth), and the potential environmental impacts associated with the mission, including those related to the return of a Martian soil sample to Earth. Another notice of intent to prepare an EIS and conduct scoping will be issued at the initiation of the NEPA process for the Tier II EIS.

Alternatives to be considered in the Tier I EIS include but are not limited to:

—Alternative launch vehicles
—Alternative mission configurations for the Mars 2001 and 2003 missions
—Alternative launch sites
—Alternative means to maintain a spacecraft, lander, and rover environment which will permit extended operation of equipment and instruments
—Other means to meet the purpose and need
—The "no action" alternative which defines the baseline conditions that would prevail in the absence of the Mars Surveyor Program

The Tier I EIS will consider the potential environmental impacts associated with the proposed Mars 2001 and 2003 missions, and to the extent that information is available, the proposed MSR mission. Preliminary thinking on potential environmental impacts indicates that the Tier I EIS should focus on those associated with both the normal launches of the spacecraft and accident situations.

Written public input and comments on environmental impacts and concerns associated with the Mars Surveyor Program are hereby solicited.

Jeffrey E. Sutton,

Acting Associate Administrator for Management Systems and Facilities.

[FR Doc. 98–8797 Filed 4–2–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Advisory Committee on the Records of Congress; Meeting

AGENCY: National Archives and Records Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Archives and Records Administration (NARA) announces a meeting of the Advisory Committee on the Records of Congress. The committee advises NARA on the full range of programs, policies, and plans for the Center for Legislative Archives in the Office of Records Services.

DATES: April 29, 1998, from 10:00 a.m. to 11:30 a.m.

ADDRESSES: United States Capitol Building, Room EF–100.

FOR FURTHER INFORMATION CONTACT: Michael L. Gillette, Director, Center for Legislative Archives, (202) 501–5350.

SUPPLEMENTARY INFORMATION:

Agenda

L.C. Law Library/National Digital Library
Update—Legislative Information Systems
Report—Project 2000 Proposals—Marking the 200th Anniversary of the Occupation of the US Capitol
Update—Center for Legislative Archives
Other current issues and new business

The meeting is open to the public.

Dated: March 27, 1998.

Mary Ann Hadyka,

Committee Management Officer.

[FR Doc. 98–8728 Filed 4–2–98; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities Arts and Artifacts Indemnity Panel Advisory Committee; Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, in Room 714, from 9:00 a.m. to 5:30 p.m., on Monday, May 4, 1998.

The purpose of the meeting is to review applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities for exhibitions beginning after July 1, 1998.

Because the proposed meeting will consider financial and commercial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated July 19, 1993, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of views and to avoid interference with the operations of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Nancy E. Weiss, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, or call 202/606–8322.

Nancy E. Weiss,

Advisory Committee Management Officer.

[FR Doc. 98–8726 Filed 4–2–98; 8:45 am]

BILLING CODE 7536–01–M

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Nancy E. Weiss, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to

Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* April 3, 1998.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Special Projects, submitted to the Division of Public Programs projects at the January 12, 1998 deadline.

2. *Date:* April 6, 1998.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs, for projects at the January 12, 1998 deadline.

3. *Date:* April 7, 1998.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs, for projects at the January 12, 1998 deadline.

4. *Date:* April 16–17, 1998.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Education Development and Demonstration in Schools for a New Millennium, submitted to the Division of Research and Education for projects at the April 1, 1998 deadline.

5. *Date:* April 20–21, 1998.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Education Development and Demonstration in Schools for a New Millennium, submitted to the Division of Research and Education for projects at the April 1, 1998 deadline.

6. *Date:* April 23, 1998.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for School Teachers in World Civilizations, submitted to the Division of Research and Education, for projects at the March 1, 1998 deadline.

7. *Date:* April 24, 1998.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for School Teachers in Modern European History and Culture submitted to the Division of Research and Education, for projects at the March 1, 1998 deadline.

8. *Date:* April 27–28, 1998.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Education Development and Demonstration in Schools for a New Millennium, submitted to the Division of Research and Education, for projects at the April 28, 1998 deadline.

9. *Date:* April 28, 1998.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for School Teachers in Classical, Medieval and Early Modern Studies, submitted to the Division of Research and Education, for projects at the March 1, 1998 deadline.

10. *Date:* April 29, 1998.
Time: 9:00 a.m. to 5:00 p.m.
Room: 315.
Program: This meeting will review applications for Summer Seminars and Institutes for School Teachers in American Studies, submitted to the Division of Research and Education, for projects at the March 1, 1998 deadline.

11. *Date:* April 30–May 1, 1998.
Time: 8:30 a.m. to 5:00 p.m.
Room: 415.
Program: This meeting will review applications for Education Development and Demonstration in Schools for a New Millennium, submitted to the Division of Research and Education, for projects at the April 1, 1998 deadline.

Nancy E. Weiss,

Advisory Committee Management Officer.

[FR Doc. 98–8727 Filed 4–2–98; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No: 030–17711, License No: 52–19438–01, EA 98–108]

In the Matter of NDT Services, Inc., Caguas, Puerto Rico; Order Suspending License (Effective Immediately)

I

NDT Services, Inc. (Licensee or NDTS) is the holder of Material License No. 52–19438–01 (License) issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The License authorizes possession and use of up to 100 curies of Iridium 192 in each sealed radiography source and up to 20 curies of Cobalt 60 in each sealed radiography source for performing industrial radiography. The License was originally issued on August 21, 1980, was most recently amended on December 12, 1995, and is due to expire on January 31, 2002.

II

On August 6 and October 4, 1997, the NRC Region II staff performed inspections at the Licensee's facility and a temporary job site at the Puerto Rico Electric Power Authority's San Juan Power Station. The inspections determined that the Licensee had not conducted its activities in accordance with NRC requirements. On November 7, 1997, the NRC issued Inspection Report No. 52–19438–01/97–01 and Notice of Violation (Notice) citing the Licensee for five violations identified during the inspections. Briefly summarized, the violations involved the Licensee's: (1) use of a set of Operating and Emergency Procedures that were not evaluated or approved by the NRC; (2) certification of individuals as radiographers who had not received required training; (3) failure to conduct surveys or continuous monitoring where a source was being exposed; (4) failure of an assistant radiographer to recharge his pocket dosimeter at the beginning of his shift; based upon the inspector's observation and the assistant radiographer's statement to the inspector that he usually recharged his dosimeter when it reached a reading of about 50 millirem and that he was unaware of the requirement to recharge the dosimeter at the beginning of each shift; and (5) failure to provide hazardous materials transportation training to its employees. In an unsigned and undated written response, which was sent by facsimile to the NRC on December 5, 1997, the Licensee responded to the Notice. As a result of NRC questions concerning the Licensee's response, the Licensee submitted a second signed but undated response to the NRC, which was received by the NRC on March 17, 1998. In its second response, the Licensee did not contest four of the violations; however, with regard to the hazardous materials training violation, the Licensee disputed the violation.

On August 26, 1997, the NRC Office of Investigations (OI) initiated an investigation to determine whether the Licensee and any of its employees had willfully violated NRC requirements. In addition, on February 6, 1998, the NRC inspected the Licensee's activities at a temporary job site, Puerto Rico Power Authority's Costa Sur Power Station. The OI investigation of these matters is still ongoing. Nonetheless, based on the February 6, 1998 inspection and the OI evidence to date, the following violations, in addition to the violations

described in the November 7, 1997 Notice, have been identified to date:

A. On February 6, 1998, the Licensee failed during two separate source exposures at the Costa Sur Power Station to conduct operations so that the dose in any unrestricted area did not exceed 2 millirem in any one hour, as required by 10 CFR 20.1301(a)(2). Specifically, during the first exposure the Licensee performed radiography operations in a manner that created a dose in an unrestricted area of 22 millirems in an hour based on a radiation field of 73 millirems per hour (mR/hr) during an 18-minute exposure. Following identification of this example by the NRC inspector, the NRC inspector reminded the Licensee radiographer of the NRC requirements to survey and monitor areas surrounding the radiography area to ensure that radiation areas in unrestricted areas were not inadvertently created or that members of the public were not being unnecessarily exposed to radiation. However, approximately 30 minutes after the inspector's reminder, the Licensee radiographer again performed radiography such that a dose was created in another unrestricted area of 6 millirems in an hour based on a radiation field of 19 mR/hr during an 18-minute exposure. The 19 mR/hr radiation level was confirmed by the Licensee radiographer using two survey meters.

B. On February 6, 1998, the Licensee failed during two separate source exposures (described in Paragraph II.A of this Order) to perform adequate surveys and continuous monitoring, as required by License Condition No. 21 (which requires the Licensee to comply with Section 6.3.1 of its application dated October 25, 1991). Specifically, during these source exposures, no surveys or continuous monitoring were conducted on levels above or below the level where radiography was being conducted to ensure that radiation levels were within permissible limits and that no one was being inadvertently exposed to radiation. The failure to perform adequate surveys and continuous monitoring is a repeat of a violation identified during the August and October 1997 inspections.

C. On February 6, 1998, the Licensee failed during two separate source exposures to post radiation areas, as required by 10 CFR 20.1902(a). Specifically, during these source exposures, the Licensee radiographer failed to post the radiation areas described in Paragraphs II.A and II.B of this Order. In addition, notwithstanding the inspector's reminder of the need to post radiation areas, during the second source exposure, the radiographer did not comply with 10 CFR 20.1902(a) in that the radiographer continued to perform radiography activities (i.e., the second source exposure) without posting the radiation area.

D. On February 6, 1998, the Licensee failed to control the restricted areas that are described in Paragraphs II.A and II.B of this Order, as required by License Condition 21 (which requires the Licensee to comply with Sections 6.1.1 and 6.4 of its application of October 25, 1991). Specifically, during the inspection, a non-licensee employee of the Costa Sur Power Station, a member of the public, indicated he had observed the radiographic operations while standing within the radiation areas that should have been posted.

E. Transcribed sworn statements by one or more individuals indicate that, on multiple occasions between 1994 and 1997, the Licensee allowed multiple individuals to work as radiographers when the individuals failed to meet the training requirements, as required by License Condition 12 (which requires that licensed material be used by or under the supervision and in the physical presence of trained individuals).

F. Transcribed sworn statements by one or more individuals indicate that, on multiple occasions in 1994 and 1995, the Licensee permitted assistant radiographers to conduct radiographic operations without wearing dosimetry, as required by 10 CFR 34.33 (the requirement in effect at the time of occurrence), and that, in 1995, Licensee employees who retrieved a disconnected source at the Phillips Chemical Company facility in Guayama, Puerto Rico, intentionally removed their dosimetry and thereby failed to comply with 10 CFR 34.33.

G. Transcribed sworn statements by one or more individuals indicate that, in 1995, the Licensee failed to report the source disconnect event that occurred at the Phillips facility, referenced in Paragraph II.F of this Order, as required by 10 CFR 34.30 (the requirement in effect at the time of occurrence).

H. The Licensee failed to maintain, or provide to the NRC, complete and accurate information, contrary to 10 CFR 30.9. Specifically:

1. A daily pocket dosimeter reading log, required to be maintained by 10 CFR 34.83(a) (the requirement in effect at time of occurrence), reflected that, prior to the beginning of the shift on October 4, 1997, a pocket dosimeter had been recharged when, in fact, it had not.

2. The Licensee's undated responses to the November 7, 1997 Notice, which are described above, were inaccurate. Specifically, in response to the violation involving the failure of the assistant radiographer to recharge his pocket dosimeter at the beginning of his shift, the Licensee stated in both responses that the [assistant] radiographer "did not remember making the statement that he recharged his dosimeter when it reached about 50 mR or that he was unaware of the requirement to recharge the dosimeter at the beginning of each shift." This assertion was not correct in that the employee was directed to sign an internal document indicating that he did not recall making such statement, when he had made the statement.

3. Training records required by 10 CFR 34.31(c) (the requirement in effect at time of occurrence) and License Condition 21 (which requires the Licensee to conduct classroom training in accordance with Section I of its application dated October 25, 1991), documented that two individuals had received 40 hours of radiation safety training on August 31, 1994, and January 10, 1995, respectively. However, the Licensee only gave the individuals NUREG BR–0024, "Working Safely in Gamma Radiography," and asked them to read it.

4. Radiation exposure records for calendar year 1995, required to be maintained by 10 CFR 20.2106(a), did not reflect actual doses received by Licensee employees who retrieved a disconnected source in 1995 described in Paragraph II.F of this Order because the involved employees removed their dosimetry.

I. Transcribed sworn statements by one or more individuals indicate that, on multiple occasions between 1994 and 1997, and with the knowledge of the Licensee's President/Radiation Safety Officer and the Assistant Radiation Safety Officer, Licensee radiographers allowed radiographers' assistants to conduct radiographic operations while unsupervised, in violation of 10 CFR 34.44 (the requirement in effect at the time of occurrence).

J. Transcribed sworn statements by one or more individuals indicate that, on multiple occasions between 1994 and 1997, Licensee radiographers failed to stop work when Licensee employees' pocket dosimeters went off-scale, in violation of License Condition 21 (which requires the Licensee to meet Section 2.5.2 of its application dated October 25, 1991).

III

In addition to the above, the Licensee's previous enforcement history is pertinent to this Order in that on July 16, 1996, the NRC issued to the Licensee

a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) for numerous and significant violations (EA 94–029). This Notice included violations that directly resulted from the misconduct of the Licensee's former President and former Radiation Safety Officer (RSO), who willfully disregarded regulatory requirements, falsified documents, and provided inaccurate and incomplete information to the NRC in violation of 10 CFR 30.9. The Notice cited the Licensee for, among other things, failure to utilize personnel who were trained and qualified as radiographers in accordance with the requirements of 10 CFR 34.31(a), providing false information to the NRC regarding the qualifications of two radiographers, and failure of two radiographers to wear alarming ratemeters during radiographic and source disconnect activities. In addition, on July 16, 1996, the NRC issued two individual Orders against the Licensee's former President and former RSO as a result of their deliberate misconduct. The Orders prohibited the former President and former RSO from engaging in any licensed activities for a period of five years. By letter dated August 15, 1996, the Licensee responded to the July 16, 1996 Notice. In its response, the Licensee admitted all of the violations. Among other things, it acknowledged that "NDTS Company officials ignored NRC and company regulations and procedures," and outlined its corrective actions.

Notwithstanding the Licensee's response to the July 16, 1996 Notice of Violation, the Licensee has again been either unwilling or unable to comply with numerous NRC requirements established to protect public health and safety. As described above, the Licensee has violated a number of NRC requirements which are extremely important to protecting public health and safety, including that of Licensee employees. Specifically, the Licensee allowed the conduct of radiographic operations by unsupervised, inadequately-trained radiographer's assistants, conducted operations such that the dose limits in controlled areas accessible to the public exceeded those specified in 10 CFR 20.1301, failed to post or control radiation areas, failed to monitor or conduct surveys in areas where a source was being exposed, failed to report a source disconnect event as required by NRC regulations, and failed to maintain complete and accurate numerous required records. These violations have potential serious adverse consequences for public health and safety because they could directly cause unnecessary exposures and overexposures to the public and Licensee employees. Therefore, the violations are of very significant regulatory concern, irrespective of whether they resulted from willful misconduct on the part of the Licensee, particularly in view of the potential safety consequences inherent in not controlling radiographic work sites and failing to properly train or supervise radiographers. In addition, the fact that many of the violations which have been identified to date are either repetitive or appear to be the result of willful misconduct on the part of Licensee employees is of further significant concern to the NRC. In addition, the Commission must be able to rely on its licensees to provide complete and accurate information to the Commission to ensure protection of public health and safety.

IV

Consequently, in light of the above, I lack the requisite reasonable assurance that the Licensee's current operations can be conducted under License No. 52–19438–01 in compliance with the Commission's requirements and that public health and safety, including the health and safety of Licensee employees, will be protected. Therefore, public health, safety, and interest require that License No. 52–19438–01 be suspended pending further order by the NRC and that licensed material be placed in locked, safe storage. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the violations and conduct described above is such that public health, safety, and interest require that this Order be immediately effective.

V

Accordingly, pursuant to Sections 81, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 30, *it is hereby ordered, effective immediately, that:*

A. The authority to perform radiographic operations under License No. 52–19438–01 is hereby suspended pending further Order by the NRC. The Licensee shall cease all radiographic operations and return all byproduct material possessed under this license to locked, safe storage at the Licensee's facilities. All other requirements of the License and applicable Commission requirements, including those in 10 CFR Part 20, remain in effect.

B. Within 24 hours following issuance of this Order, the Licensee shall contact Mr. Douglas M. Collins, Director, Division of Nuclear Materials Safety, NRC Region II, or his designee, through the NRC Operations Center at telephone number (301) 816–5100, and advise him of the current location, physical status, and storage arrangements of licensed material. A written response documenting this information shall be submitted, under oath or affirmation, to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW, Suite 23T85, Atlanta, Georgia 30303–3415 within seven days of receipt of this Order.

C. If the Licensee removes licensed material from locked storage, the Licensee shall notify NRC Region II 48 hours before removal of the licensed material. The notice shall be provided to Mr. Douglas M. Collins, Director, Division of Nuclear Materials Safety, NRC Region II, or his designee, at telephone number (404) 562–4700.

D. The Licensee shall not receive any NRC-licensed material while this Order is in effect.

E. All records related to licensed activities shall be maintained in their current form and must not be altered in any way.

The Regional Administrator, Region II, may, in writing, relax or rescind this order upon demonstration by the Licensee of good cause.

VI

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this order and set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U. S. Nuclear Regulatory Commission, ATTN: Chief, Rulemakings Adjudications Staff, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Deputy Assistant General Counsel

for Enforcement at the same address, and to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW, Suite 23T85, Atlanta, Georgia 30303 and to the Licensee if the hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(I), the Licensee may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

Dated at Rockville, Maryland this 27th day of March 1998.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Acting Deputy Executive Director for Regulatory Effectiveness.

[FR Doc. 98–8772 Filed 4–2–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–483]

In the Matter of Union Electric Company (Callaway Plant, Unit 1); Exemption

I

Union Electric Company (UE or the licensee) is the holder of Facility Operating License No. NPF–30, which authorizes operation of the Callaway Plant, Unit 1. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now and hereafter in effect.

The facility is a pressurized water reactor located at the licensee's site in Callaway County, Missouri.

II

Section 50.60(a) to 10 CFR Part 50 requires that, except as provided in Section 50.60(b), all light-water nuclear power reactors, other than reactor facilities for which the certifications required under Section 50.82(a)(1) have been submitted, must meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary set forth in Appendices G and H of 10 CFR Part 50. Section 50.60(b) of 10 CFR Part 50 states that proposed alternatives to the described requirements of Appendices G and H of Part 50 or portions thereof may be used when an exemption is granted by the Commission under 10 CFR 50.12.

III

By letter dated August 22, 1997, Union Electric Company requested that the NRC exempt the Callaway Plant, Unit 1 from the application of specific requirements of 10 CFR 50.60 and Appendix G to 10 CFR Part 50. Specifically, Union Electric proposes to use American Society for Mechanical Engineers (ASME) Code Case N–514 to permit setting the pressure setpoint of Callaway's cold overpressure mitigation system (COMS) such that the pressure-temperature (P–T) limits required by Appendix G of 10 CFR Part 50 could be exceeded by ten percent during a low temperature pressure transient.

The Commission has established requirements in 10 CFR Part 50 to protect the integrity of the reactor coolant system pressure boundary. As a part of these, Appendix G of 10 CFR Part 50 requires that P–T limits be established for reactor pressure vessels (RPVs) during normal operation and vessel hydrostatic testing. As stated in Appendix G, "The appropriate requirements on * * * the pressure-temperature limits * * * must be met for all conditions." In order to avoid approaching these P–T limit curves and provide pressure relief during low temperature overpressurization events, pressurized water reactor licensees have installed protection systems (COMS/LTOPS) as part of the reactor coolant system pressure boundary. Union Electric is required as part of the Callaway Plant Technical Specifications (TS) to develop, update, and submit reactor vessel P–T limits and COMS setpoints for NRC review and approval.

Union Electric determined that the exemption request from the provisions of 10 CFR 50.60 and Appendix G was necessary since these regulations require, as noted above, that reactor vessel conditions not exceed the P–T limits established by Appendix G. In referring to 10 CFR 50.12 on specific exemptions, Union Electric cited special circumstances regarding achievement of the underlying purpose of the regulation as their basis for requesting this exemption [10 CFR 50.12(a)(2)(ii)].

Union Electric noted in support of the 10 CFR 50.12(a)(2)(ii) criteria that the underlying purpose of the subject regulation is to establish limits to protect the reactor vessel from brittle failure during low temperature operation and that the COMS provides a physical means of assuring operation remains within these limits. Union Electric proposed that establishing the COMS pressure setpoint in accordance with the N–514 provisions, such that the vessel pressure would not exceed 110 percent of the P–T limit allowables, would still provide an acceptable level of safety and mitigate the potential for an inadvertent actuation of the COMS. The use of N–514 was based on the conservatisms which have been explicitly incorporated into the procedure for developing the P–T limit curves. This procedure, referenced from Appendix G to Section XI of the ASME Code, includes the following conservatisms: (1) A safety factor of 2 on the pressure stresses; (2) a margin factor applied to RT_{NDT} using Regulatory Guide 1.99, Revision 2, "Radiation Embrittlement of Reactor Vessel Materials;" (3) an assumed ¼T flaw with a 6:1 aspect ratio; and (4) a limiting material toughness based on dynamic and crack arrest data.

In addition, Union Electric stated that a COMS pressure setpoint should "also be high enough to prevent the inadvertent actuation of the COMS as a result of normal operating pressure surges. Application of the various instrument and calculational uncertainties has resulted in a COMS actuation setpoint that established an operating window that is too narrow to permit reasonable system makeup and pressure control." Such an inadvertent actuation could lead to the unnecessary release of reactor coolant inside containment and could introduce undesirable thermal transients in the RCS.

The Commission has determined that application of 10 CFR 50.60 in these particular circumstances is not

necessary to achieve the underlying purpose of that rule and that the use of Code Case N–514 would meet the underlying intent of the regulation. Based upon a consideration of the conservatisms which are explicitly defined in the Appendix G methodology, it was concluded that permitting the COMS setpoint to be established such that the vessel pressure would not exceed 110 percent of the limit defined by the P–T limit curves would provide an adequate margin of safety against brittle failure of the reactor vessel. This is also consistent with the determination that has been reached for other licensees under similar conditions based on the same considerations. Therefore, the exemption requested under the special circumstances of 10 CFR 50.12(a)(2)(ii) was found to be acceptable. The staff also agrees that limiting the potential for inadvertent COMS actuation may improve plant safety.

IV

The Commission has determined that, pursuant to 10 CFR 50.12, this exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Union Electric Company an exemption from the requirements of 10 CFR 50.60 in order to apply ASME Code Case N–514 for determining the Callaway plant's cold overpressurization mitigation system pressure setpoint.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (63 FR 14739).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 30th day of March 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–8770 Filed 4–2–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Proposed Generic Communication; Guidance on the Storage, Preservation, and Safekeeping of Quality Assurance Records In Electronic Media (M98441)

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a generic letter to all holders of operating licenses for nuclear power plants, including those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel, to provide guidance on an acceptable method, and NRC staff expectations, for storing, preserving, and safekeeping quality assurance (QA) records in electronic media. The generic letter does not provide guidance on submitting electronic records to the NRC. The guidance provided supplements Regulatory Guide (RG) 1.88, Revision 2, and RG 1.28, Revision 3. No specific action or written response is required by the generic letter.

The proposed generic letter has been endorsed by the Committee to Review Generic Requirements (CRGR). Relevant information that was sent to the CRGR will be placed in the NRC Public Document Room.

The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed generic letter presented under the Supplementary Information heading. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter. The NRC's final evaluation will include a review of the technical position and, as appropriate, an analysis of the value/impact on licensees. Should this generic letter be issued by the NRC, it will become available for public inspection in the NRC Public Document Room.

DATES: Comment period expires June 2, 1998. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules and Directives Branch, Division of Administrative Services, U.S. Nuclear Regulatory Commission, Mail Stop T6–D59, Washington, DC 20555–0001. Written comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, D.C.

FOR FURTHER INFORMATION, CONTACT: Michael T. Bugg, (301) 415–3221.

SUPPLEMENTARY INFORMATION:

NRC Generic Letter XX–XX: Guidance of the Storage, Preservation, and Safekeeping of Quality Assurance Records in Electronic Media

Addressees

All holders of operating licenses for nuclear power plants, including those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this supplement to Generic Letter (GL) 88–18 to provide guidance on a methodology for storing, preserving, and safekeeping quality assurance (QA) records in electronic media. This generic letter supplement does not abrogate the guidance in Regulatory Guide (RG) 1.88, Revision 2, and RG 1.28, Revision 3. It also does not provide guidance on submitting electronic records to the NRC.

Background

Criterion VI, "Document Control," and Criterion XVII, "Quality Assurance Records," of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR Part 50), establish requirements for the issuance, identification, and retrievability of QA records.

American National Standards Institute (ANSI) N45.2.9–1974, "Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants," as endorsed by RG 1.88, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," Revision 2, and ANSI/ American Society of Mechanical Engineers (ASME)–NQA–1, 1983 edition, "Quality Assurance Program Requirements for Nuclear Facilities," as endorsed by RG 1.28, "Quality Assurance Program Requirements (Design and Construction)," Revision 3, describe NRC-accepted practices for the collection, storage, and maintenance of nuclear power plant QA records.

On October 20, 1988, the NRC staff issued GL 88–18, "Plant Record Storage on Optical Disks," to provide guidance on appropriate quality controls for an optical disk document imaging system. GL 88–18 expanded on the guidance provided by RG 1.88 and RG 1.28 to describe an acceptable method for storing QA documents in optical media in accordance with the applicable criteria in Appendix B to 10 CFR Part 50.

Discussion

Although the guidance in GL 88–18, RG 1.88, and RG 1.28 remains relevant and acceptable, licensees and nuclear steam system suppliers have suggested that additional guidance which addresses the acceptability of new information management technologies is needed. NRC regulations already recognize the appropriateness of storing and maintaining licensee records in electronic media. Specifically, paragraph (d)(1) of 10 CFR 50.71, "Maintenance of Records, Making of Reports," states, in part, that records that must be maintained pursuant to 10 CFR Part 50 "may also be stored in electronic media with the capability of producing legible, accurate, and complete records during the required retention period." Therefore, this generic letter supplement provides the additional guidance requested by the nuclear industry for the storage and maintenance of QA records in electronic media. The guidance provided herein only applies to QA records that are subject to the requirements of Appendix B to 10 CFR Part 50, as noted in a licensee's QA program description.

Recognizing that addressees are responsible for ensuring the integrity of QA records, the attachment to this generic letter provides guidance on establishing an electronic recordkeeping system to maintain the integrity, authenticity, and acceptability of QA records during their required retention period in accordance with the requirements of Appendix B to 10 CFR Part 50.

This guidance also pertains to developing methods to authenticate and prevent alteration or falsification of electronic records. While the guidance provided herein constitutes an acceptable method for satisfying the applicable provisions of Appendix B to 10 CFR Part 50 with regards to QA record storage in electronic media, this guidance does not supersede current QA record commitments in the addressees' QA program descriptions. Additionally, this generic letter does not provide guidance on the storage of records in electronic media pursuant to other regulations such as 10 CFR 73.21, "Requirements for the Protection of Safeguards Information."

Addressees using electronic media for storing, preserving, and safekeeping QA records should notify the NRC when updating their QA program description in accordance with 10 CFR 50.71(e) or 10 CFR 50.54(a), as appropriate. This submittal should describe the addressee's implementation of the guidance in this generic letter or otherwise describe how the relevant criteria in Appendix B to 10 CFR Part 50 continue to be satisfied if electronic media are used for storing, preserving, and safekeeping QA records.

Related Generic Communication

Generic Letter 88–18, "Plant Record Storage on Optical Disks," dated October 20, 1988.

Attachment 1—Guidance on the Storage, Preservation, and Safekeeping of Quality Assurance Records in Electronic Media

The Electronic Recordkeeping Subcommittee of the Regulations Committee of the Nuclear Information and Records Management Association, Inc. (NIRMA), has prepared a set of guidelines on the collection, storage, and maintenance of electronic quality assurance (QA) records for nuclear power plants. The guidelines included in NIRMA TG15–1993, "Management of Electronic Records" (which may be obtained from the Nuclear Information and Records Management Association, Inc., 210 Fifth Avenue, New York, New York 10010), are acceptable to the NRC staff and provide an adequate basis for complying with pertinent QA requirements of Appendix B to 10 CFR Part 50, subject to the following conditions related to the use of electronic signatures for authentication of records.

1. An electronic signature process should include (a) the printed name of the signer; (b) the date and time the signature is executed; (c) the meaning (such as review, approval, responsibility, or authorship) implied by the signature, which should not be used by, or assigned to, anyone else; (e) the organization responsible for establishing, assigning, certifying, or otherwise sanctioning an individual's electronic signature, or any element of such electronic signatures, which should be formally identified and duly authorized; and (f) electronic signatures linked to their respective electronic records to ensure that the signatures cannot be excised, copied, or otherwise transferred so as to falsify electronic records by ordinary means.

2. Electronic signatures that are not based upon biometrics (biometrics means a method of verifying an individual's identity on the bases of measurement of the individual's physical feature(s) or repeatable action(s) when those features and/or actions are both unique to that individual and measurable) should (a) employ at least two distinct identification components, such as an identification code and a password; (b) be used only by their genuine owners; and (c) be administered and executed to ensure that attempted use of an individual's electronic signature by anyone other than its genuine owner requires collaboration of two or more individuals. Electronic signatures based upon biometrics should be designed to ensure that they cannot be used by anyone other than their genuine owner.

3. Persons who use electronic signatures that are based upon use of identification codes in combination with passwords should employ controls to ensure their security and integrity. Such controls should include:

a. Ensuring that identification code and password issuance are periodically checked, recalled, or revised (e.g., to cover such events as password expiration as a result of employee departures).

b. The ability to electronically deactivate lost, stolen, missing, or otherwise potentially compromised tokens, cards, or other devices that bear or generate identification code or password information and to issue temporary or permanent replacements.

c. Use of transaction safeguards to prevent unauthorized use of passwords and/or identification codes and to immediately detect and report any unauthorized use to the system security unit and, as appropriate, to organizational management.

d. Initial and periodic testing of devices, such as tokens or cards, that bear or generate identification code or password information, to ensure that they function properly and have not been altered in an unauthorized manner.

Attachment 2—References

1. Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants" to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR).

2. Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71, "Maintenance of Records, Making of Reports."

3. Regulatory Guide 1.28, "Quality Assurance Program Requirements (Design and Construction), "Revision 3.

4. Regulatory Guide 1.88, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," Revision 2.

5. Generic Letter 88–18, "Plant Record Storage on Optical Disks," October 20, 1988.

6. American National Standards Institute (ANSI) N45.2.9–1974, "Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants."

7. American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME)–NQA–1, 1983 edition, "Quality Assurance Program Requirements for Nuclear Facilities."

8. Title 21, Chapter I, "Food and Drugs," of the Code of Federal Regulations (21 CFR), Part 11, "Electronic Records; Electronic Signatures, Department of Health and Human Services, Food and Drug Administration."

9. Nuclear Information and Records Management Association, Inc., (NIRMA) TG15–1993, "Management of Electronic Records."

Dated at Rockville, Maryland, this 26th day of March 1998.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Acting Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 98–8771 Filed 4–2–98; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[NUREG–1617]

Standard Review Plan for Transportation Packages for Spent Nuclear Fuel; Notice of Issuance and Availability

The United States Nuclear Regulatory Commission (NRC) has issued a draft report NUREG–1617 entitled "Standard Review Plan for Transportation Packages for Spent Nuclear Fuel" for review and comment.

The Standard Review Plan for Transportation Packages for Spent Nuclear Fuel provides guidance for the review and approval of applications for packages used to transport spent nuclear fuel under 10 CFR Part 71.

This standard review plan (SRP) is intended for use by the NRC staff. Its objectives are to (1) summarize 10 CFR Part 71 requirements for package approval, (2) describe the procedures by which the NRC staff determines that these requirements have been satisfied, and (3) document the practices developed by the staff in previous reviews of package applications.

Draft NUREG–1617 is available for inspection and copying, for a fee, at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, D.C. 20555–0001. A free copy of draft NUREG–1617 may be requested by writing to the U.S. Nuclear Regulatory Commission, Printing and Graphics Branch, Washington, DC 20555–0001.

Comments on all aspects of this draft document are solicited and will be considered and may be incorporated in the Standard Review Plan, as appropriate. Appendix C to NUREG-1617 contains a data form that will be used to aid the NRC staff in transcribing the comment. A photocopy of the Appendix C form or a similar form containing the same information should be used. Comments on draft NUREG–1617 should be submitted by July 6, 1998.

This Standard Review Plan is scheduled for publication as an NRC NUREG document in 1999. A separate Standard Review Plan for Transportation Packages for Radioactive Material, NUREG 1609, was issued for public comment in September 1997. To ensure consistency between the two standard review plans, comments on sections common to both plans will be incorporated, as appropriate, in both documents.

Mail comments to: Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop T–6 D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Comments may be hand-delivered to 11545 Rockville Pike, Rockville, Maryland between 7:30 am and 4:15 pm on Federal workdays.

Dated at Rockville, Maryland, this 30th day of March, 1998.

For the U.S. Nuclear Regulatory Commission.

Susan F. Shankman,

Acting Deputy Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98–8769 Filed 4–2–98; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23089; 812–10980]

BlackRock Funds, et al.; Notice of Application

March 27, 1998.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the "Act").

Summary of the Application

Applicants request an order under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act to permit certain common trust funds to transfer their assets to certain series of registered open-end management investment companies in exchange for shares of the series.

Applicants

BlackRock Funds, PNC Bank, National Association ("PNC Bank, N.A."), and PNC Select Equity Fund, PNC Large Cap Growth Equity Fund, PNC Large Cap Value Equity Fund, PNC Mid Cap Growth Equity Fund, PNC Mid Cap Value Equity Fund, PNC International Equity Fund, PNC Equity Growth & Income Fund, PNC Income Fund, and PNC Intermediate Bond Fund (collectively, the "Common Trust Funds").

Filing Date

The application was filed on January 26, 1998 and amended on March 12, 1998.

Hearing or Notification of Hearing

An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m., ET on April 21, 1998, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants c/o Robert P. Connolly, Esq., BlackRock, Inc., 1600 Market Street, 28th Floor, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: George J. Zornada, Branch Chief, at (202) 942–0564, Office of Investment Company Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the

Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549, (202) 942–8090.

Applicants' Representations

1. BlackRock Funds (formerly Compass Capital Funds) is an open-end management investment company registered under the Act. BlackRock offers its shares to the public in several series with varying investment objectives and policies.

2. PNC Bank, N.A. is a national banking association that acts as trustee for the Common Trust Funds. BlackRock, Inc., a wholly-owned subsidiary of PNC Bank, N.A., is an investment adviser registered under the Investment Advisers Act of 1940 and serves as investment adviser for each series of BlackRock Funds involved in the proposed transactions (the "Mutual Funds"). PNC Bank, N.A. is an indirect wholly-owned subsidiary of PNC Bank Corp. (PNCBC"), which is a publicly-held bank holding company. A defined benefit pension plan maintained for the benefit of employees of PNCBC and subsidiaries of PNCBC (the "Parent Company Plan") holds more than 5% of the outstanding voting shares of each of the Mutual Funds.

3. Each of the Common Trust Funds is a "common trust fund" as defined in section 584(a) of the Internal Revenue Code of 1986, as amended. The Common Trust Funds are excluded from the definition of "investment company" under section 3(c)(3) of the Act. Participants in the Common Trust Funds are trusts for which PNC Bank, N.A. and its affiliates that are part of a common control group (collectively, "PNC Bank"), each in its respective capacity, act as a trustee, executor, administrator, or guardian, or as a custodian under the Uniform Gifts to Minors Act ("Participants").

4. Applicants propose that the assets of the Common Trust Funds be transferred to the designated Mutual Funds in exchange for Institutional class shares of the designated Mutual Funds (the "CTF Conversion"). The assets of each of the Common Trust Funds would be transferred to the corresponding Mutual Fund as follows:

Common trust funds	Mutual funds
PNC Select Equity Fund	Select Equity Portfolio.
PNC Large Cap Growth Equity Fund	Large Cap Growth Equity Portfolio.
PNC Large Cap Value Equity Fund	Large Cap Value Equity Portfolio.
PNC Mid Cap Growth Equity Fund	Mid-Cap Growth Equity Portfolio.
PNC Mid Cap Value Equity Fund	Mid-Cap Value Equity Portfolio.
PNC International Equity Fund	International Equity Portfolio.
PNC Equity Growth & Income Fund	Large Cap Value Equity Portfolio.
PNC Income Fund [1]	Large Cap Value Equity Portfolio.
PNC Intermediate Bond Fund	Intermediate Bond Portfolio.

[1] The assets of the PNC Income Fund will be transferred to two series of BlackRock Funds—the Large Cap Value Equity Portfolio and the Managed Income Portfolio. The equity securities held by the PNC Income Fund will be transferred to the Large Cap Value Equity Portfolio and the fixed income securities will be transferred to the Managed Income Portfolio.

The CTF Conversion is scheduled to occur on May 1, 1998. Applicants also request relief for any future transactions in which common or collective trust funds for which PNC Bank acts as trustee propose to transfer assets to registered open-end management investment companies (or series thereof) that are (a) advised by PNC Bank, and (b) 5% or more owned by a defined benefit pension plan or other employee benefit plan (qualified or non-qualified) sponsored by PNC Bank ("Future Transactions"). Applicants state that they will rely on the requested relief with respect to Future Transactions only in accordance with the terms and conditions contained in this application.

5. Institutional class shares are offered without a front-end or deferred sales change, are not subject to any redemption fees, and do not bear any rule 12b–1 distribution fees. The assets of the Common Trust Funds to be transferred will be valued in accordance with the provisions of rule 17a–7(b), and the shares of the Mutual Funds issued will have an aggregate net asset value equal to the value of the assets transferred by the Common Trust Funds. Following the CTF Conversion, the Common Trust Funds will be terminated, and the shares of the Mutual Fund issued will be held by PNC Bank, N.A. directly under the instrument by which it acts as trustee. The shares of the Mutual Funds issued will be credited to the benefit of each Participant, *pro rata*, according to each Participant's interest in the respective Common Trust Fund immediately prior to the CTF Conversion.

6. With respect to the Mutual Funds, the CFT Conversion will be carried out in accordance with procedures previously adopted by the Mutual Fund's Board of Trustees (the "Board") under rule 17a–7(e), and the provisions of rule 17a–7(c), (d), and (f) will be satisfied with respect to the Mutual Funds. PNC Bank advised the Board that the investment objectives and policies of the Common Trust Funds and of their counterpart Mutual Funds, and the securities that they hold, are generally similar. In addition, the Board, including a majority of the trustees who are not interested persons, has determined that participation by the Mutual Funds in the CTF Conversion is in the best interest of the Mutual Funds and that the interests of existing shareholders of the Mutual Funds will not be diluted as a result of the CTF Conversion. These findings, and the basis on which they were made, will be recorded fully in the minute books of the Mutual Funds.

7. With respect to the Common Trust Funds, PNC Bank, as trustee, will have determined in accordance with its fiduciary duties as trustee and as fiduciary for the Participants that the proposed CTF Conversion is in the best interests of Participants in each of the Common Trust Funds. In making this determination, PNC Bank will take into account the anticipated benefits that are expected to flow to Participants, including increased liquidity, the availability of daily pricing, the accessibility of performance and other information concerning the Mutual Funds, as well as the similarity of the investment objectives and policies of the Common Trust Funds and the Mutual Funds, the anticipated tax treatment of the CTF Conversion, and the aggregate fee levels experienced and expected to be experienced by Participants before and after the CTF Conversion.

8. In some instances, under the trust instrument by which PNC Bank acts as trustee with respect to a Participant, investment authority may be shared with another party or parties and PNC Bank may be required to obtain consent or direction of such party or parties as

to whether the Participant will be included in the CTF Conversion. In the remaining instances, PNC Bank, acting alone in its fiduciary capacity, is authorized by such instruments and by applicable federal banking law and state fiduciary investment statutes to approve and cause the Participant to be included in the CTF Conversion. In those instances where an account party of the Participant does not exercise investment discretion but can terminate or transfer the fiduciary relationship with PNC Bank, such account party can direct PNC Bank to withdraw the Participant's investments from the Common Trust Fund before the CTF Conversion takes place. In all instances, detailed information concerning the terms of the proposed CTF Conversion, the Mutual Funds, applicable fee schedules, and other related information will be provided to Participants before the CTF Conversion takes place.

Applicants' Legal Analysis

1. Section 17(a) of the Act provides that it is unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, knowingly (a) to sell any security or other property to such registered investment company, or (b) to purchase from such registered investment company any security or other property. Section 2(a)(3) of the Act defines the term "affiliated person" of another person to include (a) any person owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of such other person; (b) any person controlling, controlled by, or under common control with, such other person; and, (c) if such other person is an investment company, any investment adviser thereof.

2. Because the Common Trust Funds might be viewed as acting as principal in the CTF Conversion, and because the Common Trust Funds and the Mutual Funds might be viewed as being under common control of PNCBC within the meaning of section 2(a)(3) of the Act, the CTF Conversion may be subject to the prohibitions of section 17(a).

3. Rule 17a–7 exempts certain purchase and sale transactions otherwise prohibited by section 17(a) if an affiliation exists soled by reason of having a common investment adviser, common directors, and/or common officers, provided, among other requirements, that the transaction involves a cash payment against prompt delivery of the security. The relief provided by rule 17a–7 may not be available for the CTF Conversion because the ownership of 5% or more of the outstanding voting shares of the Mutual Funds by the Parent Company Plan may create and affiliation "not solely by reason of" having a common investment adviser, common directors, and/or common officers. In addition, because the CTF Conversion is to be effected as an in-kind transfer, the transactions will be effected on a basis other than cash.

4. Rule 17a–8 exempts certain mergers, consolidations, and assets sales of registered investment companies from the provisions of section 17(a) of the Act if an affiliation exists solely by reason of having a common investment adviser, common directors, and/or common officers, provided, among other requirements, that the board of directors of each affiliated investment company make certain determinations that the transactions are fair. The relief provided by rule 17a–8 may not be available for the CTF Conversion because the Common Trust Funds are not registered investment companies. In addition, the relief provided by rule 17a–8 may not be available for the CTF Conversion because the ownership of 5% or more of the outstanding voting shares of the Mutual Funds by the Parent Company Plan may create an affiliation "not solely by reason of" having a common investment adviser, common directors, and/or common officers.

5. Section 17(b) provides that the Commission shall exempt a transaction from section 17(a) if evidence establishes that (1) the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching; (2) the proposed transaction is consistent with the policy of each registered investment company concerned; and, (3) the proposed transaction is consistent with the general purposes of the Act.

6. Section 6(c) of the Act provides that the Commission may exempt any person or transaction from any provision of the Act or any rule thereunder to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

7. Applicants seek an order under sections 6 (c) and 17(b) to allow the CTF Conversion and Future Transactions. Applicants submit that the CTF Conversion satisfies the standards for relief under sections 6 (c) and 17(b). Applicants state that the CTF Conversion will comply with rule 17a–7(b) through (f). Applicants assert that if the CTF Conversion was effected in cash, as required under rule 17a–7(a), instead of through in-kind transfers of assets for shares, the Common Trust Funds and their respective Participants would bear unnecessary expenses and inconvenience in transferring assets to the Mutual Funds, and that the purchase of similar securities by the Mutual Funds would result in the payment of additional commissions or incur the effects of markups. Applicants also state that the Board will have approved the CTF Conversion in the manner required by rule 17a–8.

Applicants' Conditions

1. The CTF Conversion will comply with rule 17a–7(b) through (f).

2. The CFT Conversion will not occur unless and until the Board, including a majority of the Board's disinterested members, finds that participation by the Mutual Funds in the CTF Conversion is in the best interest of existing shareholders of each Mutual Fund and that the interests of these shareholders will not be diluted as a result of the transaction. These findings, and the basis upon which they are made, will be recorded in the minute books of the Mutual Funds.

3. The CFT Conversion will not occur unless and until PNC Bank has determined in accordance with its fiduciary duties as trustee for the Common Trust Funds and as fiduciary for the Participants that the CFT Conversion is in the best interests of Participants in the Common Trust Funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Security.

[FR Doc. 98–8719 Filed 4–2–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23093; 812–10490]

EQ Advisors Trust and EQ Financial Consultants, Inc.; Notice of Application

March 30, 1998.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from section 15(a) of the Act and rule 18f–2 under the Act.

Summary of Application: The order would permit the investment adviser to certain portfolios of a registered open-

end management investment company to enter into subadvisory agreements without obtaining shareholder approval.

Applicants: EQ Advisors Trust (the "Trust"), on behalf of its existing and future portfolios, EQ Financial Consultants, Inc. (the "Manager"), and any future registered open-end management investment companies or portfolios advised by the Manager, or any entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Manager.[1]

Filing Dates: The application was filed on January 13, 1997, and amended on December 12, 1997, and March 27, 1998.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 23, 1998, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; the Trust, 1290 Avenue of the Americas, New York, New York 10104; and the Manager, 1755 Broadway, New York, New York 10019.

FOR FURTHER INFORMATION CONTACT: Brian T. Hourihan, Senior Counsel, at (202) 942–0526, or May Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549 (tel. (202) 942–8090).

Applicants' Representations

1. The Trust is an open-end management investment company registered under the Act. The Trust currently consists of eighteen separately managed portfolios (each a "Portfolio"), each of which has its own investment objective, policies, and restrictions. The Trust is the underlying investment medium for variable annuity and variable life insurance contracts ("Variable Contracts") issued by The Equitable Life Assurance Society of the United States ("Equitable").[2]

2. The Manager is registered as an investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act"). The Trust and the Manager have entered into an investment management agreement ("Management Agreement") pursuant to which the Manager advises the Trust and each Portfolio. The Manager has entered into separate advisory agreements ("Advisory Agreements") with ten investment advisers ("Advisers"), each registered under the Advisers Act. Each Portfolio is advised by a single Adviser and may, as determined by the Manager, be advised in the future by two or more Advisers.

3. Under the Management Agreement, one of the primary responsibilities of the Manager, subject to the supervision and direction of the board of trustees of the Trust (the "Board") is to provide the Trust with investment management evaluation services, principally by reviewing and recommending to the Board prospective Advisers for each Portfolio, and qualitative analysis, as well as periodic consultations with the Advisers. Each Adviser is approved by the Board, including a majority of the trustees who are not "interested persons" within the meaning of section 2(a)(19) of the Act (the "Independent Trustees") of the Trust, the Manager or the Advisers. In evaluating prospective Advisers, the Manager considers, among other factors, each Adviser's level of expertise, relative performance, consistency of results relative to overall market performance, and investment discipline or philosophy, as well as its personnel, facilities, financial strength, reputation, and quality of service. The Manager monitors the compliance of each Adviser with the investment objectives and policies of each Portfolio and monitors the performance of each Adviser to assess overall competence. The Manager is responsible for communicating performance expectations and evaluations to each Adviser, and, determines whether the Advisory Agreement with each Adviser will be renewed, modified, or terminated.

4. Subject to the general supervision and direction of the Manager and, ultimately, the Board, each Adviser to a Portfolio (i) furnishes an investment program that is in accordance with the Portfolio' stated investment objective and policies, (ii) makes investment decisions for the Portfolio, and (iii) places all orders to purchase and sell securities on the Portfolio' behalf. Each Adviser also performs certain limited administrative functions related to its services for the relevant Portfolio.

5. The Trust's investment advisory arrangements differ from those of traditional investment companies in that the Manager does not make the day-to-day investment decisions for the Portfolios. Rather, the Manager is responsible for employing and then continuously evaluating and monitoring the performance of Advisers for the Portfolios, and making determinations concerning their replacement or the reallocation of a portion of the assets of a Portfolio to an additional Adviser. In addition to selecting and monitoring Advisers, the Manager provides the Portfolios with overall management services (except to the extent that these services are performed by other service providers selected by the Trust). The Trust pays the Manager a fee for its services with respect to each Portfolio that is computed daily and paid monthly based on the value of the average daily net assets of each Portfolio. The Manager pays each Adviser a fee that is computed daily and paid monthly based on the value of the average daily net assets of the Portfolio or the portion of the Portfolio managed by that Adviser. The Trust is not responsible for compensating any Adviser in any manner.

Applicants' Legal Analysis

1. Section 15(a) of the Act makes it unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of the registered investment company. Rule 18f–2 under the Act provides that each series or class of stock in a series company affected by a matter must approve the matter if the Act requires a shareholder vote.

2. Section 6(c) authorizes the SEC to exempt persons or transactions from the provisions of the Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly

[1] All existing registered open-end management investment companies that currently intend to rely on the order have been named as applicants, and any other existing or future open-end management investment companies that rely on the order in the future will comply with the terms and conditions in the application.

[2] The Trust may in the future offer its shares to separate accounts funding Variable Contracts of insurance companies unaffiliated with Equitable, and to tax-qualified pension and retirement plans that are not separate accounts.

intended by the policies and provisions of the Act. Applicants request an order exempting them from section 15(a) and rule 18f–2 to the extent necessary to permit the Manager to enter into and materially amend the Advisory Agreements.

3. Applicants believe that shareholders in the Portfolios rely on the Manager's experience and expertise in selecting, evaluating, and, if necessary, firing the Advisers. Applicants state that the expenses of convening a special meeting of shareholders and conducting a proxy solicitation to obtain shareholder approval of a new Adviser and/or an amendment of an Advisory Agreement would be a substantial burden on the affected Portfolio. Applicants submit that permitting the Manager to perform the activities that it is paid by the Portfolios to perform—the selection, supervision, and evaluation of Advisers—without incurring unnecessary expense or delay is in the best interests of the shareholders and will allow each Portfolio to operate more efficiently. Applicants note that the Management Agreement between the Trust and the Manager will remain subject to shareholder approval.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Portfolio may rely on the order, the operation of the Portfolio as described in the application will be approved by a majority of the Portfolio's outstanding voting securities (or, if the Portfolio serves as a funding medium for any sub-account of a registered separate account, then pursuant to voting instructions provided by the unitholders of the sub-account), as defined in the Act, or, in the case of a new Portfolio whose public shareholders purchased shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder before offering shares of such Portfolio to the public.

2. Each Portfolio will disclose in its prospectus the existence, substance, and effect of the order. In addition, each Portfolio will hold itself out to the public as employing the management structure described in the application. The prospectus will prominently disclose that the Manager has ultimate responsibility to oversee Advisers and recommend their hiring, termination, and replacement.

3. At all times, a majority of the Trustees of the Trust will be Independent Trustees, and the nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

4. The Manager will not enter into an Advisory Agreement with an Adviser that is an "affiliated person" (as defined in section 2(a)(3) of the Act) of the Portfolio or the Manager, other than by reason of serving as an Adviser to a Portfolio (an "Affiliated Adviser"), without the agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Portfolio (or, if the Portfolio serves as a funding medium for any sub-account of a registered separate account, then pursuant to voting instructions by the unitholders of the sub-account).

5. When an Adviser change is proposed for a Portfolio with an Affiliated Adviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board's minutes, that the change is in the best interests of the Portfolio and its shareholders (or, if the Portfolio serves as a funding medium for any sub-account of a registered separate account, in the best interests of the Portfolio and the unitholders of any sub-account) and that the change does not involve a conflict of interest from which the Manager or the Affiliated Adviser derives an inappropriate advantage.

6. Within 90 days of the hiring of any new Adviser, shareholders (or, if the Portfolio serves as a funding medium for any sub-account of registered separate account, the unitholders of the sub-account) will be furnished all information about the new Adviser or Advisory Agreement that would be included in a proxy statement. The information will include any change in the disclosure caused by the addition of a new Adviser. The Manager will meet this condition by providing shareholders (or, if the Portfolio serves as a funding medium for any sub-account of a registered separate account, then by providing the unitholders of the sub-account), within 90 days of the hiring of an Adviser, with an information statement meeting the requirements of Regulation 14C and Schedule 14C under the Securities Exchange Act of 1934 (the "Exchange Act"). The information statement will also meet the requirements of Schedule 14A of the Exchange Act.

7. The Manager will provide general management services to each Portfolio, including overall supervisory responsibility for the general management and investment of each Portfolio's securities portfolios, and, subject to review and approval by the Board will (i) set each Portfolio's overall investment strategies, (ii) select Advisers, (iii) when appropriate, recommend to the Board, the allocation and reallocation of a Portfolio's assets among multiple Advisers, (iv) monitor and evaluate the investment performance of Advisers, and (v) implement procedures reasonably designed to ensure that the Advisers comply with the relevant Portfolio's investment objective, policies, and restrictions.

8. No Trustee or officer of the Trust, or director or officer of the Manager will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by that Trustee, director, or officer) any interest in an Adviser except for (i) ownership of interests in the Manager or any entity that controls, is controlled by, or is under common control with the Manager, or (ii) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly traded company that is either an Adviser or an entity that controls, is controlled by, or is under common control with an Adviser.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–8779 Filed 4–2–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23088; 812–10712]

Lord Abbett Investment Trust, et al.; Notice of Application

March 27, 1998.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application under section 12(d)(1)(J) of the Investment Company Act of 1940 (the "Act") for an exemption from section 12(d)(1)(G)(i)(II) of the Act and pursuant to section 17(d) of the Act and rule 17d–1 under the Act.

Summary of Application

The order would permit a fund of funds relying on section 12(d)(1)(G) to make investments in equity and debt securities and would permit applicants to enter into certain expense sharing arrangements.

Applicants

Lord Abbett Investment Trust ("Investment Trust"), Lord Abbett Affiliated Fund, Inc. ("Affiliated Fund"), Lord Abbett Bond-Debenture

Fund, Inc. ("Bond-Debenture Fund"), Lord Abbett Developing Growth Fund, Inc. ("Developing Growth Fund"), Lord Abbett Equity Fund, Lord Abbett Mid-Cap Value Fund, Inc., Lord Abbett Global Fund, Inc., Lord Abbett Securities Trust, Lord Abbett Research Fund, Inc., Lord Abbett Tax-Free Income Fund, Inc., Lord Abbett Tax-Free Income Trust, Lord Abbett U.S. Government Securities Money Market Fund, Inc. (collectively, "Lord Abbett Funds"), any registered open-end management investment company organized in the future, including any series thereof, that is part of the same "group of investment companies," as defined in section 12(d)(1)(G)(ii) of the Act, as the Lord Abbett Funds and is advised by Lord Abbett & Co. ("Lord Abbett"), and Lord Abbett.

Filing Dates

The application was filed on July 1, 1997, and amended on February 27, 1998. Applicants have agreed to file an amendment during the notice period, the substance of which is included in this notice.

Hearing or Notification of Hearing

An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 20, 1998, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writers' request, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 767 Fifth Avenue, New York, NY 10153.

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenlees, Branch Chief, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. (202) 942–8090).

Applicant's Representations

1. Each of the applicants other than Lord Abbett is an open-end management investment company registered under the Act. Some of the applicants are organized as series companies. Investment Trust currently has five series, including the Balanced Series ("Balanced Series"). Lord Abbett Securities Trust currently has four series, including the Alpha Series ("Alpha Series") and the International Series ("International Series"). The Lord Abbett Research Fund, Inc. currently has three series, including the Small-Cap Series ("Small-Cap Series").

2. Lord Abbett, an investment adviser registered under the Investment Advisers Act of 1940, is the investment adviser for each of the applicants.

3. The investment objective of the Balanced Series is to seek current income and capital growth. The Balanced Series invests in a combination of equity and fixed-income securities. The investment objective of the Affiliated Fund is long-term growth of capital and income without excessive fluctuations in market value. Normally, the Affiliated Fund invests in equity securities of large companies (including securities convertible into common stocks), which are expected to perform above average with respect to earnings and appreciation. The investment objective of the Bond-Debenture Fund is high current income by investing primarily in convertible and discount debt securities.

4. To date, the Balanced Series has attempted to achieve its investment objective by investing directly in equity and debt securities. The Balanced Series now believes it may be preferable to achieve its investment objective by investing in the Affiliated Fund and the Bond-Debenture Fund. For tax reasons, the Balanced Series believes it would be preferable to shift its investments into those Funds gradually. Accordingly, any assets that are not invested in the Affiliated Fund or the Bond-Debenture Fund will continue to be invested directly in portfolio securities.[1] The Balanced Series expects that within the next year, it will be entirely invested in the types of securities specified in section 12(d)(1)(G) and thus no longer will need to rely on the exemption from section12(d)(1)(G) sought in the application.

5. The Alpha Series seeks long-term capital appreciation. Currently, the Alpha Series invests in the Developing Growth Fund, the International Series, and the Small-Cap Series in reliance on section 12(d)(1)(G).

[1] The Balanced Series will invest in investment companies only to the extent contemplated by the requested relief.

6. Applicants anticipate that in the future one or more registered open-end management investment companies that are part of the same group of investment companies, as defined in section 12(d)(1)(G)(i)(II) of the Act, as the Lord Abbett Funds and are advised by Lord Abbett may operate as a fund of funds in reliance on section 12(d)(1)(G). As used herein, the term "Top Fund" refers to the Balanced Series, the Alpha Series, and any other applicant that operates as a fund of funds in reliance on section 12(d)(1)(G). The term "Underlying Fund" refers to the Affiliated Fund, the Bond-Debenture Fund, the Developing Growth Fund, the International Series, the Small-Cap Series, and any other applicant in which a Top Fund invests. Applicants currently anticipate that the existing investment company applicants, other than the Balanced Series and the Alpha Series, would be Underlying Funds, rather than Top Funds, although applicants cannot foreclose the possibility that one or more of the existing investment company applicants other than the Balanced Series and the Alpha Series would be Top Funds.

7. Lord Abbett may charge an advisory fee to the Balanced Series with respect to that portion of the assets of the Balanced Series invested directly in stocks, bonds and other instruments. With respect to the portion of the assets of the Balanced Series invested in the Affiliated Fund or the Bond-Debenture Fund (and thus during the period the Balanced Series is relying on the relief from section 12(d)(1)), Lord Abbett will not charge any advisory fee to the Balanced Series except subject to the determination required by condition 2 to the application that the fee is based upon services under an investment advisory contract that are additional to, rather than duplicative of, services provided pursuant to the advisory contracts of the Affiliated Fund and the Bond-Debenture Fund.

8. Both the Affiliated Fund and the Bond-Debenture fund currently have five classes of shares, Class A, B, and C shares, and two new classes of shares, Class P and Y shares. It is anticipated that the Balanced Series will purchase Class Y shares of the Affiliated Fund and the Bond-Debenture Fund. Currently, Class Y shares are not subject to sales loads (front-end or deferred) or distribution or shareholder servicing fees under a rule 12b–1 plan. The Affiliated Fund and the Bond-Debenture Fund each anticipate that, under their rule 18f–3 plans, only fees under a 12b–1 plan applicable to a specific class (net of any contingent deferred sales charge ("CDSC") paid with respect to shares of

such class and retained by the Fund) will be allocated on a class-specific basis.

9. The Balanced Series currently has two classes of shares, Class A and C shares. Class A shares are subject to a front-end sales load and a plan of distribution under rule 12b–1, but the plan of distribution is not currently operative. Class C shares currently are subject to a CDSC of 1% for shares redeemed within one year and a plan of distribution under rule 12b–1 that authorizes payments to authorized institutions of (a) a service fee and a distribution fee, at the time shares are sold, not to exceed 0.25 and 0.75 of 1%, respectively, of the net asset value of the shares, and (b) at each quarter-end after the first anniversary of the sale of the shares, fees for services and distribution at annual rates not to exceed 0.25 and 0.75 of 1%, respectively, of the average annual net asset value of the shares outstanding. Applicants reserve the right to add, delete or change any of these sales loads, charges and fees in the future, subject to condition 1 to the requested relief and any other provisions or limitations of applicable law. Most of the remaining applicants are multiple class funds in reliance on rule 18f–3 under the Act.

10. The Top Funds and the Underlying Funds intent to enter into one or more servicing arrangements (each a "Servicing Arrangement"). The Arrangement would provide that each Underlying Fund would bear the expenses of the Top Fund (in proportion to the average daily value of the Underlying Fund's shares owned by the Top Fund), excluding any advisory fees and distribution expenses, provided that the aggregate value of the Top Fund expenses borne is less than the value of benefits expected to flow to that Underlying Fund as a result of the Top Fund's investment therein. The expenses of a Top Fund paid or assumed by an Underlying Fund will not be treated as a class-based expense by the Underlying Fund. To the extent that applicants enter into a Servicing Arrangement, they will do so only in accordance with condition 3 to the application.

Applicants' Legal Analysis

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(G) of the Act provides that section 12(d)(1) will not apply to securities of an acquired company purchased by an acquiring company if: (a) the acquiring company and the acquired company are part of the same group of investment companies; (b) the acquiring company holds only securities of acquired companies that are part of the same group of investment companies, government securities, and short-term paper; (c) the aggregate sales loads and distribution-related fees of the acquiring company and the acquired company are limited; and (d) the acquired company has a policy that prohibits it from acquiring securities of registered open-end investment companies or registered unit investment trusts in reliance on section 13(d)(1)(F) or (G).

3. Applicants request relief from section 12(d)(1)(G)(i)(II) to the extent necessary to permit the Balanced Series, the Affiliated Fund, and the Bond-Debenture Fund to operate as fund of funds within each requirement of section 12(d)(1)(G) of the Act, with the exception of the requirement that the Balanced Series limit its investments in individual securities to Government securities and short-term paper.

4. Section 12(d)(1)(J) of the Act provides that the SEC may exempt persons or transactions from any provision of section 12(d)(1) if and to the extent that the exemption is consistent with the public interest and the protection of investors.

5. Applicants state that the proposed arrangement would comply with section 12(d)(1)(G), but for the fact that the Balanced Series, in addition to investing in the Underlying Funds, wishes to retain the flexibility to invest directly in stocks, bonds and other instruments until it has eliminated all unrecognized capital gains in its existing portfolio. Applicants expect that the Balanced Series eventually will invest only in instruments permitted by section 12(d)(1)(G)(i)(II). Applicants submit that the Balanced Series' proposed direct investments in securities and other instruments as described in the application do not raise any of the concerns that section 12(d)(1) was designed to address.

6. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, acting as principal, from participating in any joint arrangement with the investment company unless the SEC has issued an order authorizing the arrangement. Applicants state that each of the investment company applicants would be deemed to be an affiliated person of each other applicant, by virtue of having a common adviser and common officers and directors. Consequently, the Servicing Arrangements under which one or more of the applicants may pay a portion of the administrative expenses of another applicant could be viewed as joint transactions, enterprises or arrangements within the meaning of section 17(d) and rule 17d–1.

7. In determining whether to grant an exemption under rule 17d–1, the SEC considers whether the investment company's participation in the joint enterprise is consistent with the provision, policies, and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

8. Applicants state that a Top Fund, by investing its assets in an Underlying Fund, enables the Underlying Fund to spread the Underlying Fund's expenses over a larger asset base. Applicants further submit that the Top Funds are expected to generate benefits or savings for the Underlying Funds due to the reduced shareholder servicing expenses that result from the reduction in the number of shareholder accounts.

9. Applicants believe that any Servicing Arrangement would be advantageous to each applicant and that the participation of the investment companies would not be on a basis less advantageous or different from that of any other participants. In particular, applicants note that each Underlying Fund would pay a Top Fund's expenses only in direct proportion to the average daily value of the Underlying Fund's shares owned by the Top Fund to ensure that expenses of the Top Fund would be borne proportionately and fairly. In addition, applicants state that, prior to an Underlying Fund's entering into a Servicing Arrangement, and at least annually thereafter, the board of directors of the Underlying Fund, including a majority of directors who are not interested persons of the Underlying Fund (the "Board"), must determine that the Servicing Arrangement will result in quantifiable benefits to each class of shareholders of

the Underlying Fund and to the Underlying Fund as a whole that will exceed the costs of the Servicing Arrangement borne by each class of shareholders of the Underlying Fund and by the Underlying Fund as a whole ("Net Benefits"). In making the annual determination, one of the factors the Board must consider is the amount of Net Benefits actually experienced by each class of shareholders of the Underlying Fund and the Underlying Fund as a whole during the preceding year. For these reasons, applicants believe that the requested relief meets the standards of section 17(d) and rule 17d–1.

Applicants' Conditions

The applicants agree that any order granting the requested relief will be subject to the following conditions:

1. The Balanced Series, the Affiliated Fund, and the Bond-Debenture Fund will comply with section 12(d)(1)(G) of the Act, except for the requirement set forth in section 12(d)(1)(G)(i)(II) to the extent that the Balanced Series invests in securities as described in the application.

2. Before approving any advisory contract under section 15 of the Act, the directors of the Investment Trust, including a majority of the directors who are not "interested persons," shall find that the advisory fees, if any, charged under such contract are based on services provided that are in addition to, rather than duplicative of, services provided pursuant to the advisory contracts of the Affiliated Fund and the Bond-Debenture Fund. Such finding, and the basis upon which the finding was made, will be recorded fully in the minute books of the Investment Trust.

3. Prior to an Underlying Fund's entering into a Servicing Arrangement, and at least annually thereafter, the board of directors of the Underlying Fund, including a majority of directors who are not interested persons of the Underlying Fund (the "Board"), must determine that the Servicing Arrangement will result in quantifiable benefits to each class of shareholders of the Underlying Fund and to the Underlying Fund as a whole that will exceed the costs of the Servicing Arrangement borne by each class of shareholders of the Underlying Fund and by the Underlying Fund as a whole ("Net Benefits"). In making the annual determination, one of the factors the Board must consider is the amount of Net Benefits actually experienced by each class of shareholders of the Underlying Fund and the Underlying Fund as a whole during the preceding year. The Underlying Fund will preserve for a period of not less than six years from the date of a Board determination, the first two years in an easily accessible place, a record of the determination and the basis and information upon which the determination was made. This record will be subject to examination by the SEC and its staff.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26851]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

March 27, 1998.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 21, 1998, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Central and South West Services, Inc. (70–8531)

Central and South West Services, Inc. ("CSWS"), 1616 Woodall Rodgers Freeway, P.O. Box 660164, Dallas, Texas 75266, a service company subsidiary of Central and South West Corporation ("CSW"), a registered holding company, has filed a post-effective amendment to an application under sections 9(a) and 10 of the Act and rule 54 under the Act.

By orders dated April 26, 1995 (HCAR No. 26280) and December 11, 1997 (HCAR No. 26794) ("Orders"), the Commission authorized CSWS to use excess resources in its engineering and construction department, not needed to provide services to associates within the CSW system at any given time, to provide power plant control system procurement, integration and programming services, and power plant engineering and construction services to nonassociate utilities through December 31, 2002.

CSWS now proposes to expand the authority granted in the Orders to more clearly identify the excess engineering and construction services[1] and provide related environmental[2] and equipment maintenance services[3] to nonassociate companies.

American Electric Power Co., et al. (70–8693)

American Electric Power Company, Inc. ("AEP"), 1 Riverside Plaza, Columbus, Ohio, 43215, a registered holding company, and its eight wholly owned electric utility subsidiary companies, Appalachian Power Company ("Appalachian"), Kingsport Power Company ("Kingsport"), both at 40 Franklin Road, S.W., Roanoke, Virginia, 24011, Columbus Southern Power Company ("Columbus"), 215 North Front Street, Columbus, Ohio, 43215, Indiana Michigan Power Company ("Indiana"), One Summit Square, P.O. Box 60, Fort Wayne, Indiana, 46801, Kentucky Power

[1] The engineering and construction services will relate to: consulting; design engineering; power quality; predictive maintenance; energy efficiency; field construction support and field construction; control system integration and engineering; project development (small cogeneration, steam production and renewable resources); production facilities operation; instrument engineering; electrical engineering; mechanical engineering; civil engineering and procurement activities.

[2] The environmental services activities will relate to: Gas emission equipment; continuous emission monitoring system; environmental laboratory; environmental & occupational health strategic planning; environmental & occupational health permitting; environmental & occupational health management systems; and environmental & occupational health compliance management.

[3] The equipment maintenance services ("Equipment Services") will be limited to equipment used by CSW and its subsidiaries in their core utility business. The Equipment Services will consist of: repair, overhaul, and upgrades to equipment; machine shop services; vibration analysis and equipment balancing; welding and fabrication; field consulting and machining.

Company ("Kentucky"), 1701 Central Avenue, Ashland, Kentucky, 41101, Ohio Power Company ("Ohio"), 301 Cleveland Avenue, S.W., Canton, Ohio, 44701, AEP Generating Company ("Generating"), 1 Riverside Plaza, Columbus, Ohio, 43215, and Wheeling Power Company ("Wheeling"), 51 Sixteenth St., Wheeling, West Virginia, 26003, have filed a post-effective amendment to a declaration filed under sections 6(a), 7 and 12(b) of the Act and rules 45 and 54 under the Act.

By order dated December 8, 1995, (HCAR No. 26424) ("Order"), the Commission authorized AEP, Appalachian, Columbus, Indiana, Kentucky and Ohio to issue and sell, through December 31, 2000, short-term notes to banks and commercial paper. The Order also authorized Generating, Kingsport, and Wheeling to issue and sell, through December 21, 2000, short-term notes to banks.

The Order authorized short-term notes and/or commercial paper in amounts not to exceed:

Company	Amount
AEP	$150,000,000
Appalachian	250,000,000
Columbus	175,000,000
Indiana	175,000,000
Kentucky	150,000,000
Generating	100,000,000
Kingsport	30,000,000
Ohio	250,000,000
Wheeling	30,000,000
Total	1,310,000,000

Applicants now request that the Order be amended to authorize short-term notes ("Notes") and commercial paper ("Commercial Paper") in the following increased amounts:

Company	Amount
AEP	$500,000,000
Appalachian	325,000,000
Columbus	300,000,000
Indiana	300,000,000
Kentucky	150,000,000
Generating	100,000,000
Kingsport	30,000,000
Ohio	400,000,000
Wheeling	30,000,000
Total	2,135,000,000

Applicants also request that the Commission extend its authorization through December 31, 2003. Finally, AEP requests authorization to guarantee up to $40 million in short-term debt of American Electric Power Service Corporation. The debt AEP requests authority to guarantee matures within 270 days.

The Notes will mature within 270 days. The Commercial Paper will be in the form of promissory notes in denominations of not less than $50,000 and will mature within 270 days.

Applicants also request authorization to issue unsecured promissory notes or other evidence of their reimbursement obligations in respect of letters of credit issued on their behalf by certain banks. All promissory notes or other evidence of reimbursement obligations, together with other short-term indebtedness authorized, would be in an aggregate amount not to exceed the above-itemized aggregate amounts authorized for each Applicant and would mature within 270 days.

New England Electric System, et al. (70–9089)

New England Electric System ("NEES"), a registered holding company, and its subsidiary companies, Massachusetts Electric Company, Narragansett Energy Resources Company, New England Electric Transmission Corporation, New England Energy Incorporated, New England Hydro-Transmission Electric Company, Inc., New England Hydro-Transmission Corporation, New England Power Company ("NEP"), and New England Power Service Company, all located at 25 Research Drive, Westborough, Massachusetts 01582, and Granite State Electric Company, 407 Miracle Mile, Suite 1, Lebanon, New Hampshire 03766, Nantucket Electric Company, 25 Fairgrounds Road, Nantucket, Massachusetts 02554, and The Narragansett Electric Company, 280 Melrose Street, Providence Rhode Island 02901 (collectively, "Applicants"), have filed a post-effective amendment to their application-declaration under sections 6(a), 7, 9(a), 10, and 12(b) of the Act and rules 43 and 45 under the Act.

By order dated October 29, 1997 (HCAR No. 26768) ("October 1997 Order"), the Commission, among other things, authorized, for the period from November 1, 1997 through October 31, 2001: (1) NEP to borrow from the NEES intrasystem money pool ("Money Pool"); (2) any one Applicant, or a combination of several Applicants, to loan money to one or more of the Applicants through the Money Pool under the current terms of the Money Pool; (3) NEP to borrow from banks; and/or (4) NEP to issue commercial paper. The October 1997 Order authorized NEP to borrow money and/or issue commercial paper in an amount up to $375 million.

Applicants now propose that NEP be authorized to increase from $375 million to $750 million the total amount of the short-term borrowing authorized by the October 1997 Order. As of March 1, 1998, NEP had $209 million of short-term debt outstanding in the form of commercial paper and money pool borrowings. In addition, NEP has $372 million of variable rate tax-exempt mortgage bonds outstanding ("Bonds"). Under the terms of these Bonds, NEP is obligated to repurchase the bonds in the event they cannot be remarketed to investors. NEP has a $205 million bond purchase facility to support this obligation. Thus, NEP requires $376 million to support the remaining Bonds plus the authorized level of short-term debt.

NEP currently has 1,100 megawatts of purchased power contracts. NEP may have opportunities to negotiate or buy out these purchased power contracts, which may require lump sum, up front payments. Also, upon divestiture of its non-nuclear generation assets, NEP is required to defease by either first call or maturity its outstanding mortgage bonds ($711 million of which support fixed or variable rate tax-exempt mortgage bonds and $240 million of which are publicly held). The repurchase of some of these publicly held bonds through a tender offer or open market purchases may achieve cost savings. Therefore, NEP seeks to increase its short-term borrowing authority by an additional $375 million.

American Electric Power Company, Inc., et al. (70–9145)

American Electric Power Company, Inc. ("AEP"), a registered holding company, and its wholly owned nonutility subsidiaries AEP Resources, Inc. ("AEPR"), AEP Energy Services, Inc. ("AEPES"), and AEP Resources Services company ("Resco"), all located at 1 Riverside Plaza, Columbus, Ohio 43215, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c) and 13(b) of the Act and rules 45, 46, 54, 87 and 90 under the Act.

AEPR requests authority to enter, either directly or indirectly, into a joint venture ("Management Company") with Conoco Inc. ("Conoco"), a subsidiary of E.I. du Pont de Nemours and Company ("DuPont"). The Management Company would provide energy-related services to industrial, commercial and institutional customers. AEPR also requests authority to enter, either directly or indirectly, into a joint venture ("Capital Company") with Conoco and DuPont that would provide financing to Management Company customers for energy-related assets and for the purchase of services from Management Company.

The energy-related services to be provided by Management Company would include energy facility management services, energy conservation services, procurement services, other energy services and incidental services. These services would be provided either directly by Management Company or by special purpose subsidiaries established to conduct these activities.

Energy facility management services include the day-to-day operations, maintenance, and management, and other technical and administrative services required to operate, maintain and manage certain energy-related assets ("Energy Facilities"), as well as long-term planning and-budgeting for and evaluation of improvements to those assets. "Energy Facilities" include facilities and equipment that are used by industrial, commercial and institutional entities to produce, convert, store and distribute (i) thermal energy products, such as processed steam, heat, hot water, chilled water, and air conditioning, (ii) electricity, (iii) compressed air, (iv) processed and potable water, (v) industrial gases, such as nitrogen, and (vi) other similar products. Energy Facilities also include related facilities that transport, handle and store fuel, such as coal handling and oil storage tanks, and facilities that treat waste for these entities, such as scrubbers, precipitators, cooling towers and water treatment facilities.

National Fuel Gas Company, et al. (70–9175)

National Fuel Gas Company ("National"), a registered holding company, and its wholly owned nonutility subsidiary, National Fuel Gas Supply Corporation ("Supply"), both located at 10 Lafayette Square, Buffalo, New York 14203, have filed an application-declaration under sections 6(a), 7, 9(a) and 10 of the Act and rule 43 under the Act.[4]

Supply is engaged in the interstate transportation and storage of natural gas subject to the jurisdiction of the Federal Energy Regulatory Commission. Cunningham Natural Gas Corporation ("Cunningham"), a New York corporation that is not associated with the National Fuel Gas System, is a nonutility company that operates two natural gas wells, one in Allegany County, New York, and the other in Potter County, Pennsylvania.[5]

Supply and Cunningham have entered into an Asset Purchase and Reorganization Agreement dated October 8, 1997 ("Agreement"), under which Supply, subject to certain conditions including Commission approval under the Act, will acquire substantially all the assets of Cunningham ("Assets"). the Assets to be acquired by supply include the following:

(1) Cunningham's two natural gas wells, and related pipeline's, equipment, vehicles, leases, sales agreements and other property used in the production of natural gas;

(2) Cunningham's cash, cash equivalents and receivables (except as identified in footnote 4, below);

(3) Approximately 640 acres of undeveloped timber property in Allegany County, New York;

(4) Any marketable securities that remain in Cunningham's accounts with two investment brokers[6] at the time the Exchange (as defined below) is consummated ("Closing").[7]

In exchange for the Assets, Cunningham will receive registered shares of National's common voting stock, $1 par value ("Shares"), having an aggregate market value ("Consideration") as of the end of the last business day immediately preceding the Closing ("Valuation Date") equal to the sum of the following: (1) the cash and cash equivalents to be transferred to Supply; (2) the market value as of the Valuation Date of any securities to be transferred to Supply (although it is expected that no securities will be transferred); (3) the unpaid balance of Cunningham's receivables from its gas sales customer; (4) the fair market value of the real property owned by Cunningham according to appraisals to be commissioned by Supply and Cunningham; and (5) an agreed-upon amount of additional consideration. Applicants have estimated that the sum of the above five asset categories will be approximately $3.158 million. A final determination of the exact value of the Consideration for the Assets and the precise number of Shares given in exchange for them will be made on the Valuation Date.

Applicants state that, based on *pro forma* financial states, if the exchange of Assets for Shares ("Exchange") had been consummated on November 30, 1997, Cunningham would have received 67,641 Shares, or less than 2/10 of 1% of the 38,251,307 shares of National's common stock issued and outstanding as of March 17, 1998, and the market value of the Shares ($3.158 million) would also have amounted to a small fraction of 1% of the total assets of national and its subsidiaries, which totaled $2,350,588,000 as of November 30, 1997. Applicants state that the Exchange is expected to qualify for nonrecognition of gain or loss under section 368 of the Internal Revenue Code.

The Shares to be exchanged for Cunningham's Assets will be registered with the Commission under the Securities Act of 1933, issued in compliance with any applicable state Blue Sky Laws, and listed on the New York Stock Exchange. The Shares will be exchanged without preference over any outstanding common stock of National as to dividends or distribution, and will have equal voting rights with, all outstanding common stock of National. In order to effectuate the Exchange, National will issue the Shares to Supply, and Supply will, in turn, pay National an amount equal to the Consideration for the Shares.[8] Supply will then exchange the Shares for the Assets.[9]

Applicants state that section 2(b) of the Gas Related Activities Act of 1990 ("GRAA") is applicable to the proposed acquisition of Cunningham's natural gas

[4] National and its subsidiaries are collectively referred to as the "National Fuel Gas System." In addition to Supply, National's subsidiaries consist of National Fuel Gas Distribution Corporation ("Distribution"), Seneca Resources Corporation, Utility Constructors, Inc., Leidy Hub, Inc., Horizon Energy Development, Inc., Data-Track Account Services, Inc., National Fuel Resources, Inc., Highland Land & Minerals, Inc., Niagara Trading Inc., Niagara Independence Marketing Company, and Seneca Independence Pipeline Company. Distribution, National's only utility subsidiary, sells natural gas and provides natural gas transportation services through a local distribution system located in an area in western New York and northwestern Pennsylvania that includes Buffalo, Niagara Falls and Jamestown, New York and Erie and Sharon, Pennsylvania. Neither National nor any of its subsidiaries currently has an ownership interest in an exempt wholesale generator or foreign utility company as defined, respectively, in sections 32 and 33 of the Act.

[5] Cunningham also operates a number of shallow oil wells in Pennsylvania.

[6] One account is with Salomon Smith Barney, and the other is with Edward Jones. At this time, these accounts consist entirely of money funds and certificates of deposit.

[7] The following assets of Cunningham will be excluded from the Exchange: (1) Cunningham's oil wells and any equipment or other property used by Cunningham in the production and sale of oil, which will be sold to one or more other parties in separate transactions; (2) an amount of cash or cash equivalents (not to exceed $300,000) retained by Cunningham to pay deferred compensation obligations predating the Agreement; and (3) two pickup trucks and one brine truck, which will be sold to one or more other parties in separate transactions.

[8] Supply plans to finance this payment to National through borrowings from the National Fuel Gas System money pool. *See* Holding Co. Act Release No. 26443 (December 28, 1995).

[9] The Agreement contemplates that, following the Exchange, Cunningham would wind up its affairs under a plan of liquidation, where its shareholders would receive the Shares in exchange for their Cunningham common stock.

properties for purposes of determining whether the functional relationship requirement of section 11(b)(1) of the Act is satisfied.[10] In this regard, Applicants state that the proposed acquisition is expected to improve operations of Supply's underground natural gas storage facilities in Allegany and Steuben Counties, New York, and will be: (1) in the interest of Supply's direct and indirect transportation and storage customers, including Distribution, National's public utility subsidiary and its customers; and (2) nondetrimental to its customers, the public interest, investors or the proper functioning of the National Fuel Gas System.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–8718 Filed 4–2–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26850]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

March 27, 1998.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declarant(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 21, 1998, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant application(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Northeast Utilities, et al. (70–9185)

Notice of Proposal To Issue Securities; Order Authorizing Solicitation of Proxies

Northeast Utilities ("NU"), a registered holding company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01090–0010, its utility subsidiaries Western Massachusetts Electric Company and Holyoke Water Power Company, both located at 174 Brush Hill Avenue, West Springfield, Massachusetts 01090–0010, The Connecticut Light and Power Company and Northeast Nuclear Energy Company, both located at 107 Selden Street, Berlin, Connecticut 06037, Public Service Company of New Hampshire and North Atlantic Energy Service Corporation, both located at 1000 Elm Street, Manchester, New Hampshire 03105, and NU's nonutility subsidiary Northeast Utilities Service Company, located at 107 Selden Street, Berlin, Connecticut 06037 (collectively, "Participating Subsidiaries"), have filed an application-declaration under sections 6(a), 7, 9(a), 10 and 12(e) of the Act and rules 54, 62 and 65 under the Act.

On January 13, 1988, NU's Board of Trustees approved an incentive plan ("Incentive Plan"), an employee share purchase plan ("Purchase Plan" and together with the Incentive Plans, "Plans"), and a stock compensation plan. NU now proposes to solicit proxies from its shareholders for their approval of the Plans at NU's 1998 annual shareholder meeting, scheduled for May 12, 1998.

In addition, NU proposes to issue its common shares, par value $5 ("Common Stock"), in connection with the Plans. The maximum number of shares that NU may issue for awards or grants under the Incentive Plan [1] in any calendar year is one percent of the number of shares outstanding as of the last day of the previous calendar year. The maximum number of shares that NU may issue for purchases under the Purchase Plan in any calendar year is one-half of percent of the number of shares outstanding as of the last day of the previous calendar year. These limitations are subject to adjustment in the event of a recapitalization, stock split, merger, combination, exchange or similar corporate transaction.

In addition, the Participating Subsidiaries propose to acquire up to 1.3 million shares of Common Stock on the open market (less than one percent of the shares outstanding as of December 31, 1997) during the years 1998 through 2007. These shares would be used to provide incentive compensation to employees other than through grants and awards under the Incentive Plan.

Assuming shareholder approval, the Incentive Plan will be effective as of January 1, 1998 and the Purchase Plan will be effective on July 1, 1998. The Plans will terminate ten years from their respective effective dates, unless terminated earlier by the Board or, for the Incentive Plan, unless extended by Board vote, subject to shareholder approval. Each of the Plans will be administered by the Compensation Committee of NU's board of trustees (or its delegate), which is composed exclusively of non-employee members of the board.

The Incentive Plan provides for annual cash or stock-based bonus awards for eligible officers of NU and participating subsidiaries based on fulfillment of various company and individual performance goals. The Incentive Plan also provides for grants for eligible officers, employees and contractors of NU and participating subsidiaries of NU. The grants may take the form of stock options, restricted stock, stock appreciation rights, or performance units whose value depends on the value of the Common Stock. The Incentive Plan also provides for the grant of stock options to non-employee trustees of NU, at prices equal to fair market value as of the date of the grant.

Under the Purchase Plan, eligible employees of the Participating Subsidiaries will be given the opportunity to purchase newly-issued shares of Common Stock periodically through payroll deduction. The price of a share will generally be 85 percent of its fair market price. officers who receive stock option grants under the Incentive Plan will not be eligible for the discounted price, but may purchase shares under the Purchase Plan at a price generally set equal to their fair market value.

NU states that the purpose of the Incentive Plan is to provide incentive

[10] Section 2(b) of the GRAA provides that the functional relationship requirement of section 11(b)(1) of the Act will be deemed satisfied if the Commission determines that "(1) * * * such acquisition is in the interest of consumers of each gas utility company of [the] registered company or consumers of any other subsidiary of such registered company; and (2) * * * such acquisition will not be detrimental to the interest of consumers of any such gas utility company or other subsidiary or to the proper functioning of the registered holding company system."

[1] This includes shares issued upon exercise of options granted under the Plan.

compensation that will assist NU in recruiting and retaining talented employees and to further align their interests with those of NU shareholders. NU also states that the purpose of the Purchase Plan is to allow employees to participate in share ownership, which NU states will be beneficial to both the employees and NU.

It appears to the Commission that the application-declaration, to the extent it relates to the proposed proxy solicitation, should be permitted to become effective immediately under rule 62(d).

It Is Ordered, that the application-declaration, to the extent that it relates to the proposed Proxy Solicitations be, and it hereby is, permitted to become effective immediately, under rule 62 and subject to the terms and conditions prescribed in rule 24 under the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–8721 Filed 4–2–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26852]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

March 27, 1998.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 21, 1998, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Entergy Corporation (70–9189)

Notice of Proposal To Issue and Sell Common Stock; Order Authorizing Solicitation of Proxies

Entergy Corporation ("Entergy"), 639 Loyola Avenue, New Orleans, Louisiana 70113, a registered holding company, has filed a declaration under sections 6(a) , 7 and 12(e) under the Act and rules 54, 62 and 65.

The Entergy Board of Directors ("Board") has adopted the 1998 Equity Ownership Plan of Entergy Corporation and Subsidiaries ("Equity Plan"), subject to shareholder approval. The Equity Plan will be an amendment and restatement of Entergy's current Equity Ownership Plan which was approved by its stockholders in 1991. Awards granted under the Equity Plan are intended to qualify as performance based compensation under section 162(m) of the Internal Revenue Code of 1986, as amended.

Entergy proposes, through December 31, 2008, to grant Options Restricted Shares, Performance Shares and Equity Awards, all as defined in the Equity Plan, and to issue or sell up to 12 million shares of its common stock, $0.01 par value ("Common"), under the Equity Plan. The purpose of the Equity Plan is to give certain designated officers and executive personnel ("Key Employees") and outside directors an opportunity to acquire shares of Common to tie more closely their interests with those of Entergy's shareholders and to reward effective corporate leadership.

The Common will be available for awards under the Equity Plan, subject to adjustment for stock dividends. stock splits, recapitalizations, mergers, consolidations or other reorganizations. Shares of Common awarded under the Equity Plan may be either authorized but unissued shares or shares acquired in the open market. Shares of Common covered by awards which are not earned, or which are forfeited for any reason, and Options which expire unexercised, will again be available for subsequent awards under the Equity Plan. To the extent that shares of Common previously held in a participant's name are surrendered upon the exercise of an Option or shares relating to an award are used to pay withholding taxes, the shares will become available for subsequent awards under the Equity Plan.

The Equity Plan will be administered by the Board's Personnel Committee, or any other committee designated by the Board ("Committee"), to the extent required to comply with rule 16b–3 under the Securities Exchange Act of 1934, as amended. The Committee will have the exclusive authority to interpret the Equity Plan. The Committee also will have the authority to select, from among Key Employees and outside directors of Entergy and its subsidiaries, those individuals to whom awards will be granted, to grant any combination of awards to any participants and to determine the specific terms and conditions of each award.

The Equity Plan will be submitted to Entergy's shareholders for approval at the Annual Meeting of Stockholders to be held May 15, 1998 ("Meeting"). Approval of the Equity Plan requires the affirmative vote of the holders of a majority of the Common represented and entitled to vote at the Meeting. Entergy proposes to solicit proxies from its shareholders to approve the Equity Plan. Entergy requests that an order authorizing the solicitation of proxies be issued as soon as practicable under rule 62(d).

It appears to the Commission that the declaration, to the extent that it relates to the proposed solicitation of proxies, should be permitted to become effective immediately under rule 62(d).

It is Ordered, that the declaration, to the extent that it relates to the proposed solicitation of proxies, be permitted to become effective immediately, under rule 62 and subject to the terms and conditions prescribed in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–8722 Filed 4–2–98; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3057]

State of California; Amendment #4

In accordance with information received from the Federal Emergency Management Agency, the above-numbered Declaration is hereby amended to extend the deadline for filing applications for physical damage as a result of this disaster to May 8, 1998.

All other information remains the same, i.e., the deadline for filing applications for economic is November 9, 1998.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 23, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–8775 Filed 4–2–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3069]

State of Georgia; Amendment #1

In accordance with notices from the Federal Emergency Management Agency dated March 20 and 24, 1998, the above-numbered Declaration is hereby amended to include the following counties in the State of Georgia as a disaster area due to damages caused by severe storms and flooding beginning on March 7, 1998 and continuing: Bibb, Brantley, Carroll, Dawson, Evans, Grady, Habersham, Hall, Lamar, Rabun, Tattnall, and White.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Banks, Barrow, Bryan, Camden, Cherokee, Fannin, Forsyth, Gilmer, Gwinnett, Jackson, Lumpkin, Pickens, Stephens, Towns, and Union Counties in Georgia; Clay, Jackson, and Macon Counties in North Carolina; and Oconee County in South Carolina. Any counties contiguous to the above-name primary counties and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is May 10, 1998 and for economic injury the termination date is December 11, 1998.

The economic injury number for North Carolina is 978600.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 25, 1998.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 98–8774 Filed 4–2–98; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Information Collection Activities: Proposed Collection Requests and Comment Requests

This notice lists information collection packages that will require submission to the Office of Management and Budget (OMB), as well as information collection packages submitted to OMB for clearance, in compliance with Pub. L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995.

I. The information collection(s) listed below require(s) extension(s) of the current OMB approval(s) or are proposed new collection(s):

1. Representative Payee Evaluation Report—0960–0069. The information on Form SSA–624 is used by SSA to accurately account for the use of Social Security benefits and Supplemental Security Income (SSI) payments received by representative payees on behalf of an individual. The respondents are individuals and organizations, who (as representative payees) received Form SSA–623/6230 and failed to respond, provided unacceptable responses which cannot be resolved or reported a change in custody.

Number of Respondents: 250,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Average Burden: 125,000 hours.

2. Request for Address Information from Motor Vehicles Records; and Request for Address Information from Employment Commissions Records—0960–0341. The information on Forms SSA–L711 and L712 is used by SSA to determine the current address for missing debtors. The respondents are State agencies who have entered into agreements with SSA to provide the requested information.

	SSA–L711	SSA–L712
Number of Respondents.	1,300	1,100.
Frequency of Response.	1	1.
Average Burden Per Response.	2 minutes ..	2 minutes.
Estimated Annual Burden.	43 hours ...	37 hours.

3. Child-Care Dropout Questionnaire—0960–0474. The information on Form SSA–4162 is used by SSA to determine whether zero earnings years can be dropped out when computing a claimant's benefit. The respondents are applicants for Disability Insurance benefits, who may qualify for a higher primary insurance amount because of having a child in care for certain years.

Number of Respondents: 2,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Average Burden: 167 hours.

4. Medical History and Disability Report, Disabled Child—0960–0577. The information collected on Form SSA–3820 is needed for the determination of disability by the State Disability Determination Services. The SSA–3820 will be used to obtain various types of information about a child's condition, his/her treating sources and/or other medical sources of evidence. The respondents are applicants for disability benefits.

Number of Respondents: 523,000.

Frequency of Response: 1.

Average Burden Per Response: 40 minutes.

Estimated Annual Burden: 348,667 hours.

5. Disability Report—0960–0579. The information collected on Form SSA–3368 is needed for the determination of disability by the State Disability Determination Services. The information will be used to develop medical evidence and to assess the alleged disability. The respondents are applicants for disability benefits.

Number of Respondents: 2,438,500.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 1,219,250 hours.

6. Work History Report—0960–0578. The information collected on Form SSA–3369 is needed for the determination of disability by the State Disability Determination Services. The respondents are applicants for disability benefits. The information will be used to document an individual's past work history.

Number of Respondents: 1,000,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 500,000 hours.

Written comments and recommendations regarding the information collection(s) should be sent on or before June 2, 1998, directly to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Nicholas E. Tagliareni, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

In addition to your comments on the accuracy of the agency's burden

estimate, we are soliciting comments on the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

II. The information collection(s) listed below have been submitted to OMB:

1. Request to have Supplemental Security Income Overpayment Withheld from My Social Security Benefits—0960–0549. The information on Form SSA–730–U2 is used by SSA to verify that a beneficiary has freely, voluntarily and knowingly requested that an SSI overpayment be recovered from his or her Old-Age, Survivors and Disability Insurance benefits. The respondents are overpaid SSI beneficiaries who agree to have the overpayments withheld from their Social Security benefits.

Number of Respondents: 10,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 833 hours.

2. Farm Self-Employment Questionnaire—0960–0061. The information on Form SSA–7156 is used by SSA to determine whether an agricultural trade or business exists and to verify possible covered earnings for Social Security entitlement purposes. The respondents are claimants for benefits who allege covered earnings from agricultural self-employment.

Number of Respondents: 47,500.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 7,917 hours.

3. Supplemental Statement Regarding Farming Activities of Person Living Outside the U.S.A.—0960–0103. SSA uses Form SSA–7163A to collect needed information whenever a Social Security beneficiary or claimant reports work on a farm outside the U.S. The data are used for the purpose of making a determination of work deduction. The respondents are Social Security beneficiaries or claimants who are engaged in farming activities outside the U.S.

Number of Respondents: 1,000.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 1,000 hours.

4. Earnings Record Information—0960–0505. The information on Form SSA–L3231–C1 is used by SSA to ensure that the proper person is credited with earnings reported for a minor under age 7. The respondents are businesses reporting earnings for children under age 7.

Number of Respondents: 20,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 3,333 hours.

5. Employer Verification of Earnings After Death—0960–0472. The information on Form SSA–L4112 is used by SSA to determine whether wages reported by an employer are correct, when SSA records indicate that the wage earner is deceased. The respondents are employers who report wages for a deceased employee.

Number of Respondents: 50,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 8,333 hours.

6. Payee Interview, SSA–835; Beneficiary Interview, SSA–836; Custodian Interview, SSA–837—OMB No. 0960–NEW. SSA is proposing a three-tier review process of the representative payee program. As part of this review process, SSA is proposing to conduct interviews with a sample of beneficiaries and recipients and their representative payees. The information will be used to assess the effectiveness of the representative payee program. The respondents are beneficiaries of title II benefits, recipients of title XVI benefits, and representative payees for both title II and title XVI beneficiaries and recipients.

	SSA–835	SSA–836	SSA–837
Number of Respondents	2,000	1,000	380
Frequency of Response	1	1	1
Average Burden Per Response (Minutes)	30	20	10
Estimated Annual Burden (Hours)	1,000	333	63

Written comments and recommendations regarding the information collection(s) should be directed within 30 days to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses:

(OMB)

Office of Management and Budget, OIRA, Attn: Laura Oliven, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503.

(SSA)

Social Security Administration, DCFAM, Attn: Nicholas E. Tagliareni, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965–4125 or write to him at the address listed above.

Dated: March 30, 1998.

Nicholas E. Tagliareni,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 98–8755 Filed 4–2–98; 8:45 am]

BILLING CODE 4190–29–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–116]

Determination of Action Under Section 301(b): Honduran Protection of Intellectual Property Rights

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determinations and action.

SUMMARY: The United States Trade Representative ("USTR"), pursuant to sections 304(a)(1) (A) and 301 (b) of the Trade Act of 1974 (the "Trade Act"), has determined that based on the failure of the Government of Honduras to provide adequate and effective protection of intellectual property rights, certain acts, policies, and practices of Honduras with respect to the protection of intellectual property rights are unreasonable and burden or restrict United States commerce. Pursuant to sections 304(a)(1)(B), 301(b) and 301(c) of the Trade Act, the USTR has determined that the appropriate action to obtain the elimination of such acts, policies, and practices is to suspend the preferential treatment accorded under the Generalized System of Preferences (GSP) and the Caribbean Basin Initiative (CBI) programs to those products of

Honduras listed in Annex I of this notice.

EFFECTIVE DATES: The USTR's determinations as to actionability and the specific action to be taken was made on March 16, 1998. The suspension of GSP and CBI benefits with respect to the products of Honduras listed in Annex I of this notice will be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after April 20, 1998.

FOR FURTHER INFORMATION CONTACT: Sue Cronin, Office of Western Hemisphere, (202) 296–5190, David Morrissy, Office of Trade and Development, Office of the United States Trade Representative, (202) 395–6971, or William Busis, Office of the General Counsel, Office of the United States Trade Representative, (202) 395–3150.

SUPPLEMENTARY INFORMATION: On October 31, 1997, the USTR initiated an investigation under section 302(b) of the Trade Act with regard to acts, policies, and practices of the Government of Honduras with respect to the protection of intellectual property rights, including the failure to provide adequate and effective copyright protection and enforcement of rights of copyright owners, resulting in, for example, the wide-spread unauthorized broadcasting in Honduras of pirated videos and the rebroadcasting of U.S. satellite-carried programming. The USTR proposed to determine that these acts, policies and practices are actionable under section 301(b) and that the appropriate response would be a partial suspension of tariff preference benefits accorded to Honduras under the GSP and CBI programs. See 62 FR 60299 (November 7, 1997). The notice set forth a list of articles of Honduras which could be subject to the suspension of tariff preference benefits and invited interested persons to submit written comments by December 10, 1997 and to participate in a public hearing concerning the proposed determinations and action. The scheduled public hearing was subsequently canceled due to a lack of public response. See 62 FR 64039 (December 3, 1997).

In response to the November 7, 1997, **Federal Register** notice, the USTR received comments regarding the failure of Honduras to provide adequate and effective copyright protection and enforcement of rights of copyright owners, the appropriateness of the proposed determinations and action, and the appropriateness of suspending tariff preference benefits with respect to particular products listed in the annex of the November 7 notice.

Determinations

The United States has consulted repeatedly with the Government of Honduras regarding the matters under investigation. While Honduras has established a television regulatory authority and has initiated criminal actions against two stations engaged in broadcast piracy, blatant broadcast piracy continues and the failure of Honduras to protect intellectual property rights has harmed U.S. copyright-based industries. Accordingly, on the basis of the investigation initiated under Section 302 of the Trade Act, the comments received, and the consultations, the USTR has determined pursuant to sections 301(b)(1) and 304(a)(1)(A)(ii) of the Trade Act that the Government of Honduras fails to provide adequate and effective protection of intellectual property rights and the acts, policies or practices of Honduras under investigation are unreasonable and burden or restrict U.S. commerce.

Because the determination of the USTR under Section 304(a)(1)(A) of the Trade Act is affirmative, the USTR must determine the appropriate and feasible action to take under Section 301(b) and (c). In a case in which the act, policy, or practice under investigation also fails to meet the eligibility requirements for receiving preferential treatment under the GSP program or CBI program, Section 301(c)(1)(C) of the Trade Act provides that the USTR may withdraw, limit or suspend such preferential treatment. Both the GSP and CBI programs include eligibility requirements concerning the extent to which the foreign country provides adequate and effective protection of intellectual property rights.

The USTR has determined pursuant to sections 304(a)(1)(B), 301(b)(2), and 301(c)(1)(C) of the Trade Act that the appropriate and feasible action in this case is to suspend the duty-free GSP and CBI treatment accorded to the products of Honduras covered in the tariff subheadings of the Harmonized Tariff Schedule of the United States (HTS) listed in Annex I to this notice. Those products are cucumbers provided for in HTS subheadings 0707.00.20 and 0707.00.40, watermelons provided for in HTS subheading 0807.11.30, and cigars, cheroots, and cigarillos provided for in HTS subheadings 2402.10.30 and 2402.10.60. Such products of Honduras will be subject to ordinary, most favored nation rates of duty effective April 20, 1998.

Irving A. Williamson,

Chairman, Section 301 Committee.

Annex I

The Harmonized Tariff Schedule of the United States ("HTS") is modified as set forth below with respect to articles entered, or withdrawn from warehouse for consumption, on or after the effective dates specified for the enumerated actions:

1. With respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after April 20, 1998.

(a). General note 4(d) to the HTS is modified by adding, in numerical sequence, the following subheadings and the country set out opposite them:

0707.00.20 Honduras
0707.00.40 Honduras
0807.11.30 Honduras

(b). For the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting an "A*" in lieu thereof:

0707.00.20
0707.00.40
0807.11.30

2. With respect to articles entered, or withdrawn from warehouse for consumption, on or after April 20, 1998.

(a). General note 7 to the HTS is modified:

(i). by deleting subdivision 7(d)(iv) and inserting the following new subdivision in lieu thereof:

"(iv) Articles the product of Honduras classifiable in the following subheadings:

0707.00.20
0707.00.40
0807.11.30
2402.10.30
2402.10.60"

(ii). by adding a new subdivision 7(g) as follows:

"(g) any agricultural product of chapters 2 through 52, inclusive, that is subject to a tariff-rate quota, if entered in a quantity in excess of the in-quota quantity for such product."

(b). For the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "E" and inserting an "E*" in lieu thereof:

0707.00.20
0707.00.40
0807.11.30
2402.10.30
2402.10.60

[FR Doc. 98–8773 Filed 4–2–98; 8:45 am]
BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings, Agreements Filed During the Week Ending March 27, 1998

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C.

Sections 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–98–3657.
Date Filed: March 23, 1998.
Parties: Members of the International Air Transport Association.
Subject: PTC3 Telex Mail Vote 920, Fukuoka, Japan—Guilin, China fares, r1-076t, r2-092f, r3-081mm, Intended effective date: April 1, 1998.

Docket Number: OST–98–3659.
Date Filed: March 23, 1998.
Parties: Members of the International Air Transport Association.
Subject: PTC12 MATL-EUR 0019 dated March 20, 1998, Mid Atlantic-Europe Expedited Resos r-1—002k, r-4—080L, r-7—072ii, r-10—076e, r-2—044d, r-5—070x, r-8—074ee, r-3—054d, r-6—074c, r-9—074ss. Intended effective date: May 1, 1998.

Docket Number: OST–98–3670.
Date Filed: March 26, 1998.
Parties: Members of the International Air Transport Association.
Subject: PTC3 Telex Mail Vote 923, Korea—(TC3) Russia fares (Reso 010z), Intended Effective date: April 20, 1998.

Paulette V. Twine,
Federal Register Liaison.
[FR Doc. 98–8752 Filed 4–2–98; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending March 27, 1998

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–98–3667.
Date Filed: March 25, 1998.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: April 22, 1998.
Description: Application of Legend Airlines, Inc., pursuant to 49 U.S.C. Section 41102, and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing interstate scheduled air transportation of persons, property and mail.

Paulette V. Twine,
Federal Register Liaison.
[FR Doc. 98–8751 Filed 4–2–98; 8:45 am]
BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1990–3682]

Coast Guard Environmental Justice Strategy

AGENCY: Coast Guard, DOT.
ACTION: Notice of Environmental Justice Strategy; request for comment.

SUMMARY: The Coast Guard announces the promulgation of its Environmental Justice (EJ) Strategy. The Strategy provides guidance to all Coast Guard commands on eliminating or mitigating any disproportionately high, adverse human health or environmental effects of its policies, programs, or activities on minority populations and low-income populations. The Coast Guard is asking for comments on the EJ Strategy.

DATES: Comments must be received on or before June 2, 1998.

ADDRESSES: You may mail comments to the Docket Management Facility, [USCG–1998–3682], U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street S.W., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this notice. Comments will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the above address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket for this notice on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For information on the public docket, contact Carol Kelley, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone 202–366–9329. For information concerning the notice of EJ Strategy, contact Mr. Harry Takai, Project Manager, U.S. Coast Guard Headquarters, Civil Rights Directorate (G–H), telephone 202–267–6024.

SUPPLEMENTARY INFORMATION:

Request For Comments

Any interested person may submit written views, comments, data, or arguments concerning the Coast Guard's Environmental Justice (EJ) Strategy. Persons submitting comments should include their names and addresses, identify this Notice [USCG–1998–3682] and give reasons for each comment. The U.S. Coast Guard requests all comments and attachments be submitted in an unbound format no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed post card or envelope. The Coast Guard will consider all comments received during the comment period and may modify its EJ Strategy in response to those comments.

Background

On December 19, 1997, the Coast Guard promulgated its Environmental Justice (EJ) Strategy in accordance with Executive Order (E.O.) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and Department of Transportation (DOT) Order 5680.2, "Environmental Justice in Minority Populations and Low-Income Populations."

The Coast Guard EJ Strategy sets forth the Coast Guard's approach to implementing the E.O. and the DOT Order in all relevant programs and activities funded, sponsored, supported, or undertaken by the Coast Guard. It emphasizes the Coast Guard's commitment to certain principles of environmental justice embodied in the Secretary of Transportation's Strategic Plan. The Coast Guard's EJ Strategy provides guidance to all Coast Guard commands on eliminating or mitigating any disproportionately high, adverse human health or environmental effects of its policies, programs, or activities on minority populations and low-income populations. Also, it describes how compliance with the E.O. and the DOT Order, directing development of an EJ strategy, will be achieved using the existing planning processes established by the National Environmental Policy Act of 1969 and existing civil rights statues. The Coast Guard EJ Strategy may be adjusted periodically in response to insights acquired while implementing its various provisions.

Environmental Justice Strategy

The following is the Coast Guard's EJ Strategy in its entirety:

U.S. Coast Guard Environmental Justice Strategy[1]

Background

This strategy is issued in response to Executive Order 12898 (E.O.), "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed by President Clinton on February 11, 1994, and the Department of Transportation (DOT) Order 5680.2, "Environmental Justice in Minority Populations and Low-Income Populations," signed by the Assistant Secretary for Transportation Policy. This strategy sets forth the U.S. Coast Guard's (USCG's) approach to implementing the E.O. and the DOT Order in all relevant programs and activities funded, sponsored, supported and undertaken by the USCG.

The E.O. and the DOT Order require the USCG to develop a specific USCG-wide strategy for implementing their provisions. The focus of both the E.O. and the DOT Order is to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of Federal agency programs, policies, and activities on minority populations and low-income populations.

This strategy sets forth the USCG's commitment to certain principles of environmental justice (EJ) embodied in the DOT Secretary's Strategic Plan and identifies actions the USCG intends to take to implement the E.O. and the DOT Order. This strategy may be adjusted periodically in response to insights acquired while implementing its various provisions. The USCG welcomes public comments on its strategy and implementing actions.

The USCG is committed to embracing the objectives of the E.O. and the DOT Order by promoting enforcement of all applicable planning and environmental laws and regulations, and by promoting nondiscrimination in its programs, policies and activities that affect human health and the environment, consistent with the E.O., Title VI of the Civil Rights Act of 1964, and the DOT Order. The USCG is also committed to bringing government decision making closer to the communities and people affected by these decisions and ensuring opportunities for greater public participation in decisions relating to human health and the environment.

[1] For definitions of environmental justice terms used in the USCG Environmental Justice Strategy, please see the strategy appendix.

The Commandant is committed to aligning the USCG's daily efforts to DOT's Strategic Plan. Many of the objectives of the E.O. and the DOT Order are embodied in the missions, goals, and objectives of the Secretary of Transportation's Strategic Plan and are briefly summarized as follows:

Improve the environment and public health and safety in the transportation of people and goods, and the development and maintenance of transportation systems and services.

Harmonize transportation policies and investments with environmental concerns, reflecting an appropriate consideration of economic and social interests.

Consider the interests, issues, and contributions of affected communities, disclose appropriate information, and give communities an opportunity to be involved in decision making.

The USCG will implement the E.O. and the DOT Order by integrating EJ principles into existing USCG programs, policies, activities, regulations, and guidance. In addition, the USCG will implement the objectives of the E.O. in USCG planning and decision making processes using the principles and procedures established under the National Environmental Policy Act of 1969 (NEPA), and Title VI of the Civil Rights Act of 1964.

Development of the USCG EJ Strategy

The USCG formed a working group with members from all major USCG programs to develop its EJ strategy. The Assistant Commandant for Civil Rights provided an information briefing to the Environmental Coordinating Council (ECC) in March 1997, and the ECC reached consensus on the management implementation plan described in this strategy. The USCG is publishing its strategy in the **Federal Register** with a request for comment. In addition, the USCG is mailing copies to constituent groups and representatives of the environmental justice community. Based on comments received, the USCG will, as appropriate, modify its EJ strategy. The USCG's EJ strategy consists of 4 elements, public outreach, internal training, issuance of a Commandant Instruction, and a Management Implementation Plan.

Public Outreach

The E.O. requires Federal agencies to ensure greater public participation in the implementation of their EJ strategies. The USCG will seek to accomplish greater public participation in regard to all USCG programs, policies, and activities that have, or potentially have, disproportionately high and adverse human health or environmental effects on minority populations and low-income populations. The purpose of this public outreach is to enable the USCG to achieve its missions while, at the same time, enhancing the USCG's ability to meet its EJ responsibilities. Specifically, the USCG will, as appropriate:

Contact state, local and tribal officials;

Contact civic and community organizations and associations,

Conduct public hearings and town meetings in locations accessible to the populations concerned and in a manner designed to enhance their participation,

Coordinate media coverage of these outreach efforts,

Publicize efforts through the **Federal Register** and,

Provide USCG public communications in the languages of the minority populations and low income populations that have the potential to experience disproportionately high and adverse human health or environmental effects.

Internal Training

The USCG will develop EJ training which will provide key personnel with the knowledge and skills necessary to carry out the USCG's responsibilities under the E.O.

USCG Instruction on EJ

A key component of the USCG EJ Strategy is the completion of a USCG Commandant Instruction (Instruction) providing USCG program offices with the guidance on implementing the E.O. and the DOT Order. The Instruction will apply to USCG regulations, policies, guidance, programs, and permitting activities which may have EJ implications, including those programs, projects, and activities that receive Federal financial assistance, in any form, from the USCG.

The Instruction will ensure that all program offices of the USCG will apply the principles of the E.O. and the DOT Order to appropriate aspects of their plans, activities, and policies. Generally, the Instruction will state the USCG process for identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The Instruction will state the USCG process for, and its commitment to, promoting enforcement of all health and environmental statutes in areas with minority populations and low income populations; ensuring greater public participation; improving research and data collection relating to the health and environment of minority

populations and low-income populations; and identifying differential patterns of consumption of natural resources among minority populations and low-income populations affected by the USCG's programs, policies, and activities.

The USCG Instruction will also include:

A policy commitment to the principles of the E.O.,

A list of USCG program responsibilities under the E.O. and the DOT Order,

A commitment to review all USCG programs, policies and activities for possible disproportionately high and adverse health and environmental effects,

A system to be used to review USCG programs, policies, and activities,

Guidance on how to determine if USCG or USCG funded activities, programs and projects have, or will have, disproportionately high adverse effects on minority populations and low income populations,

A commitment to work with other Federal, State, and local agencies, as appropriate, with expertise on collection of population census data or expertise on identifying differential patterns of consumption of natural resources (*e.g.*, the Department of Justice or Department of Interior) to establish data for USCG use in compliance with the E.O., and

A commitment to improving public participation.

The Instruction will also include guidance on eliminating or mitigating any disproportionately high and adverse human health or environmental effects of its policies, programs or activities on minority populations and low-income populations. Finally, the Instruction will provide guidance on how to achieve compliance with the E.O. and the DOT Order through use of the existing planning processes established by NEPA existing civil rights statutes.

USCG Management Implementation Plan

The USCG EJ Strategy will implement E.O. 12898 using a six-phase management plan as follows:

Phase I: Determine the scope of the USCG's EJ initiatives. Scope will be determined by identifying those USCG programs, policies, activities and operations that have, or have the potential to have, disproportionately high and adverse human health or environmental effects upon minority populations and low-income populations and by identifying the number of USCG properties located in or near minority populations and low-income populations.

Phase II: Development an EJ monitoring plan that will include a review of all USCG programs policies, activities, and operations.

Phase III: Establish an effective means to enhance public participation in order to ensure public access to information and public involvement in the planning and decision-making processes.

Phase IV: Develop EJ training for appropriate USCG personnel that will provide instructional guidance on their roles and responsibilities as stakeholders in USCG EJ compliance.

Phase V: Implement the USCG's EJ initiatives by finalizing, and issuing, the Instruction.

Phase VI: Address any identified disproportionately high and adverse human health or environmental effects of USCG programs, policies, and activities upon minority populations and low-income populations and, as appropriate and to the extent practical, eliminate or mitigate such effects.

Appendix: Definitions of Terms Used in the USCG Environmental Justice Strategy [2]

1. *Definitions.* The following terms where used in the USCG Environmental Justice Strategy shall have the following meanings:

a. *Environmental justice community* means a representative number of environmental justice organizations that are listed in the Environmental Justice Organizations in the Twenty Largest Metropolitan Regions Across the U.S. and the People of Color Environmental Group Directory published by Clark Atlanta University Environmental Justice Resource Center.

b. *Low-Income* means a person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

c. *Minority* means a person who is:

(1) Black (a person having origins in any of the black racial groups of Africa);

(2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);

(3) Asian American (a person having origins in any of the original people of the Far East, Southwest Asia, the Indian subcontinent, or the Pacific Islands); or

(4) American Indians and Alaskan Native (a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).

d. *Low-income population* means any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed USCG program, policy, or activity.

e. *Minority population* means any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed USCG program, policy, or activity.

f. *Adverse effect* means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, firms, or nonprofit organizations; increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefit of USCG programs, policies, or activities.

g. *Disproportionately high and adverse effect on minority and low-income population* means an adverse effect that:

(1) is predominantly borne by a minority population and/or low-income population, or

(2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

h. *Programs, policies, and/or activities* means all projects, programs, policies, and activities that affect human health or the environment, and which are

[2] These definitions are intended to be consistent with the draft definitions for E.O. 12898 that have been issued by the Council on Environmental Quality (CEQ) and the Environmental Protection Agency (EPA). To the extent that these definitions vary from the CEQ and EPA draft definitions, they reflect further refinements deemed necessary to tailor the definitions to fit within the context of the Coast Guard Environmental Justice Strategy.

funded, undertaken or approved by the USCG. These include, but are not limited to, permits, licenses, and financial assistance provided by the USCG. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of the Coast Guard Environmental Justice Strategy.

i. *USCG* means United States Coast Guard.

Dated: March 30, 1998.

W.R. Somerville

Assistant Commandant for Civil Rights

[FR Doc. 98–8798 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular: Detecting and Reporting Suspected Unapproved Parts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of Advisory Circular (AC) on detecting and reporting Suspected Unapproved Parts (SUP).

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 21–29B, Detecting and Reporting Suspected Unapproved Parts (SUP). The AC provides updated information and guidance to the aviation community for detecting SUP and reporting them to the FAA.

DATES: Advisory Circular 21.29B was issued by the Suspected Unapproved Parts Program Office on February 20, 1998.

FOR FURTHER INFORMATION CONTACT: Susan Trask, FAA SUP Program Office AVR–20, P.O. Box 16317, Washington, D.C. 20041, telephone (703) 661–0590, FAX 703–661–0113, Internet:Susan.Trask@faa.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

The AC, published under the authority granted to the Administrator by 49 U.S.C. 106(g), 49 U.S.C. 40101 *et seq.*, provides guidance to illustrate an overview of the FAA's SUP Program, and portray current policy. Interested parties were given the opportunity to review and comment on the draft AC during the developmental phases. Notice was published in the **Federal Register** on July 9, 1997 (62 FR 36865) to announce the availability of, and request comments on the draft AC.

Kenneth J. Reilly,

Manager, Suspected Unapproved Parts Program Office.

[FR Doc. 98–8834 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Meeting.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from April 27–30, 1998, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held at the Federal Aviation Administration Headquarters, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Lintner, Executive Director, ATPAC, Strategic Operations/ Procedures Division 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3725.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held April 27 through April 30, 1998, at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

The agenda for this meeting will cover: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes.
2. Submission and Discussion of Areas of Concern.
3. Discussion of Potential Safety Items.
4. Report from Executive Director.
5. Items of Interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than April 20, 1998. The next quarterly meeting of the FAA ATPAC is planned to be held from July 13–16, 1998, in Minneapolis, Minnesota.

Any member of the public may present a written statement to the committee at any time at the address given above.

Issued in Washington, DC, on March 25, 1998.

Thomas Lintner,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 98–8737 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Industry Committee Meeting on Operations Specifications

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Meeting.

SUMMARY: This notice announces a public meeting of the FAA/Aviation Industry Operations Specifications Working Group.

DATES: The meeting will be held April 28, 1:00 p.m. to 5:00 p.m. and April 29, 9:00 a.m. to 12 noon.

ADDRESSES: The meeting will be held at Helicopter Association International (HAI), 1935 Prince Street, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Mike Dugan, Airline Transport Association of America, 202–626–4000.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. ii), notice is given of a meeting of the FAA/Aviation Industry Operations Specifications Working Group to be held April 28–29, 1998 at Helicopter Association International, 1935 Prince Street, Alexandria, Virginia. The agenda for the meeting will include:

Tuesday, April 28, 1998

- Opening Remarks
- Report from lead operator on paragraph assignments
- Review of OpSpecs paragraphs that need to be assigned

• Review of Handbook Bulletin 97XX procedures for requesting nonstandard paragraphs

• Status of Special Airport Advisory Circular

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by April 21, 1998 to present oral statements at the meeting. The public may present written statements by providing copies at the meeting. Arrangements may be made by present statements by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on March 19, 1998.

Quentin J. Smith, Jr.,

Manager, Air Transportation Division.

[FR Doc. 98–8743 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA, Inc.; Government/Industry Free Flight Steering Committee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for an RTCA Government/Industry Free Flight Steering Gommittee meeting to be held April 16, 1998, starting at 1:00 p.m. The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, in Conference Room 9ABC (9th floor).

The agenda will include: (1) Welcome and Opening Remarks; (2) Review Summary of the Previous Meeting; (3) Review and Approval of the Government/Industry Free Flight Steering Committee Revised Charter; (4) Report and Recommendations from Free Flight Select Committee on NAS Modernization; (5) Other Business; (6) Date and Location of Next Meeting; (7) Closing Remarks.

Attendance is open to the interested public but limited to space availability. With the approval of the co-chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA, Inc., at (202) 833–9339 (phone), (202) 833–9434 (facsimile), or email (dclarke@rtca.org).Members of the public may present a written statement at any time.

Issued in Washington, DC, on March 27, 1998.

Janice L. Peters,

Designated Official.

[FR Doc. 98–8739 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at McGhee-Tyson Airport, Knoxville, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at McGhee-Tyson Airport, Knoxville, Tennessee under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before May 4, 1998.

ADDRESSES: Comment on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 3385 Airways Boulevard, Suite 302, Memphis, TN 38116–3841.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr.. Terence B. Igoe, President of the Metropolitan Knoxville Airport Authority at the Following address: McGhee-Tyson Airport, P.O. Box 15600, Knoxville, Tennessee 37901.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Metropolitan Knoxville Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry O. Bowers, Airport Area Representative, Memphis Airports District Office, 3385 Airways Boulevard, Suite 302, Memphis, Tennessee 38116–3841. The application may be reviewed in person at this location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to: impose and use the revenue from a PFC at McGhee-Tyson Airport under provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On March 26, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by Metropolitan Knoxville Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 27, 1998.

The following is a brief overview of the application.

PFC application number: 98–06–C–00–TYS.

Level of the proposed PFC: $3.00.

Proposed charge effective date: May 1, 1999.

Proposed charge expiration date: June 30, 2021.

Total estimate PFC revenue: $57,921,122.

Brief description of proposed project(s): Terminal expansion and renovation.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Nonscheduled, whole-plane-charter operations by Air Taxi/Commercial Operators filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Metropolitan Knoxville Airport Authority.

Issued in Memphis, Tennessee on March 26, 1998.

LaVerne F. Reid,

Manager, Memphis Airports District Office.

[FR Doc. 98–8742 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In February 1998, there were seven applications approved. Additionally, two approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals

and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of section 158.29.

PFC Applications Approved

Public Agency: City of St. George, Utah.

Application Number: 98–01–C–00–SGU.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $538,575.

Earliest Permissible Charge Effective Date: May 1, 1998.

Estimated Charge Expiration Date: September 1, 2002.

Class Of Air Carriers Not Required to Collect PFC's: Unscheduled Part 135 air taxi operators.

Determination: Approved. Based on information in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at St. George Municipal Airport.

Brief Description of Projects Approved For Collection and Use: Terminal ramp lighting. Handicap facilities. Terminal ramp, midfield apron, and taxiway pavement rehabilitation.

Brief Description of Projects Approved For Collection: Runway rehabilitation. Terminal parking expansion.

Decision Date: February 3, 1998.

FOR FURTHER INFORMATION CONTACT: Christopher Schaffer, Denver Airports District Office, (303) 342–1258.

Public Agency: Massachusetts Port Authority, Boston, Massachusetts.

Application Number: 97–03–U–00–BOS.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue to Be Used in This Decision: $434,106,000.

Charge Effective Date: November 1, 1993.

Esimated Charge Expiration Date: October 1, 2017.

Class of Air Carriers Not Required To Collect PFC's: No change from previous decision.

Brief Description of Project Partially Approved For Use: International gateway (previously new Federal Inspection Services facility).

Determination: Approved in part. Portions of the proposed parking lot replacement element of this project are not eligible under the Airport Improvement Program and, accordingly, are not PFC eligible.

Decision Date: February 5, 1998.

FOR FURTHER INFORMATION CONTACT: Priscilla Scott, New England Regional Airports Division, (617) 238–7614.

Public Agency: Port Authority of New York and New Jersey, New York, New York.

Application Numbers: 97–04–C–00–EWR, 97–04–C–00–JFK, and 97–04–C–00–LGA.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $823,000,000.

Earliest Permissible Charge Effective Date: January 1, 2001.

Estimated Charge Expiration Date: January 1, 2009.

Class of Air Carriers Not Required to Collect PFC's at Each Airport: Air taxis, except commuter air carriers.

Determination: Approved. Based on the information submitted in the public agency's applications, the FAA has determined the proposed class accounts for less than 1 percent of the total annual enplanements at Newark International Airport (EWR), John F. Kennedy International Airport (JFK), and LaGuardia Airport (LGA).

Brief Description of Project Partially Approved for Use: Howard Beach Light Rail System (LRS) component.

Determination: Partially approved for use of PFC revenue. The operations, maintenance, and storage facility is generally ineligible under paragraphs 301(a)(3) and 501, as well as item 11 of Appendix 2 of FAA Order 5100.38A, AIP Handbook (October 24, 1989), with the exception of the equipment needed to provide operational control of the "opening day" system. Therefore, the use of PFC revenue for the following elements of the maintenance facility, at a minimum, is not eligible spare parts or spare equipment; any equipment required to perform any maintenance, whether that maintenance be on rail cars, structural elements, operations systems, or other components; administrative offices; any build-up of operational equipment in order to accommodate future expansion of the system; and the track necessary to access this facility (assuming that the system is built so that only unoccupied trains bound for maintenance enter this facility). Also, any equipment needed for fare collections, whether for LRS fares or for the connecting system (New York City transit (NYCT) subway), are not eligible for use of PFC revenues. In addition, the FAA is aware that the public agency may, in the future, be interested in use of the LRS by NYCT subway cars transiting from the NYCT system to the LRS. Since this potential use is speculative at this time, and has not been evaluated from technical and environmental standpoints, the component cost of over-design to accommodate this potential use is not eligible for PFC funding. Items to be examined include, but are not limited to: Station length; structural strength; additional controls or control system components needed to accommodate both "on airport" and "off airport" users; and any connecting track at Howard Beach to permit cars to move from the NYCT subway to the LRS.

Brief Description of Projects Partially Approved for Collection at EWR, JFK, and LGA And Use at JFK: Central terminal area LRS component.

Determination: Partially approved for collection and use of PFC revenue. The FAA is aware that the public agency may, in the future, be interested in use of the LRS by Long Island Rail Road (LIRR) trains and/or NYCT subway cars transiting from their respective systems to the LRS. Since this potential use is speculative and this time, and has not been evaluated from technical and environmental standpoints, the component cost of over-design to accommodate this potential use is not eligible for PFC funding. Items to be examined include, but are not limited to: Station length; structural strength; and additional controls or control system components needed to accommodate both "on airport" and "off airport" users. Jamaica-JFK LRS component.

Determination: Partially approved for collection and use of PFC revenue. Any equipment needed for fare collections, whether for LRS fares or for the connecting systems (LIRR or NYCT subway), are not eligible for collection or use of PFC revenues. In addition, the FAA is aware that the public agency may, in the future, be interested in use of the LRS by LIRR trains and/or NYCT subway cars transiting from their respective systems to the LRS. Since this potential use is speculative at this time, and has not been evaluated from technical and environmental standpoints, the component cost of over-design to accommodate this potential use is not eligible for PFC funding. Items to be examined include, but are not limited to: Station length; structural strength; additional controls or control system components needed to accommodate both "on airport" and "off airport" users; and any connecting track at Jamaica Station to permit cars to move from the LIRR or NYCT subway to the LRS.

Decision Date: February 9, 1998.

FOR FURTHER INFORMATION CONTACT: Philip Brito, New York Airports District Office, (516) 227–3800.

Public Agency: City of Philadelphia, Pennsylvania.

Application Number: 98–06–C–00–PHL.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $26,150,000.

Earliest Permissible Charge Effective Date: April 1, 1998.

Estimated Charged Expiration Date: January 1, 1999.

Class of Air Carriers not Required to Collect PFC'S: Air taxi/commercial operators.

Determination: Approved. Based on the information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Philadelphia International Airport.

Brief Description of Projects Approved for Collection and Use: Security controlled access-phase III. Rehabilitation of aircraft parking apron on east side of terminal E. Airport high speed line platforms. Taxiway edge lights. Taxiway J reconstruction. Purchase of passenger transfer vehicle.

Brief Description of Projects Partially Approved for Collection And Use: Airport roadway system modifications.

Determination: Partially approved. The sections of the roadway whose sole purpose is to serve industrial or non-aviation related areas or facilities or to connect to parking facilities are not eligible in accordance with paragraph 553 (c)(2) and (3) of FAA Order 5100.38A AIP Handbook (October 24, 1989); therefore they are not PFC eligible. Terminal A international passenger capacity enhancements.

Determination: Partially approved. The cost associated with the construction of the new administrative offices is not eligible under the PFC program in accordance with paragraph 551 (d) (3) (a) of FAA Order 5100.38A, AIP Handbook (October 24, 1989).

Decision Date: February 12, 1998.

FOR FURTHER INFORMATION CONTACT: Oscar Sanchez, Harrisburg Airports District Office, (717) 782-4548.

Public Agency: City of Spencer, Iowa.

Applcation Number: 98-02-I00-SPW.

Application Type: Impose a PFC.

PFC Level: $3.00

Total PFC Revenue Approved in This Decision: $128,500.

Earliest Permissible Charge Effective Date: January 1, 2003.

Estimated Charge Expiration Date: September 1, 2011.

Class of Air Carriers not Required to Collect PFC'S: None.

Brief Description of Project Approved for Collection: Snow removal equipment and building.

Decision Date: February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Lorna K. Sandridge, Central Region Airports Division, (816) 426–4730.

Public Agency: Akron-Canton Regional Airport Authority Board, Akron, Ohio.

Application Number: 98–03–C–00–CAK.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $2,481,900.

Earliest Permissible charge Effective Date: October 1, 1999.

Estimated Charge Expiration Date: February 1, 2003.

Class of Air Carriers Not Required to Collect PFC'S: Air taxi/commercial operators.

Determination: Approved. Based on the information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Akron-Canton Regional Airport.

Brief Description of Projects Approved for Collection and Use: Wheel loader with snow blade. Taxiway/access road overlay—taxiway portion. Taxiway/access road overlay—access road portion. Seal coat aircraft parking aprons. Storm water drainage improvement. Runway 1–19 and taxiways A and B rehabilitation.

Decision Date: February 19, 1998.

FOR FURTHER INFORMATION CONTACT: Lawrence C. King, Detroit Airports District Office, (313) 487–7293.

Public Agency: Jackson County, Medford, Oregon.

Application Number: Jackson Country, Medford, Oregon.

Application Number: 98–04–C–00–MFR.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $1,540,000.

Earliest Permissible Charge Effective Date: January 1, 2000.

Estimated Charge Expiration Date: January 1, 2003.

Class of Air Carriers Not Required to Collect PFC'S: Operations by air taxi/commercial operators when explaning revenue passengers in limited, irregular, special service air taxi/commerical operations such as air ambulance services, student instruction, non-stop sightseeing flights that begin and end at the airport and are conducted within a 25-mile radius of the airport, and other similar limited, irregular, special service operations by such air taxi/commercial operators.

Determination: Approved. Based on information in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Rogue Valley International—Medford Airport.

Brief Description of Projects Approved for Collection and Use: Security fencing. Master plan update/terminal area study. General aviation parking apron. Jet blast fence.

Decision date: February 25, 1998.

FOR FURTHER INFORMATION CONTACT: Mary E. Vargas, Seattle Airports District Office, (425) 227–2660.

Amendments to PFC Approvals

Amendment No. city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
96–02–C–01–DFW, Dallas/Fort Worth, Texas	12/23/97	$96,830,051	$109,936,120	09/01/01	10/01/98
96–02–C–01–LSE, LaCrosse, WI.	02/04/98	605,000	84,367	10/01/99	11/01/99

Issued in Washington, DC on March 30, 1998.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 98–8836 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To rule on Application (#98–03–C–00–HDN) to Impose a Passenger Facility Charge (PFC) and Use the Revenue From a PFC at Yampa Valley Regional Airport, Submitted by Routt County, Hayden, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at Yampa Valley Regional Airport under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR 158).

DATES: Comments must be received on or before May 4, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Alan Wiechmann, Manager; Denver Airports District Office, DEN–ADO; Federal Aviation Administration; 26805 E. 68th Avenue, Suite 224; Denver, CO 80249–6361.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. John C. Ferguson, A.A.E., Aviation Director, at the following address: Routt County, P.O. Box "N", Hayden, Colorado 81639.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Yampa Valley Regional Airport, under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Schaffer, (303) 342–1258; Denver Airports District Office, DEN–ADO; Federal Aviation Administration; 26805 E. 68th Avenue, Suite 224; Denver, CO 80249–6316. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application (#98–03–C–00–HDN) to impose and use PFC revenue at Yampa Valley Regional Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On March 25, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by Routt County, Yampa Valley Regional Airport, Hayden, Colorado, was substantially complete within the requirements of section 185.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 23, 1998.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: July 1, 1998.

Proposed charge expiration date: November 1, 2002.

Total requested for use approval: $1,130,176.00.

Brief description of proposed project: Aircraft rescue firefighting/snow removal equipment building; Perimeter fencing; Terminal area master plan study; Terminal holdroom expansion; Commercial apron overlay and expansion; Snow removal equipment.

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: None.

Any person may inspect the application in person at the FAA office listed above under "**FOR FURTHER INFORMATION CONTACT**" and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue S.W., Suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Yampa Valley Regional Airport.

Issued in Renton, Washington on March 25, 1998.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 98–8736 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: City of Baton Rouge and Unincorporated Parts of East Baton Rouge Parish, LA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in East Baton Rouge Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT: William C. Farr, Program Operations Manager, P.O. Box 3929, Baton Rouge, LA 70801, Telephone: (504) 389–0465.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Louisiana Department of Transportation and Development and the Capital Region Planning Commission will prepare an environmental impact statement (EIS) on a proposal to improve Interstate 10 through Baton Rouge, Louisiana. The proposed project includes the construction of an additional lane in the east and west bound directions in order to provide an eight-lane freeway facility, interchange improvements to address safety and capacity problems, as well as frontage road additions and extensions. It will also include congestion management measures consisting of ramp metering, incident management, park and ride lots, transit improvements and demand management strategies.

The project begins at the eastern end of the Mississippi River Bridge and extends eastward along Interstates 10 and 12 to points immediately east of the interchanges with Essen Lane. The proposed construction is approximately 11.2 kilometers (7 miles) long from the western terminus to the eastern terminus of Interstate 10 and 9.7 kilometers (6 miles) from Interstate 110 to Interstate 12. Interstate 10 in Baton Rouge is the city's major east-west artery connecting government offices, port activities, industrial complexes, Louisiana State University, major hospitals and the regional airport with residential areas and shopping facilities. The route is heavily congested during peak travel times and experiences frequent lane blocking accidents. These conditions result in almost daily delays, which impede commuting, cross country freight movements, emergency vehicle responses and provide hazards to the transportation of the region's petro-chemical products.

The project has been the subject of a Major Investment Study (MIS) that examined all reasonable alternatives including improvements to alternate facilities, transit, high occupancy vehicles (HOV), lanes, a bypass, an elevated freeway, congestion management measures and improvements within the I–10 corridor, as well as the "do nothing" alternative.

Public involvement activities including neighborhood meetings, steering committee activities, newsletters and a public hearing will be

used to obtain input from citizens who may be affected by the proposal. All of the neighborhood meetings and the public hearing will be open to all citizens and advertised in the Baton Rouge media to solicit general public participation. An agency scoping meeting is planned; however, arrangements have not yet been completed.

To ensure that a full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic assistance Program Number 20.205 Highway Planning and Construction. The regulations Implementing Executive Order 12372 regarding inter-governmental consultation on federal program and activities apply to this program)

Issued on: March 25, 1998.

William A. Sussmann,

Division Administrator, Baton Rouge, LA.

[FR Doc. 98–8688 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Livingston County, MO

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for proposed improvements to the transportation system in Livingston County, Missouri.

FOR FURTHER INFORMATION CONTACT: Donald Neumann, Programs Engineer, FHWA Division Office, 209 Adams Street, Jefferson City, MO 65101, Telephone: (573) 636–7104 or Mike Bruemmer, District Engineer, Missouri Department of Transportation, P.O. Box 8, Macon, MO 63552, Telephone: (660) 385–3176.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Missouri Department of Transportation (MoDOT), will prepare an EIS for a proposed project to improve the transportation system in the vicinity of U.S. Routes 65 and 36 near Chillicothe in Livingston County, Missouri.

The proposed action is considered necessary to provide for a safe and efficient transportation network. Alternatives under consideration include (1) taking no action, (2) implementing transportation system management (TSM) options, (3) upgrading and improving the existing roadways, and (4) constructing a new four-lane roadway west and/or east of the existing Route 65 either on parallel alignment or on relocation. The location study conducted during preparation of the EIS will provide definitive alternatives for evaluation by the EIS. The proposed action will likely include transportation improvements in Livingston County from appropriately 1.5 miles north of Missouri Route 190 south of Missouri Route H.

The scoping process will involve all appropriate federal, state, and local agencies, as well as private organizations and citizens who have previously expressed or are known to have interest in this proposal. Preliminary comments and information are currently being solicited from agencies. A series of public meetings will be held to engage the regional community in the decision-making process and to obtain public comment. In addition, a public hearing will be held to present the findings of the draft EIS (DEIS). The DEIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or MoDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12373 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: March 24, 1998.

Donald L. Neumann,

Programs Engineer, Jefferson City.

[FR Doc. 98–8694 Filed 4–2–98; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Automotive Fuel Economy Program; Report to Congress

The attached document *Automotive Fuel Economy Program, Twenty-Second Annual Report to Congress*, was prepared pursuant to 49 U.S.C. 32916 *et seq.* which requires that "the Secretary shall transmit to each House of Congress, and publish in the **Federal Register**, a review of the average fuel economy standards under this part."

Issued on: March 26, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

Automotive Fuel Economy Program

Twenty-Second Annual Report to Congress

Calendar Year 1997

This publication is distributed by the United States Department of Transportation, National Highway Traffic Safety Administration, in the interest of information exchange. The opinions, findings, and conclusions expressed in this publication are those of the author(s) and not necessarily those of the Department of Transportation or the National Highway Traffic Safety Administration. The United States Government assumes no liability for its contents or use thereof. If trade or manufacturers' name or products are mentioned, it is because they are considered essential to the object of the publication and should not be construed as an endorsement. The United States Government does not endorse products or manufacturers.

Table of Contents

Section I: Introduction

The Twenty-second Annual Report to Congress on the Automotive Fuel Economy Program summarizes the activities of the National Highway Traffic Safety Administration (NHTSA) during 1997, in accordance with 49 U.S.C. 32916 *et seq.*, which requires the submission of a report each year. Included in this report is a section summarizing rulemaking activities during 1997.

The Secretary of Transportation is required to administer a program for regulating the fuel economy of new passenger cars and light trucks in the

United States market. The authority to administer the program was delegated by the Secretary to the Administrator of NHTSA, 49 CFR 1.50(f).

NHTSA's responsibilities in the fuel economy area include:

(1) Establishing and amending average fuel economy standards for manufacturers of passenger cars and light trucks, as necessary;

(2) Promulgating regulations concerning procedures, definitions, and reports necessary to support the fuel economy standards;

(3) Considering petitions for exemption from established fuel economy standards by low volume manufacturers (those producing fewer than 10,000 passenger cars annually worldwide) and establishing alternative standards for them;

(4) Preparing reports to Congress annually on the fuel economy program;

(5) Enforcing fuel economy standards and regulations; and

(6) Responding to petitions concerning domestic production by foreign manufacturers, and other matters.

Passenger car fuel economy standards were established by Congress for Model Year (MY) 1985 and thereafter at a level of 27.5 miles per gallon (mpg). NHTSA is authorized to amend the standard above or below that level. Standards for light trucks were established by NHTSA for MYs 1979 through 1999. NHTSA set a combined standard of 20.7 mpg for light truck fleets for MY 1999. All current standards are listed in Table I–1.

TABLE I–1.—FUEL ECONOMY STANDARDS FOR PASSENGER CARS AND LIGHT TRUCKS

[Model Years 1978 through 1999 (in MPG)]

Model year	Passenger cars	Light trucks [1]		
		Two-wheel drive	Four-wheel drive	Combined [2], [3]
1978	[4] 18.0	.....	.....	.....
1979	[4] 19.0	17.2	15.8	.....
1980	[4] 20.0	16.0	14.0	([5])
1981	22.0	[6] 16.7	15.0	([5])
1982	24.0	18.0	16.0	17.5
1983	26.0	19.5	17.5	19.0
1984	27.0	20.3	18.5	20.0
1985	[4] 27.5	[7] 19.7	[7] 18.9	[7] 19.5
1986	[8] 26.0	20.5	19.5	20.0
1987	[9] 26.0	21.0	19.5	20.5
1988	[9] 26.0	21.0	19.5	20.5
1989	[10] 26.5	21.5	19.0	20.5
1990	[4] 27.5	20.5	19.0	20.0
1991	[4] 27.5	20.7	19.1	20.2
1992	[4] 27.5	.....	.....	20.2
1993	[4] 27.5	.....	.....	20.4
1994	[4] 27.5	.....	.....	20.5
1995	[4] 27.5	.....	.....	20.6
1996	[4] 27.5	.....	.....	20.7
1997	[4] 27.5	.....	.....	20.7
1998	[4] 27.5	.....	.....	20.7
1999	[4] 27.5	.....	.....	20.7

[1] Standards for MY 1979 light trucks were established for vehicles with a gross vehicle weight rating (GVWR) of 6,000 pounds or less. Standards for MY 1980 and beyond are for light trucks with a GVWR of 8,500 pounds or less.

[2] For MY 1979, light truck manufacturers could comply separately with standards for four-wheel drive, general utility vehicles and all other light trucks, or combine their trucks into a single fleet and comply with the standard of 17.2 mpg.

[3] For MYs 1982–1991, manufacturers could comply with the two-wheel and four-wheel drive standards or could combine all light trucks and comply with the combined standard.

[4] Established by Congress in Title V of the Act.

[5] A manufacturer whose light truck fleet was powered exclusively by basic engines which were not also used in passenger cars could meet standards of 14 mpg and 14.5 mpg in MYs 1980 and 1981, respectively.

[6] Revised in June 1979 from 18.0 mpg.

[7] Revised in October 1984 from 21.6 mpg for two-wheel drive, 19.0 mpg for four-wheel drive, and 21.0 mpg for combined.

[8] Revised in October 1985 from 27.5 mpg.

[9] Revised in October 1986 from 27.5 mpg.

[10] Revised in September 1988 from 27.5 mpg.

Section II: Fuel Economy Improvement By Manufacturers

A. Fuel Economy Performance by Manufacturer

The fuel economy achievements for domestic and foreign-based manufacturers in MY 1996 were updated to consider final production figures, where available, since the publication of the *Twenty-first Annual Report to the Congress.* These fuel economy achievements and current projected data for MY 1997 are listed in Tables II–1 and II–2.

Overall fleet fuel economy for passenger cars was 28.6 mpg in MY 1997, a decrease of 0.1 mpg from the MY 1996 level. For MY 1997, Corporate Average Fuel Economy (CAFE) values increased above MY 1996 levels for ten of 24 passenger car manufacturers' fleets. (See Table II–1.) These ten companies accounted for more than 39 percent of the total MY 1997 production. Manufacturers continued to introduce new technologies and more fuel-efficient models, and some larger, less fuel-efficient models. For MY 1997, the overall domestic manufacturers' fleet average fuel economy was 27.9 mpg. For MY 1997, Ford, Mazda, and Toyota domestic passenger car CAFE values rose 0.3 mpg, 0.5 mpg, and 0.5 mpg from their 1996 levels, while Chrysler, General Motors, and Honda

fell 0.1 mpg, 0.1 mpg, and 3.3 mpg, respectively, from their MY 1996 levels. Overall, the domestic manufacturers' combined CAFE decreased 0.4 mpg below MY 1996 level.

TABLE II–1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER*

[Model years 1996 and 1997]

Manufacturer	Model Year CAFE (MPG)	
	1996	1997
Domestic:		
Chrysler	27.6	27.5
Ford	26.8	27.1
General Motors	28.3	28.2
Honda	33.2	29.9
Mazda	29.8	30.3
Toyota	28.3	28.8
Sales Weighted Average (Domestic)	28.3	27.9
Import:		
BMW	27.3	25.7
Chrysler Imports	28.2	26.4
Fiat	13.8	13.5
Ford Imports	31.5	30.9
GM Imports	35.8	31.3
Honda	27.8	34.4
Hyundai	32.9	30.9
Kia	29.0	30.6
Mazda	32.7	31.3
Mercedes-Benz	25.1	24.9
Mitsubishi	29.9	30.0
Nissan	30.4	29.9
Porsche	21.5	22.0
Subaru	27.7	28.0
Suzuki	34.0	33.9
Toyota	29.8	30.2
Volvo	26.1	25.8
Volkswagen	28.2	28.6
Sales Weighted Average (Import)	29.7	29.8
Total Fleet Average	28.7	26.6

TABLE II–1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER*—Continued

[Model years 1996 and 1997]

Manufacturer	Model Year CAFE (MPG)	
	1996	1997
Fuel Economy Standards	27.5	27.5

*Manufacturers with low volume alternate fuel economy standards are not listed

TABLE II–2.—LIGHT TRUCK FUEL ECONOMY PERFORMANCE BY MANUFACTURER

[Model Years 1996 and 1997]

Manufacturer	Model year CAFE (MPG) Combined	
	1996	1997
Domestic:		
Chrysler	20.3	20.2
Ford	20.6	20.0
General Motors	20.7	20.2
Sales Weighted Average (Domestic)	20.5	20.1
Import:		
Honda	(*)	27.1
Isuzu	19.5	19.4
Kia	23.4	23.8
Land Rover	17.2	17.2
Mazda	21.2	20.5
Mitsubishi	19.1	22.3
Nissan	23.0	22.1
Suzuki	27.5	27.4
Toyota	23.2	22.6
Volkswagen	(*)	18.5
Sales Weighted Average (Import)	22.1	22.1
Total Fleet Average	20.7	20.4
Fuel Economy Standards	20.7	20.7

*Honda and Volkswagen did not produce light trucks for MY 1996.

In MY 1997, the fleet average fuel economy for import passenger cars increased by 0.1 mpg from the MY 1996 CAFE level to 29.8 mpg. Seven of the 18 import car manufacturers increased their CAFE values between MYs 1996 and 1997. Figure II–1 illustrates the changes in total new passenger car fleet CAFE from MY 1978 to MY 1997.

The total light truck fleet CAFE decreased 0.3 mpg below the MY 1996 CAFE level of 20.7 mpg (see Table II–2). Figure II–2 illustrates the trends in total light truck fleet CAFE from MY 1979 to MY 1997.

Several passenger car and light truck manufacturers are projected to fail to achieve the levels of the MY 1997 CAFE standards. However, NHTSA is not yet able to determine which of these manufacturers may be liable for civil penalties for non-compliance. Some MY 1997 CAFE values may change when final figures are provided to NHTSA by EPA, in mid-1998. In addition, several manufacturers are not expected to pay civil penalties because the credits they earned by exceeding the fuel economy standards in earlier years offset later shortfalls. Other manufacturers may file carryback plans to demonstrate that they anticipate earning credits in future model years to offset current deficits.

BILLING CODE 4910–59–P

Figure II-1

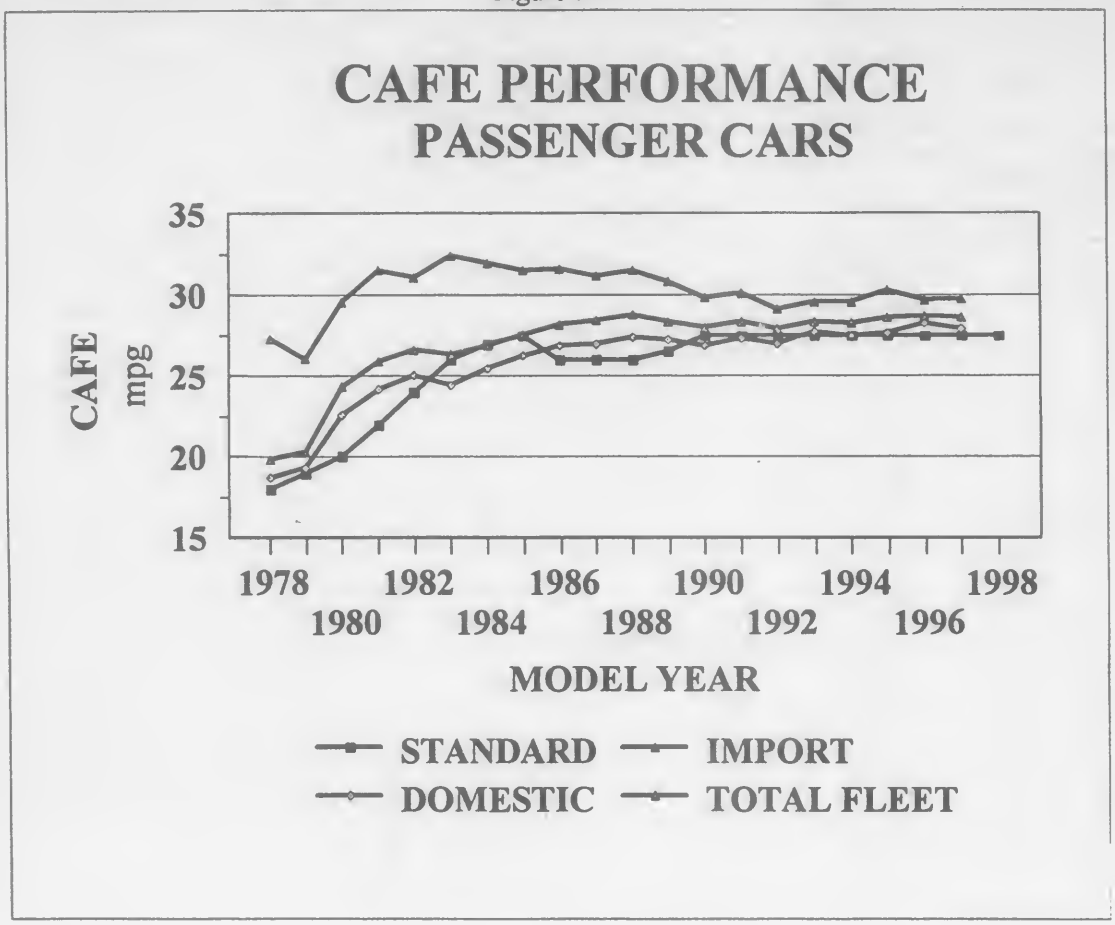
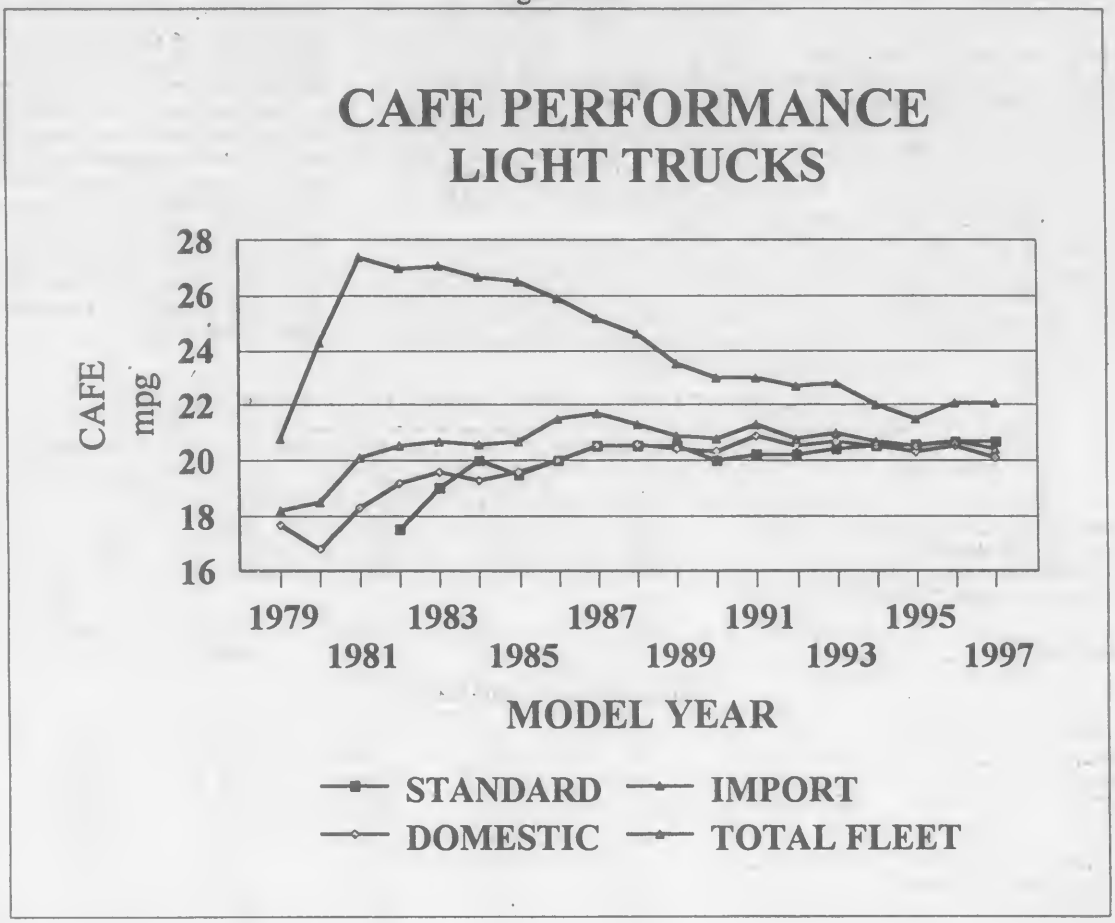

CAFE PERFORMANCE
PASSENGER CARS
CAFE
mpg
35
30
25
20
15
1978
1980
1982
1984
1986
1988
1990
1992
1994
1996
1998
MODEL YEAR
STANDARD
IMPORT
DOMESTIC
TOTAL FLEET

Figure II-2



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B. Characteristics of the MY 1997 Passenger Car Fleet

The characteristics of the MY 1997 passenger car fleet reflect a continuing trend toward satisfying consumer demand for higher performance cars. (See Table II–3.) From MY 1996 to MY 1997, horsepower/100 pounds, a measure of vehicle performance, increased from 5.00 to 5.02 for domestic passenger cars and from 4.76 to 4.82 for import passenger cars. The total fleet average for passenger cars increased from 4.93 horsepower/100 pounds in MY 1996 to 4.95 in MY 1997. Compared with MY 1996, the average curb weight for MY 1997 increased by 32 pounds for the domestic fleet and 39 pounds for the import fleet. The total new passenger car fleet average weight increased from 3,049 pounds in MY 1996 to 3,071 pounds in MY 1997. Average engine displacement increased from 178 to 180 cubic inches for domestic passenger cars and from 134 to 135 cubic inches for import passenger cars, from MY 1996 to MY 1997.

The 0.4 mpg fuel economy decline for the MY 1997 domestic passenger car fleet may be attributed in part to an increase in average weight, mix shifts, and an increase in the use of automatic transmissions.

The size/class breakdown shows an increased trend primarily toward subcompact and mid-size passenger cars with the reduction of compact passenger cars for the overall fleet. The size/class mix in the domestic fleet shifted from compact passenger cars to subcompact, mid-size, and large passenger cars. The size/class mix in the import fleet shifted from compact and mid-size passenger cars to two-seater, minicompact, subcompact, and large passenger cars. The import share of the passenger car market increased by 6.4 percentage points in MY 1997.

TABLE II–3.—PASSENGER CAR FLEET CHARACTERISTICS FOR MYS 1996 AND 1997

Characteristics	Total fleet		Domestic fleet		Import fleet	
	1996	1997	1996	1997	1996	1997
Fleet Average Fuel Economy, mpg	28.7	28.6	28.3	27.9	29.7	29.8
Fleet Average Curb Weight, lbs.	3049	3071	3111	3143	2905	2944
Fleet Average Engine Displacement, cu. in.	165	164	178	180	134	135
Fleet Average Horsepower/Weight ratio, HP/100 lbs..	4.93	4.95	5.00	5.02	4.76	4.82
Percent of Fleet	100	100	70.0	63.6	30.0	36.4
Segmentation by EPA Size Class, %						
Two-Seater	0.9	1.0	0.5	0.3	2.0	2.3
Minicompact	0.4	0.6	0.0	0.0	1.5	1.6
Subcompact*	11.0	17.6	6.4	7.2	21.6	35.9
Compact*	44.7	37.4	44.7	39.3	44.5	33.9
Mid-Size*	29.6	30.3	29.7	33.3	29.5	25.2
Large*	13.4	13.1	18.7	19.9	0.9	1.2
Diesel Engines	0.10	0.08	0.0	0.0	0.3	0.2
Turbo or Supercharged Engines	1.1	1.5	0.5	1.3	2.3	1.8
Fuel Injection	100	100	100	100	100	100
Front-Wheel Drive	86.0	85.8	86.9	87.8	84.1	82.2
Automatic Transmissions	84.7	86.1	88.5	91.4	76.1	77.0
Automatic Transmissions with Lockup Clutches	97.9	97.7	100	100	92.1	93.1
Automatic Transmissions with Four or more Forward Speeds	88.8	92.1	89.0	90.6	88.1	95.2

*Includes associated station wagons.

The domestic fleet rose above its MY 1996 level in the share of turbocharged and supercharged engines, while there was a reduction in such engines in the import fleet. Diesel engine shares decreased slightly in MY 1997, and diesels were offered by two manufacturers, Mercedes-Benz and Volkswagen.

Passenger car fleet average characteristics have changed significantly since MY 1978 (the first year of fuel economy standards). (See Table II–4.) After substantial initial weight loss (from MY 1978 to MY 1982, the average passenger car fleet curb weight decreased from 3,349 to 2,808 pounds), the curb weight has increased in 9 of the past 10 model years, reaching 3,071 lbs in MY 1997. This is the highest value of any year since MY 1979. Table II–4 shows that the MY 1997 passenger car fleet has nearly equal interior volume and higher performance, but with more than 43 percent better fuel economy, than the MY 1978 fleet. (See Figure II–3.)

C. Characteristics of the MY 1997 Light Truck Fleet

The characteristics of the MY 1997 light truck fleet are shown in Table II–5. Light truck manufacturers are not required to divide their fleets into domestic and import fleets based on the 75-percent domestic content threshold used for passenger car fleets. The light truck fleet is categorized according to two-wheel drive or four-wheel drive.

TABLE II–4.—NEW PASSENGER CAR FLEET AVERAGE CHARACTERISTICS

[Model Year 1978–1997]

Model years	Fuel economy (mpg)	Curb weight (lb.)	Interior space (cu. ft.)	Engine size (cu. in.)	Horsepower/weight (hp/100 lb.)
1978	19.9	3349	112	260	3.68
1979	20.3	3180	110	238	3.72
1980	24.3	2867	105	187	3.51
1981	25.9	2883	108	182	3.43
1982	26.6	2808	107	173	3.47
1983	26.4	2908	109	182	3.57
1984	26.9	2878	108	178	3.66
1985	27.6	2867	108	177	3.84
1986	28.2	2821	106	169	3.89
1987	28.5	2805	109	162	3.98
1988	28.8	2831	108	161	4.11
1989	28.4	2879	109	163	4.28
1990	28.0	2906	108	163	4.53
1991	28.4	2934	108	164	4.42
1992	27.9	3007	108	169	4.56
1993	28.4	2971	109	164	4.62
1994	28.3	3011	109	169	4.79
1995	28.6	3047	109	166	4.87
1996	28.7	3049	109	165	4.93
1997	28.6	3071	109	164	4.95

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Figure II-3

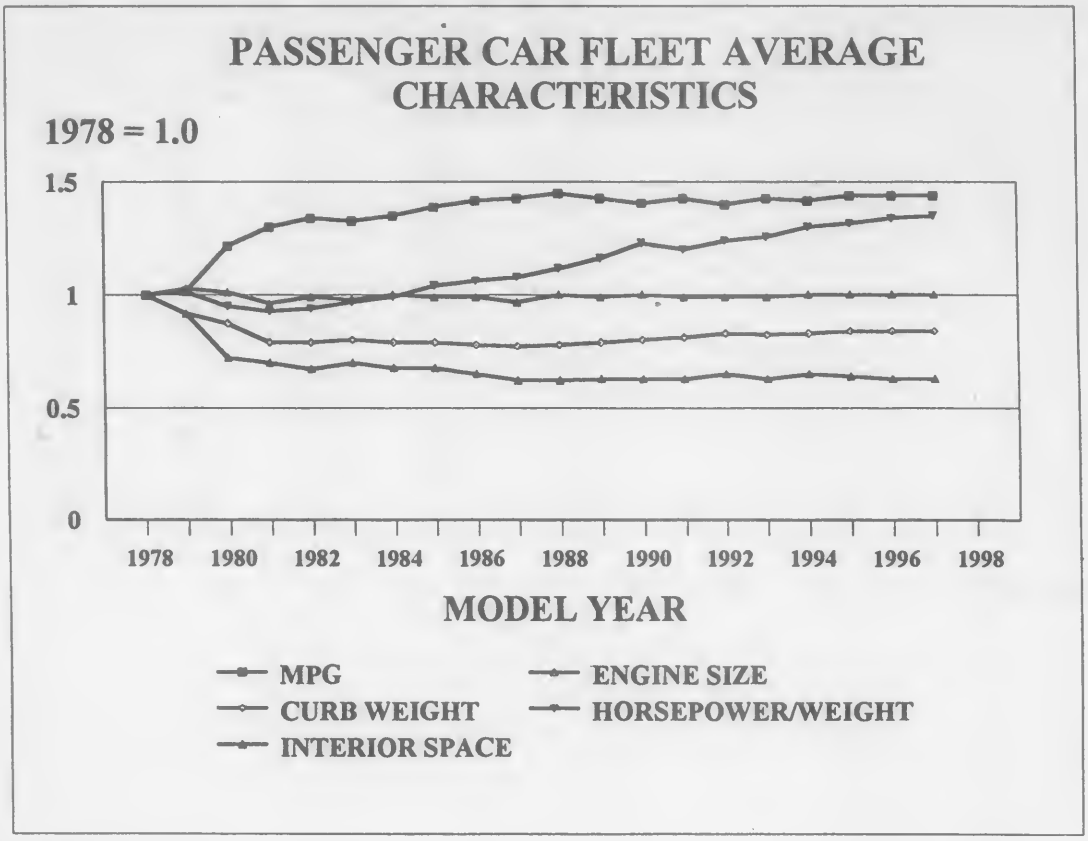

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TABLE II–5.—LIGHT TRUCK FLEET CHARACTERISTICS FOR MYS 1996 AND 1997

Characteristics	Total fleet		Two-wheel drive		Four-wheel drive	
	1996	1997	1996	1997	1996	1997
Fleet Average Fuel Economy, mpg	20.7	20.4	21.9	21.7	19.3	19.0
Fleet Average Equivalent Test Weight, lbs	4351	4471	4195	4283	4602	4703
Fleet Average Engine Displacement, cu. in	244	249	230	235	266	266
Fleet Average Horsepower/ Weight ratio, HP/100 lbs	4.07	4.20	3.99	4.18	4.20	4.23
Percent of Fleet	100	100	61.7	55.3	38.3	44.7
Percent of Fleet from Foreign-based Manufacturers	12.1	14.2	8.7	9.6	17.7	19.8
Segmentation by Type, %						
Passenger Van	22.6	16.4	35.4	28.1	1.3	1.9
Cargo Van	3.8	3.9	6.0	6.9	0.2	0.3
Small Pickup:						
Two-Wheel Drive	7.2	6.0	11.7	10.8	.....	.....
Four-Wheel Drive	.....	.....	.....	.....	.....	.....
Large Pickup:						
Two-Wheel Drive	19.2	20.8	31.5	37.6	.....	.....
Four-Wheel Drive	10.9	14.8	.....	.....	28.5	33.1
Special Purpose:						
Two-Wheel Drive	9.4	9.2	15.3	16.6	.....	.....
Four-Wheel Drive	26.8	28.9	.....	.....	70.0	64.7
Diesel Engines	0.07	0.03	0.04	0.01	0.12	0.04
Turbo/Supercharged Engines	0.07	0.11	0.04	0.13	0.12	0.10
Fuel Injection	100	100	100	100	100	100
Automatic Transmissions	84.2	85.1	81.9	83.1	87.9	87.7
Automatic Transmissions with Lockup Clutches	98.9	99.5	98.1	99.1	100	100
Automatic Transmission with Four or More Forward Speeds	93.8	95.1	89.7	92.2	99.4	98.5

The MY 1997 average test weight of the total light truck fleet increased by 120 pounds over that for MY 1996. The average fuel economy of the fleet decreased by 0.3 mpg to 20.4 mpg. Diesel engine usage decreased in light trucks to 0.03 percent in MY 1997 from 0.07 percent in MY 1996. The four-wheel drive share of the MY 1997 fleet increased by 6.4 percentage points over that for the MY 1996 level of 38.3 percent.

CAFE levels for light trucks in the 0–8,500 pounds gross vehicle weight (GVW) class increased from 18.5 mpg in MY 1980 to 21.7 mpg in MY 1987, before declining to 20.4 mpg in MY 1997, influenced by an increase in average weight, engine size, and performance. Light truck production increased from 1.9 million in MY 1980 to 6.1 million in MY 1997. Light trucks comprised 43 percent of the total light duty vehicle fleet production in MY 1997, 2.5 times the share in MY 1980.

D. Passenger Car and Light Truck Fleet Economy Averages

Figure II–4 illustrates an increase in the light duty fleet (combined passenger cars and light trucks) average fuel economy through MY 1987, followed by a gradual decline. (See also Table II–6.) Passenger car average fuel economy remained relatively constant for MYs 1987–1997. The overall decline in fuel economy illustrates the growing influence of light trucks and their significant impact on the light duty fleet.

Both passenger car and light truck fleet fuel economies decreased from MY 1996 to MY 1997 by 0.1 mpg and 0.3 mpg, respectively, contributing to the decline of the total fleet fuel economy for MY 1997 to 24.4 mpg. The shift to light trucks for general transportation is an important trend in consumers' preference and has a significant fleet fuel consumption effect.

E. Domestic and Import Fleet Fuel Economy Averages

Domestic and import passenger car fleet average fuel economies have improved since MY 1978, although the increase is far more dramatic for the domestic fleet. In MY 1997, the domestic passenger car fleet average fuel economy decreased from the MY 1996 level to 27.9 mpg. Import passenger car fleet average fuel economy increased slightly from MY 1996 to 29.8 mpg. Compared with MY 1978, this reflects an increase of 9.2 mpg for domestic cars and 2.5 mpg for import cars.

Since MY 1980, the total light truck fleet average fuel economy and the average for domestic light truck manufacturers have improved overall, but both have remained below the fuel economy level for the import light truck fleet. The import light truck average fuel economy has decreased significantly since its highest level of 27.4 mpg for MY 1981 to 22.1 mpg for MY 1997. For MY 1997, the domestic light truck fleet has an average fuel economy level of 20.1 mpg, which is 2.0 mpg lower than the import light truck fleet. For MY 1997, the import light truck fleet fuel economy remains at the MY 1996 level of 22.1 mpg. The domestic manufacturers continued to dominate the light truck market, comprising 85 percent of the total light truck fleet.

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Figure II-4

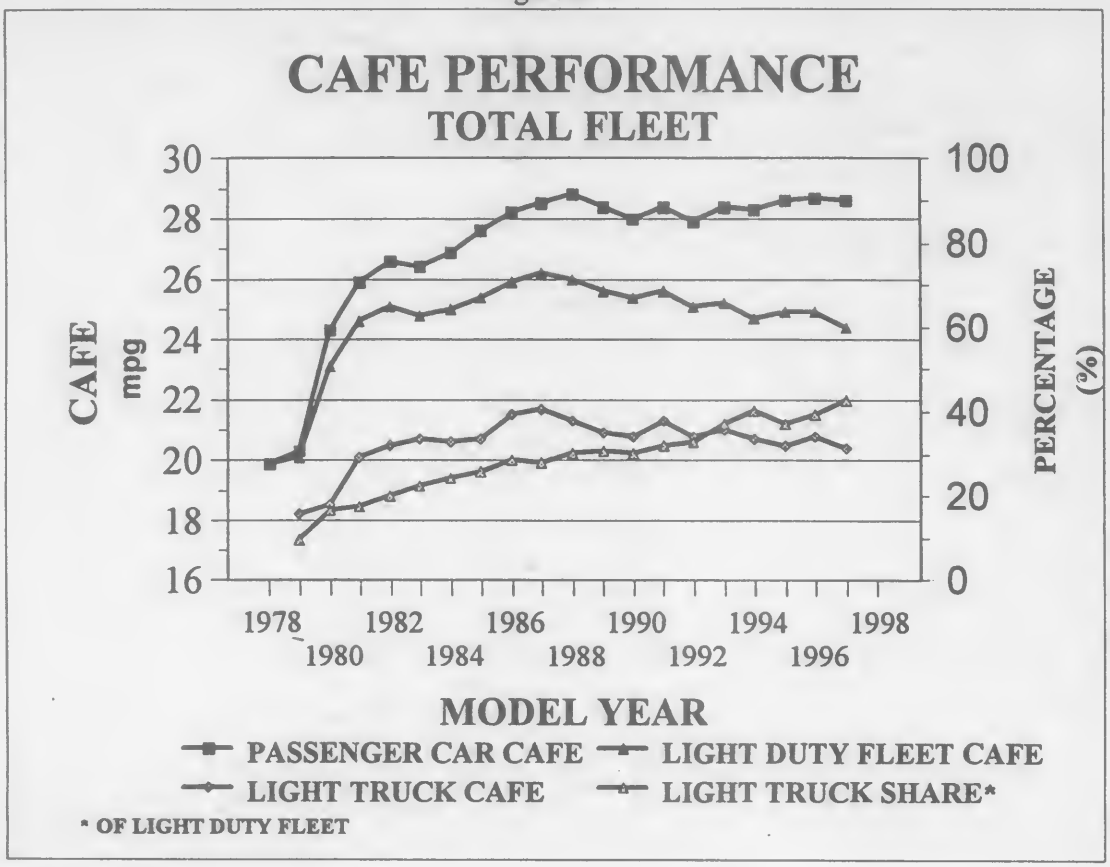

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TABLE II–6.—DOMESTIC AND IMPORT PASSENGER CAR AND LIGHT TRUCK FUEL ECONOMY AVERAGES FOR MODEL YEARS 1978–1997

(In mpg)

Model year	Domestic			Import			All cars	All light trucks	Total fleet	Light truck share of fleet (percent)
	Car	Light truck	Combined	Car	Light truck*	Combined				
1978	18.7	.....	.....	27.3	.....	.....	19.9	.....	.....	.....
1979	19.3	17.7	19.1	26.1	20.8	25.5	20.3	18.2	20.1	9.8
1980	22.6	16.8	21.4	29.6	24.3	28.6	24.3	18.5	23.1	16.7
1981	24.2	18.3	22.9	31.5	27.4	30.7	25.9	20.1	24.6	17.6
1982	25.0	19.2	23.5	31.1	27.0	30.4	26.6	20.5	25.1	20.1
1983	24.4	19.6	23.0	32.4	27.1	31.5	26.4	20.7	24.8	22.5
1984	25.5	19.3	23.6	32.0	26.7	30.6	26.9	20.6	25.0	24.4
1985	26.3	19.6	24.0	31.5	26.5	30.3	27.6	20.7	25.4	25.9
1986	26.9	20.0	24.4	31.6	25.9	29.8	28.2	21.5	25.9	28.6
1987	27.0	20.5	24.6	31.2	25.2	29.6	28.5	21.7	26.2	28.1
1988	27.4	20.6	24.5	31.5	24.6	30.0	28.8	21.3	26.0	30.1
1989	27.2	20.4	24.2	30.8	23.5	29.2	28.4	20.9	25.6	30.8
1990	26.9	20.3	23.9	29.9	23.0	28.5	28.0	20.8	25.4	30.1
1991	27.3	20.9	24.4	30.1	23.0	28.4	28.4	21.3	25.6	32.2
1992	27.0	20.5	23.8	29.2	22.7	27.9	27.9	20.8	25.1	32.9
1993	27.8	20.7	24.2	29.6	22.8	28.1	28.4	21.0	25.2	37.4
1994	27.5	20.5	23.5	29.6	22.0	27.7	28.3	20.7	24.7	40.2
1995	27.7	20.3	23.8	30.3	21.5	27.9	28.6	20.5	24.9	37.4
1996	28.3	20.5	24.1	29.7	22.1	27.7	28.7	20.8	24.9	39.4
1997	27.9	20.1	23.4	29.8	22.1	27.5	28.6	20.4	24.4	42.8

*Light trucks from foreign-based manufacturers.

The disparity between the average CAFEs of the import and domestic manufacturers has declined in recent years as domestic manufacturers have maintained relatively stable CAFE values while the import manufacturers moved to larger vehicles, and more four-wheel drive light trucks, thus lowering their CAFE values.

Section III: 1997 Activities

A. Light Truck CAFE Standards

On April 3, 1997, NHTSA published a final rule establishing a combined standard of 20.7 mpg for light trucks for MY 1999. The Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1997, Pub. L. 104–205, precludes the agency from setting the MY 1999 standard at a level other than the level for MY 1998.

B. Low Volume Petitions

49 U.S.C. 32902(d) provides that a low volume manufacturer of passenger cars may be exempted from the generally applicable passenger car fuel economy standards if these standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if NHTSA establishes an alternative standard for that manufacturer at its maximum feasible level. A low volume manufacturer is one that manufactured fewer than 10,000 passenger cars worldwide, in the model year for which the exemption is sought (the affected model year) and in the second model year preceding that model year.

In 1997, NHTSA acted on three low volume petitions that were filed by Lotus, Rolls-Royce, and the Coalition of Small Volume Automobile Manufacturers, Inc. (COSVAM).

Lotus submitted to the agency its low volume petition for MYs 1994, 1995, 1997, and 1998. NHTSA issued a final decision to grant alternative standards of 24.2 mpg for MY 1994 and 23.3 mpg for MY 1995 and denied requests for MYs 1997 and 1998 (62 FR 37153, July 11, 1997).

In October 1996, Perusahaan Otomobil Nasional Berhad (Proton) acquired controlling interest in Lotus Cars Ltd. That acquisition rendered Lotus ineligible under 49 U.S.C. section 32902(d) for exemption for MYs 1997 and 1998 because Proton has an annual worldwide production of more than 10,000 vehicles.

Rolls-Royce requested alternative standards for its passenger cars for MYs 1998 and 1999. NHTSA issued a final decision to grant an alternative standard of 16.3 mpg for MYs 1998 and 1999 (62 FR 17100, April 9, 1997).

The Coalition of Small Volume Automobile Manufacturers, Inc. (COSVAM) submitted a petition to amend 49 Part 525.5 (limitation on eligibility for exemptions from average fuel economy standards). COSVAM requested that the agency not count the production of parent firms when low volume producers apply for low volume exemption. Members of COSVAM include Rolls-Royce, Ferrari, AM General, Aston Martin, Callaway, CSI Laboratories, de Tomaso, Lamborghini, Lotus, Maserati, McLaren, Morgan, and TWR Engineering. Several members of COSVAM are subsidiaries of larger vehicle manufacturers. For example, Ferrari and Aston Martin produce fewer than 10,000 passenger cars worldwide annually but are owned by Fiat S.p.A. and Ford Motor Company, respectively. Ferrari and Aston Martin are ineligible for CAFE exemption because of their ownership by Fiat and Ford. However, Rolls-Royce, an independent manufacturer, produces fewer than 10,000 passenger cars worldwide and is not owned by another automaker. It is eligible for exemption from the average fuel economy standards. The agency concluded that, for CAFE purposes "vehicles manufactured by a manufacturer" includes, all vehicles manufactured, worldwide, by any entity that controls, is controlled by, or is under common control with the manufacturer. The agency issued a denial of the petition to adopt COSVAM's definition that defined the number of "Passenger automobiles manufactured by a manufacturer" (62 FR 39207, July 22, 1997) because COSVAM's definition is contrary to the language and intent of the governing statute.

In calendar year 1996, the agency acted on a joint petition filed by Lamborghini and Vector that was not included in the previous Annual Report to Congress. NHTSA issued a final decision to grant alternative standards of 12.8 mpg for MY 1995, 12.6 mpg for MY 1996, and 12.5 mpg for MY 1997 (61 FR 67491, December 23, 1996).

C. Enforcement

49 U.S.C. 32912(b) imposes a civil penalty for each tenth of a mpg by which a manufacturer's CAFE level falls short of the standard, multiplied by the total number of passenger automobiles or light trucks produced by the manufacturer in that model year. Credits earned for exceeding the standard in any of the three model years immediately prior to or subsequent to the model years in question can be used to offset the penalty.

On March 6, 1997, the civil penalty for manufacturers that violate a fuel economy standard increased from $5.00 to $5.50 pursuant to the inflation adjustment methodology included in the Debt Collection Improvement Act of 1996 (62 FR 5167, February 4, 1997).

Table III–1 shows CAFE fines paid by manufacturers in calendar year 1997. In calendar year 1997, manufacturers paid civil penalties totaling $806,465 for failing to comply with the fuel economy standards of 27.5 mpg for passenger cars in MYs 1994 and 1995. Final CAFE values were not available for manufacturers that may owe fines for MY 1996.

TABLE III–1.—CAFE FINES COLLECTED DURING CALENDAR YEAR 1997

Model Year	Manufacturer	Amount Fined	Date Paid
1994 ..	Panoz	$3,850	8/97
1995 ..	Fiat	801,220	07/97
	Panoz	1,395	08/97

D. Carryback Plans

49 U.S.C. 32903 allows an automobile manufacturer to earn fuel economy credits during any model year in which the manufacturer's fleet exceeds the established CAFE standard. The amount of credits a manufacturer earns is determined by multiplying the number of tenths of a mile per gallon by which the average fuel economy of the manufacturer's fleet in the model year exceeds the standard by the total number of vehicles in the manufacturer's fleet for the model year.

Already earned fuel economy credits are carried forward by the agency, (with affected manufacturers given an opportunity to comment on the agency's allocation of credits) and distributed to any of the three succeeding model years in which the manufacturer's fleet falls below the CAFE standard. For example, credits earned in MY 1994 may be used to offset deficiencies in MYs 1995, 1996, and/or 1997. A manufacturer also may submit to the agency a carryback plan, which demonstrates that it will earn sufficient credits within the following three model years which can be allocated to offset penalties in the model year involved.

General Motors submitted a carryback plan dated August 18, 1997 to the agency for MYs 1994 and 1995 light truck CAFE compliance. General Motor's carryback plan was approved.

E. Contract Activities

• Database Maintenance: Products and Production Capabilities of North American Automobile Manufacturing Plants

During 1997, NHTSA continued to fund the maintenance of a database that details the products and production capacities of North American automobile manufacturing plants. The Volpe National Transportation Systems Center administers this program with annual funding of $60,000.

• Published Report: Fuel Economy Effects and Incremental Cost, Weight and Lead Time Impacts of Employing Variable Valve Timing (VVT) Engine Technology.

In calendar year 1996, NHTSA initiated a study with a consultant to evaluate the fuel economy effects and cost and leadtime impacts of variable valve timing engine technology. The report and an in-house study of retail costs was published in Spring 1997.

The agency awarded Dr. Donald Patterson a contract totaling $52,000 to study the fuel economy effects, cost, and leadtime impacts of variable valve timing engine technology. In May 1997, the study was concluded and final results were published in a report titled, Fuel Economy Effects and Incremental Cost, Weight and Lead Time Impacts of Employing Variable Valve Timing (VVT) Engine Technology (DOT Report Number: HS 808 594). The in-house cost study was published with the same title as DOT Report Number HS 808 589.

In recent years, new mechanical inventions and electronic engine controls have made variable valve timing (VVT) a production possibility. Variable valve timing can improve fuel economy by lowering idle speeds, allowing engine downsizing and improving cycle efficiency under part load operation (mainly by reducing pumping work).

The report presents a paper study of the fuel economy benefits and the incremental manufacturing costs, tooling costs and engine weights as well as production leadtime for a VVT engine. Emission levels are considered. As a base, a 4-valve, V–6 engine of 3.5 liters was used with a 3,750 pounds passenger car. The VVT system applied to that engine was a combination of the Atsugi cam phasing system, a modified Mitsubishi MIVEC long and short duration cam system and intake port throttle. Fuel economy calculations were made as well for a typical light truck of 3,625 pounds with a 3.0 liter engine.

The study suggests that the incorporation of VVT features into a modern V–6 engine will be costly to the vehicle buyer, at an estimated retail price increase of $392 (1997 dollars). Fuel economy gains will be significant over the life of the vehicle, estimated as up to 10.4 percent for a passenger car and up to 8.8 percent for a light truck.

The study presents these general findings of VVT:

• VVT allows idle speed reduction due to reduced valve overlap at idle.

• VVT produces higher mid-speed torque.

• VVT allows oxides of nitrogen (NO_x) control by internal gas recirculation.

• VVT provides significant fuel economy gains but is accompanied by significant costs.

• Fuel economy gains with VVT were similar for the passenger car and light truck, the light truck benefits being lower.

[FR Doc. 98–8410 Filed 4–2–98; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 32760 (Sub-No. 21) [1]]

Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company; [Oversight]

AGENCY: Surface Transportation Board.

ACTION: Decision No. 12; Notice of oversight proceeding. Requests for additional conditions to the UP/SP Merger for the Houston, Texas/Gulf Coast area.

[1] This decision embraces the proceeding in Finance Docket No. 32760, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company.

SUMMARY: Pursuant to a petition filed February 12, 1998, by the Texas Mexican Railway Company and the Kansas City Southern Railway Company (Tex Mex/KCS) and a request filed March 6, 1998, by the Greater Houston Partnership (GHP), the Board is instituting a proceeding as part of the 5-year oversight condition that is imposed in Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SCPSL Corp., and The Denver and Rio Grande Western Railroad Company, Finance docket No. 32760 (UP/SP Merger), Decision No. 44 (STB served Aug. 12, 1996), to examine their requests, and others that may be made, for additional remedial conditions to the UP/SP merger as they pertain to rail service in the Houston, Texas/Gulf Coast region. The Board is establishing a procedural schedule (attached) for the submission of evidence, replies, and rebuttal. The Board requests that persons intending to participate in this oversight proceeding notify the agency of that intent. A separate service list will be issued based on the notices of intent to participate that the Board receives.

DATES: The proceeding will commence on June 8, 1998. On that date, all interested parties must file requests for new remedial conditions to the UP/SP merger regarding the Houston/Gulf Coast area, along with all supporting evidence. The Board will publish a notice of acceptance of requests for new conditions in the **Federal Register** by July 8, 1998. Notices of intent to participate in the oversight proceeding are due July 22, 1998. All comments, evidence, and argument opposing the requested new conditions are due August 10, 1998. Rebuttal in support of the requested conditions is due September 8, 1998. The full procedural schedule is set for at the end of this decision.

ADDRESSES: An original plus 25 copies[2] of all documents, referring to STB Finance Docket No. 32760 (Sub-No. 21), must be sent to the Office of the Secretary, Case Control Unit, ATTN: STB Finance Docket No. 32760 (Sub-No. 21), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423–0001.

Electronic Submissions

In addition to an original and 25 copies of all paper documents filed with the Board, the parties shall also submit, on 3.5 inch IBM-compatible diskettes or compact discs, copies all textual materials, electronic workpapers, data bases and spreadsheets used to develop quantitative evidence. Textual material must be in, or convertible by and into, WordPerfect 7.0. Electronic spreadsheets must be in, or convertible by and into, Lotus 1–2–3 97 Edition, Excel Version 7.0, or Quattro Pro Version 7.0.

The data contained on the diskettes or compact discs submitted to the Board may be submitted under seal (to the extent that the corresponding paper copies are submitted under seal), and will be for the exclusive use of Board employees reviewing substantive and/or procedural matters in this proceeding. The flexibility provided by such computer data is necessary for efficient review of these materials by the Board and its staff. The electronic submission requirements set forth in this decision supersede, for the purposes of this proceeding, the otherwise applicable electronic submission requirements set forth in our regulations. *See* 49 CFR 1104.3(a), as amended in Expedited Procedures for Processing Rail Rate Reasonableness, Exemption and Revocation Proceedings, STB Ex Parte No. 527, 61 FR 52710, 711 (Oct. 8, 1996), 61 FR 58490, 58491 (Nov. 15, 1996).[3]

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: In UP/SP Merger, Decision No. 44, served August 12, 1996, the Board approved the common control and merger of the rail carriers controlled by Union Pacific Corporation (Union Pacific Railroad Company and Missouri Pacific Railroad Company) and the rail carriers controlled by Southern Pacific Rail Corporation (Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and the Denver and Rio Grande Western Railroad Company) (collectively UP/SP), subject to various conditions. Common control was consummated on September 11, 1996. The Board imposed a 5-year oversight condition to examine whether the conditions imposed on the merger effectively addressed the competitive concerns they were intended to remedy, and retained jurisdiction to impose, as necessary, additional remedial conditions if the Board determined that the conditions already imposed were shown to be insufficient. In its initial oversight proceeding, the Board concluded that, while it was still too early to tell, there was no evidence at the time that the merger, with the conditions that the agency had imposed, had caused any adverse competitive consequences.[4] Nevertheless, the Board indicated that its oversight would be ongoing, and that it would continue vigilant monitoring.[5]

UP/SP has experienced serious service difficulties since the merger, and the Board has issued a series of orders under 49 U.S.C. 11123, effective through August 2, 1998, to mitigate a rail service crisis in the western United States caused, in large measure, by severely congested UP/SP lines in the Houston/Gulf Coast region.[6] In acting to relieve some of the congestion, the Board made substantial temporary changes to the way in which service is provided in and around Houston.[7] The Board found that, although merger implementation issues were involved, a key factor in bringing about the service emergency was the inadequate rail facilities and infrastructure in the region, and, as such, also ordered UP/SP, BNSF, and

[2] In order for a document to be considered a formal filing, the Board must receive an original plus 25 copies of the document, which must show that it has been properly served. As in the past, documents transmitted by facsimile (FAX) will not be considered formal filings and thus are not acceptable.

[3] A copy of each diskette or compact disc submitted to the Board should be provided to any other party upon request.

[4] Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company, Finance Docket No. 32760 (Sub-No. 21), Decision No. 10 (STB served Oct. 27, 1997) (UP/SP Oversight).

[5] UP/SP Oversight, Decision No. 10, at 2–3.

[6] STB Service Order No. 1518, Joint Petition for Service Order (Service Order No. 1518) (STB served Oct. 31 and Dec. 4, 1997, and Feb. 17 and 25, 1998).

[7] The Board directed UP/SP to release shippers switched by the Houston Belt & Terminal Railway Company (HB&T) or the Port Terminal Railroad Association (PTRA) from their contracts so that they could immediately route traffic over the Burlington Northern and Santa Fe Railway Company (BNSF) or Tex Mex, in addition to UP/SP. The agency also directed UP/SP to permit BNSF and Tex Mex to modify their operations over UP/SP lines to minimize congestion over UP/SP's "Sunset Line," to move traffic around Houston rather than going through it, and to have full access to UP/SP's Spring, TX dispatching facility as neutral observers. More generally, the Board required UP/SP to cooperate with other railroads and to accept assistance from other railroads able to handle UP/SP traffic.

UP/SP and BNSF recently have agreed to make other changes designed to improve service. In particular, the carriers have agreed to joint ownership of the Sunset Line between Avondale (New Orleans), LA and Houston; joint dispatching in the Houston area; and overhead trackage rights for UP/SP over the BNSF line between Beaumont and Navasota, TX.

other involved railroads to submit to the Board their plans to remedy these inadequacies.[8]

Recognizing the limitations on its authority under the emergency service provisions of the law, the Board rejected proposals offered by certain shipper, carrier, and governmental interests in the Service Order No. 1518 proceeding to force UP/SP to transfer some of its lines to other rail carriers and effect a permanent alteration of the competitive situation in the Houston region; it adopted instead only those measures designed to facilitate short-term solutions to the crisis that did not further aggravate congestion in the area or create additional service disruptions. The Board declared, however, that interested persons could present proposals for longer-term solutions to the service situation—including those seeking structural industry changes based on perceived competitive inadequates—in formal proceedings outside of section 11123, particularly in the UP/SP merger oversight process.[9] Tex Mex/KCS has now requested that we invoke our oversight jurisdiction over the merger for the purpose of considering such proposals, including the transfer to it of various UP/SP lines and yards in Texas.[10] GHP has also requested the Board's intervention to provide for Houston's long-term rail service needs, including the establishment of a neutral switching operation.

That the service emergency in the Houston/Gulf Coast region remains ongoing is well known.[11] Given these circumstances, the Board will invoke its oversight jurisdiction over the UP/SP merger to consider new conditions to the merger of the kind proposed here, and others that may be made. We note that no party as yet has seriously suggested that SP's inadequate infrastructure would not have produced severe service problems in the Houston/Gulf Coast area even if there had been no merger. Nonetheless, the Board believes that, given the gravity of the service situation, it should thoroughly explore anew the legitimacy and viability of longer-term proposals for new conditions to the merger as they pertain to service and competition in that region.

US/SP and BNSF argue that Tex Mex/KCS' request for conditions that have been previously rejected, without any new evidentiary justification, is insufficient grounds for the Board to begin a new oversight proceeding. We disagree. Our 5-year oversight of the UP/SP merger is not a static process, but a continuing one, so that the Board's prior rejection of Tex Mex/KCS' or any other party's requested conditions—whether in the Board's approval of the merger or in a subsequent oversight proceeding—does not preclude their fresh consideration now. Through our oversight condition, we have retained jurisdiction to monitor the competitive consequences of this merger; to re-examine whether our imposed conditions have effectively addressed the consequences they were intended to remedy; and to impose additional remedial conditions if those previously afforded prove insufficient, including, if necessary, divestiture of certain of the merged carriers' property.

The virtual shutdown of rail service in the Houston/Gulf Coast area that occurred after the UP/SP merger—and which, after many months, has yet to be normalized—is unprecedented. In our judgment, those circumstances alone are sufficient for the Board to commence this proceeding now. Clearly, our 5-year oversight jurisdiction permits us to examine—and, if necessary, re-examine at any time during this period—whether there is any relationship between the market power gained by UP/SP through the merger and the failure of service that has occurred here, and, if so, whether the situation should be addressed through additional remedial conditions. UP/SP Merger, Decision No. 44, at 100.

We caution, however, that we will not impose conditions requiring UP/SP to divest property that would substantially change the configuration and operations of its existing network in the region in the absence of the type of presentation and evidence required for "inconsistent applications" in a merger proceeding; i.e., parties must present probative evidence that discloses "the full effects of their proposals." UP/SP Merger, Decision No. 44, at 157. Divestiture is only available "when no other less intrusive remedy would suffice," and we will impose it only upon sufficient evidentiary justification. Id.

The Board will confine this proceeding under its continuing oversight jurisdiction to examining requests for new conditions to the merger relating to rail service in the Houston/Gulf Coast area. As we have noted, the service crisis in this region, and its significant impact on the regional economy, clearly warrant our discrete treatment of these matters now. As a result, the procedures set forth here will be separate from those in the more general oversight proceeding that, pursuant to UP/SP Oversight, Decision No. 10, will begin July 1, 1998.[12]

As set forth in the attached schedule, parties that wish to request new remedial conditions to the UP/SP merger as they pertain to the Houston/Gulf Coast region must file them, along with their supporting evidence, by June 8, 1998.[13] The Board will publish a notice in the **Federal Register** accepting such requests by July 8, 1998. Any person who intends to participate actively in this facet of oversight as a "party of record" (POR) must notify us of this intent by July 22, 1998. In order to be designated a POR, a person must satisfy the filing requirements discussed above in the **ADDRESSES** section. We will then compile and issue a final service list.

Copies of decisions, orders, and notices will be served only on those persons designated as POR, MOC (Members of Congress), and GOV (Governors) on the official service list. Copies of filings must be served on all persons who are designated as POR. We note that Members of the United States Congress and Governors who are

[8] Service Order No. 1518, Feb. 17, 1998 decision, at 5–7; Feb. 25, 1998 decision, at 5. The railroads' plans are due May 1, 1998; replies are due June 1.

[9] Service Order No. 1518, Feb. 17, 1998 decision, at 8; Feb. 25, 1998 decision, at 4.

[10] The Railroad Commission of Texas (RCT) has previously announced its intent to seek similar relief. See Service Order No. 1518, Feb. 17, 1998 decision, at 8.

[11] In its progress report of March 9, 1998, US/SP announced that it would take drastic action in 30 days—including the refusal of new business and the transfer of existing business to its competitors—if the steps it has taken to deal with the emergency are not successful. On March 24, 1998, the carrier announced an embargo of a significant portion of its southbound traffic destined for the Laredo, TX gateway to clear a backlog of 5,500 cars waiting to cross into Mexico.

[12] In Decision No. 10, at 18–19, the Board provided that general oversight would commence July 1 upon the filing by UP/SP and BNSF of their quarterly merger progress reports accompanied by comprehensive summary presentations. We provided that, as part of that proceeding, UP/SP and BNSF must make their 100% traffic tapes available by July 15, 1998; that comments of interested parties concerning oversight issues are due August 14, 1998; and that replies are due September 1, 1998. The general oversight proceeding will continue as planned.

[13] Tex Mex/KCS stated that it would file its supporting evidence 45 days after its petition. Petition at 5. If it does so, it need not file its evidence anew on June 8th, although it may supplement its filing as appropriate. We decline, however, petitioner's request (Petition at 11 n. 6) to incorporate by reference its pleadings in Finance Docket Nos. 33507, 33461, 33462, and 33463 (titles omitted). In those proceedings, Tex Mex/KCS has complained that, after the merger, UP/SP (either singly or jointly with BNSF) unlawfully acquired control of HB&T in violation of 49 U.S.C. 11323, and has petitioned that a series of exemptions the carriers filed to restructure HB&T's operations leading to that control should be voided and/or revoked. We will proceed to consider the discrete matters in those cases—including Tex Mex/KCS' petition for consolidation and motion to compel discovery, and UP/SP's motion to dismiss—separately from our consideration in the oversight proceeding of requests by Tex Mex/KCS and others for new remedial conditions to the merger.

designated MOC and GOV are not parties of record and they need not be served with copies of filings; however, those who are designated as a POR must be served with copies of filings. All other interested persons are encouraged to make advance arrangements with the Board's copy contractor, DC News & Data, Inc. (DC News), to receive copies of Board decisions, orders, and notices served in this proceeding. DC News will handle the collection of charges and the mailing and/or faxing of decisions to persons who request this service. The telephone number for DC News is: (202) 289–4357.

A copy of this decision is being served on all persons designated as POR, MOC, or GOV on the service list in Finance Docket No. 32760 (Sub-No. 21). This decision will serve as notice that persons who were parties of record in the previous oversight proceeding (leading to Decision No. 10) will not automatically be placed on the service list as parties of record for this facet of oversight unless they notify us of their intent to participate further.

Finally, while the requested remedial conditions (and those reasonably anticipated from other parties) could, if imposed, result in a transfer of ownership of certain UP/SP rail property or changes in the way that such properties are operated, they appear unlikely to produce the kind of significant operational changes that, under 49 CFR 1105.6(b)(4), requires the filing of a preliminary draft environmental assessment (PDEA).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: March 30, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

Procedural Schedule

June 8, 1998: Requests for new remedial conditions (with supporting evidence) filed.

July 8, 1998: Board notice of acceptance of requests for new conditions published in the **Federal Register.**

July 22, 1998: Notice of intent to participate in proceeding due.

August 10, 1998: All comments, evidence, and argument opposing requests for new remedial conditions to the merger due. Comments by U.S. Department of Justice and U.S. Department of Transportation due.

September 8, 1998: Rebuttal evidence and argument in support of requests for new conditions due.

The necessity of briefing, oral argument, and voting conference will be determined after the Board's review of the pleadings.

[FR Doc. 98–8827 Filed 4–2–98; 845 am]

BILLING CODE 4915–00–M

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group, Notice of Meeting

As required by the Federal Advisory Committee Act, the VA hereby gives notice that the Special Medical Advisory Group has scheduled a meeting on April 14, 1998. The meeting will convene at 8:30 a.m. and end at about 3:00 p.m. The meeting will be held in Room 830 at VA Central Office, 810 Vermont Avenue, N.W., Washington, D.C. The purpose of the meeting is to advise the Secretary and Under Secretary for Health relative to the care and treatment of disabled veterans, and other matters pertinent to the Department's Veterans Health Administration (VHA).

The agenda for the meeting will include discussion of transformation highlights, quality management and safety, consumer bill of rights, transfer pricing regional variation in medical practice, and end of life care issues.

All sessions will be open to the public up to the seating capacity of the meeting room. Those wishing to attend should contact Brenda Goodworth, Office of the Under Secretary for Health, Department of Veterans Affairs. Her phone number is 202.273.5878.

Dated: March 27, 1998.

By Direction of the Acting Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 98–8730 Filed 4–2–98; 8:45 am]

BILLING CODE 8320–01–M

federal register

Friday
April 3, 1998

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4341–N–04]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets NW., Washington, DC 20405; (202) 501–2059; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–7342; VA: Mr. George L. Szwarcman, Director, Land Management Service, 184A, Department of Veterans Affairs, 811 Vermont Avenue NW, Room 414, Lafayette Bldg., Washington, DC 20420; (202) 565–5941; (These are not toll-free numbers).

Dated: March 26, 1998.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 04/03/98

Suitable/Available Properties

Buildings (by State)

Connecticut

Pier 7
Naval Undersea Warfare Center
New London Co: New London CT 06320–5594
Landholding Agency: Navy
Property Number: 779710063
Status: Excess
Comment: 700′ long by 30′ wide, rectangular shaped reinforced concrete pier

Hawaii

Bldg. S87, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 64, Radio Trans. Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779310004
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only

Bldg. 594
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620011
Status: Unutilized
Comment: 1300 sq. ft., most recent use—parking garage, off-site use only

Bldgs. S233–S234, S241–S244
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620012
Status: Unutilized
Comment: 90 sq. ft. each, need repairs, most recent use—storage, off-site use only

Bldgs. S229–S232
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620013
Status: Unutilized
Comment: 180 sq. ft. each, needs repairs, most recent use—storage, off-site use only

Bldg. 4, Naval Station
Pearl Harbor, Bishop Point (Hickman AFB)
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy

Property Number: 779620043
Status: Unutilized
Comment: 576 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 20, Naval Station
Pearl Harbor, Bishop Point (Hickman AFB)
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620044
Status: Unutilized
Comment: 252 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only

Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu, HI 96860–
Landholding Agency: Navy
Property Number: 779640039
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu, HI 96860–
Landholding Agency: Navy
Property Number: 779640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu, HI 96860–
Landholding Agency: Navy
Property Number: 779640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu, HI 96860–
Landholding Agency: Navy
Property Number: 779640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 222
Naval Station, Ford Island
Pearl Harbor Co: Honolulu, HI 96860–
Landholding Agency: Navy
Property Number: 779640043
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 148, Hale Moku Housing
Navy Public Works Center, Pearl Harbor
Pearl Harbor Co: Honolulu, HI 96818–
Landholding Agency: Navy
Property Number: 779720122
Status: Excess
Comment: 2138 sq. ft., concrete/masonry/wood, needs major rehab, off-site use only

Bldg. 618, Ferry Terminal
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu, HI 96860–
Landholding Agency: Navy
Property Number: 779740069
Status: Underutilized
Comment: intermittent use, 315 sq. ft., most recent use—storage

Bldg. 619, Ferry Terminal
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu, HI 96860–
Landholding Agency: Navy
Property Number: 779740070
Status: Underutilized
Comment: intermittent use, 1460 sq. ft., most recent use—storage

Bldg. 594, Ferry Terminal
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu, HI 96860–
Landholding Agency: Navy
Property Number: 779740071
Status: Excess
Comment: 1300 sq. ft., most recent use—parking shed, needs rehab

Bldg. 566, Ferry Terminal
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu, HI 96860–
Landholding Agency: Navy
Property Number: 779740072
Status: Excess
Comment: 52 sq. ft., most recent use—sentry post

Structure 5378, Ford Island
Naval Station, Pearl Harbor
Pearl Habor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779740073
Status: Underutilized
Comment: intermittent use, berthing pier

Bldg. 678
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779810221
Status: Excess
Comment: 20,000 sq. ft., needs rehab, presence of asbestos, most recent use—storage/admin., off-site use only

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no santiary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

New Hampshire

Bldg. 233
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 779810222
Status: Excess
Comment: 9584 sq. ft., needs rehab, most recent use—storage, off-site use only

New York

U.S. Army Reserve Center
Elizabethtown Reserve Center
Corner of Water and Cross Streets
Elizabethtown Co: Esses NY 12932–
Landholding Agency: GSA
Property Number: 219540016
Status: Excess
Comment: 4316 sq. ft. reserve center/1315 sq. ft. motor repair shop, 1 story each, concrete block/brick frame
GSA Number: 1–D–NY–861

North Carolina

Bldg. 146, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 7796200029
Status: Unutilized
Comment: 1900 sq. ft., concrete block, most recent use—gas station, off-site use only

Bldg. 117, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 7797200042
Status: Unutilized
Comment: 1456 sq. ft., frame, off-site use only

Bldg. 118, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779720043
Status: Unutilized
Comment: 1,456 sq. ft., frame, off-site use only

Pennsylvania

Bldg. 76
Naval Inventory Control Point
Philadelphia Co: Philadelphia PA 19111–5098
Landholding Agency: Navy
Property Number: 779730075
Status: Excess
Comment: 3475 sq. ft., cinder block/metal, most recent use—child care, needs repair, off-site use only

Bldg. 25—VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny PA 15215–
Landholding Agency: VA
Property Number: 979210001
Status: Unutilized
Comment: 133 sq. ft., one-story brick guard house, needs rehab

Bldg. 3, VAMC
170 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 979230012
Status: Unutilized
Comment: portion of bldg. (3850 and 4360 sq. ft.), most recent use—storage, second floor—lacks elevator access

Virginia

Bldg. 1470
509 King Street
Portsmouth VA 23704–
Landholding Agency: Navy
Property Number: 779640044
Status: Unutilized
Comment: 21445 sq. ft., 3-story

Bldg. V14
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710013
Status: Excess
Comment: 2800 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. V15
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710014
Status: Excess
Comment: 17179 sq. ft., presence of asbestos/lead paint, most recent use—shipboard repair, off-site use only

Bldg. V16
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710015
Status: Excess
Comment: 2800 sq. ft., presence of lead paint, most recent use—part store, off-site use only

Bldg. V31
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710016
Status: Excess
Comment: 23430 sq. ft., presence of lead paint/asbestos, off-site use only

Bldg. LP196
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710027
Status: Excess
Comment: 297 gross sq. ft., off-site use only

Bldg. R49
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710028
Status: Excess
Comment: 12000 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. R56
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710029
Status: Excess
Comment: 4000 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. R60
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710030
Status: Excess
Comment: 3970 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. V42
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710032
Status: Excess
Comment: 13026 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. V48
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710034
Status: Excess
Comment: 2408 gross sq. ft., needs repair, presence of asbestos/lead paint, off-site use only

Bldg. LP176
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710035
Status: Excess
Comment: 25611 gross sq. ft., off-site use only

Bldg. U47
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710036
Status: Excess
Comment: 1000 gross sq. ft., off-site use only

Bldg. V43
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710037
Status: Excess
Comment: 8754 gross sq. ft., presence of asbestos, off-site use only

Bldg. V45
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710038
Status: Excess
Comment: 1343 gross sq. ft., battery contamination, presence of asbestos, off-site use only

Bldg. LF38
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710039
Status: Excess
Comment: 5292 gross sq. ft., needs repair, off-site use only

Bldg. V30AQ
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779710040
Status: Excess
Comment: 340 gross sq. ft., needs repair, most recent use—storage, off-site use only

Bldg. 34
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710046
Status: Excess
Comment: 1260 sq. ft., off-site use only

Bldg. 91
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710047
Status: Excess
Comment: 780 sq. ft., off-site use only

Bldg. 141
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710048
Status: Excess
Comment: 414 sq. ft., off-site use only

Bldg. 213
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710049
Status: Excess
Comment: 1328 sq. ft., off-site use only

Bldg. 224
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710050
Status: Excess
Comment: 512 sq. ft., off-site use only

Bldgs. 237–238
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710051
Status: Excess
Comment: 63 sq. ft. each, off-site use only

Bldgs. 241–243
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710052
Status: Excess
Comment: 144 sq. ft. each, off-site use only

Bldg. 251
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710053
Status: Excess
Comment: 1134 sq. ft., off-site use only

Bldg. 254
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710054
Status: Excess
Comment: 156 sq. ft., off-site use only

Bldg. 280
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710055
Status: Excess
Comment: 126 sq. ft., off-site use only.

Bldg. 357
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710056
Status: Excess
Comment: 2214 sq. ft., off-site use only.

Bldg. 360
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710057
Status: Excess
Comment: 144 sq. ft., off-site use only.

Bldg. 383
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy

Property Number: 779710058
Status: Excess
Comment: 160 sq. ft., off-site use only.

Bldg. 2058A
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720054
Status: Excess
Comment: 280 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 2076
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720055
Status: Excess
Comment: 3000 sq. ft., fair condition, most recent use—offices, off-site use only

Bldg. 3319
Naval Amphibious Base Little Ceek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720059
Status: Excess
Comment: 9000 sq. ft., fair condition, most recent use—maintenance, off-site use only

Bldg. 3373
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720060
Status: Excess
Comment: 1800 sq. ft., fair condition, most recent use—office, off-site use only

Bldg. 3627
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779710061
Status: Excess
Comment: 1200 sq. ft., fair condition, most recent use—laundry/dry cleaners, off-site use only

Bldg. 3684
Naval Amphibious Base Little Creek
Norfolk VA 23522–2616
Landholding Agency: Navy
Property Number: 779720062
Status: Excess
Comment: 2200 sq. ft., poor condition, most recent use—recreation pavillion, off-site use only

Bldg. 3692
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720063
Status: Excess
Comment: 3000 sq. ft., fair condition, most recent use—storage, off-site use only

Bldg. 3151
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720065
Status: Excess
Comment: 2600 sq. ft., fair condition, most recent use—office, off-site use only

Bldg. E26, Naval Base Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779730042
Status: Excess
Comment: 21,654 sq. ft., 2-story, off-site use only

Bldg. X379, Naval Base Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779730043
Status: Excess
Comment: 1138 sq. ft., most recent use—recycling facility, off-site use only

Bldg. N27
Naval Base Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779730046
Status: Excess
Comment: 5166 sq. ft., most recent use—indoor playing courts, poor condition, off-site use only

Bldg. 89
Naval Base Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779730047
Status: Excess
Comment: 16,077 sq. ft., most recent use—office, poor condition, off-site use only

Bldg. 138
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779730048
Status: Excess
Comment: 192 sq. ft., most recent use—storage, poor condition, off-site use only

Bldg. 215
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779730049
Status: Excess
Comment: 1600 sq. ft., most recent use—storage, poor condition, off-site use only

Bldg. 234
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779730050
Status: Excess
Comment: 1161 sq. ft., most recent use—office, poor condition, off-site use only

Bldg. 248
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth, VA 23702
Landholding Agency: Navy
Property Number: 779730051
Status: Excess
Comment: 4858 sq. ft., most recent use—office, poor condition, off-site use only

Bldg. 276
Naval Base Norfolk
St. Juliens Creek Annex
Portsmouth, VA 23702–
Landholding Agency: Navy
Property Number: 779730052
Status: Excess
Comment: 81 sq. ft., most recent use—storage, poor condition, off-site use only

Bldg. 194
Naval Base Norfolk
St. Juliens Creek annex
Portsmouth, VA 23702–
Landholding Agency: Navy
Property Number: 779730053
Status: Excess
Comment: 1580 sq. ft., most recent use—office, poor condition, off-site use only

Bldg. NM–59A
Naval Base Norfolk
Norfolk, VA 23511–
Landholding Agency: Navy
Property Number: 779730069
Status: Excess
Comment: 14,044 sq. ft., presence of asbestos, most recent use—mobile facilities shop, off-site use only

Bldg. 2069
Naval Amphibious Base Little Creek
Norfolk, VA 23521–2616
Landholding Agency: Navy
Property Number: 779740064
Status: Excess
Comment: 5000 sq. ft., most recent use—storage, off-site use only

Bldg. 94
St. Juliens Creek Annex
Portsmouth, VA 23702–
Landholding Agency: Navy
Property Number: 779740075
Status: Unutilized
Comment: 361 sq. ft.

Bldg. 206
St. Juliens Creek Annex
Portsmouth, VA 23702–
Landholding Agency: Navy
Property Number: 779740076
Status: Unutilized
Comment: 204 sq. ft., most recent use—storage

Bldg. 211
St. Juliens Creek Annex
Portsmouth, VA 23702–
Landholding Agency: Navy
Property Number: 779740077
Status: Unutilized
Comment: 165 sq. ft., most recent use—storage

Bldg. 274
St. Juliens Creek Annex
Portsmouth, VA 23702–
Landholding Agency: Navy
Property Number: 779740078
Status: Unutilized
Comment: 81 sq. ft., most recent use—storage

Bldg. 124
St. Juliens Creek Annex
Portsmouth, VA 23702–
Landholding Agency: Navy
Property Number: 779740079
Status: Unutilized
Comment: 4900 sq. ft., most recent use—office

Bldg. 193
St. Juliens Creek Annex
Portsmouth, VA 23702–
Landholding Agency: Navy
Property Number: 779740080
Status: Unutilized
Comment: 1932 sq. ft., most recent use—office

Bldg. P82
Naval Station Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779740081

Status: Excess
Comment: 1324 sq. ft., most recent use—retail store

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 979010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon, AL 36083–
Landholding Agency: VA
Property Number: 979010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 979240001
Status: Underutilized
Comment: 4 acres; landslide area

Georgia

Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010229
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access

Hawaii

1.49 acres, Ferry Terminal
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779740068
Status: Underutilized
Comment: Intermittent use, most recent use—parking

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 979740002
Status: Unutilized
Comment: golf course, easement requirements

Maryland

46.725 acres
Naval Air Warfare Center
Willows Road
Lexington Park Co: St. Mary's MD
Landholding Agency: Navy
Property Number: 779710067
Status: Unutilized
Comment: buffer area within Accident Potential Zone 2, no utilities, use and access restrictions

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 979010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves

New York

Land—US Army Reserve Center
Glens Falls
17 miles NE of Saratoga Springs
Glens Falls Co: Warren NY
Landholding Agency: GSA
Property Number: 549810015
Status: Excess
Comment: 6.965 acres, no improvements GSA Number: 1–D–NY–862

Texas

Peary Point #2
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5000
Landholding Agency: Navy
Property Number: 779030001
Status: Excess
Comment: 43.48 acres; 60% of land under lease until 8/93

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 979010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 979010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities

Suitable/Unavailable Properties

Buildings (by State)

California

Bldg. 29
Naval Support Activity
Monterey Co: Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779730013
Status: Unutilized
Comment: 2500 sq. ft., wood, poor condition, presence of asbestos, most recent use—storage

Bldg. 218
Naval Support Activity
Monterey Co: Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779730014
Status: Unutilized
Comment: 463 sq. ft., presence of asbestos, most recent use—marine biology lab, environmentally sensitive

3 Bldgs. La Mesa Village
Naval Support Activity
#39, 40, 117
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740030
Status: Excess
Comment: 3906 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing

9 Bldgs. La Mesa Village
Naval Support Activity
#31, 33, 35, 36, 41, 116, 118, 121, 122
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740031
Status: Excess
Comment: 7109 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use–housing

5 Bldgs. La Mesa Village
Naval Support Activity
#32, 38, 42, 119, 123
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740032
Status: Excess
Comment: 4392 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing

12 Bldgs. La Mesa Village
Naval Support Activity
#24–25, 45–48, 54–55, 57, 59, 113–114
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740033
Status: Excess
Comment: 4257 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing

Bldg. 26 La Mesa Village
Naval Support Activity
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740034
Status: Excess
Comment: 1276 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing

23 Bldgs. La Mesa Village
Naval Support Activity
1–5, 27–30, 50–53, 83–85, 124–125, 129–132, 136
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740035
Status: Excess
Comment: 4482 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing

9 Bldgs, La Mesa Village
Naval Support Activity
#137, 142–149
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740036
Status: Excess
Comment: 4482 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing

Bldg. 115 La Mesa Village
Naval Support Activity
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740037

Status: Excess
Comment: 6000 sq. ft., needs rehab, presence of lead paint, most recent use—carport

Bldg. 120 La Mesa Village
Naval Support Activity
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740038
Status: Excess
Comment: 5200 sq. ft., needs rehab, presence of lead paint, most recent use—housing

Bldg. 23 La Mesa Village
Naval Support Activity
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740039
Status: Excess
Comment: 2800 sq. ft., needs rehab, presence of lead paint, most recent use—carport

Bldg. 34 La Mesa Village
Naval Support Activity
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740040
Status: Excess
Comment: 8600 sq. ft., needs rehab, presence of lead paint, most recent use—carport

Bldg. 37 La Mesa Village
Naval Support Activity
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740041
Status: Excess
Comment: 5200 sq. ft., needs rehab, presence of lead paint, most recent use—carport

Bldg. 44 La Mesa Village
Naval Support Activity
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740042
Status: Excess
Comment: 2400 sq. ft., needs rehab, presence of lead paint, most recent use—carport

Bldg. 49 La Mesa Village
Naval Support Activity
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740043
Status: Excess
Comment: 7685 sq. ft., needs rehab, presence of asbestos/ lead paint, most recent use—carport

Bldg. 56 La Mesa Village
Naval Support Activity
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740044
Status: Excess
Comment: 2400 sq. ft., needs rehab, presence of lead paint, most recent use—carport

Bldgs. 65–74, 86, 87
Naval Postgraduate School
Le Mesa
Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779740067
Status: Excess
Comment: 4,482 sq. ft., family housing, presence of asbestos/lead paint, need rehab

Florida

Bldg. 37, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230010
Status: Underutilized
Comment: Third floor of a concrete frame bldg. (13,900 sq. ft.), presence of asbestos, listed on Natl Register of Historic Places, access restrictions

Indiana

Bldg. 24, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230005
Status: Underutilized
Comment: 4135 sq. ft. 2-story wood structure, needs minor rehab, no sanitary or heating facilities, presence of asbestos, Natl Register of Historic Places

Maine

Bldg. 376, Naval Air Station
Topsham Annex
Topsham Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779320011
Status: Unutilized
Comment: 4530 sq. ft., 2-story, most recent use—quarters, needs rehab

Bldg. 383
Topsham Annex, Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720025
Status: Unutilized
Comment: 4431 sq. ft., 1-story

Bldg. 382
Topsham Annex, Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720026
Status: Unutilized
Comment: 14855 sq. ft., 1-story, subject to contamination

Bldg. 381
Topsham Annex, Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720027
Status: Unutilized
Comment: 14057 sq. ft., 1-story

Maryland

Bldg. 230
Naval Communication Detachment
9190 Commo Road
Cheltenham Co: Prince George MD 20397–5520
Landholding Agency: Navy
Property Number: 779330010
Status: Unutilized
Comment: 12,384 sq. ft., 4-story, needs rehab, potential utilities, includes 37 acres of land

Ohio

Naval & Marine Corps Res. Cntr
315 East LaClede Avenue
Youngstown OH
Landholding Agency: Navy
Property Number: 779320012
Status: Unutilized
Comment: 3067 sq. ft. 2 story, possible asbestos

Puerto Rico

Bldgs. 501 & 502
U.S. Naval Radio Transmitter Facility
State Road No. 2
Juana Diaz PR 00795–
Landholding Agency: Navy
Property Number: 779530007
Status: Underutilized
Comment: Reinforced concrete structures, limited access, needs rehab, most recent use—transmitter and power house

Virginia

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number: 779010109
Status: Unutilized
Comment: 3665 sq. ft., 1 story, possible asbestos, most recent use—laundry

Wyoming

Bldg. 13
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110001
Status: Unutilized
Comment: 3613 sq. ft., 3 story wood frame masonry veneered, potential utilities, possible asbestos, needs rehab

Bldg. 79
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110003
Status: Unutilized
Comment: 45 sq. ft., 1 story brick and tile frame, limited utilities, most recent use—reservoir house, use for storage purposes

Land (by State)

Florida

Naval Public Works Center
Naval Air Station
Pensacola Co: Escambia FL 32508–
Location: Southeast corner of Corey station—next to family housing.
Landholding Agency: Navy
Property Number: 779010157
Status: Unutilized
Comment: 22 acres

Georgia

Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010255
Status: Underutilized
Comment: 495 acres; 86 acre portion located in floodway; secured area with alternate access

Illinois

VA Medical Center
3001 Green Bay Road
North Chicago Co: Lake IL 60064–
Landholding Agency: VA
Property Number: 979010082
Status: Underutilized
Comment: 2.5 acres; currently being used as a construction staging area for the next 6–8 years, potential utilities

Iowa

38 acres
VA Medical Center

1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 979740001
Status: Unutilized
Comment: golf course

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 979010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 979010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 979010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities

Land No. 645
VA Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets.
Landholding Agency: VA
Property Number: 979010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 979340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer

Tennessee

44 acres
VA Medical Center
3400 Lebanon Rd.
Murfreesboro Co: Rutherford TN 37129–
Landholding Agency: VA
Property Number: 979740003
Status: Underutilized
Comment: intermittent use, partially landlocked, flooding

Virgin Islands

Ham's Bluff Test Site
Freddriksted Co: St. Croix VI 00840–
Landholding Agency: Navy
Property Number: 779530006
Status: Unutilized
Comment: 22.5 acres, bldg. construction underway, secured area w/alternate access, property reverts to Transportation when Navy vacates

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 779010156
Status: Unutilized
Comment: 60 acres, most recent use—sandpit; secured area with alternate access

Suitable/To Be Excessed

Buildings (by State)

New Hampshire

Naval & Marine Corp. Rsv. Ctr.
199 North Main St.
Manchester NH 03102–
Landholding Agency: Navy
Property Number: 779530005
Status: Excess
Comment: 3 bldgs. on 2.53 acres of land, limited utilities, limited use prior to environmental cleanup

Puerto Rico

Bldg. 561
Former Ramey AFB
Aguadilla PR 00604–
Landholding Agency: Navy
Property Number: 779630001
Status: Unutilized
Comment: 102666 sq. ft. bldg. on 12.287 acres, most recent use—manufacturing, office and freight distribution center, presence of asbestos

Land (by State)

Illinois

Libertyville Training Site
Libertyville Co: Lake IL 60048–
Landholding Agency: Navy
Property Number: 779010073
Status: Excess
Comment: 114 acres; possible radiation hazard; existing FAA use license

Minnesota

Land around Bldg. 240–249, 253
VA Medical Center
Fort Snelling
St. Paul Co: Hennepin MN 55111–
Landholding Agency: VA
Property Number: 979010007
Status Unutilized
Comment: 3.76 acres, potential utilities

Unsuitable Properties

Buildings (by State)

Alabama

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979730001
Status: Underutilized
Reason: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 979730002
Status: Underutilized
Reason: Secured Area

California

Bldg. 31104
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779340003
Status: Unutilized
Reason: Secured Area

Bldg. 31107
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779420001
Status: Unutilized
Reason: Secured Area

Bldg. 15951
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779430006
Status: Unutilized
Reason: Secured Area, Extensive deterioration, Within 2000 ft. of flammable or explosive material

Bldg. 31539
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779430016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 00366
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520001
Status: Excess
Reason: Secured Area

Bldg. 00405
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520002
Status: Excess
Reason: Secured Area

Bldg. 00418
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520003
Status: Excess
Reason: Secured Area

Bldg. 00426
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520005
Status: Excess
Reason: Secured Area

Bldg. 00427
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520006
Status: Excess
Reason: Secured Area

Bldg. 00429
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy

Property Number: 779520007
Status: Excess
Reason: Secured Area

Bldg. 00430
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520008
Status: Excess
Reason: Secured Area

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00360, 00415, 00419, 00423, 00414
Landholding Agency: Navy
Property Number: 779520009
Status: Excess
Reason: Secured Area

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00428, 00359, 00362, 00369, 00409
Landholding Agency: Navy
Property Number: 779520010
Status: Excess
Reason: Secured Area

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00367, 00416, 00425, 00365, 00368
Landholding Agency: Navy
Property Number: 779520011
Status: Excess
Reason: Secured Area

4 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00370, 00371, 00385, 00404
Landholding Agency: Navy
Property Number: 779520012
Status: Excess
Reason: Secured Area

4 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00412, 00433, 00434, 00435
Landholding Agency: Navy
Property Number: 779520013
Status: Excess
Reason: Secured Area

Bldgs. 31030, 31031 & 31034
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779520015
Status: Excess
Reason: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 481
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520018
Status: Unutilized
Reason: Secured Area

Bldg. 482
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520019
Status: Excess
Reason: Secured Area

Bldg. 356
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520020
Status: Excess
Reason: Secured Area

Bldg. 361
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520021
Status: Excess
Reason: Secured Area

Bldg. 364
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520022
Status: Excess
Reason: Secured Area

Bldg. 373
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520023
Status: Excess
Reason: Secured Area

Bldg. 407
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520024
Status: Excess
Reason: Secured Area

Bldg. 413
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520025
Status: Excess
Reason: Secured Area

Bldg. 366
Naval Air Weapons, Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520026
Status: Unutilized
Reason: Secured Area

Bldg. 432
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520027
Status: Excess
Reason: Secured Area

Bldg 372
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520028
Status: Excess
Reason: Secured Area

Bldg. 417
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520029
Status: Excess
Reason: Secured Area

Bldg. 422
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Nubmer: 779520030
Status: Excess
Reason: Secured Area

Bldg. 424
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520031
Status: Excess
Reason: Secured Area

Bldg. 30735
Naval Air Weapons Center
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779530029
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 20186
Observation Tower, Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779540001
Status: Excess
Reason: Extensive deterioration

Bldg. 120
Naval Air Weapons Station, Point Mugu
San Nicholas Island Co: Ventura CA 97042–
Landholding Agency: Navy
Property Number: 779540002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 122
Naval Air Weapons Station
Point Mugu Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779610001
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1468
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610002
Status: Underutilized
Reason: Secured Area

Bldg. 1469
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610003
Status: Underutilized
Reason: Secured Area

Bldg. 31035
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779620036
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 00358
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779620046

Status: Unutilized
Reason: Secured Area

Bldg. 00357
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779620047
Status: Unutilized
Reason: Secured Area

Bldg. 2–43
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779630018
Status: Unutilized
Reason: Secured Area

Bldg. 2–43A
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779630019
Status: Unutilized
Reason: Secured Area

Bldg. 723
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779630020
Status: Unutilized
Reason: Secured Area

Bldg. 330
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779630038
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5–30
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 305
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640012
Status: Unutilized
Reason: Extensive deterioration

Bldg. 616
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640013
Status: Unutilized
Reason: Extensive deterioration

Bldg. 617
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640014
Status: Unutilized
Reason: Extensive deterioration

Bldg. 618
Naval Air Weapons Station
Oxnard Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779640015
Status: Unutilized
Reason: Extensive deterioration

Bldg. N46
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779710009
Status: Excess
Reason: Secured Area

Bldg. 773
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779710010
Status: Excess
Reason: Secured Area

Bldg. 727
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720050
Status: Unutilized
Reason: Secured Area

Bldg. 766
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720107
Status: Excess
Reason: Secured Area

Bldg. 81
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720108
Status: Excess
Reason: Secured Area

Bldg. 712
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720109
Status: Excess
Reason: Secured Area

Bldg. 736
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720110
Status: Excess
Reason: Secured Area

Bldg. 7005
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779720111
Status: Excess
Reason: Secured Area

Bldg. 863
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779730009
Status: Excess
Reason: Secured Area

Bldg. 15
Naval Support Activity
Monterey Co: Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779730010
Status: Unutilized
Reason: Extensive deterioration

Bldg. 28
Naval Support Activity
Monterey Co: Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779730011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 500
Naval Support Activity
Monterey Co: Monterey CA 93943–
Landholding Agency: Navy
Property Number: 779730012
Status: Unutilized
Reason: Extensive deterioration

Bldg. 20193
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730015
Status: Excess
Reason: Extensive deterioration

Bldg. 70108
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730016
Status: Excess
Reason: Extensive deterioration

Bldg. 91028
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730017
Status: Excess
Reason: Extensive deterioration

Bldg. 91030
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730018
Status: Excess
Reason: Extensive deterioration

Bldg. 91031
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number: 779730020
Status: Excess
Reason: Extensive deterioration

Bldg. 91033
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number 779730021
Status: Excess
Reason: Extensive deterioration

Bldg. 91034
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number 779730022
Status: Excess
Reason: Extensive deterioration

Bldg. 91035
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number 7797300223
Status: Excess
Reason: Extensive deterioration

Bldg. 91036
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001
Landholding Agency: Navy
Property Number 779730024
Status: Excess
Reason: Extensive deterioration

Bldg. 91056
Naval Air Weapons Station
China Lake Co: Kern CA 93555–6001

Landholding Agency: Navy
Property Number 779730025
Status: Excess
Reason: Extensive deterioration

Bldg. 11
Fleet & Industrial Supply Center
San Diego Co: San Diego CA 92132–
Landholding Agency: Navy
Property Number 779730068
Status: Excess
Reason: Extensive deterioration

Bldg. 391A
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number 779730070
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 80
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number 779740011
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 95
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number 779740012
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 175
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number 779740013
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 179
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number 779740014
Status: Excess
Reason: Secured Area

Bldg. 180
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number 779740015
Status: Excess
Reason: Secured Area

Bldg. 197
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number 779740016
Status: Excess
Reason: Secured Area

Bldg. A6A
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number 779740017
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. A26
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number 779740018
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. A30
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number: 779740019
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. E102
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number: 779740020
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. E104
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number: 779740021
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. E111
Naval Weapons Station, Concord
Concord CA
Landholding Agency: Navy
Property Number: 779740022
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1A9
Naval Weapons Station, Concord
Concord CA
Landholding Agency: Navy
Property Number: 779740023
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1A29
Naval Weapons Station, Concord
Concord CA
Landholding Agency: Navy
Property Number: 779740024
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1A30
Naval Weapons Station, Concord
Concord CA
Landholding Agency: Navy
Property Number: 779740025
Status: Excess
Reason: Secured Area

Bldg. 1A35
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number: 779740026
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1A41
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number: 779740027
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1A44
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number: 779740028
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1A47
Naval Weapons Station, Concord
Concord CA 94520–5100
Landholding Agency: Navy
Property Number: 779740029
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 27, 30, 33, 36
Naval Command, Control & Ocean Surv. Center
San Diego, CA
Landholding Agency: Navy
Property Number: 779740045
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Connecticut

Naval Housing—7 Bldgs.
Naval Submarine Base
New London Co: Groton CT
Landholding Agency: Navy
Property Number: 779510001
Status: Unutilized
Reason: Secured Area

Bldgs. DG–8, DG–9
Naval Submarine Base New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 779720046
Status: Excess
Reason: Extensive deterioration

Florida

East Martello Bunker #1
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010101
Status: Excess
Reason: Within airport runway clear zone

Sigsbee Park Annex (174 units)
Naval Air Station
Key West Co: Monroe FL 33043–
Landholding Agency: Navy
Property Number: 779740001
Status: Unutilized
Reason: Extensive deterioration

Georgia

Naval Submarine Base-Kings Bay
1011 USS Daniel Boone Avenue
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010107
Status: Unutilized
Reason: Secured Area

Guam

Bldg. 259
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfroht Anne GU 96540–1000
Landholding Agency: Navy

Property Number: 779720112
Status: Unutilized
Reason: Extensive deterioration
Bldg. 522
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720113
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Extensive deterioration
Bldg. 548
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720114
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
Bldg. 722
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720115
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
Bldgs. 794, 795
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720116
Status: Unutilized
Reason: Secured Area
Bldg. 835
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720117
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. K24
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720118
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
Bldg. K25
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720119
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
Bldg. K26
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720120
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
Bldg. Orote K-Span
U.S. Naval Forces, Marianas
NAVACTS Co: Waterfront Anne GU 96540–1000
Landholding Agency: Navy
Property Number: 779720121
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Hawaii

Bldg. 126, Naval Magazine
Waikele Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230012
Status: Unutilized
Readon: Within 2000 ft. of flammable or explosive material, Other
Comment: Extensive deterioration
Bldg. Q75, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230013
Status: Unutilized
Reason: Secured Area, Other
Comment: Extensive Deterioration
Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230014
Status: Unutilized
Reason: Secured Area, Other
Comment: Extensive Deterioration
Facility 5985
Naval Station Pearl Harbor
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779310086
Status: Excess
Reason: Extensive deterioration
Bldg. 6, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410003
Status: Unutilized
Reason: Extensive deterioration
Bldg. 10, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410004
Status: Unutilized
Reason: Extensive deterioration
Bldg. 9
Navy Public Works Center
Kolekole Road
Lualualei Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 779530009
Status: Excess
Reason: Secured Area, Within 2000 ft. of flammable or explosive material
Bldg. X5
Nanumea Road
Pearl Harbor Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 779530010
Status: Excess
Reason: Secured Area
Bldg. SX30
Nanumea Road
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779530011
Status: Excess
Reason: Secured Area
Bldg. 98
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620032
Status: Excess
Reason: Extensive deterioration
Bldg. 309, Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630026
Status: Excess
Reason: Extensive deterioration
Bldg. 314, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630027
Status: Excess
Reason: Extensive deterioration
Bldg. 307, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630028
Status: Unutilized
Reason: Extensive deterioration
Bldg. 315, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630029
Status: Unutilized
Reason: Extensive deterioration
Bldg. 441, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630030
Status: Unutilized
Reason: Extensive deterioration
Bldg. 190,
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630031
Status: Unutilized
Reason: Extensive deterioration
Bldg. 310
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640032
Status: Unutilized
Reason: Extensive deterioration
Bldg. S294
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640033
Status: Unutilized
Reason: Extensive deterioration
Bldg. 593

Naval Station, Halawa Landing Area
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640034
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q13
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640035
Status: Unutilized
Reason: Extensive deterioration

Bldg. Q14
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640036
Status: Unutilized
Reason: Extensive deterioration

Bldg. 591
Naval Station, Halawa Landing Area
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640037
Status: Unutilized
Reason: Extensive deterioration

Bldg. 592
Naval Station, Halawa Landing Area
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779640038
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–11
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720085
Status: Excess
Reason: Extensive deterioration

Bldg. 71
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720086
Status: Excess
Reason: Extensive deterioration

Bldg. 174
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720087
Status: Unutilized
Reason: Extensive deterioration

Bldg. 823
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720088
Status: Excess
Reason: Extensive deterioration

Bldg. 1361
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779720089
Status: Excess
Reason: Extensive deterioration

Bldg. 370
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779730064
Status: Excess
Reason: Extensive deterioration

Bldg. 385
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779730065
Status: Excess
Reason: Extensive deterioration

Bldg. 857
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779730066
Status: Excess
Reason: Extensive deterioration

Bldg. S1115
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI
Landholding Agency: Navy
Property Number: 779730067
Status: Excess
Reason: Extensive deterioration

Illinois

Bldg. 928
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010120
Status: Underutilized
Reason: Secured Area

Bldg. 28
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010123
Status: Unutilized
Reason: Secured Area

Bldg. 25
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010126
Status: Unutilized
Reason: Secured Area

South Wing—Building No. 62
Great Lakes Co: Lake IL 60088–5000
Landholding Agency: Navy
Property Number: 779110001
Status: Underutilized
Reason: Secured Area

Bldg. 235
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310039
Status: Unutilized
Reason: Secured Area

Bldg. 2B
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310040
Status: Unutilized
Reason: Secured Area

Bldg. 90
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310041
Status: Unutilized
Reason: Secured Area

Bldg. 232
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310042
Status: Unutilized
Reason: Secured Area

Bldg. 233
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310043
Status: Unutilized
Reason: Secured Area

Bldg. 234
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310044
Status: Unutilized
Reason: Secured Area

Indiana

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230001
Status: Excess
Reason: Extensive deterioration

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 979230002
Status: Excess
Reason: Extensive deterioration

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant, IN 46952–
Landholding Agency: VA
Property Number: 979230003
Status: Excess
Reason: Extensive deterioration

Maine

Bldg. 293, Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779240015
Status: Excess
Reason: Secured Area

Bldg. 384
Naval Air Station Topsham
Brunswick Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779340001
Status: Unutilized
Reason: Extensive deterioration

Maryland

15 Bldgs.
Naval Air Warfare Center
Patuxent River Co: St. Mary's MD 20670–5304
Landholding Agency: Navy
Property Number: 779730062
Status: Unutilized
Reason: Extensive deterioration

Bldg. 510, Indian Head Div.
Naval Surface Warfare Center
Indian Head Co: Charles MD 20640–
Landholding Agency: Navy

Property Number: 779740083
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Mississippi

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 979410001
Status: Unutilized
Reason: Floodway

Bldg. 67
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 979410008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 68
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 979410009
Status: Unutilized
Reason: Extensive deterioration

New Jersey

Bldg. 329
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 779740008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 116
Naval Air Engineering Station
Lakehurst Co: Ocean NJ 08733–5000
Landholding Agency: Navy
Property Number: 779740009
Status: Unutilized
Reason: Extensive deterioration

New York

Bldg. 144, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 143, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 142/146, VAECC
Linden Blvd. and 179th St.
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979210006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 72, VAECC
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979720001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 73, VAECC
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979720002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 94, VAECC
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979720003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 158, VAECC
St. Albans Co: Queens NY 11425–
Landholding Agency: VA
Property Number: 979720004
Status: Unutilized
Reason: Extensive deterioration

North Carolina

Bldg. SH–31
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410023
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 867
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410030
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. TC–910
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420004
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. S–1213
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 98
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420012
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1234
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420014
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1235
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420015
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1390
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420017
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1745
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420022
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 3546
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420025
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 9017
Piney Island
Marine Corps Air Station
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430001
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 9019
Piney Island
Marine Corps Air Station
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 9021
Piney Island
Marine Corps Air Station
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430003
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 9023
Piney Island
Marine Corps Air Station
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430004
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 9035
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 935, Cherry Point
Marine Corps Air Stations
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430025
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Facility 1972, Cherry Point
Marine Corps Air Station

Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430026
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 3248
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779440009
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. TT 38, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440012
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. AS 147, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440014
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. S 745, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440020
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1810, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440025
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Structure #2322
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510025
Status: Unutilized
Reason: Secured Area

Structure SRR–85
Camp Lejeune, Base Rifle Range
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779520016
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Structure RR–85
Camp Lejeune, Base Rifle Range
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779520017
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 168
Marine Corps Air Stations—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530015
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1739
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530019
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1741
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530020
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1990
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530021
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1991
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530022
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 8525
Marine Corps Air Station, Cherry Point Co: Jones NC 28585–
Landholding Agency: Navy
Property Number: 779610013
Status: unutilized
Reason: Secured Area, Extensive deterioration

Structure S936
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610019
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Structure FC363
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610020
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. SA–30, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610025
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. A–37, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610026
Status: unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1315
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620037
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 1748
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620038
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 4054
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620040
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. 8075
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620041
Status: Excess
Reason: Secured Area, Extensive deterioration

Bldg. BA102, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779710064
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA103, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779710065
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA104, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779710066
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA101, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720002
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA105, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720003
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. BA130, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720004
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. SBA131, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720006
Status: Unutilized

Reason: Secured Area
Bldg. SBA132, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720007
Status: Unutilized
Reason: Secured Area
Bldg. SBA133, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720008
Status: Unutilized
Reason: Secured Area
Bldg. SBA155, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720009
Status: Unutilized
Reason: Secured Area
Bldg. 484
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720015
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 3653
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720016
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. M240, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720024
Status: Unutilized
Reason: Secured Area
Bldg. M178, Camp Lejeune
Camp Johnson Area
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720044
Status: Unutilized
Reason: Extensive deterioration, Secured Area
Bldg. TC1059, Camp Lejeune
French Creek Area
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720045
Status: Unutilized
Reason: Extensive deterioration, Secured Area
Bldg. 9065
Marine Corps Air Station, Cherry Point
Point of Marsh Bombing Range
Havelock Co: Carteret NC 28511–
Landholding Agency: Navy
Property Number: 779720047
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 4329
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720048
Status: Excess
Reason: Secured Area
Bldg 4424
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720049
Status: Excess
Reason: Secured Area
Bldg. 478
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720123
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
Bldg. 161
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779730001
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 1008
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779730002
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 249
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779730026
Status: Unutilized
Reason: Secured Area
Bldg. TC–614
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779740046
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. TT–38
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779740047
Status: Unutilized
Reason: Secured Area, Extensive deterioration
Bldg. 156
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740048
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 183
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740049
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 925
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740050
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 926
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740051
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 938
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740052
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 954
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740053
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 1021
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740054
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 1098
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740055
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 1655
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740056
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 1738
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740057
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 1989
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740058
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 3172
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740059
Status: Excess

Reason: Secured Area, Extensive deterioration
Bldg. 3178
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740060
Status: Excess
Reason: Secured Area. Extensive deterioration
Bldg. 4260
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740061
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 45, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779740087
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 420, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779740088
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. TP463, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779740089
Status: Excess
Reason: Secured Area, Extensive deterioration
Bldg. 9
VA Medical Center
1100 Turner Road
Asheville Co: Buncombe NC 28805–
Property Number: 979010008
Status: Underutilized
Reason: Other
Comment: Friable asbestos

Pennsylvania

Bldg. 1981
Naval Weapons Station—Q Area
Yorktown Co: York PA 23691–
Landholding Agency: Navy
Property Number: 779640018
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 22
Willow Grove Naval Air Station
Willow Grove Co: Montgomery PA 19090–
Landholding Agency: Navy
Property Number: 779720028
Status: Excess
Reason: Extensive deterioration
Bldg. 11
Naval Inventory Control Point
Philadelphia Co: Philadelphia PA 19111–5098
Landholding Agency: Navy
Property Number: 779730071
Status: Excess
Reason: Extensive deterioration
Bldg. 30
Naval Inventory Control Point
Philadelphia Co: Philadelphia PA 19111–5098
Landholding Agency: Navy
Property Number: 779730072
Status: Excess
Reason: Extensive deterioration
Bldg. 31
Naval Inventory Control Point
Philadelphia Co: Philadelphia PA 19111–5098
Landholding Agency: Navy
Property Number: 779730073
Status: Excess
Reason: Extensive deterioration
Bldg. 39
Naval Inventory Control Point
Philadelphia Co: Philadelphia PA 19111–5098
Landholding Agency: Navy
Property Number: 779730074
Status: Excess
Reason: Extensive deterioration
Bldg. 022
Naval Inventory Control Point
Mechanicsburg PA 17055–0788
Landholding Agency: Navy
Property Number: 779740062
Status: Unutilized
Reason: Extensive deterioration
Bldg. 913
Naval Inventory Control Point
Mechanicsburg PA 17055–0788
Landholding Agency: Navy
Property Number: 779740063
Status: Unutilized
Reason: Extensive deterioration

Rhode Island

Bldg. 32
Naval Underwater Systems Center
Gould Island Annex
Middletown Co: Newport RI 02840–
Landholding Agency: Navy
Property Number: 779010273
Status: Excess
Reason: Secured Area

Tennessee

Naval Weapons Indust. Rsv. Pl.
Vance Tank Road
Bristol Co: Sullivan TN 37620–5698
Landholding Agency: GSA
Property Number: 549810016
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 04–N–TN–0646–A

Texas

Bldg. 2426
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010279
Status: Underutilized
Reason: Floodway
Bldg. 2432
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010280
Status: Underutilized
Reason: Floodway
Bldg. 2476
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010281
Status: Underutilized
Reason: Floodway
Bldg. 2498
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010282
Status: Underutilized
Reason: Floodway
Bldg. 2504
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010283
Status: Underutilized
Reason: Floodway
Bldg. 1730
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010284
Status: Underutilized
Reason: Floodway
Bldg. 2422
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010285
Status: Underutilized
Reason: Floodway
Bldg. 2425
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010286
Status: Underutilized
Reason: Floodway
Bldg. 2430
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010287
Status: Underutilized
Reason: Floodway
Bldg. 2434
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010288
Status: Underutilized
Reason: Floodway
Bldg. 2449
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010289
Status: Underutilized
Reason: Floodway
Bldg. 2450
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010290
Status: Underutilized
Reason: Floodway
Bldg. 2453
Laguna Shores Housing Area
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010291
Status: Underutilized
Reason: Floodway

Bldg. 2455
Laguna Shores Housing Area
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010292
Status: Underutilized
Reason: Floodway

Bldg. 2456
Laguna Shores Housing Area
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010293
Status: Underutilized
Reason: Floodway

Bldg. 2463
Laguna Shores Housing Area
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010294
Status: Underutilized
Reason: Floodway

Bldg. 2483
Laguna Shores Housing Area
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010295
Status: Underutilized
Reason: Floodway

Bldg. 2516
Laguna Shores Housing Area
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010296
Status: Underutilized
Reason: Floodway

Bldg. 2524
Laguna Shores Housing Area
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010297
Status: Underutilized
Reason: Floodway

Bldg. 2528
Laguna Shores Housing Area
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010298
Status: Underutilized
Reason: Floodway

Bldg. 24
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell, TX 76504–
Landholding Agency: VA
Property Number: 979010050
Status: Unutilized
Reason: Other
Comment: Friable asbestos

Bldg. 25
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell, TX 76504–
Landholding Agency: VA
Property Number: 979010051
Status: Unutilized
Reason: Other
Comment: Friable asbestos

Bldg. 26
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell, TX 76504–
Landholding Agency: VA
Property Number: 979010052
Status: Unutilized
Reason: Other
Comment: Friable asbestos

Virginia

Bldg. 521
Norfolk Naval Shipyard
Portsmouth, VA 23709–
Landholding Agency: Navy
Property Number: 779520039
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material, Secured Area

Bldg. 444
Norfolk Naval Shipyard
Portsmouth, VA 23709–5000
Landholding Agency: Navy
Property Number: 779620004
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material, Secured Area

Bldg. 495
Norfolk Naval Shipyard
Portsmouth, VA 23709–5000
Landholding Agency: Navy
Property Number: 779620007
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material, Secured Area

Bldg. 1442
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. LP–20
Norfolk Air Station Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779630021
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. LP–176
Norfolk Air Station Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779630022
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. LP–177
Norfolk Air Station Norfolk
Norfolk VA
Landholding Agency: Navy
Property Number: 779630023
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 13
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630044
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 18
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630045
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 19
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630046
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 118
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 301
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630049
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 358
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630051
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 361
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630052
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 369
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630053
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 387
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630054
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 446
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630055
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 472
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630056
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 579
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630059
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 584
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630060
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 587
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630061
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 612
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630062
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 639
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630063
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 757
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630064
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 758
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630065
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 765
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630066
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 792
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630067
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1245
Naval Weapons Station, Yorktown
Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630068
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1447
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630070
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1904
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630075
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1603
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630076
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Building 235
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779640002
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area, Extensive deterioration

Building 657
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779640003
Status: Excess
Reason: Secured Area, Extensive deterioration

Building 380A
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779640004
Status: Excess
Reason: Secured Area

Bldg. 1980
Naval Weapons Station—Aviation Field
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779640017
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area,

Bldg. 55
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710059
Status: Excess
Reason: Extensive deterioration

Bldg. 56
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710060
Status: Excess
Reason: Extensive deterioration

Bldg. 130
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 77970061
Status: Excess
Reason: Extensive deterioration

Bldg. 240
Naval Base Norfolk, St. Julien's Creek Annex
Co: Chesapeake VA
Landholding Agency: Navy
Property Number: 779710062
Status: Excess
Reason: Extensive deterioration

Bldg. 501
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720011
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1258
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720012
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1441
Norfolk Naval Shipyard
Portsmouth Va 23709–5000
Landholding Agency: Navy
Property Number: 779720013
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. E25
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720017
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. L38

Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720018
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. A67
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720019
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. Z86
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720020
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. P87
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720021
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. CEP160
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720022
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. Z357
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720023
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 423
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720051
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 540
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720052
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 546
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720053
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1231
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720066
Status: Excess
Reason: Extensive deterioration

Bldg. 1512
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720067
Status: Excess
Reason: Extensive deterioration

Bldg. 1513
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720068
Status: Excess
Reason: Extensive deterioration

Bldg. 1603
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720069
Status: Excess
Reason: Extensive deterioration

Bldg. 2008
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720070
Status: Excess
Reason: Extensive deterioration

Bldg. 2018A
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720071
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2025
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720072
Status: Excess
Reason: Extensive deterioration

Bldg. 2028
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720073
Status: Excess
Reason: Extensive deterioration

Bldg. 2061
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720074
Status: Excess
Reason: Extensive deterioration

Bldg. 2074
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720075
Status: Excess
Reason: Extensive deterioration

Bldg. 2090
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720076
Status: Excess
Reason: Extensive deterioration

Bldg. 3128
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720077
Status: Excess
Reason: Extensive deterioration

Bldg. 3529
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720078
Status: Excess
Reason: Extensive deterioration

Bldg. CB201A
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720079
Status: Excess
Reason: Extensive deterioration

Bldg. CB202
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720080
Status: Excess
Reason: Extensive deterioration

Bldg. CB203
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720081
Status: Excess
Reason: Extensive deterioration

Bldg. CB207
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720082
Status: Excess
Reason: Extensive deterioration

Bldg. Q137
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779720083
Status: Excess
Reason: Extensive deterioration

Bldg. LP–23
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720090
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, within airport runway clear zone

Bldg. LP–181
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, within airport runway clear zone, Secured Area

Bldg. LP–183
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy

Property Number: 779720092
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. LP–211
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720093
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone

Bldg. SP–249
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720094
Status: Unutilized
Reason: Extensive deterioration

Bldg. SP–129
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720095
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–46
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720096
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–47
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720097
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–48
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720098
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–50
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720099
Status: Unutilized
Reason: Extensive deterioration

Bldg. R–52
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720100
Status: Unutilized
Reason: Extensive deterioration

Bldg. 227
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720101
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 379
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720102
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 542
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720103
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 834
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720104
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1571
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720105
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 121
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779730003
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 210
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779730004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 447
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779730005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 707
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779730006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 753
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779730007
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 22
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730027
Status: Excess
Reason: Extensive deterioration

Bldg. 125
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730028
Status: Excess
Reason: Extensive deterioration

Bldg. 1124
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730029
Status: Excess
Reason: Extensive deterioration

Bldg. 1125
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730030
Status: Excess
Reason: Extensive deterioration

Bldg. 1128
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730031
Status: Excess
Reason: Extensive deterioration

Bldg. 1129
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730032
Status: Excess
Reason: Extensive deterioration

Bldg. 1130
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730033
Status: Excess
Reason: Extensive deterioration

Bldg. 3133
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730034
Status: Excess
Reason: Extensive deterioration

Bldg. 3691
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730035
Status: Excess
Reason: Extensive deterioration

Bldg. 3698
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730036
Status: Excess
Reason: Extensive deterioration

Bldg. 3809
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy

Property Number: 779730037
Status: Excess
Reason: Extensive deterioration

Bldg. W112
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779730038
Status: Excess
Reason: Extensive deterioration

Bldg. CEP154
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730044
Status: Excess
Reason: Extensive deterioration

Bldg. 96
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730045
Status: Excess
Reason: Extensive deterioration

Bldg. SP–49
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730054
Status: Excess
Reason: Extensive deterioration

Bldg. SP–50
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730055
Status: Excess
Reason: Extensive deterioration

Bldg. SP–87
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730056
Status: Excess
Reason: Extensive deterioration

Bldg. V–58
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730057
Status: Excess
Reason: Extensive deterioration

Bldg. NM–73
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730058
Status: Excess
Reason: Extensive deterioration

Bldg. V–4
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730059
Status: Excess
Reason: Extensive deterioration

Bldg. V–28
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730060
Status: Excess
Reason: Extensive deterioration

Bldg. SP–86
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779730061
Status: Excess
Reason: Extensive deterioration

Bldg. 236
St. Juliens Creek Annex
Naval Base Norfolk
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779730063
Status: Excess
Reason: Extensive deterioration

Fleet Training Center
Fire Fighting Training Facility
SDA–323, SFA–324, SDA–325, SDA–326
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779740010
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2081
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779740065
Status: Excess
Reason: Extensive deterioration

Bldg. 3138
Naval Amphibious Base Little Creek
Norfolk VA 23521–2616
Landholding Agency: Navy
Property Number: 779740066
Status: Excess
Reason: Extensive deterioration

Washington

Bldg. 913
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 779720014
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 6661
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–6499
Landholding Agency: Navy
Property Number: 779730039
Status: Unutilized
Reason: Secured Area

Bldg. 1635
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–1199
Landholding Agency: Navy
Property Number: 779730040
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 7457
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–1199
Landholding Agency: Navy
Property Number: 779730041
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 4446
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315–1199
Landholding Agency: Navy
Property Number: 779740082
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Wyoming

Bldg. 95
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110004
Status: Unutilized
Reason: Other
Comment: Sewage digester for disposal plant

Bldg. 96
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110005
Status: Unutilized
Reason: Other
Comment: Pump house for sewage plant

Structure 99
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110006
Status: Unutilized
Reason: Other
Comment: Mechanical screen for sewage disposal plant

Structure 100
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110007
Status: Unutilized
Reason: Other
Comment: Dosing tank for sewage disposal plant

Structure 101
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979110008
Status: Unutilized
Reason: Other
Comment: Chlorination chamber for sewage disposal plant

Structure 97, Medical Center
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979410011
Status: Unutilized
Reason: Other
Comment: Sewage disposal plant

Structure 98, Medical Center
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 979410012
Status: Unutilized
Reason: Other
Comment: Sludge bed/sewage disposal plant

Land (by State)

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA

Property Number: 970630001
Status: Unutilized
Reason: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 970630002
Status: Underutilized
Reason: Floodway

California

Naval Air Station, Miramar
San Diego Co: San Diego CA 92145–5005
Landholding Agency: Navy
Property Number: 779440026
Status: Underutilized
Reason: Within airport runway clear zone, Other
Comment: Inaccessible

Lease Parcel #2
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610004
Status: Underutilized
Reason: Secured Area

N. ½ of Lease Parcel #3
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610005
Status: Underutilized
Reason: Secured Area

Lease Parcel #4
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610006
Status: Underutilized
Reason: Secured Area

Lease Parcel #6
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610007
Status: Underutilized
Reason: Secured Area

Lease Parcel #7
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610008
Status: Underutilized
Reason: Secured Area

Lease Parcel #8
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610009
Status: Underutilized
Reason: Secured Area

Lease Parcel #9
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610010
Status: Underutilized
Reason: Secured Area

Lease Parcel #10
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610011
Status: Underutilized
Reason: Secured Area

Lease Parcel #11
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610012
Status: Underutilized
Reason: Secured Area

DVA Medical Center
4951 Arroyo Road
Livermore Co: Alameda CA 94550–
Landholding Agency: VA
Property Number: 979010023
Status: Underutilized
Reason: Other
Comment: 750,000 gallon water Reservoir

Florida

Boca Chica Field
Naval Air Station
Key West Co: Monroe FL 23040–
Landholding Agency: Navy
Property Number: 779010097
Status: Underutilized
Reason: Floodway

East Martello Battery #2
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010275
Status: Excess
Reason: Within airport runway clear zone

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 979230004
Status: Underutilized
Reason: Other
Comment: Inaccessible

Georgia

Naval Submarine Base
Grid G–5 to G–10 to Q–6 to P–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010228
Status: Underutilized
Reason: Secured Area

Maine

37 Acres, Topsham Annex
Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720001
Status: Unutilized
Reason: Secured Area

Maryland

5,635 sq. ft. of Land
Solomon's Annex
Solomon's MD
Landholding Agency: Navy
Property Number: 779230001
Status: Excess
Reason: Other
Comment: Drainage Ditch

Govt. Railroad
Naval Surface Warfare Center
Indian Head Div.
Indian Head Co: Charles MD 20640–
Landholding Agency: Navy
Property Number: 779740084
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Minnesota

VAMC
VA Medical Center
4801 8th Street No.
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 979010049
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 979740004
Status: Unutilized
Reason: Other
Comment: landlocked

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 979740005
Status: Underutilized
Reason: Secured Area

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010011
Status: Unutilized
Reason: Secured Area

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010012
Status: Underutilized
Reason: Secured Area

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 979010013
Status: Underutilized
Reason: Secured Area

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17
Landholding Agency: VA
Property Number: 979010014
Status: Unutilized
Reason: Secured Area

North Carolina

0.85 parcel of land
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779740074
Status: Unutilized

Reason: Secured Area

Puerto Rico

Destino Tract
Eastern Maneuver Area
Vieques PR 00765–
Landholding Agency: Navy
Property Number: 779240016
Status: Excess
Reason: Other
Comment: Inaccessible

Punta Figueras—Naval Station
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 779240017
Status: Excess
Reason: Floodway

Virginia

50'x50' site
Naval Air Station Norfolk
SP area
Norfolk VA
Landholding Agency: Navy
Property Number: 779630002
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

50'x50' site
Naval Air Station Norfolk
NM area
Norfolk VA
Landholding Agency: Navy
Property Number: 779630003
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material.

50'x50' site
Naval Base Norfolk
SDA area
Norfolk VA
Landholding Agency: Navy
Property Number: 779630004
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway.

50'x50' site
Fleet Combat Training Center Atlantic
Loon Court
Virginia Beach VA
Landholding Agency: Navy
Property Number: 779630008
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50'x50' site
Fleet Combat Training Center Atlantic
Regulus Avenue
Virginia Beach VA 23461–
Landholding Agency: Navy
Property Number: 779630009
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50'x50' site
Naval Weapons Station Yorktown
Barracks/Railroad Rd
Yorktown VA
Landholding Agency: Navy
Property Number: 779630010
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50'x50' site
Naval Weapons Station Yorktown
Cheesecake/Burma Rd.
Yorktown VA
Landholding Agency: Navy
Property Number: 779630011
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50'x50' site
Naval Weapons Station Yorktown
W. Beachwood/Burma Rd.
Yorktown VA
Landholding Agency: Navy
Property Number: 779630012
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

50'x50' site
Norfolk Naval Shipyard Portsmouth
Victory Blvd.
Norfolk VA
Landholding Agency: Navy
Property Number: 779630013
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Washington

Land-Port Hadlock Detachment
Naval Ordnance Center Pacific Division
Port Hadlock Co: Jefferson WA 98339–
Landholding Agency: Navy
Property Number: 779640019
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

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Part III

Department of Housing and Urban Development

Notice of Regulatory Waiver Requests Granted; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4250–N–03]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public notice of the granting of regulatory waivers from July 1, 1997 through September 30, 1997.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), HUD is required to make public all approval actions taken on waivers of regulations. This notice is the twenty-seventh in a series, being published on a quarterly basis, providing notification of waivers granted during the preceding reporting period. The purpose of this notice is to comply with the requirements of section 106 of the Reform Act.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–3055 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

For information concerning a particular waiver action for which public notice is provided in this document, contact the person whose name and address is set out for the particular item, in the accompanying list of waiver-grant actions.

SUPPLEMENTARY INFORMATION: As part of the Housing and Urban Development Reform Act of 1989 (the Reform Act), the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by HUD. Section 106 of the Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (2 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary rank or equivalent rank, and the person to whom authority to waive is delegated must also have authority to *issue* the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived, and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request;

e. State how additional information about a particular waiver grant action may be obtained.

Section 106 of the Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD on April 22, 1991 (56 FR 16337). This is the twenty-seventh notice of its kind to be published under section 106 of the Reform Act. This notice updates HUD's waiver-grant activity from July 1, 1997 through September 30, 1997.

For ease of reference, waiver requests granted by departmental officials authorized to grant waivers are listed in a sequence keyed to the section number of the HUD regulation involved in the waiver action. For example, a waiver-grant action involving exercise of authority under 24 CFR 58.73 (involving the waiver of a provision in 24 CFR part 58) would come early in the sequence, while waivers of 24 CFR part 990 would be among the last matters listed.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement in title 24 that is being waived as part of the waiver-grant action. (For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.)

Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should HUD receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occurred between October 1, 1997 through December 31, 1997.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: March 23, 1998.

Andrew Cuomo,

Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development July 1, 1997 Through September 30, 1997

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly before each set of waivers granted.

For Items 1 Through 3, Waivers Granted for 24 CFR Part 5 Contact

Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, Washington, DC 20410; Telephone: (202) 619–8201 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

1. Regulation: 24 CFR 5.613

Project/Activity: A request was made by the Aiken Housing Authority (AHA), of Aiken, SC, to permit the establishment of ceiling rents for its entire low-rent inventory.

Nature of Requirement: The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following, rounded to the nearest dollar: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of monthly income; (3) if the family receives Welfare assistance from a public agency and a part of such payments is specifically designated by such agency to meet the family's housing costs, the monthly portion of such payments which is so designated; or (4) the minimum rent set by the PHA.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 21, 1997.

Reason Waived: The establishment of ceiling rents will permit the AHA to maintain more wage-earning, low-income applicants, and will help improve the AHA's current vacancy ratio.

2. Regulation: 24 CFR 5.613

Project/Activity: A request was made by the Clearwater Housing (CHA), Authority, of Clearwater, Florida, to permit the establishment of ceiling rents for its entire low-rent inventory.

Nature of Requirement: The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following, rounded to the nearest dollar: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of Monthly Income; (3) if the family receives Welfare assistance from a public agency and a part of such payments is specifically designated by such agency to meet the family's housing costs, the monthly portion of such payments which is so designated; or (4) the minimum rent set by the PHA.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 15, 1997.

Reason Waived: The establishment of ceiling rents will permit the CHA to reduce unit turnover by retention of families who might otherwise seek housing on the private market; assist residents in their transition from welfare to work; and will help to improve the AHA's current vacancy ratio.

3. Regulation: 24 CFR 5.613

Project/Activity: Arlington Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides that the Total Tenant Payment for families whose initial lease is effective on or after August 1, 1982, shall be the highest of: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of Monthly Income; or (3) the Welfare Rent.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 29, 1997.

Reason Waived: Approval of the waiver permitted the elderly Section 8 program participant to pay more than 30 percent of her income so that she did not have to move from the unit where she had lived for many years.

For Items 4 Through 26, Waivers Granted for 24 CFR Parts 91, 92, 570, 574 and 576 Contact: Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, SW, Room 7152, Washington, DC 20410; Telephone: (202) 708–2565, Fax: (202) 401–9681. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8391. (With the exception of the "800" number, these are not toll-free telephone numbers.)

4. Regulation: 24 CFR 91.115(c)(2)

Project/Activity: The State of Texas requested a waiver of HUD's Consolidated Plan regulations (24 CFR part 91) to allow the State to grant the city of Jarrel CDBG funds to rebuild roads, and water and septic systems that were damaged by a tornado.

Nature of Requirement: HUD's regulation at 24 CFR 91.115(c)(2) requires that a State give the public 30 days to comment on any changes the State intends to make to its one year action plan for funds granted under the Consolidated Plan.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: July, 3 1997.

Reasons Waived: In order to permit the State to quickly provide funds to the City, the Assistant Secretary permitted the State to amend its action plan with only a 7 days public comment period, rather than the 30 days that is required by the regulation.

5. Regulation: 24 CFR 91.402

Project/Activity: The City of Overland Park, Kansas requested a waiver of HUD's Consolidated Plan regulations at 24 CFR 91.402 to allow the City, which is a member of the Johnson County Kansas Consortium, until Fiscal Year 2000 to complete its transition of aligning the start of its program year with the Consortium.

Nature of Requirement: The regulations at 24 CFR 91.402 state that all units of local government that are members of the Consortium must be on the same program year for the CDBG program, the HOME program, the Emergency Shelter Grants (ESG) program, and the Housing Opportunities for Persons with AIDS (HOPWA) program.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development & Development.

Date Granted: July 15, 1997.

Reasons Waived: The Assistant Secretary allowed the transition period to allow the City sufficient time to identify local needs and resources, so that the City's Federal resources could be targeted to the highest priority needs.

6. Regulation: 24 CFR 91.402(a) and (b)

Project/Activity: The DuPage County, Illinois Consortium requested a waiver of the Consolidated Plan regulations (24 CFR part 91) to allow the City of Aurora to maintain a program year that is separate from the program year of the other consortium members.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.402(a) and (b) require that units of local government that are members of a consortium have the same program year for the CDBG program, the HOME program, the Emergency Shelter Grants (ESG) program, and the Housing Opportunities for Persons with AIDS (HOPWA) program.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 30, 1997.

Reasons Waived: The Assistant Secretary determined that compliance with the requirement would constitute a hardship on the City of Aurora. Accordingly, the waiver was granted.

7. Regulation: 24 CFR 91.520(a)

Project/Activity: Baltimore, Maryland requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 11, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

8. Regulation: 24 CFR 91.520(a)

Project/Activity: Kern County, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) of the consolidated plan regulations require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 17, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the County from submitting a complete and accurate performance report on its 1996 program year.

9. Regulation: 24 CFR 91.520(a).

Project/Activity: The City of Dubuque, Iowa requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 24, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program.

10. Regulation: 24 CFR 91.520(a).

Project/Activity: The City of Santa Maria, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 29, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

11. Regulation: 24 CFR 91.520(a).

Project/Activity: The City of Pasadena, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) of the consolidated plan regulations require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 29, 1997.
Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

12. Regulation: 24 CFR 91.520(a)

Project/Activity: The City of Lompac, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.
Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.
Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.
Dated Granted: September 29, 1997.
Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

13. Regulation: 24 CFR 91.520(a)

Project/Activity: The City of Pomona, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.
Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.
Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.
Date Granted: September 29, 1997.
Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

14. Regulation: 24 CFR 91.520(a)

Project/Activity: The City of Gardenia, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.
Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.
Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.
Date Granted: September 29, 1997.
Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

15. Regulation: 24 CFR 91.520(a)

Project/Activity: Tarrant County, Texas requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.
Nature of Requirement: HUD's Consolidated Plan regulation at 24 CFR 91.520(a) requires that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.
Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.
Date Granted: September 30, 1997.
Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the County from submitting a complete and accurate performance report on its 1996 program year.

16. Regulation: 24 CFR 91.520(a)

Project/Activity: The City of Memphis, Tennessee requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.
Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.
Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.
Date Granted: September 30, 1997.
Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

17. Regulation: 24 CFR 91.520(a)

Project/Activity: Sioux City, Iowa requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.
Nature of Requirement: HUD's Consolidated Plan regulation at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.
Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.
Date Granted: September 30, 1997.
Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

18. Regulation: 24 CFR 92.251

Project/Activity: Lake County, Indiana requested a waiver to permit a rehabilitation project that used HOME funds to be discontinued without completing all required rehabilitation work.
Nature of Requirement: HUD's regulation at 24 CFR 92.251 provides that housing assisted with HOME funds meet, at a minimum, HUD housing quality standards (HQS), and provides other minimum standards for substantial rehabilitation and new construction.
Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.
Date Granted: July 7, 1997.
Reasons Waived: The waiver was granted because of the unusual circumstances associated with the rehabilitation which forced the project to be cancelled (the property owner was abducted and murdered by an employee of the electrical contractor.)

19. Regulation: 24 CFR 570.200(a)(3)

Project/Activity: Grand Forks, North Dakota requested a waiver of the requirement that at least 70 of CDBG funds be used for activities which benefit low- and moderate income persons, to facilitate disaster relief efforts.
Nature of Requirement: The CDBG program regulations at 24 CFR 570.200(a)(3) implement the statutory requirement that 70 percent of program funds principally benefit low and moderate income persons.
Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.
Date Granted: August 14, 1997.
Reasons Waived: Sections 208 and 234 of the Multifamily Property Disposition Reform Act of 1994 authorize HUD to suspend certain statutory and regulatory provisions that would otherwise apply to the use of CDBG and HOME funds in order to address the damage in an area that the President has declared a disaster under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

20. Regulation: 24 CFR 570.201(c) and 24 CFR 570.703

Project/Activity: Fairfax County, Virginia requested a waiver of the Community Development Block Grant (CDBG) program regulations (24 CFR part 570) to allow the County to use $100,000 in Section 108 Loan Guarantee funds to reconstruct streets on land under private ownership.
Nature of Requirement: The CDBG regulations at 24 CFR 570.201(c) state that public facilities and improvements funded with CDBG funds must be owned by either a public entity, a public or private non-profit entity or by a subrecipient. The regulation at 24 CFR 570.703 lists eligible activities for Section 108 Loan Guarantee funds.
Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.
Date Granted: August 8, 1997.
Reasons Waived: The regulation was waived because the community was willing to commit to obtain legally binding evidence that the streets in question would be operated so as to be used by the public during all normal hours of operation.

21. Regulation: 24 CFR 574.310(d)

Project/Activity: The State of Illinois requested a waiver of HUD's regulations governing the Housing Opportunities for Persons with AIDS (HOPWA) program. Specifically, the State sought the authority to offer tenant-based rental assistance to HOPWA eligible individuals and families in conformance with its existing tenant based rental assistance program. The State program pays $100 per month to each eligible

household, rather than require the tenant to pay rent based on the tenant's income.

Nature of Requirement: HUD's regulation at 24 CFR 574.310(d) requires that tenant-based rental assistance be calculated at a rate where tenants pay no more than 30 percent of the family's monthly adjusted income for rent.

Granted By: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: July 15, 1997.

Reasons Waived: The Assistant Secretary granted this waiver for a one-year demonstration to determine if this approach more adequately provides for client needs.

22. Regulation: 24 CFR 574.320(a)(2)

Project/Activity: The City of Philadelphia, Pennsylvania requested a waiver to increase the Fair Market Rent (FMR) in its Housing for Persons with AIDS (HOPWA) program rental assistance program.

Nature of Requirement: HUD's regulation at 24 CFR 574.320(a)(2) provides that occupants of rental housing assisted with HOPWA funds cannot be charged rents that exceed the current Section 8 FMR.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning & Development.

Date Granted: September 8, 1997.

Reasons Waived: The waiver was granted because the City documented that the rents presently charged and received for efficiency and one bedroom units in Bucks County, Pennsylvania, where the project is located, were significantly higher than the published FMRs.

23. Regulation: 24 CFR 576.21

Project/Activity: The City and County of Honolulu requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: HUD's regulation at 24 CFR 576.21 state that recipients of ESG grant funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted By: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: July 11, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." The City and County provided a letter that demonstrated that other categories of ESG activities, such as rehabilitation and conversion activities, will be carried out locally with other resources. Accordingly, HUD determined that the waiver was appropriate.

24. Regulation: 24 CFR 576.21

Project/Activity: The State of Massachusetts requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: HUD's regulations at 24 CFR 576.21 state that recipients of ESG funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 11, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." The State provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determine that the waiver was appropriate.

25. Regulation: 24 CFR 576.21

Project/Activity: The City of Lancaster, Pennsylvania requested a waiver of the Emergency Shelter Grants (ESG) regulation at 24 CFR 576.21.

Nature of Requirement: HUD's regulations at 24 CFR 576.21 state that recipients of ESG funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 19, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." The City provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

26. Regulation: 24 CFR 576.35(a)(1)

Project/Activity: The State of Alabama requested a waiver of the Emergency Shelter Grants (ESG) program regulations (24 CFR part 576) to extend the time period that the State could make funds available to its ESG recipients.

Nature of Requirement: The HUD regulation at 24 CFR 576.35(a)(1) require that State governments make available to their recipients all ESG funds within 65 days of the grant award.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development and Development.

Date Granted: September 11, 1997.

Reasons Waived: The Assistant Secretary granted the waiver to allow the State time to monitor a community which received ESG funds and then granted those funds to a subrecipient under indictment.

For Items 27 and 28, Waivers Granted for 24 CFR Part 761 Contact: Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, Washington, DC 20410; Telephone: (202) 619–8201 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

27. Regulation: 24 CFR 761.30(b)

Project/Activity: A request was made by the All Mission Indian Housing Authority (AMIHA) to allow them to extend the term of their 1990 Public and Indian Housing Drug Elimination Program grant and reprogram the unexpended funds to implement additional drug prevention activities for youth and adult residents.

Nature of Requirement: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program (PIHDEP) and that only one, 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 16, 1996.

Reason Waived: Based on the comprehensive strategy submitted by the Executive Director of AMIHA and the memorandum of endorsement from the Southwest Office of Native American Programs, there was just cause for the AMIHA to reprogram the unexpended funds to implement additional drug prevention, crime-related activities.

28. Regulation: 24 CFR 761.30(b)

Project/Activity: A request was made by the Bristol Bay Housing Authority in Alaska to allow a six-month extension of their Fiscal Year (FY) 1995 Public and Indian Housing Drug Elimination Program grant and reprogram the unexpended funds to implement additional drug prevention activities.

Nature of Requirement: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 21, 1997.

Reason Waived: Due to the seasonal activities in the Alaskan region related to

subsistence and commercial fishing and submission of a comprehensive work plan that was consistent with their FY 1995 drug prevention activities for the residents of the Bristol Bay communities, an extension was granted.

For Item 29, Waiver Granted for 24 CFR Part 901 Contact: William C. Thorson, Director, Administrative and Maintenance Division, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development and Development, 451 7th Street, SW, Room 4124, Washington, DC 20410; Telephone: (202) 708–4703 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

29. Regulation: 24 CFR 901.120(a) and (b)

Project Activity: Pittsburgh Area Office—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulation requires HUD Field Offices to assess and notify each Public Housing Agency (PHA) of its PHMAP score within 180 days after beginning of a PHA's fiscal year.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 3, 1997.

Reason Waived: Due to scheduling necessities, the on-site confirmatory review of the ACHA could not be conducted until the week of April 7, 1997. The waiver was granted to provide a further 60 day extension of the regulatory guideline for completing the PHMAP assessment and notifying the ACHA of its PHMAP scores for its FY September 30, 1996 until July 31, 1997. The initial waiver for a 60 day extension was granted on April 14, 1997.

For Item 30, Waiver Granted for 24 CFR Part 950 Contact: Jacqueline Johnson, Deputy Assistant Secretary for Native American Programs, U.S. Department of Housing and Urban Development and Development, 451 7th Street, SW, Room 4100, Washington, DC 20410; Telephone: (202) 708–0950 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

30. Regulation: 24 CFR 950.650(b)(3)

Project/Activity: A request was made by the National Office of Native American Programs to permit Comprehensive Grant Program (CGP) formula funds for Fiscal Year 1997 to be used to fund three successful FY 1997 CGP appeals from Indian Housing Authorities (IHA). Since the Native American Housing Assistance and Self-Determination Act of 1996 was effective on October 1, 1997, IHAs are not eligible for the FY 1998 appropriation that is used to fund appeals.

Nature of Requirement: An IHA may appeal HUD's determination of its CGP formula amount on the basis of an error. Any adjustment resulting from successful appeals in a particular fiscal year shall be made from subsequent years' allocations of funds under 24 CFR part 950.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 12, 1997.

Reason Waived: The waiver of this regulatory provision will allow ONAP to process the successful CGP appeals for the following IHAs: Yankton Sioux ($103,444), Mississippi Choctaw ($87,391), and Laguna ($3,605).

For Items 31 Through 46, Waivers Granted for 24 CFR Parts 882 and 982 Contact: Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, Washington, DC 20410; Telephone: (202) 619–8201 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

31. Regulation: 24 CFR 882.605(c)

Project/Activity: Housing Authority of Yamhill County, Oregon; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation caps the amount of rent that can be paid for a manufactured home pad space at 110 percent of the applicable Fair Market Rent.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 21, 1997.

Reason Waived: The waiver protected an elderly couple, whose manufactured home had been modified to accommodate the wife's mobility impairment, from the threat of displacement and possible homelessness by enabling them to remain in their home.

32. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder who faced additional problems in locating a unit due to a back injury.

33. Regulation: 24 CFR 982.303(b)

Project/Activity: Santa Clara County Housing Authority, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum voucher term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 8, 1997.

Reason Waived: Approval of the waiver prevented hardship to an elderly certificate holder whose poor health and mobility problems prevented him from finding a suitable unit in an extremely tight housing market.

34. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 10, 1997.

Reason Waived: Approval of the waiver prevented hardship to an elderly certificate holder who suffered a severe stroke during the time his certificate was in effect. The waiver provided the certificate holder with an opportunity to find housing in his community which has services to allow frail elderly persons to continue to live independently.

35. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 10, 1997.

Reason Granted: Approval of the waiver prevented hardship to the certificate holder who was hospitalized and had surgery on two occasions while her certificate was in effect.

36. Regulation: 24 CFR 982.303(b)

Project/Activity: Minneapolis Housing Authority, Minnesota; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: August 1, 1997.

Reason Waived: Approval of the waiver prevented further hardship to a homeless disabled certificate holder whose illness prevented her from seeking housing during the time her certificate was in effect.

37. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: August 7, 1997.

Reason Waived: Approval of the waiver prevented hardship to the family which includes a disabled child. The family had difficulty locating a wheelchair-accessible unit with a bedroom of sufficient size to accommodate the medical equipment required for the child's care.

38. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: August 8, 1997.

Reason Waived: Approval of the waiver protected the single parent and her three children from homelessness.

39. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of Santa Clara County, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: August 11, 1997.

Reason Waived: Approval of the waiver prevented hardship to the certificate holder who faced multiple medical problems during the time her certificate was in effect, including two surgeries.

40. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the certificate holder whose medical condition and need for an accessible unit contributed to her inability to locate suitable housing.

41. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of Boston, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the certificate holder whose medical condition had to be stabilized before she could seek housing.

42. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder whose medical condition made it difficult for her to locate an accessible unit.

43. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder who was incapacitated by illness during the time her certificate was in effect.

44. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of the County of Santa Clara, California; Section 8 Rental Voucher Program.

Nature of Requirement: The regulation provides for a maximum voucher term of 120 days during which a voucher holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled voucher holder who was unable to seek housing while her voucher was in effect due to complications from congestive heart failure.

45. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 5, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder who was hospitalized during the time her certificate was in effect.

46. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 29, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder who could not seek housing during the time her certificate was in effect because she was recuperating from surgery.

[FR Doc. 98–8683 Filed 4–2–98; 8:45 am]

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federal register

Friday
April 3, 1998

Part IV

The President

Proclamation 7076—National Child Abuse Prevention Month, 1998

Federal Register
Vol. 63, No. 64
Friday, April 3, 1998

Presidential Documents

Title 3—

The President

Proclamation 7076 of April 1, 1998

National Child Abuse Prevention Month, 1998

By the President of the United States of America

A Proclamation

All of us at one time or another have been shocked by news reports about a child who has been abused, neglected, or abandoned. Unable to comprehend such a betrayal of trust, we find ourselves hoping that these incidents are isolated and rare. The most recent reports from State child welfare agencies, however, confirm that one million cases of substantiated child abuse or neglect occur in our Nation every year. Of these cases, more than a thousand children—many under the age of four—do not survive; and most die at the hands of a parent or other family member. As a caring society that cherishes our children, we must work together to protect these little ones who cannot protect themselves.

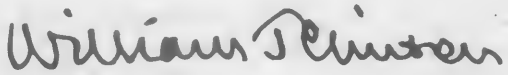
Two of our greatest resources in the crusade against child abuse and neglect are knowledge and compassion. We must raise public awareness that these cases, while often hidden, can occur in any family and community in America. As responsible adults, we must learn more about the signs of child abuse so that we may report suspected incidents as soon as possible. We must support community programs that help to identify families at risk and intervene before abuse becomes deadly. As individuals and as members of our communities, we need to support services, programs, and legislation that will help to relieve the stresses on families that can sometimes lead to violence. We must strengthen the partnerships among schools, social service agencies, religious organizations, law enforcement, and the business community so that child abuse prevention efforts will be comprehensive, swift, and effective.

Backing up such efforts at the State and local level, my Administration is focusing Federal attention and resources on combating child abuse and neglect. We are supporting family-based prevention services that help at-risk families reduce violence in the home. We also are continuing to give the States resources to build and maintain strong protection systems for children in danger. And for those children who cannot remain safely at home, we worked with the Congress to enact the Adoption and Safe Families Act, which makes it easier to place at-risk children more quickly into a permanent and secure environment.

This month, as Americans celebrate spring and its promise of new life, let us reaffirm our commitment to the lives of our Nation's children. I encourage communities across the country to join together to raise awareness of the tragedy of child abuse, to learn more about what we can do to help end such abuse, and to strengthen efforts to support children and their families before the cycle of abuse can begin.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 1998 as National Child Abuse Prevention Month. I call upon all Americans to observe this month by resolving to take every appropriate means to protect our children from abuse and neglect, to restore their shattered trust, and to help them grow into healthy, happy adults.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.



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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Dogs, humane treatment; maximum temperature requirements; published 3-4-98

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Fishery conservation and management:
Caribbean, Gulf, and South Atlantic fisheries—
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