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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–190–AD; Amendment 39–10379; AD 98–06–01]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Mystere-Falcon 50 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Dassault Model Mystere-Falcon 50 series airplanes, that requires a one-time inspection of the clearances around the wiring harnesses of the right-hand electrical cabinet, and readjustment of the clearances, if necessary. This amendment will also require installation of protective strips on the wiring harnesses and equipment supports. This amendment is prompted by issuance of mandatory continued airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent interference between the wiring harnesses and adjacent equipment, support brackets, and structural elements, which could cause an electrical short circuit resulting in fire, and consequent loss of electrical power to essential flight systems.

DATES: Effective April 15, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of April 15, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, New Jersey 07606. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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: 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: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Dassault Model Mystere-Falcon 50 series airplanes was published in the **Federal Register** on December 11, 1997 (62 FR 65230). That action proposed to require a one-time inspection of the clearances around the wiring harnesses of the right-hand electrical cabinet, and readjustment of the clearances, if necessary. That action also proposed to require installation of protective strips on the wiring harnesses and equipment supports.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 155 Dassault Model Mystere-Falcon 50 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $355 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $110,825, or $715 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

98–06–01 **DASSAULT AVIATION:** Amendment 39–10379. Docket 97–NM–190–AD.

Applicability: All Model Mystere-Falcon 50 series airplanes, 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 (b) 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 interference between the wiring harnesses and adjacent equipment, support brackets, and structural elements, which could cause an electrical short circuit resulting in fire, and consequent loss of electrical power to essential flight systems; accomplish the following:

(a) Within 6 months or 300 flight hours after the effective date of this AD, whichever occurs first, accomplish the requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this AD in accordance with Dassault Service Bulletin F50–256 (F50–20–5), Revision 1, dated December 22, 1996.

(1) Perform a one-time inspection of the clearances between the wiring harnesses and the adjacent equipment, support brackets, and structural elements. If any clearance is outside the limits specified in the service bulletin, prior to further flight, readjust the clearances in accordance with the service bulletin.

(2) Install Teflon protective strips on the wiring harnesses in the vicinity of the equipment supports.

(3) Install rubber protective strips to the rear edges of the equipment supports.

(b) 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, 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, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) 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.

(d) The actions shall be done in accordance with Dassault Service Bulletin F50–256 (F50–20–5), Revision 1, dated December 22, 1996. This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, New Jersey 07606. Copies may be inspected 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.

Note 3: The subject of this AD is addressed in French airworthiness directive 96–094–017(B)R1, dated December 18, 1996.

(e) This amendment becomes effective on April 15, 1998.

Issued in Renton, Washington, on March 3, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6022 Filed 3–10–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–277–AD; Amendment 39–10380; AD 98–06–02]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain CASA Model C–212 series airplanes, that requires a one-time inspection to detect discrepancies of the spherical bearing of the aileron control rod, and corrective action, if necessary; and installation of an improved retainer washer in the movable joint of the aileron control rod. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent loss of the movable joint of the aileron control rod, caused by deterioration of the hinges, which could result in reduced controllability of the airplane.

DATES: Effective April 15, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 15, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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: 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: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain CASA Model C–212 series airplanes was published in the **Federal Register** on December 31, 1997 (62 FR 68237). That action proposed to require a one-time inspection to detect discrepancies of the spherical bearing of the aileron control rod, and corrective action, if necessary; and installation of an improved retainer washer in the movable joint of the aileron control rod.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 38 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $56 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $13,528, or $356 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the 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 adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) 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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

98–06–02 Construcciones Aeronauticas, S.A. (CASA): Amendment 39–10380. Docket 97–NM–277–AD.

Applicability: Model C–212 airplanes, as listed in CASA Service Bulletin SB–212–27–48, dated February 28, 1996; 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 (b) 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 loss of the movable joint of the aileron control rod, caused by deterioration of the hinges, which could result in reduced controllability of the airplane, accomplish the following:

(a) Within 100 flight hours after the effective date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD in accordance with CASA Service Bulletin SB–212–27–48, dated February 28, 1996.

(1) Perform an inspection of the spherical bearings of the aileron control rod to detect discrepancies. If any discrepancy is found, prior to further flight, replace the whole terminal. And

(2) Install an improved retainer washer in the movable joint of the aileron control rod.

(b) 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, 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, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) 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.

(d) The actions shall be done in accordance with CASA Service Bulletin SB–212–27–48, dated February 28, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. Copies may be inspected 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.

Note 3: The subject of this AD is addressed in Spanish airworthiness directive 05/96, dated May 13, 1996.

(e) This amendment becomes effective on April 15, 1998.

Issued in Renton, Washington, on March 3, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6021 Filed 3–10–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–81–AD; Amendment 39–10381; AD 98–06–03]

RIN 2120–AA64

Airworthiness Directives; EXTRA Flugzeugbau GmbH Model EA–300 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain EXTRA Flugzeugbau GmbH (EXTRA) Model EA–300 airplanes. This AD requires removing the elevator mass balance assemblies and replacing them with reinforced elevator mass balance assemblies of improved design. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by this AD are intended to prevent damage and possible jamming of the airplane's control system, which, if not corrected, could cause loss of control of the airplane.

DATES: Effective April 24, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 24, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from Extra Flugzeugbau, GmbH, Schwarze Heide 21, 46569 Hünxe, Germany, telephone: 49–2358–9137–0; facsimile: 49–2858–9137–30. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–81–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Karl M. Schletzbaum, Aerospace Engineer, Small Airplane Directorate, Aircraft

Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106, telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to EXTRA Model EA–300 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 31, 1997 (62 FR 68239). The NPRM proposed to require removing each elevator mass balance assembly, and replacing each elevator mass balance assembly with a reinforced elevator mass balance assembly of improved design (part number (P/N) PC–33202.1B or an FAA-approved part number). Accomplishment of the proposed action as specified in the NPRM would be in accordance with EXTRA EA–300, Elevator Mass Balance, Service Bulletin No. 300–1–92, Issue A, dated March 27, 1992.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Cost Impact

The FAA estimates that 20 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 3 workhours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $100 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $5,600 or $280 per airplane.

Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) 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 final 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, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 a new airworthiness directive (AD) to read as follows:

98–06–03 Extra Flugzeugbau GMBH: Amendment 39–10381; Docket No. 97–CE–81–AD.

Applicability: Model EA–300 airplanes (serial numbers V1, and 001 through 034), 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 (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 within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent possible jamming of the airplane's control system, which, if not corrected, could cause loss of control of the airplane, accomplish the following:

(a) Replace the elevator mass balance assemblies with new reinforced elevator mass balance assemblies (part number (P/N) PC–33202.1B or an FAA-approved equivalent part number), in accordance with the Instructions section of the EXTRA EA–300, Elevator Mass Balance, Service Bulletin No. 300–1–92, Issue A, dated March 27, 1992.

(b) 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.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) Questions or technical information related to EXTRA EA–300, Elevator Mass Balance, Service Bulletin No. 300–1–92, Issue A, dated March 27, 1992, should be directed to Extra Flugzeugbau, GmbH, Schwarze Heide 21, 46569 Hünxe, Germany. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

(e) The replacement required by this AD shall be done in accordance with EXTRA EA–300, Elevator Mass Balance, Service Bulletin No. 300–1–92, Issue A, dated March 27, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Extra Flugzeugbau, GmbH, Schwarze Heide 21, 46569 Hünxe, Germany. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in German AD 92–199 Extra, dated April 13, 1992.

(f) This amendment (39–10381) becomes effective on April 24, 1998.

Issued in Kansas City, Missouri, on March 3, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6019 Filed 3–10–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–18–AD; Amendment 39–10382; AD 98–06–05]

RIN 2120–AA64

Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P–180 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Industrie Aeronautiche e Meccaniche (I.A.M.) Model Piaggio P–180 airplanes that are equipped with a Rockwell Collins APS–65 autopilot system that incorporates an APC–65A autopilot computer. This AD requires incorporating airplane flight manual (AFM) and pilot's operating handbook (POH) supplements that include revised autopilot emergency disengagement procedures. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by this AD are intended to prevent pilot difficulty in disengaging the autopilot during flight, which could result in the pilot's lack of proper attention to critical flight tasks due to the increased pilot workload with possible consequent loss of airplane controllability.

DATES: Effective April 2, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 11, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 98–CE–18–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that relates to this AD, including the AFM/POH supplements, may be obtained from I.A.M. Rinaldo Piaggio S.p.A., Via Cibrario, 4 16154 Genoa, Italy. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–18–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. David O. Keenan, Project Officer, FAA, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Discussion

The Registro Aeronautico Italiano (R.A.I.), which is the airworthiness authority for Italy, recently notified the FAA that an unsafe condition may exist on I.A.M. Model Piaggio P–180 airplanes that are equipped with a Rockwell Collins APS–65 autopilot system that incorporates an APC–65A autopilot computer. The R.A.I. reports two cases of flight crews having difficulty disengaging the autopilot during flight.

This condition, if not corrected in a timely manner, could result in the pilot's lack of proper attention to critical flight tasks due to the increased pilot workload with possible consequent loss of airplane controllability.

Relevant Service Information

I.A.M. has issued Piaggio Alert Service Bulletin ASB–80–0100, dated September 25, 1997, which specifies the following AFM and POH supplements that include revised autopilot emergency disengagement procedures:

—Section 9 Supplement 1, Report 6591, 5 of 30, Page 9–7, Reissued: June 19, 1992;

—Section 9 Supplement 1, Report 6591, 6 of 30, Page 9–8, Reissued: June 19, 1992;

—Section 9 Supplement 1, Report 6591, 7 of 30, Page 9–9, Reissued: June 19, 1992;

—Section 9 Supplement 1, Report 6591, 8 of 30, Page 9–10, Reissued: June 19, 1992;

—Section 9 Supplement 1, Report 6591, 9 of 30, Page 9–11, Reissued: June 19, 1992; and

—Section 9 Supplement 1, Report 6591, 10 of 30, Page 9–12, Reissued: June 19, 1992.

The R.A.I. classified this service bulletin as mandatory and issued Italian AD No. 97–290, dated October 21, 1997, in order to assure the continued airworthiness of these airplanes in Italy.

The FAA's Determination

This airplane model is manufactured in Italy and is 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 R.A.I. has kept the FAA informed of the situation described above.

The FAA has examined the findings of the R.A.I.; reviewed all available information, including the AFM/POH supplements previously referenced; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of This AD

Since an unsafe condition has been identified that is likely to exist or develop in other I.A.M. Model Piaggio P–180 airplanes of the same type design that are registered for operation in the United States and are equipped with a Rockwell Collins APS–65 autopilot system that incorporates an APC–65A autopilot computer, the FAA is issuing an AD. This AD requires incorporating the AFM and POH supplements previously referenced that include revised autopilot emergency disengagement procedures.

Compliance Time of This AD

Although difficulty for the flight crew to disengage the autopilot is only a safety problem while the airplane is in flight, this unsafe condition is not a result of the number of times the airplane is operated. The chance of this situation occurring is the same for an airplane with 10 hours time-in-service (TIS) as it is for an airplane with 5,000 hours TIS. In addition, the utilization of the affected airplanes varies from operator to operator. Some operators may utilize the affected airplanes in excess of 200 hours TIS in a month, while others may only log 20 hours TIS or less in a month. Based on the above information, the FAA has determined that the compliance time of this AD should be presented in both calendar time and hours TIS (with the prevalent one being that which occurs first) in order to assure that the unsafe condition is addressed on all of the affected airplanes in a reasonable time period.

Determination of the Effective Date of the AD

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should 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 will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98–CE–18–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a significant regulatory action under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 a new airworthiness directive (AD) to read as follows:

98–06–05 Industrie Aeronautiche E Meccaniche: Amendment 39–10382; Docket No. 98–CE–18–AD.

Applicability: Model Piaggio P–180 airplanes, all serial numbers; certificated in any category, that are equipped with a Rockwell Collins APS–65 autopilot system that incorporates an APC–65A autopilot computer.

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 within the next 10 hours time-in-service (TIS) after the effective date of this AD or within the next 30 calendar days after the effective date of this AD, whichever occurs first, unless already accomplished.

To prevent pilot difficulty in disengaging the autopilot during flight, which could result in the pilot's lack of proper attention to critical flight tasks due to the increased pilot workload with possible consequent loss of airplane controllability, accomplish the following:

(a) Incorporate the following airplane flight manual (AFM) and pilot's operating handbook (POH) supplements that include revised autopilot emergency disengagement procedures:

—Section 9 Supplement 1, Report 6591, 5 of 30, Page 9–7, Reissued: June 19, 1992;
—Section 9 Supplement 1, Report 6591, 6 of 30, Page 9–8, Reissued: June 19, 1992;
—Section 9 Supplement 1, Report 6591, 7 of 30, Page 9–9, Reissued: June 19, 1992;
—Section 9 Supplement 1, Report 6591, 8 of 30, Page 9–10, Reissued: June 19, 1992;
—Section 9 Supplement 1, Report 6591, 9 of 30, Page 9–11, Reissued: June 19, 1992; and
—Section 9 Supplement 1, Report 6591, 10 of 30, Page 9–12, Reissued: June 19, 1992.

Note 2: The actions required by this AD are also referenced in Piaggio Alert Service Bulletin ASB–80–0100, dated September 25, 1997.

(b) Amending the AFM and POH, as required by this AD, may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(c) 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.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to the service information or the AFM and POH supplements referenced in this AD should be directed to I.A.M. Rinaldo Piaggio S.p.A., Via Cibrario, 4 16154 Genoa, Italy. This information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 4: The subject of this AD is addressed in Italian AD No. 97–290, dated October 21, 1997.

(f) This amendment (39–10382) becomes effective on April 2, 1998.

Issued in Kansas City, Missouri, on March 4, 1998.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6199 Filed 3–10–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 19, 101, 146, and 161

[T.D. 98–22]

RIN 1515–AC02

General Enforcement Provisions; Removal of Agency Management Regulations

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document revises the Customs Regulations by: removing several general enforcement provisions relating to Customs management that do not serve to inform the public of any requirements; relocating a general enforcement provision concerning Customs supervision from one part of the regulations to a different part of the Customs Regulations, and consolidating certain other general enforcement provisions. These amendments are made as part of Customs continuing effort to ensure that its regulations are informative, clear, and necessary.

EFFECTIVE DATE: March 11, 1998.

FOR FURTHER INFORMATION CONTACT: Harold M. Singer or Gregory R. Vilders, Office of Regulations and Rulings, (202) 927–2340.

SUPPLEMENTARY INFORMATION:

Background

As part of Customs' continuing effort to ensure that its regulations are informative, clear, and up-to-date, Customs has decided to remove, relocate, or consolidate several general enforcement regulations in part 161 of the Customs Regulations (19 CFR part 161).

The regulations being removed do not impose any obligations on the public, but concern matters related to agency procedure and practice. The regulations being removed are the following: (1) § 161.3, which concerns the actions that must be taken by a port director or special agent in charge when there is a customs law violation requiring legal proceedings; and (2) § 161.4, which concerns the responsibility of the agency to refer to the U.S. Attorney's Office a determination that a Customs officer or employee was bribed or offered a bribe.

Four regulations dealing with compensation for informant information concerning fraud are consolidated into two to more clearly inform the public of who may file a claim for compensation and how the claim is processed, since Customs' reorganization in 1995. Accordingly, § 161.11, which authorizes the Secretary of the Treasury to pay an award to certain persons who either detect and seize any vessel, vehicle, merchandise, or baggage subject to seizure and forfeiture and reports the same to a Customs officer or otherwise furnish original information concerning a fraud perpetrated upon Customs if there is a net recovery from the fraud, is consolidated with § 161.12, which provides that employees or officers of the United States receiving any portion of such informant compensation are subject to criminal prosecution, and § 161.13, which provides that claims for compensation are administratively limited and cannot exceed the statutory ceiling, is consolidated with § 161.16, which concerns the filing of claims for informant compensation.

Section 161.1, which pertains to Customs' general supervision authority, more properly belongs in the general provisions of the Customs Regulations at Part 101. Accordingly, this regulatory provision is being relocated to Part 101, where it is designated as paragraph (c) to § 101.2, and the text is revised for clarity.

Section 161.0 is revised to account for these changes and conforming referencing changes are made to provisions at §§ 19.4, 19.29, 19.38(a), and 146.3(b).

Inapplicability of Public Notice and Comment Requirements, the Regulatory Flexibility Act, and Executive Order 12866

The amendments to 19 CFR 161.1, 161.3, and 161.4 pertain solely to matters relating to rules of agency procedure and practice. Therefore, pursuant to 5 U.S.C. 553(a)(2), notice and public procedure thereon are inapplicable. The agency for good cause finds notice and public procedure for the amendments to 19 CFR 161.11, 161.12, 161.13, and 161.16 are unnecessary because there has been no substantive change in the regulations. Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This document does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

List of Subjects

19 CFR Part 19

Customs duties and inspection, Exports, Freight, Imports, Licensing, Reporting and recordkeeping requirements, Warehouses.

19 CFR Part 101

Customs duties and inspection, Customs ports of entry, Exports, Foreign trade statistics, Imports, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Seals and Insignia, Shipments.

19 CFR Part 146

Customs duties and inspection, Entry, Exports, Foreign trade zones, Imports, Penalties, Reporting and recordkeeping requirements.

19 CFR Part 161

Customs duties and inspection, Exports, Imports, Law enforcement.

Amendments to the Regulations

For the reasons stated above, parts 19, 101, 146, and 161 of the Customs Regulations (19 CFR parts 19, 101, 146, and 161) are amended as set forth below:

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

1. The general authority citation for part 19 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1624.

* * * * *

§§ 19.4, 19.29 and 19.38 [Amended]

2. Sections 19.4, 19.29, and 19.38(a) are amended by removing the reference to "§ 161.1" and adding in its place "§ 101.2(c)".

PART 101—GENERAL PROVISIONS

1. The general authority citation for part 101 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624, 1646a.

* * * * *

2. Section 101.2 is amended by adding a new paragraph (c) to read as follows:

§ 101.2 Authority of Customs officers.

* * * * *

(c) *Customs supervision.* Whenever anything is required by the regulations in this chapter or by any provision of the customs or navigation laws to be done or maintained under the supervision of Customs officers, such supervision shall be carried out as prescribed in the regulations of this chapter or by instructions from the Secretary of the Treasury or the Commissioner of Customs in particular

cases. In the absence of a governing regulation or instruction, supervision shall be direct and continuous or by such occasional verification as the principal Customs field officer shall direct if such officer shall determine that less intensive supervision will ensure proper enforcement of the law and protection of the revenue. Nothing in this section shall be deemed to warrant any failure to direct and furnish required supervision or to excuse any failure of a party in interest to comply with prescribed procedures for obtaining any required supervision.

PART 146—FOREIGN TRADE ZONES

1. The authority citation for part 146 continues to read as follows:

Authority: 19 U.S.C. 66, 81a–81u, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624.

§ 146.3 [Amended]

2. Section 146.3(b) is amended by removing the reference to "§ 161.1" and adding in its place "§ 101.2(c)".

PART 161—GENERAL ENFORCEMENT PROVISIONS

1. The general authority citation for Part 161 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1600, 1619, 1624.

* * * * *

2. Section 161.0 is revised to read as follows:

§ 161.0 Scope.

This part provides general information concerning Customs enforcement of certain import and export laws administered by other federal agencies, the filing of offers in compromise of government claims, the eligibility of individuals for informant compensation, and the filing of claims for informant compensation.

§§ 161.1, 161.3, 161.4, 161.11, and 161.13 [Removed]

3. Sections 161.1, 161.3, 161.4, 161.11, and 161.13 are removed.

4. Section 161.12 is revised to read as follows:

§ 161.12 Eligibility for compensation.

In accordance with section 619, Tariff Act of 1930, as amended (19 U.S.C. 1619), any person not an employee or officer of the United States who either furnishes original information concerning any fraud upon the customs revenue or any violation, perpetrated or contemplated, of the customs or navigation laws or any other laws administered or enforced by Customs, or detects and seizes any item subject to seizure and forfeiture under the customs or navigationlaws or other laws enforced by Customs and reports the same to a Customs officer, may file a claim for compensation, provided there is a net amount recovered from such detection and seizure or such information, unless other laws specify different procedures. Any employee or officer of the United States who receives, accepts, or contracts for any portion of such compensation, either directly or indirectly, is subject to criminal prosecution and civil liability as provided by 19 U.S.C. 1620.

5. Section 161.16 is revised to read as follows:

§ 161.16 Filing a claim for informant compensation.

(a) *Limitations on claims.* Pursuant to 19 U.S.C. 1619, an informant may be paid up to twenty-five percent of the net recovery to the government from duties withheld; from any fine (civil or criminal), forfeited bail bond, penalty, or forfeiture incurred; or, if the forfeiture is remitted, from the monetary penalty recovered for remission of the forfeiture. The amount of the award paid to informants shall not exceed $250,000 for any one case, regardless of the number of recoveries that result from the information furnished; however, no claim of less than $100 will be paid.

(b) *Filing of claim.* A claim shall be filed, in duplicate, on Customs Form 4623 with the Special Agent in Charge, who shall make a recommendation on the form as to approval and the amount of the award. The Special Agent in Charge shall forward the form to the port director, who shall make a recommendation on the form as to approval and the amount of the award. The port director shall forward the form to Customs Headquarters for action. If for any reason a claim has not been transmitted by the port director, the claimant may apply directly to Customs Headquarters.

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: February 17, 1998.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 98–6182 Filed 3–10–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–395 Re: Notice No. 851]

RIN 1512–AA07

Texas Davis Mountains Viticultural Area (97–105)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is establishing a viticultural area located in Jeff Davis County, Texas, to be known as "Texas Davis Mountains." The petition for this viticultural area was filed by Maymie Nelda Weisbach of Blue Mountain Vineyard, Inc. ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make the wine were grown and enables consumers to better identify the wines they purchase.

EFFECTIVE DATE: May 11, 1998.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas. Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person

may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF has received a petition from Maymie Nelda Weisbach, of Blue Mountain Vineyard, Inc., proposing to establish a viticultural area in Jeff Davis County, Texas, to be known as "Texas Davis Mountains." The viticultural area is located in the Trans-Pecos region of west Texas. The entire area contains approximately 270,000 acres. The petitioner stated that approximately 40 acres are planted to vineyards, and that Blue Mountain Vineyard is the only commercial grower currently active within the proposed viticultural area.

Notice of Proposed Rulemaking

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 851, in the **Federal Register** on May 6, 1997 [62 FR 24622], proposing the establishment of the Davis Mountains viticultural area. The notice requested comments from interested persons by July 7, 1997.

Comments on Notice of Proposed Rulemaking

ATF received five letters of comment in response to Notice No. 851. The petitioner wrote to give additional information about growers in the area. The Honorable Peggy Robertson, County Judge of Jeff Davis County, Texas, wrote to express support for the establishment of the viticultural area. Dr. Charles O. McKinney, Director of Research for the University of Texas System, wrote to support the establishment of the Davis Mountains area and comment on the boundaries. James D. Voorhees, Esq., of Davis, Graham & Stubbs, LLP, Attorneys at Law, wrote to express support for establishment of the area and commented on the proposed name. George Ray McEachern, Professor and Extension Horticulturist at the Texas A&M University System's Texas Agricultural Extension Service, wrote to support the designation of the area as "Texas Davis Mountains." The comments on specific proposals will be discussed in the supplementary information covering such proposals.

Evidence of Name

The petitioner provided evidence that the name "Davis Mountains" is locally known as referring to the area specified in the petition, and suggested that the area be designated as "Texas Davis Mountains" to aid in national recognition of the area. She noted that, outside of the State of Texas, the name Davis Mountains may not be well known. Evidence supporting the use of the name "Davis Mountains" includes:

(a) The name "Davis Mountains" is used to describe the northern portion of the viticultural area on a U.S.G.S. map submitted with the petition (Mount Livermore, Texas—Chihuahua). There is a park named "Davis Mountain State Park" in the southeastern portion of the viticultural area.

(b) The 1952 edition of *The Handbook of Texas,* published by the Texas State Historical Association, describes the Davis Mountains. The location and other features described in this entry are consistent with the petition.

(c) The 1968 edition of *Texas Today,* a book in the Harlow State Geography Series, from the Harlow Publishing Corporation, describes the Davis Mountains as the most extensive and among the highest of the Texas mountain groups.

(d) Finally, the Champion Map of Texas, and the Exxon Travel Club Map of the United States, both identify the Davis Mountains by name.

After reviewing available resources and finding no references to any other "Davis Mountains," ATF used the name "Davis Mountains" unmodified by the word "Texas" in the notice; however, ATF also solicited comments on the need for the additional designation of "Texas" for the proposed viticultural area. ATF proposed using the name "Davis Mountains" (as opposed to "Texas Davis Mountains") based upon national recognition of the name "Davis Mountains" as an area in Texas, known both as the site of the McDonald Observatory and as a tourist destination for its history, scenery and wildlife. In response to this request for comments on the name of this proposed viticultural area, James D. Voorhees, Esq., of Davis, Graham & Stubbs, LLP, Attorneys at Law, wrote:

> * * * there may be a wine-growing area in one of the midwestern states which is not yet designated as a viticultural area, but which is known locally as "Davis Mountains". * * * this would support the designation of the viticultural area sought by Mrs. Weisbach as "Texas Davis Mountains."

In order to avoid possible consumer confusion, ATF is adopting the name "Texas Davis Mountains" in this final rule. ATF believes it is better to allow this viticultural area to bear a distinguishing name from its inception rather than revise the name later after the establishment of another area with a similar name.

Evidence of Boundaries

The petitioner chose highways to mark the boundary of the viticultural area because these highways parallel geographic features such as canyons, creeks and escarpments, which represent natural boundaries between the mountains and the surrounding desert and define the area. In support of this approach, she provided a copy of "Texas," the *Houston Chronicle* Magazine, for June 2, 1996. The cover story was "High Mountain Vistas—Driving the 73-mile Loop Around the Davis Mountains." In a map associated with the article, the routes used for the driving tour are the same as those selected by the petitioner, except the northern boundary. The driving tour recommendation followed a route to the north of the proposed northern boundary, which the petitioner drew using other features. Dr. Charles O. McKinney, Director of Research for the University of Texas System, also noted in his comment that the area known as Davis Mountains extends more to the north than indicated by the boundaries, but made no specific suggestion for amendment of the northern boundary. No change was made to the northern boundary as a result of this comment.

During the comment period, the petitioner wrote to say that she had learned about two additional growers, one of them within the proposed boundary (in the Davis Mountain Resort area), and another just outside the boundary at the southeast corner of the proposed area. She asked that the border be redrawn to include the vineyard just outside the proposed boundary and noted "the same grape growing conditions would prevail" in that nearby area. Dr. McKinney also noted his support for expanding the viticultural area to include the vineyard to the southeast, saying the "grapes from this vineyard are very similar in quality and growing characteristics as vineyards

located a few miles away, but within the proposed viticultural area." ATF is adopting this proposed change and amending the boundary to include the additional vineyard. With the addition of these two vineyards, the viticultural area has three growers and approximately 50 acres planted to grapes.

Geographical Features

The viticultural area is described in *Great Texas Getaways*, copyright 1992, by Ann Ruff, as follows:

> No matter which way you drive into the Davis Mountains you will have to face the barren terrain without the taste of cool water. But when you reach this wonderful oasis, those long, dreary miles are more than worth the reward. Here the days are fresh and cool, the nights brisk, and the scenery fantastic.

The viticultural area is distinguishable from surrounding areas primarily by its altitude, which contributes to the geographic and climatic features which provide for excellent grape-growing.

The petitioner provided the following evidence of the viticultural area's distinctive character:

Topography

The U.S.G.S. topographic maps used to define the viticultural area show a mountainous area varying in elevation from 4,500 to 8,300 feet, surrounded by flatter terrain. The petitioner adds that these mountains are the second-highest range in Texas. The northern and eastern limits are clearly defined by escarpments. Sharp boundaries in the west and south, however, are lacking as the same formations continue into the Ord and Del Norte Mountains. The Chihuahua desert extends for miles in all directions, its gently rolling grasses interspersed with yucca and agave.

Soil

The Davis Mountains were created about 35 million years ago by the same volcanic thrust that formed the front range of the Rockies. The mountains are composed of granitic, porphrytic and volcanic rocks, as well as limestones of various ages.

Climate

The cover story in "Texas," the *Houston Chronicle* Magazine, for June 2, 1996, titled "High mountain vistas, driving the 73-mile loop around the Davis Mountains" by Leslie Sowers, described the viticultural area as a "mountain island * * * that is cooler, wetter, and more biologically diverse than the vast plains of the Chihuahua desert that surround it." The article went on to note that the Davis Mountains receive 20 inches of rainfall a year, contrasted with 10 inches a year in the surrounding desert.

Boundary

The boundary of the Texas Davis Mountains viticultural area may be found on two United States Geological Survey (U.S.G.S.) maps with a scale of 1:100,000. The boundary is described in § 9.155.

Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this final rule is not subject to the analysis required by this Executive Order.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are imposed. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(j)) and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Marjorie D. Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

Par. 2. Subpart C is amended by adding § 9.155 to read as follows:

§ 9.155 Texas Davis Mountains.

(a) *Name.* The name of the viticultural area described in this section is "Texas Davis Mountains."

(b) *Approved map.* The appropriate maps for determining the boundary of the Texas Davis Mountains viticultural area are two U.S.G.S. metric topographical maps of the 1:100 000 scale, titled:

(1) "Fort Davis, Texas," 1985.

(2) "Mount Livermore, Texas—Chihuahua," 1985.

(c) *Boundary.* The Texas Davis Mountains viticultural area is located in Jeff Davis County, Texas. The boundary is as follows:

(1) The beginning point is the intersection of Texas Highway 17 and Farm Road 1832 on the Fort Davis, Texas, U.S.G.S. map;

(2) From the beginning point, the boundary follows Highway 17 in a southeasterly and then southwesterly direction until it reaches the intersection of Limpia Creek with the unnamed stream which flows through Grapevine Canyon on the Fort Davis, Texas, U.S.G.S. map;

(3) The boundary then proceeds in a straight line in a southwesterly direction until it meets Highway 118 at a gravel pit 1¾ miles southeast of the intersection of Highway 118 and Highway 17;

(4) The boundary then proceeds in a straight line east by southeast until it meets Highway 166 at its junction with Highway 17;

(5) The boundary then follows Highway 166 in a southwesterly direction onto the Mt. Livermore, Texas-Chihuahua, U.S.G.S. map;

(6) The boundary then continues to follow Highway 166 in a westerly direction;

(7) The boundary then continues to follow Highway 166 as it turns in a northerly and then northeasterly direction to the point where it meets Highway 118;

(8) The boundary then follows Highway 118 in a northerly direction until it reaches a point where it intersects with the 1600 meter contour line, just north of Robbers Roost Canyon;

(9) The boundary then proceeds in a straight line due east for about two miles until it reaches the 1600 meter contour line to the west of Friend Mountain;

(10) The boundary then follows the 1600 meter contour line in a northeasterly direction until it reaches the northernmost point of Friend Mountain;

(11) The boundary then diverges from the contour line and proceeds in a

straight line east-southeast until it reaches the beginning point of Buckley Canyon, approximately three fifths of a mile;

(12) The boundary then follows Buckley Canyon in an easterly direction to the point where it meets Cherry Canyon;

(13) The boundary then follows Cherry Canyon in a northeasterly direction to the point where it meets Grapevine Canyon on the Mt. Livermore, Texas-Chihuahua, U.S.G.S. map;

(14) The boundary then proceeds in a straight line from the intersection of Cherry and Grapevine Canyons to the peak of Bear Cave Mountain, on the Fort Davis, Texas, U.S.G.S. map;

(15) The boundary then proceeds in a straight line from the peak of Bear Cave Mountain to the point where Farm Road 1832 begins;

(16) The boundary then follows Farm Road 1832 back to its intersection with Texas Highway 17, at the point of beginning.

Dated: February 6, 1998.

John W. Magaw,

Director.

Approved: February 23, 1998.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 98–6005 Filed 3–10–98; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 918

[SPATS No. LA–015–FOR]

Louisiana Regulatory Program; Approval of Amendment

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Louisiana regulatory program (hereinafter referred to as the "Louisiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of the addition of a definition for "replacement of water supply" to the Louisiana Surface Mining Regulations (LSMR). The amendment is intended to revise the Louisiana program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: March 11, 1998.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6548, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Louisiana Program

On October 10, 1980, the Secretary of the Interior conditionally approved the Louisiana program. Background information on the Louisiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the October 10, 1980, **Federal Register** (45 FR 67340). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 918.15 and 918.16.

II. Submission of the Proposed Amendment

By letter dated December 4, 1997 (Administrative Record No. LA–363), Louisiana submitted a proposed amendment to its program pursuant to SMCRA. Louisiana submitted the proposed amendment in response to a July 2, 1996, letter (Administrative Record No. 358) that OSM sent to Louisiana in accordance with 30 CFR 732.17(c). Louisiana proposed to amend section 105 of the Louisiana Surface Mining Regulations by adding a definition for "replacement of water supply."

OSM announced receipt of the proposed amendment in the January 7, 1998, **Federal Register** (63 FR 712), and in the same document opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the proposed amendment. The public comment period closed on February 6, 1998, and because no one requested a public hearing or meeting, none was held.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

LSMR Section 105 Definitions. Louisiana the following definition concerning the replacement of water supplies that have been adversely impacted by coal mining operations.

Replacement of water supply—with respect to protected water supplies contaminated, diminished, or interrupted by coal mining operations, provision of water supply on both a temporary and permanent basis equivalent to premining quantity and quality. Replacement includes provision of an equivalent water delivery system and payment of operation and maintenance costs in excess of customary and reasonable delivery costs for premining water supplies.

a. Upon agreement by the permittee and the water supply owner, the obligation to pay such operation and maintenance costs may be satisfied by a one-time payment in an amount which covers the present worth of the increased annual operation and maintenance costs for a period agreed to by the permittee and the water supply owner.

b. If the affected water supply was not needed for the land use in existence at the time of loss, contamination, or diminution, and if the supply is not needed to achieve the postmining land use, replacement requirements may be satisfied by demonstrating that a suitable alternative water source is available and could feasibly be developed. If the latter approach is selected, written concurrence must be obtained from the water supply owner.

Louisiana's proposed definition contains language that is substantively the same as the counterpart Federal definition for "replacement of water supply" at 30 CFR 701.5. Therefore, the Director finds that the proposed definition at section 105 of the Louisiana Surface Mining Regulations is no less effective than the Federal definition.

IV. Summary and Disposition of Comments

Public Comments

OSM solicited public comments on the proposed amendment, but none were received.

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Louisiana program (Administrative Record No. LA–363.03).

The U.S. Army Corps of Engineers responded by letter dated January 27, 1998, that it found the changes to be satisfactory (Administrative Record No. LA–363.04).

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated

under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Louisiana proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request the EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from the EPA (Administrative Record No. LA–363.01). The EPA did not respond to OSM's request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM is required to solicit comments on proposed amendments which may have an effect on historic properties from the SHPO and ACHP. OSM solicited comments on the proposed amendment from the SHPO and ACHP (Administrative Record No. LA–363.02). Neither the SHPO nor ACHP responded to OSM's request.

V. Director's Decision

Based on the above findings, the Director approves the proposed amendment as submitted by Louisiana on December 4, 1997.

The Director approves the regulation as proposed by Louisiana with the provision that it be fully promulgated in identical form to the regulation submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 918, codifying decisions concerning the Louisiana program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 25, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 918 is amended as set forth below:

PART 918—LOUISIANA

1. The authority citation for Part 918 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 918.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 918.15 Approval of Louisiana regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* * * * * * *		
December 4, 1997	March 11, 1998	LSMR section 105.

[FR Doc. 98–6192 Filed 3–10–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 40a

Defense Contracting: Reporting Procedures on Defense Related Employment

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This document removes obsolete information in Title 32 of the Code of Federal Regulations addressing reporting procedures on defense related employment for defense contracting. This part has served the purpose for which it was intended and is no longer necessary.

EFFECTIVE DATE: March 11, 1998.

FOR FURTHER INFORMATION CONTACT: Bob Cushing, 703–604–4582.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 40a

Conflict of interests, Government procurement.

PART 40a—[REMOVED]

Accordingly, by the authority of 10 U.S.C. 301, 32 CFR part 40a removed.

Dated: March 5, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–6163 Filed 3–10–98; 8:45 am]

BILLING CODE 5000–04–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–011–0063; FRL–5966–8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules for San Diego County Air Pollution Control District (SDCAPCD or District). This approval action will incorporate these rules into the federally approved State Implementation Plan (SIP). The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs), oxides of nitrogen (NO_X) and other pollutants in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA of the Act). These revisions consist of administrative and minor changes to ten rules that have been previously incorporated into the federal approved SIP. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPS for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on May 11, 1998 unless adverse or critical comments are received by April 10, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Comments must be submitted to Andrew Steckel at the Region IX address listed. Copies of the rule revisions are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone (415–744–1189).

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: SDCAPCD Rule 10, Permits Required, submitted on March 3, 1997; Rule 17, Cancellation of Application, submitted on March 1, 1982; Rule 19, Provision of Sampling and Testing Facilities, submitted on November 18, 1993; Rule 21, Permit Conditions, submitted March 26, 1997; Rule 61.7, Spillage and Leakage of VOC and Rule 61.8, Certification of Requirements for Vapor Control Equipment, submitted on June 9, 1987; and Rule 101, Definitions (Open Burning), Rule 102, Open Fires, Western Section, Rule 103, Open Fires, Eastern Section, and Rule 108, Burning Conditions, submitted on December 31, 1990.

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included San Diego, see 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the San Diego county portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). In response to the SIP call and other requirements, the SDCAPCD submitted many rules which EPA approved into the SIP.

This document addresses EPA's direct-final action for the following SDCAPCD rules: Rule 10, Permits Required; Rule 17, Cancellation of Applications; Rule 19, Provision of Sampling and Testing Facilities; Rule 21, Permit Conditions; Rule 61.7, Spillage and Leakage of VOC; Rule 61.8, Certification of Requirements for Vapor Control Equipment; Rule 101, Definitions (Open Burning); Rule 102, Open Fires, Western Section; Rule 103, Open Fires, Eastern Section; and Rule 108, Burning Conditions. These rules were adopted by SDCAPCD on November 25, 1981 (Rule 17), March 1, 1982 (Rule 17), January 13, 1987 (Rules 61.7 and 61.8), March 27, 1990 (Rules 101, 102, 103, and 108), April 4, 1993 (Rule 19), November 29, 1994 (Rule 21), and July 25, 1995 (Rule 10), and submitted by the State of California for incorporation into its SIP on June 9, 1987 (Rules 61.7 and 61.8), December 31, 1990 (Rules 101, 102, 103, and 108), November 18, 1993 (Rule 19), March 3, 1997 (Rule 10), and March 26, 1997 (Rule 21). These rules were found to be complete on August 6 and 12, 1997 (Rules 21 and 10, respectively), December 27, 1993 (Rule 19) and February 28, 1991 (Rules 101, 102, 103, and 108), pursuant to EPA's completeness criteria that are set forth

in 40 CFR part 51, Appendix V [1] and are being finalized for approval into the SIP. These rules were originally adopted as part of SDCAPCD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement.

The following is EPA's evaluation and final action for these rules.

III. EPA Evaluation and Action

In determining the approvability of a rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements appears in various EPA policy guidance documents.[2]

EPA previously reviewed many rules from the SDCAPCD and incorporated them into the federally approved SIP pursuant to section 110(k)(3) of the CAA. Those rules that are being superseded and/or deleted [3] by today's action are as follows:

Rule 10, Permits (submitted 07/19/83, 08/15/80, and 06/30/72)
Rule 12, Transfer (submitted 06/30/72)
Rule 13, Compliance Time (submitted 06/30/72)
Rule 17, Cancellation of Applications (submitted 06/02/80)
Rule 19, Provision of Sampling and Testing Facilities (submitted 9/5/80)
Rule 21, Permit Conditions (submitted 05/28/81)
Rule 55, Exceptions (submitted 07/25/73)
Rule 61.7, Spillage and Leakage of VOC (submitted 05/23/79)
Rule 61.8, Certification Requirements for Vapor Control Equipment (submitted 10/19/84)
Rule 101, Definitions (submitted 10/23/81)
Rule 102, Open Fires—Western Section (submitted 10/23/81)
Rule 103, Open Fires—Eastern Section (submitted 10/23/81)
Rule 108, Burning Conditions (submitted 07/25/73)

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SDCAPCD Rule 10, Permits Required; Rule 17, Cancellation of Applications; Rule 19, Provision of Sampling and Testing Facilities; Rule 21, Permit Conditions; Rule 61.7, Spillage and Leakage of VOC; Rule 61.8, Certification of Requirements For Vapor Control Equipment; Rule 101, Definitions (Open Burning); Rule 102, Open Fires, Western Section; Rule 103, Open Fires Eastern Section; and Rule 108, Burning Conditions, are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 11, 1998, unless, by April 10, 1998, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective May 11, 1998.

IV. Administrative Requirements

A. Executive Order 12866

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.

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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air 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 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).

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 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

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section (110)(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[2] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviation, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

[3] Listed rules are superseded unless designated as deleted.

approves pre-existing requirements under State or local law, and imposes no new Federal 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

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 the rule in today's **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 May 11, 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 2, 1998.

Felicia Marcus,

Regional Administrator, EPA, Region IX.

Part 52, 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.G. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(6)(i)(C), (c)(21)(vi)(C), (c)(121)(ii)(C), (c)(173)(i)(E), (c)(182)(i)(E), (c)(194)(i)(E)(*2*), (c)(244)(i)(B), and (c)(245)(i)(B), and adding and reserving paragraph (c)(21)(vi)(B), to read as follows:

§ 52.220 Identification of plan.

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(c) * * *

(6) * * *

(i) * * *

(C) Previously approved on September 22, 1972 and now deleted without replacement, Rules 12 and 13.

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(21) * * *

(vi) * * *

(B) [Reserved]

(C) Previously approved on May 11, 1977 and now deleted without replacement, Rule 55.

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(121) * * *

(ii) * * *

(C) Amended Rule 17, adopted on November 25, 1981.

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(173) * * *

(i) * * *

(E) San Diego County Air Pollution Control District.

(*1*) Amended Rules 61.7 and 61.8, adopted on January 13, 1987.

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(182) * * *

(i) * * *

(E) San Diego County Air Pollution Control District.

(*1*) Amended Rules 101, 102, 103, and 108, adopted March 27, 1990.

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(194) * * *

(i) * * *

(E) * * *

(*2*) Amended Rule 19, adopted April 6, 1993.

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(244) * * *

(i) * * *

(B) San Diego County Air Pollution Control District.

(*1*) Amended Rule 10, adopted July 25, 1995.

(245) * * *

(i) * * *

(B) San Diego County Air Pollution Control District.

(*1*) Amended Rule 21, adopted November 29, 1994.

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[FR Doc. 98–5850 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX 62–1–7271a; FRL–5971–7]

Approval and Promulgation of Implementation Plan for Texas: General Conformity Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves a revision to the Texas State Implementation Plan (SIP) that contains regulations for implementing and enforcing the general conformity rules which the EPA promulgated on November 30, 1993. Specifically, Texas' adoption of the general conformity rules enables the Texas Natural Resource Conservation Commission (TNRCC) to review conformity of all Federal actions (see 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans) with the control strategy SIPs submitted for the nonattainment and maintenance areas in Texas. This approval action is intended to streamline the conformity process and allow direct consultation among agencies at the local levels. The Federal actions by the Federal Highway Administration and Federal Transit Administration (under 23 U.S.C. or the Federal Transit Act) are covered by the transportation conformity rules under 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The EPA approved the Texas transportation conformity SIP on November 8, 1995.

The EPA is approving this SIP revision under sections 110(k) and 176 of the Clean Air Act (the Act). The rationale for the approval and other information are provided in this document.

DATES: This action will become effective on May 11, 1998, unless notice is postmarked by April 10, 1998 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Region 6 address listed. Copies of the Texas General Conformity SIP and other relevant information are available for inspection during normal business

hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 665–7214.

Air Policy and Regulations Division, Texas Natural Resource Conservation Commission, 12124 Park Circle, Austin, Texas 78753, Telephone: (512) 239–0800.

Documents which are incorporated by reference are available for public inspection at Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E., Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone (214) 665–7247.

SUPPLEMENTARY INFORMATION:

I. Background

Conformity provisions first appeared in the Act, as amended, in 1977 (Pub. L. 95–95). Although these provisions did not define conformity, they provided that no Federal department could engage in, support in any way, or provide financial assistance for, license or permit, or approve any activity which did not conform to a SIP that has been approved or promulgated for the nonattainment or maintenance areas.

The 1990 Amendments of the Act expanded the scope and content of the conformity provisions by defining conformity to an implementation plan. Conformity is defined in section 176(c) of the Act as conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the National Ambient Air Quality Standards and achieving expeditious attainment of such standards, and that such activities will not: (1) Cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The Act requires EPA to promulgate criteria and procedures for determining conformity of all other Federal actions in the nonattainment or maintenance areas (actions other than those under Title 23 U.S.C. or the Federal Transit Act) to a SIP. The criteria and procedures developed for this purpose are called "general conformity" rules. The rules pertaining to actions under Title 23 U.S.C. or the Federal Transit Act were published in a separate **Federal Register** notice on November 24, 1993 (see 58 FR 62188). The EPA published the final general conformity rules on November 30, 1993 (58 FR 63214) and codified them at 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans. The general conformity rules require the States and local air quality agencies (where applicable) to adopt and submit a general conformity SIP revision to the EPA not later than November 30, 1994.

II. Evaluation of State's Submission

In response to the **Federal Register** notice of November 30, 1993, the Governor of Texas submitted a SIP revision which included the general conformity rules adopted by the TNRCC. The State general conformity rule is applicable to all nonattainment and maintenance classifications under the Act. The following paragraphs present the results of EPA's review and evaluation of the State's general conformity SIP revision.

On November 22, 1994, the Governor of Texas submitted a SIP revision in compliance with 40 CFR part 51, subpart W that contains the general conformity rules. The SIP revision was adopted by the commissioners on November 16, 1994, after appropriate public participation and interagency consultation. The EPA could not approve this revision based on the evaluation results described below.

The EPA's preliminary review indicated that sections 101.30(c)(3)(D), 101.30(c)(10), and 101.30(I)(2)(A)(ii) of the State rule were more stringent than the Federal rules. The general conformity rule, 40 CFR 51.851(b), requires the State conformity rule contain criteria and procedures that are no less stringent than the Federal rule. In addition, the conformity rule allows the State to establish more stringent conformity criteria and procedures only if they apply equally to non-Federal as well as Federal entities. The State had not selected this option and the State rule was only applicable to the Federal actions.

Section 101.30(c)(3)(D) allowed exemption of individual actions which implement a decision to conduct or carry out a program that has been found to conform to the SIP (such as prescribed burning actions which are consistent with a conforming land management plan) only if such land management plan has been found to conform within the past five years. In contrast, EPA's regulation (see 40 CFR 51.853(c)(4)) does not place a time limit on the conformity determination for the project unless the conformity determination on the plan lapses as a result of a continuous program not having been implemented within a reasonable time.

Section 101.30(c)(10) contained a phrase that made the State rule inconsistent with the Federal rule because the Federal rule did not include any additional qualifying phrase concerning the presumed de minimis requirements. Inclusion of this phrase made this section contradictory to other sections.

Section 101.30(I)(2)(A)(ii) allowed conformity analyses (for which the analysis was begun during the grace period or no more than three years before the **Federal Register** notice of availability of the latest emission model) to continue to use the previous version of the model specified by EPA only if a final conformity determination was made within three years of such analysis. EPA's rule, 40 CFR 51.859(b)(1)(ii), does not include a time limit on the use of the model analyses begun during or just before the grace period.

Since the State's rule is only applicable to the Federal actions, EPA could not approve the State's general conformity SIP as submitted by the Governor on November 22, 1994, because the State's rule was more stringent than the Federal requirements. After EPA's consultation with the State, the State of Texas has reconsidered its original SIP submission and agreed with the EPA's assessment as discussed above. Subsequently, the Governor of Texas submitted a revised SIP on August 21, 1997, which removed the inconsistencies described above. The revised SIP was adopted by the TNRCC on July 9, 1997. The SIP revisions, submitted on November 22, 1994, and August 21, 1997, adopt the Federal general conformity rules verbatim with the exception of limited changes and additional definitions, where necessary, to create consistency with the local processes, procedures, and area specific terms or names. These minor modifications and additional clarifications do not in any way alter the effect, implementation and enforcement of the Federal conformity requirements in the State. The EPA has determined that Texas' general conformity rule, as submitted by the Governor on November 22, 1994, and August 21, 1997, meets the Federal requirements

and therefore, EPA is approving this SIP revision.

III. Final Action

The EPA is approving a revision to the State of Texas SIP which contains general conformity regulations as submitted by the Governor of Texas on November 22, 1994 and August 21, 1997. The State general conformity rule is applicable to all nonattainment and maintenance classifications in the State. The EPA has evaluated these SIP revisions and has determined that TNRCC has fully adopted the provisions of the Federal general conformity rules in accordance with 40 CFR part 51, subpart W. The appropriate public participation and comprehensive interagency consultations have been undertaken during development and adoption of these rules by the TNRCC at the local level.

The EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 11, 1998, unless adverse or critical comments concerning this action are submitted and postmarked by April 10, 1998. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received concerning this action will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received on this action, the public is advised that this action will be effective May 11, 1998.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (see 5 U.S.C. 603 and 604). Alternatively, the EPA may certify that the rule will not have a significant impact on a substantial number of small entities (see 46 FR 8709). Small entities include small businesses, small not-for-profit enterprises, and governmental entities with jurisdiction over populations of less than 50,000.

The 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, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA from basing its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

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

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, the 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, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The 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 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

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the 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 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 1998. Filing a petition for reconsideration of this final rule by the Regional Administrator does not affect the finality of this rule for purposes of judicial review; nor does it extend the time within which a petition for judicial review may be filed, or postpone the effectiveness of this rule. 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, Carbon monoxide, General conformity, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 9, 1998.

Jerry Clifford,

Acting Regional Administrator, Region 6.

Part 52, 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 SS—Texas

2. Section 52.2270 is amended by adding paragraph (c)(106) to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(106) A revision to the Texas State Implementation Plan: Regulation 30 TAC Chapter 101 "General Rules", Section 101.30 "Conformity of General and State Actions to State

Implementation Plans" as adopted by the Texas Natural Resource Conservation Commission (TNRCC) on November 16, 1994, and July 9, 1997, was submitted by the Governor on November 22, 1994, and August 21, 1997, respectively.

(i) Incorporation by reference.

(A) The Texas Natural Resource Conservation Commission (TNRCC) Regulation 30, TAC Chapter 101 "General Rules", Section 101.30 "Conformity of General and State Actions to State Implementation Plans" as adopted by TNRCC on November 16, 1994, and July 9, 1997.

(B) TNRCC orders Docket No. 94–0709–SIP and 97–0143–RUL as passed and approved on November 16, 1994, and July 9, 1997, respectively.

* * * * *

[FR Doc. 98–5847 Filed 3–10–98; 8:45 am]
BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL166–1a; FRL–5975–3]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On May 5, 1995, and May 26, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the EPA regarding rules for controlling Volatile Organic Material (VOM) emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor processes and distillation operations in the Chicago and Metro-East (East St. Louis) areas. VOM, as defined by the State of Illinois, is identical to "Volatile Organic Compounds" (VOC), as defined by EPA. VOC is an air pollutant which combines with nitrogen oxides in the atmosphere to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. This plan was submitted to meet the Clean Air Act (Act) requirement for States to adopt Reasonably Available Control Technology (RACT) rules for sources that are covered by Control Techniques Guideline (CTG) documents. This rulemaking action only addresses compliance with the RACT requirement for one source, Monsanto Chemical Group's Sauget Facility. The EPA is approving the State Implementation Plan (SIP) revision request submitted by the State of Illinois as it applies to Monsanto Chemical Group's Sauget Facility.

DATES: The "direct final" approval is effective on May 11, 1998, unless EPA receives adverse or critical written comments by April 10, 1998. If the effective date is delayed timely notice will be published in the **Federal Register.**

ADDRESSES: Copies of the revision request are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886–6082 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

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

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(2) of the Act requires all moderate and above ozone nonattainment areas to adopt RACT rules for sources that are located in moderate and above ozone nonattainment areas and covered by CTG documents, such as SOCMI reactor processes and distillation operations. In Illinois, the Chicago area is classified as "severe" nonattainment for ozone, while the Metro-East area is classified as "moderate" nonattainment. See 40 CFR 81.314.

The Illinois Environmental Protection Agency (IEPA) held public hearings on the SOCMI rules on November 4, 1994, December 2, 1994, and December 16, 1994. The rules, which require compliance by March 15, 1996, were published in the *Illinois Register* on May 19, 1995. The rules became effective at the State level on May 9, 1995. The IEPA formally submitted the SOCMI rules to EPA on May 5, 1995, and May 26, 1995, as a revision to the Illinois SIP for ozone. The submittal amends 35 Illinois Administrative Code (Ill.Adm.Code) Parts 211, 218 and 219, to include control measures for SOCMI reactor processes and distillation operations.

The submittal includes the following new or revised rules:

Part 211: Definitions and General Provisions

Subpart B: Definitions

211.980 Chemical Manufacturing Process Unit
211.1780 Distillation Unit
211.2365 Flexible Operation Unit
211.5065 Primary Product

Part 218: Organic Material Emission Standards and Limitations for the Chicago Area

Subpart Q: Synthetic Organic Chemical and Polymer Manufacturing Plant
218.431 Applicability
218.432 Control Requirements
218.433 Performance and Testing Requirements
218.434 Monitoring Requirements
218.435 Recordkeeping and Reporting Requirements
218.436 Compliance Date
Appendix G: TRE Index Measurement for SOCMI Reactors and Distillation Units

Part 219: Organic Material Emission Standards and Limitations for the Metro-East Area

Subpart Q: Synthetic Organic Chemical and Polymer Manufacturing Plant
219.431 Applicability
219.432 Control Requirements
219.433 Performance and Testing Requirements
219.434 Monitoring Requirements
219.435 Recordkeeping and Reporting Requirements
219.436 Compliance Date.
Appendix G: TRE Index Measurement for SOCMI Reactors and Distillation Units

The SOCMI rules contained in Part 218 are identical to those in Part 219 except for the areas of applicability. Part 218 applies to the Chicago Area, while Part 219 applies to the Metro-East area. Illinois' SOCMI rules are based largely on EPA's final CTG for control of VOCs from SOCMI reactor processes and distillation operations, which was issued on November 15, 1993 (58 FR 60197). This document contains the recommended presumptive norm for RACT for these sources.

The applicability measure for RACT is dependent upon a facility's calculated Total Resource Effectiveness (TRE) index. The TRE index is a measure of the cost per unit of VOC emission reduction and is normalized so that the decision point has a defined value of 1.0. It considers variables such as the emission stream characteristics (i.e., heat value, flow rate, VOC emission rate) and a maximum cost effectiveness. A TRE index value of less than or equal to 1.0, calculated by using the specific stream characteristics, ensures that the stream could be effectively controlled further by a combustion device without an unreasonable cost burden. The use of the TRE index applicability measure provides an incentive for pollution prevention by letting a facility consider alternatives to installing add-on control devices. Facilities can choose to

improve product recovery so that the calculated TRE index falls above the cutoff value of 1.0.

The technology underlying RACT for SOCMI reactor processes and distillation operations processes is combustion via either thermal incineration or flaring. These control techniques generally achieve the highest emission reduction among demonstrated VOC technologies. The EPA believes that a thermal incinerator that is well operated and maintained according to manufacturer's specifications can achieve at least 98 percent control efficiency, by weight. Likewise, flares that conform with the design and operating specifications set forth in 40 CFR 60.18, can achieve at least 98 percent control, by weight, of VOC emissions.

II. Analysis of State Submittal

The Illinois SOCMI rules affect vent streams associated with reactor processes and distillation operations that manufacture a SOCMI chemical, as listed in Appendix A of Illinois' Rules and Regulations for Air Pollution Control (35 Ill.Adm.Code 218 and 219), if the chemical is a "primary product." The rules exclude any reactor or distillation unit that (1) is part of a polymer manufacturing operation, (2) is included in a batch operation, (3) has a total design capacity of less than 1,100 tons per year for the primary product, (4) has a primary product not listed in Appendix A, (5) has a vent stream VOC concentration of less than 500 parts per million by volume or a flow rate of less than 0.0085 standard cubic meter per minute, or (6) is included in the hazardous air pollutants early reduction program, as specified in 40 CFR Part 63 and published at 50 FR 60970 on October 22, 1993. Any other process vent stream from a reactor process or distillation operations process in SOCMI that does not satisfy the above exclusion criteria must perform a TRE determination. If the TRE index value, calculated at a point immediately after the associated recovery device, is less than or equal to 1.0, then VOC emissions (less methane and ethane) must be reduced by 98 percent by weight or to 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen. The compliance date in the Illinois rules is March 15, 1996.

While Illinois' SOCMI reactor and distillation rules generally require RACT level control efficiencies, the rules' applicability provision is significantly less stringent than RACT for two reasons. The first is the concept of "primary product" as defined in the State rules, and the second is the list of SOCMI chemicals provided in the State rules.

"Primary product," as defined in at 35 Ill.Adm.Code 211.5065, means the "product with the greatest annual design capacity on a mass basis;" or in the case of a flexible operation unit, the product which is produced for the greatest annual operating time. Section 218/219.431(a)(1) of the Illinois rules states that sources are only subject if one of the listed chemicals is produced as the primary product. RACT, as specified in the CTG, requires sources to comply if they produce one or more SOCMI chemicals as intermediates or final products. Illinois' rules are less stringent than RACT because the production of SOCMI chemicals as intermediates does not contribute to applicability. Section 218.431(a)(2), however, provides an exception to this provision for Stepan Company's Millsdale facility is an exception to this provision (see June 17, 1997, **Federal Register**, 62 FR 32694). Section 218.431(a)(2) states that all continuous reactor process and distillation operation emission units at Stepan Company's Millsdale facility are subject, unless they are already subject to the State's Air Oxidation Processes rules.

The place where the "primary product" concept makes the applicability of the Illinois rules less stringent than that of RACT is in Section 218/219.431(b)(4). This section exempts units that have a design capacity of less than 1,100 tons per year of the primary product, and exempts units, no matter how large, if the primary product is not a SOCMI chemical. The CTG calls for this exemption to apply to units with a design capacity of less than 1,100 tons per year of all chemicals produced within the unit. Because of this language, the State rules could exempt sources that would be covered under RACT, as specified in the CTG. For example, if a source were producing 1,500 tons per year of chemicals, but only 1,000 tons of the primary product, the source would be exempt under the State rules but would not be exempt under RACT level rules. Also, if a source produced 4,000 tons of a SOCMI chemical, it could still be exempted from the Illinois rules if it also produced 5,000 tons of a non-SOCMI primary product.

The concept of "primary product" can also be found in other places in the State rules. The definition of "Chemical Manufacturing Process Unit" (section 211.980) states that a chemical manufacturing process unit is identified by its primary product. This definition further clarifies the rules' intent that units producing SOCMI chemicals, but not as the primary product, be exempt from control requirements.

The second concern with the State rules is the list of SOCMI chemicals contained in 35 Ill.Adm.Code 218, Appendix A. The list of chemicals in this appendix is referenced in the State SOCMI reactor and distillation rules for applicability purposes. In other words, for a unit to be covered under the State rules, its primary product must be a chemical listed in Appendix A. The concern is that the list in Appendix A does not match the list in the CTG. The result is that a large percentage of the chemicals which would be covered under RACT are not covered by the Illinois rules. (Note that 35 IAC 218, Appendix A, is not part of this rulemaking action. It was previously approved by the EPA on September 9, 1994, at 59 FR 46562).

It is not totally clear how these deviations from RACT will affect the general applicability of the Illinois rules, as compared to a RACT-level rule. However, IEPA has analyzed air permit information for the Monsanto Sauget facility to determine whether any SOCMI reactor or distillation unit at the facility has been inadvertently left out of RACT controls because of the differences between the State rules' applicability criteria and the CTG. IEPA provided documentation on October 1, 1996, indicating the source has two SOCMI reactors which meet the SOCMI CTG applicability criteria, both of which are covered under the State rules. Therefore, in respect to the Monsanto Sauget facility, the Illinois SOCMI reactor and distillation rules are as stringent as RACT. All units at this facility which would be covered by RACT-level rules are covered by the Illinois rules.

III. Final Rulemaking Action

The EPA approves, solely as it relates to Monsanto Chemical Group's Sauget facility, the plan revision submitted to EPA by the State of Illinois on May 5, 1995, and May 26, 1995, for SOCMI reactor processes and distillation operations. While the limits contained in the State's rules are generally of RACT stringency, the applicability is extremely limited and may not apply to all sources which should be covered by RACT rules. Illinois has shown, however, that the rules apply to all sources at Monsanto Chemical Group's Sauget facility which are covered under the CTG, and thus is approvable. The EPA has already taken action on the Illinois rules as they apply to Stepan Company's Millsdale facility (June 17, 1997, 62 FR 32694), and the EPA will take action on the rules as they apply to

other facilities, and on the rules overall, at a later date.

The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should specified written adverse or critical comments be filed. This action will become effective without further notice unless the EPA receives relevant adverse written comment on the parallel proposed rule (published in the proposed rules section of this **Federal Register**) by April 10, 1998. Should the EPA receive such comments, it will publish a final rule informing the public that this action did not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on May 11, 1998.

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

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

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 the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *EPA.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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. 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 the private sector, result from this action.

D. Submission to Congress and the Comptroller General

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 today's action under section 801 because this is a rule of particular applicability.

E. Petitions for Judicial Review

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 May 11, 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, Incorporation by reference, Intergovermental relations, Reporting and recordkeeping requirements.

Dated: February 24, 1998.

Michelle D. Jordan,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(138) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(138) On May 5, 1995, and May 26, 1995, the State of Illinois submitted State Implementation Plan (SIP) revision requests for reactor processes and distillation operation processes in the Synthetic Organic Chemical Manufacturing Industry as part of the State's control measures for Volatile Organic Material emissions for the Metro-East (East St. Louis) area. This State Implementation Plan revision request is approved as it applies to Monsanto Chemical Group's Sauget Facility.

(i) *Incorporation by reference.* Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B; Definitions, 211.980 Chemical Manufacturing Process Unit, 211.1780 Distillation Unit, 211.2365 Flexible Operation Unit, 211.5065 Primary Product, amended at 19 Ill. Reg. 6823, effective May 9, 1995.

(B) Part 219: Organic Material Emission Standards and Limitations for the Metro East Area, Subpart Q: Synthetic Organic Chemical and Polymer Manufacturing Plant, Sections 219.431 Applicability, 219.432 Control Requirements, 219.433 Performance and Testing Requirements, 219.434 Monitoring Requirements, 219.435 Recordkeeping and Reporting Requirements, 219.436 Compliance Date, 219.Appendix G, TRE Index

Measurement for SOCMI Reactors and Distillation Units, amended at 19 Ill. Reg. 6958, effective May 9, 1995.

* * * * *

[FR Doc. 98–6098 Filed 3–10–98; 8:45 am]
BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AK–20–1708a; FRL–5974–9]

Approval and Promulgation of Implementation Plans: Alaska

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) is approving revisions to the Alaska State Implementation Plan (SIP) submitted October 31, 1997. This revision consists of amendments to Fuel Requirements for Motor Vehicles, title 18, chapter 53 of the Alaska Administrative Code (18 AAC 53) regarding the use of oxygenated fuels.

DATES: This action is effective on May 11, 1998 unless adverse or critical comments are received by April 10, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101. Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, Washington 98101, and the Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Tracy Oliver, Office of Air Quality (OAQ–107), EPA, Seattle, Washington 98101, (206) 553–1388.

SUPPLEMENTARY INFORMATION:

I. Background

On March 24, 1994, EPA approved amendments to the Alaska Oxygenated Gasoline Requirements section of 18 AAC 53 (see 60 FR 54435; 61 FR 24712).

ADEC recently reworked 18 AAC 53, Fuel Requirements for Motor Vehicles, in an effort to simplify the regulations and make them easier to understand. Following public review, the revised chapter was submitted to EPA on October 31, 1997 for approval and incorporation into the SIP. This revision is the subject of today's action.

II. Summary of Action

EPA is approving revisions to Fuel Requirements for Motor Vehicles (18 AAC 53) and incorporating the updated chapter into the Alaska SIP as a replacement for the existing chapter. Sections 18 AAC 53.50, .110, and .180 are repealed as these subjects have been condensed and incorporated into other sections. EPA fully supports ADEC efforts to streamline and clarify these regulations. The revised regulations are written in plain language so as to be easier for the public and regulated community to understand. These changes are expected to clarify the requirements of the program.

The revised chapter does not contain substantive changes that affect the requirements of this control measure or its stringency. Most of the modifications are administrative, dealing with phrasing, sentence structure, and terminology. Some changes clarify procedures and requirements. Some dates and deadlines are adjusted to assist the state and regulated community in fulfilling their responsibilities. The authorities for this chapter have also been modified to reflect revisions in the Alaska Administrative Code.

The following are the types of administrative changes made throughout the revised chapter.

1. Removing references to years past;
2. Streamlining overly complicated sentences and paragraphs;
3. Reorganizing text for better sequence of information and requirements;
4. Removing redundancy;
5. Explicitly stating expectations;
6. Eliminating duplicate and potentially confusing terminology.

In addition to the administrative changes detailed above, the new chapter revises some aspects of program implementation. Examples of these include:

1. New dispenser labeling specifications.

The label must state the maximum oxygen content by volume in addition to the minimum. The label may be placed anywhere on the upper two-thirds of the dispenser, instead of just the upper half previously specified. The aircraft label warning must contain a different, but similar sentence.

2. Change in public notice for the beginning of a control period and the expansion of a control area.

The department must now notify the public at least 180 days in advance of the beginning of a control period, instead of 75. It must now notify the public at least 180 days before the expansion of a control area.

3. More precise definition of control period.

A control period lasts from November 1 through midnight the following March 1, eliminating any ambiguity on the end date.

4. More exact time frame for oxygenated fuel requirements.

Control Area Responsible parties (CAR) must adhere to oxygen requirements for fuel dispensed within a control area beginning five days before the control period begins, ending on midnight of the last day.

5. Adjustments in CAR preliminary permit fees, registration fees, and refund dates

The $100.00 CAR registration fee must be paid every year, rather than just the first year of operating in a control area. For new CARs, the preliminary permit fee will be based on the total number of gallons estimated to be sold by the CAR within the control area during the control period. The department will refund any difference between the actual fee due and the preliminary permit fee by July 15, rather than June 15. The department will refund fees in excess of what is required to run the program by July 15, rather than June 15.

The EPA is publishing this action without prior proposal because the Agency views it as a noncontroversial amendment which makes non-substantive changes to the SIP and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 11, 1998 unless, by April 10, 1998, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public

is advised that this action will be effective May 11, 1998.

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.

SIP approvals 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 regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

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 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 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

Under 5 U.S.C. 801(a)(1)(A), as amended 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 the rule in today's **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 May 11, 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), 42 U.S.C. 7607(b)(2).

Note: Incorporation by reference of the Implementation Plan for the State of Alaska was approved by the Director of the Office of Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 18, 1998.

Chuck Clarke,

Regional Administrator, EPA Region 10.

Part 52, 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 C—Alaska

2. Section 52.70 is amended by adding paragraph (c)(27) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(27) On October 31, 1997, ADEC submitted revisions to Fuel Requirements for Motor Vehicles, title 18, chapter 53 of the Alaska Administrative Code (18 AAC 53) regarding the use of oxygenated fuels.

(i) Incorporation by reference.

(A) Title 18, Chapter 53, Alaska Administrative Code (AAC), Fuel Requirements for Motor Vehicles, adopted October 31, 1997 (Article 1, 18 AAC 53 .005, .007, .010, .015, .020, .030, .035, .040, .045, .060, .070, .080, .090, .100, .105, .120, .130, .140, .150, .160, .170, .190; Article 9, 18 AAC 53.990).

[FR Doc. 98–6096 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA 082–5032; FRL–5975–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Termination of Alternative Emission Reduction Plan for the Reynolds Metals Company, Bellwood Reclamation Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Virginia. This revision establishes and requires the affected facilities at the Bellwood Reclamation Plant to comply with the particulate emission limits of the Virginia process weight rule or new source review permit, as the case may be. The intended effect of this action is to approve a termination of a 1983

alternative emission reduction plan in accordance with a Consent Agreement signed on November 7, 1997. This action is being taken under section 110 of the Clean Air Act.

DATES: This final rule is effective May 11, 1998, unless by April 10, 1998, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Comments may be mailed to Makeba A. Morris, Chief, Technical Assessment Section, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. 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, D.C. 20460; Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Denis M. Lohman, (215) 566–2192, or by E-mail at lohman.denny@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On November 12, 1997, the State of Virginia submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of the termination of a 1983 consent agreement and order that established an alternative emission reduction plan for the Bellwood Reclamation Plant owned by the Reynolds Metals Company.

On February 7, 1983, the State Air Pollution Control Board approved a consent agreement and order to establish an alternative emission reduction plan (also referred to as a "bubble") for the Bellwood Reclamation Plant. On March 31, 1983, the Commonwealth of Virginia submitted the alternative emission reduction plan for the Bellwood Reclamation Plant as a source-specific revision to the State Implementation Plan (SIP). The alternative emission reduction plan was approved by EPA on March 26, 1984 (49 FR 11176).

The previously approved bubble applies to two major processes at the Bellwood Reclamation Plant; the Herreshoff process and the melting furnaces #2, #4, and #5. The bubble allows the Herreshoff process to emit particulates in excess of the quantity allowed by the Virginia process weight rate rule in exchange for compensating emission reductions from specified other operations within the plant.

Since 1984, the Bellwood Reclamation Plant has undergone a number of changes that impact the bubble. Reynolds have decommissioned a number of the units subject to the bubble, including the Herreshoff process and furnace #4, and have obtained a state new source review permit for furnace #5. At this time furnace #2 is the only operating unit subject to the bubble. As a result, the bubble is no longer needed to demonstrate compliance with Virginia's process weight rate rule and needs to be rescinded.

Summary of the SIP Revision

The SIP revision consists of a Consent Agreement terminating the 1983 Consent Agreement and Order that established the Bellwood bubble. The Consent Agreement was signed on October 24, 1997, by Cathy C. Taylor, Director, Corporate Environmental Quality Department of Reynolds Metals Company. The Consent Agreement became effective on November 7, 1997, when it was signed by Thomas L. Hopkins, Director, Virginia Department of Environmental Quality.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective May 11, 1998, unless, by April 10, 1998, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on May 11, 1998.

Final Action

EPA is approving the SIP revision request submitted by the Commonwealth of Virginia to terminate and rescind the Consent Agreement and Order which established an alternative emission reduction plan for the Bellwood Reclamation Plant owned by the Reynolds Metals Company.

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.

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. SIP approvals under section 110 and subchapter I, part D of the Clean Air Act does 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 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).

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 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 proposed/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.

D. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to terminate and rescind the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 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).)

E. Submission to Congress and the Comptroller General

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 today's action under section 801 because this is a rule of particular applicability. The rule applies only to the Bellwood Reclamation Plant of Reynolds Metals Company.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference.

Dated: February 26, 1998.

Thomas C. Voltaggio,

Deputy Regional Administrator, Region III.

40 CFR part 52, 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 VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(122) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(122) Revisions to the Virginia Regulations to terminate and rescind the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant submitted on November 12, 1997 by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of November 12, 1997 from the Department of Environmental Quality transmitting a Consent Agreement to terminate the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant.

(B) Consent Agreement to terminate and rescind the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant, signed and effective on November 7, 1997.

[FR Doc. 98–6279 Filed 3–10–98; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[IL145–2a, IL152–2a; FRL–5958–3]

Approval and Promulgation of Implementation Plan; Illinois Designation of Areas for Air Quality Planning Purposes; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, and, October 16, 1997, the State of Illinois submitted State Implementation Plan (SIP) revision requests to meet commitments related to the conditional approval of Illinois' May 15, 1992, SIP submittal for the Lake Calumet (SE Chicago), McCook, and Granite City, Illinois, Particulate Matter (PM) nonattainment areas. The EPA is approving the SIP revision request as it applies to the Granite City area, including the attainment demonstration for the Granite City PM nonattainment area. The SIP revision request corrects, for the Granite City PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal (as discussed in the November 18, 1994, conditional approval notice). No action is being taken on the submitted plan revisions for the Lake Calumet and McCook areas at this time. They will be addressed in separate rulemaking actions.

On March 19, 1996, and October 15, 1996, Illinois submitted requests to redesignate the Granite City PM nonattainment area to attainment status for the PM National Ambient Air Quality Standards (NAAQS). The EPA is approving this request, as well as the maintenance plan for the Granite City area which was submitted with the redesignation request to ensure continued attainment of the NAAQS.

DATES: The "direct final" approval is effective on May 11, 1998, unless EPA receives written adverse or critical comments by April 10, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Copies of the revision request and EPA's analysis are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone David Pohlman at (312) 886–3299 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman at (312) 886–3299.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 107(d)(4)(B) of the Clean Air Act (Act), as amended on November 15, 1990 (amended Act), certain areas ("initial areas") were designated nonattainment for PM. Under section 188 of the amended Act these initial areas were classified as "moderate". The initial areas included the Lake Calumet, McCook, and Granite City, Illinois, PM nonattainment areas.

The Granite City area includes Granite City and Nameoki Townships in Madison County, Illinois. (See 40 CFR 81.314 for a complete description of these areas.) Section 189 of the amended Act requires State submittal of a PM SIP for the initial areas by November 15, 1991. Illinois submitted the required SIP revision for the Granite City, Illinois, PM nonattainment area to EPA on May 15, 1992. Upon review of Illinois' submittal, EPA identified several concerns. Illinois submitted a letter on March 2, 1994, committing to satisfy all of these concerns within one year of final conditional approval. On May 25, 1994, the EPA proposed to conditionally approve the SIP. Final conditional approval was published on November 18, 1994, and became effective on December 19, 1994. The final conditional approval allowed the State until November 20, 1995 to correct the five stated deficiencies:

1. Invalid emissions inventory and attainment demonstration, due to failure to include emissions from the roof monitors for the Basic Oxygen Furnace shop (BOF) and underestimated emissions from the quench tower at the Granite City Division of National Steel Corporation (GCD).

2. Failure to adequately address maintenance of the PM NAAQS for at least 3 years beyond the applicable attainment date.

3. Lack of an opacity limit on coke oven combustion stacks.

4. Lack of enforceable emissions limit for the electric arc furnace roof vents at American Steel Foundries.

5. The following enforceability concerns:

a. Section 212.107, Measurement Methods for Visible Emissions could be misinterpreted as requiring use of Method 22 for sources subject to opacity limits as well as sources subject to limits on detectability of visible emissions.

b. Inconsistencies in the measurement methods for opacity, visible emissions, and "PM" in section 212.110, 212.107, 212.108, and 212.109.

c. Language in several rules which exempts from mass emissions limits those sources having no visible emissions.

The Illinois Environmental Protection Agency (IEPA) held a public hearing on the proposed rules on January 5, 1996. The rules became effective at the State level on May 22, 1996, and were published in the Illinois Register on June 7, 1996. Illinois made submittals to meet the commitments related to the conditional approval on November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, and October 16, 1997. At this time, the EPA is only acting on the portions of those submittals that pertain to the Granite City PM nonattainment area conditional approval, including the following new or revised rules in 35 Ill. Adm. Code:

Part 212: Visible and Particulate Matter Emissions

Subpart A: General

212.107 Measurement Method for Visible Emissions
212.108 Measurement Methods for PM–10 Emissions and Condensible PM–10 Emissions
212.109 Measurement Methods for Opacity
212.110 Measurement Methods for Particulate Matter

Subpart K: Fugitive Particulate Matter

212.302 Geographic Areas of Application

Subpart L: Particulate Matter Emissions

212.324 Process Emission Units in Certain Areas

Subpart N: Food Manufacturing

212.362 Emission Units in Certain Areas

Subpart O: Stone, Clay, Glass and Concrete Manufacturing

212.425 Emission Units in Certain Areas

Subpart R: Primary and Fabricated Metal Products and Machinery Manufacture

212.446 Basic Oxygen Furnaces
212.458 Emission Units in Certain Areas

Subpart S: Agriculture

212.464 Sources in Certain Areas

In addition to the rule changes needed to meet the commitments imposed on Illinois in the conditional approval, Illinois submitted other revised rules. Rules submitted, but not listed above, will be addressed in future rulemaking actions.

On July 22, 1997, the EPA proposed limited approval, limited disapproval of the SIP revision request submitted by Illinois to meet the conditions of the May 18, 1994, conditional approval requirements. In the July 22, 1997, proposal, the EPA stated that Illinois had met all of the conditional approval requirements except for the requirement to provide an enforceable opacity limit for coke oven combustion stacks. In an October 16, 1997, letter, Illinois submitted a revised construction and operating permit for GCD. The Federally-enforceable permit includes a 30 percent opacity limit, and states that coke oven combustion stacks at GCD are not covered by the repair opacity exemption in 35 IAC 212.443(g)(2).

The only other comment received by the EPA on the July 22, 1997, proposal was an October 17, 1997, letter from GCD, in support of Illinois' October 16, 1997, submittal.

Title I, section 107(d)(3)(D) of the amended Act and the general preamble to Title I [57 FR 13498 (April 16, 1992)], allow the Governor of a State to request the redesignation of an area from nonattainment to attainment. The criteria used to review redesignation requests are derived from the Act, general preamble, and the following policy and guidance memoranda from the Director of the Air Quality Management Division to the Regional Air Directors, September 4, 1992, *Procedures for Processing Requests to Redesignate Areas to Attainment.* An area can be redesignated to attainment if the following conditions are met:

1. The area has attained the applicable NAAQS;

2. The area has a fully approved SIP under section 110(k) of the Act;

3. The air quality improvement must be permanent and enforceable;

4. The area has met all relevant requirements under section 110 and Part D of the Act; and,

5. The area must have a fully approved maintenance plan pursuant to section 175A of the Act.

On July 22, 1997, the EPA proposed to disapprove Illinois request to redesignate the Granite City PM nonattainment area to attainment based on the fact that the area did not have a fully approved SIP. Based on Illinois' October 16, 1997, submittal, the EPA is now fully approving the SIP for the Granite City area, as well as the redesignation request and maintenance plan.

II. Analysis of State Submittal

Only the issue involving the coke oven combustion stacks and the redesignation criteria will be discussed in this notice. For a discussion of how Illinois addressed the other noted deficiencies, see the July 22, 1997, proposed partial approval notice (62 FR 39199).

Because coke oven operations are generally covered by special opacity limits, Illinois' SIP exempts coke oven sources from the statewide 30 percent opacity limit. This State exemption was approved by EPA on September 3, 1981. It was later realized that this exemption left coke oven combustion stacks without an opacity limit. Coke oven combustion stacks in Illinois are subject to grain loading limits which require stack tests for compliance determinations. Because stack tests can take months to perform and only last a few hours, an opacity limit, for which compliance can be determined by visual observations, is needed to ensure continuous compliance. This deficiency was cited in the November 18, 1994,

conditional approval of Illinois' PM nonattainment area SIP submittal.

In response to the conditional approval of Illinois' PM plan, the State adopted a 30 percent opacity limit for coke oven combustion stacks. However, this rule also includes an exemption for "when a leak between any coke oven and the oven's vertical or crossover flue(s) is being repaired * * *" for up to 3 hours per repair. The EPA believes this rule is unacceptable. (See 62 FR 39199.)

In an October 16, 1997, letter, Illinois submitted a revised construction and operating permit for GCD. The permit, which was issued on October 21, 1997, includes a 30 percent opacity limit, and states that coke oven combustion stacks at GCD are not covered by the repair opacity exemption in 35 IAC 212.443(g)(2). GCD is the only source in the Granite City nonattainment area which would have been covered by the repair exemption, and this permit eliminates the exemption for GCD. Since there are now no coke oven combustion stacks in the nonattainment area without enforceable opacity limits, this deficiency has been corrected for the Granite City nonattainment area. The issue of the repair exemption rule as it applies to the remainder of the State will be addressed in subsequent rulemaking actions.

Under cover letters dated March 19, 1996, and October 15, 1996, the State submitted a redesignation request for the Granite City PM nonattainment area. A public hearing was held on May 6, 1996.

All five of the redesignation criteria given under section 107(d)(3)(E) of the Clean Air Act must be satisfied in order for the EPA to redesignate an area from nonattainment to attainment. (See the Background section of this notice.) The following is a description of how the State's redesignation request meets these requirements.

1. Attainment of the PM NAAQS

According to EPA guidance, the demonstration that the area has attained the PM NAAQS involves submittal of ambient air quality data from an ambient air monitoring network representing peak PM concentrations, which should be recorded in the Aerometric Information Retrieval System (AIRS). The area must show that the average annual number of expected exceedances of the 24-hour PM standard is less than or equal to 1.0, and that the annual arithmetic mean concentration is less than or equal to 50 micrograms per cubic meter, pursuant to 40 CFR Part 50, section 50.6. The data must represent the most recent three consecutive years of complete ambient air quality monitoring data collected in accordance with EPA methodologies.

The IEPA operates four PM monitoring sites in the nonattainment area. Illinois submitted ambient air quality data from the monitoring sites which demonstrates that the area has attained the PM NAAQS. This air quality data was verified in AIRS. Quality assurance procedures are a component of the AIRS data entry process. No exceedance of the 24-hour or annual PM NAAQS has been measured since 1990. Therefore, the State has adequately demonstrated, through ambient air quality data, that the PM NAAQS have been attained in the Granite City PM nonattainment area.

2. State Implementation Plan Approval

Those States containing initial moderate PM nonattainment areas were required to submit a SIP by November 15, 1991, which implemented reasonably available control measures (RACM) by December 10, 1993, and demonstrated attainment of the PM NAAQS by December 31, 1994. Illinois submitted the required SIP revision for the Granite City PM nonattainment areas to EPA on May 15, 1992. On May 25, 1994, the EPA proposed to conditionally approve the SIP. Final conditional approval was published on November 18, 1994, and became effective on December 19, 1994. The final conditional approval allowed the State until November 20, 1995, to correct five stated deficiencies. Illinois made submittals to meet the commitments related to the conditional approval on November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, and October 16, 1997. On July 22, 1997, the EPA proposed limited approval, limited disapproval of the SIP revision request submitted by Illinois to meet the conditions of the May 18, 1994, conditional approval requirements. In an October 16, 1997, letter, Illinois submitted a revised construction and operating permit for GCD. This permit corrected the final deficiency, and the EPA is, in this notice, fully approving the SIP for the Granite City PM nonattainment area.

3. Improvement in Air Quality Due to Permanent and Enforceable Measures

The State must be able to reasonably attribute the improvement in air quality to permanent and enforceable emission reductions. In making this showing, the State must demonstrate that air quality improvements are the result of actual enforceable emission reductions.

The PM dispersion modeling conducted as part of the Granite City PM SIP predicted that the control measures included in the SIP were sufficient to provide for attainment and maintenance of the PM NAAQS. The State has adequately demonstrated that the improvement in air quality is due to permanent and enforceable emission reductions of PM as a result of implementing the federally enforceable control measures in the SIP.

4. Meeting Applicable Requirements of Section 110 and Part D of the Act

To be redesignated to attainment, section 107(d)(3)(E) requires that an area must have met all applicable requirements of section 110 and part D of title I of the Act. The EPA interprets this to mean that for a redesignation request to be approved, the State must have met all requirements that applied to the subject area prior to or at the time of a complete redesignation request.

A. Section 110 Requirements

Section 110(a)(2) contains general requirements for nonattainment plans. For purposes of redesignation, the Illinois SIP was reviewed to ensure that all applicable requirements under the amended Act were satisfied. Many of these requirements were met with Illinois' May 15, 1992 submittal. The EPA proposed conditional approval of the SIP at that time because certain requirements had not been met. With the November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, and October 16, 1997, submittals Illinois has corrected the deficiencies in the May 15, 1992 submittal, and the EPA is, in this notice, fully approving the Granite City PM SIP under Section 110.

B. Part D Requirements

Before a PM nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D. Subpart 1 of part D establishes the general requirements applicable to all nonattainment areas and subpart 4 of part D establishes specific requirements applicable to PM nonattainment areas.

The requirements of sections 172(c) and 189(a) for providing for attainment of the PM NAAQS, and the requirements of section 172(c) for requiring reasonable further progress, imposition of RACM, the adoption of contingency measures, and the submission of an emission inventory have been satisfied through today's direct final approval of the Granite City PM SIP, the July 13, 1995, approval of the Illinois PM contingency measures SIP (60 FR 36060), and the demonstration that the area is now attaining the standard. The

requirements of the Part D—New Source Review (NSR) permit program will be replaced by the Part C—Prevention of Significant Deterioration (PSD) program once the area has been redesignated. However, in order to ensure that the PSD program will become fully effective immediately upon redesignation, either the State must be delegated the Federal PSD program or the State must make any needed modifications to its rules to have the approved PSD program apply to the affected area upon redesignation. The PSD program was delegated to the State of Illinois on January 29, 1981 (46 FR 9584).

5. Fully Approved Maintenance Plan Under Section 175A of the Act

Section 175A of the Act requires states that submit a redesignation request for a nonattainment area under section 107(d) to include a maintenance plan to ensure that the attainment of the NAAQS for any pollutant is maintained. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the approval of a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan demonstrating attainment for the ten years following the initial ten year period.

The State of Illinois adequately demonstrated attainment and maintenance of the PM NAAQS through the dispersion modeling submitted as part of the SIP. Since emissions in the area are not expected to increase substantially in the next 10 years, that initial attainment demonstration is still adequate. Also, the State has indicated that industries in the area are currently operating at about 30 percent of the emissions allowed under their SIP, so even if production should increase, emissions would likely not exceed the amounts used to demonstrate attainment of the NAAQS. Also, emissions from any new sources would be restricted by PSD requirements.

Once an area has been redesignated, the State must continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area. The maintenance plan should contain provisions for continued operation of air quality monitors that will provide such verification. Illinois operates four PM air monitoring sites in the nonattainment area. These sites are approved annually by the EPA, and any future change would require discussion with EPA. In its submittal, the State commits to continue to operate the PM monitoring station to demonstrate ongoing compliance with the PM NAAQS.

Section 175A of the Act also requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. These contingency measures are distinguished from those generally required for nonattainment areas under section 172(c)(9). However, if the contingency measures in a nonattainment SIP have not been implemented to attain the standards and they include a requirement that the State will implement all of the PM control measures which were contained in the SIP before redesignation to attainment, then they can be carried over into the area's maintenance plan.

Under a cover letter dated July 29, 1994, IEPA submitted a State Rule to satisfy the contingency measures requirements specified in section 172(c)(9) for the Granite City PM nonattainment area, among others. This rule is eligible to also be used as the section 175A contingency measures, because the State was able to attain the PM NAAQS with the limitations and control measures already contained in the SIP. On July 13, 1995, the EPA approved the rule into the Illinois SIP in a direct final rulemaking (60 FR 36060), which became effective on September 11, 1995.

Section 179(a) of the amended Act states that if the Administrator finds that a State has failed to make a required submission, finds that a SIP or SIP revision submitted by the State does not satisfy the minimum criteria established under section 110(k) of the amended Act, or disapproves a SIP submission in whole or in part, unless the deficiency has been corrected within 18 months after the finding, one of the sanctions referred to in section 179(b) of the amended Act shall apply until the Administrator determines that the State has come into compliance. (Pursuant to 40 CFR 52.31, the first sanction shall be a sanction requiring 2 to 1 offsets, in the absence of a case-specific selection otherwise.) If the deficiency has not been corrected within 6 months of the selection of the first sanction, the second sanction under section 179(b) shall also apply. In addition, section 110(c) of the Act requires promulgation of a Federal Implementation Plan (FIP) within 2 years after the finding or disapproval, as discussed above, unless the State corrects the deficiency and the SIP is approved before the FIP is promulgated.

On December 17, 1991, a letter was sent to the Governor of Illinois notifying him that the EPA was making a finding that the State of Illinois had failed to submit a PM SIP for the Granite City nonattainment area. This letter triggered both the sanctions and FIP processes as explained above. Illinois submitted a PM SIP revision for the nonattainment area on May 15, 1992, and in an April 30, 1993, letter to the State the EPA informed the State that the SIP was determined to be complete. Therefore, the deficiency which started the sanctions and FIP processes was corrected, and the sanctions process ended. The FIP process, however, was not stopped by the correction of the deficiency and EPA was to promulgate a FIP within 2 years of the failure-to-submit letter (or December 17, 1993), unless a PM SIP for the nonattainment area was finally approved before then.

On November 18, 1994, the EPA conditionally approved the SIP. The final conditional approval allowed the State until November 20, 1995, to correct the five stated deficiencies. Conditional approval does not start a new sanctions process, unless the state fails to make a submittal to address the deficiencies, makes an incomplete submittal, or the submittal is ultimately disapproved. Illinois made a submittal to meet the commitments related to the conditional approval on November 14, 1995. Supplemental information was submitted on May 9, 1996, June 14, 1996, February 3, 1997, and October 16, 1997. This submittal became complete by operation of law on May 14, 1996. No sanctions process is currently running. Upon full approval of the Granite City PM plan, FIP liability will also end.

III. Final Rulemaking Action

Illinois has corrected all of the deficiencies listed in the November 18, 1994, conditional approval as they relate to the Granite City PM nonattainment area. Because Illinois has met all of the commitments of the conditional approval, the EPA is approving the plan for the Granite City PM nonattainment area.

The EPA is also approving Illinois' March 19, 1996, and October 15, 1996, maintenance plan and request to redesignate the Granite City area to attainment for PM because all requirements for redesignation have been met, as discussed above.

The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revisions should written adverse or critical comments be filed. This action will be effective on

May 11, 1998 unless, by April 10, 1998, adverse or critical written comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent rulemaking that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on May 11, 1998.

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

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 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.

Pursuant to section 605(b) of the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This Federal action approves pre-existing requirements under federal, State or local law, and imposes no new requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant impact on a substantial number of small entities.

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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. 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 the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(a), as amended 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 the rule in today's **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 May 11, 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), 42 U.S.C. 7607(b)(2)).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

Air Pollution control, National parks, Wilderness areas.

Dated: January 16, 1998.

David A. Ullrich,

Acting Regional Administrator.

For the reasons set out in the preamble, 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(141) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(141) On November 14, 1995, May 9, 1996, June 14, 1996, and February 3, 1997, October 16, 1997, and October 21, 1997, the State of Illinois submitted State Implementation Plan (SIP) revision requests to meet commitments related to the conditional approval of Illinois' May 15, 1992, SIP submittal for the Lake Calumet (SE Chicago), McCook, and Granite City, Illinois, Particulate Matter (PM) nonattainment areas. The EPA is approving the portion of the SIP revision request that applies to the Granite City area. The SIP revision request corrects, for the Granite City PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal.

(i) *Incorporation by reference.* (A) Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 212: Visible and Particulate Matter Emissions, Subpart A: General, Sections 212.107, 212.108, 212.109, 212.110; Subpart L: Particulate Matter from Process Emission Sources, Section 212.324; Subpart N: Food Manufacturing, Section 212.362; Subpart Q: Stone, Clay, Glass and Concrete Manufacturing, Section 212.425; Subpart R: Primary and Fabricated Metal Products and Machinery Manufacture, Sections 212.446, 212.458; Subpart S: Agriculture, Section 212.464. Adopted at 20 *Illinois Register* 7605, effective May 22, 1996.

(B) Joint Construction and Operating Permit: Application Number 95010005, Issued on October 21, 1997, to Granite City Division of National Steel Corporation.

3. Section 52.725 is amended by adding paragraph (e) to read as follows:

§ 52.725 Control Strategy: Particulates.

* * * * *

(e) Approval—On March 19, 1996, and October 15, 1996, Illinois submitted requests to redesignate the Granite City Particulate Matter (PM) nonattainment area to attainment status for the PM National Ambient Air Quality Standards (NAAQS), as well as a maintenance plan for the Granite City area to ensure continued attainment of the NAAQS.

The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.314, the table entitled "Illinois PM–10" is amended by revising the entry for "Madison County" to read as follows:

§ 81.314 Illinois.

* * * * *

ILLINOIS—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * *	*	*	*	*
Madison County Granite City Township and Nameoki Township.	5/11/98	Attainment	.....	
* * *	*	*	*	*

* * * * *

[FR Doc. 98–6091 Filed 3–10–98; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL–5975–9]

RIN 2060–AH06

Control of Air Pollution From Motor Vehicles and New Motor Vehicle Engines; Increase of the Vehicle Mass for 3-Wheeled Motorcycles

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Today's action changes the regulatory definition of a motorcycle to include 3-wheeled vehicles weighing up to 1749 pounds effective for 1998 and later model year motorcycles for which emission standards are in place.

This action will create no detrimental health effects, and will therefore retain the health benefits derived from the current motorcycle regulations in effect.

DATES: This rule is effective on April 10, 1998.

ADDRESSES: Materials relevant to this final rule are contained in Docket No. A–96–49. The docket is located at the Air Docket section, 401 M. Street, SW., Washington, DC 20460, and may be viewed in room M–1500 between 8:00 a.m. and 5:30 p.m., Monday through Friday. The telephone number is (202) 260–7548 and the facsimile number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket material.

FOR FURTHER INFORMATION CONTACT: Frank Lamitola, Vehicle Programs and Compliance Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Telephone (313) 668–4479. Email LAMITOLA.FRANK@EPAMAIL.EPA.GOV. FAX (313) 741–7869.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities regulated by this action are motorcycle and motor vehicle manufacturers. Tabulated entities include the following:

Category	Examples of regulated entities
Industry	• Motorcycle manufacturers. • Manufacturers of 3-wheeled vehicles. • Importers of motorcycles.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the criteria contained in § 86.402 of title 40 of the Code of Federal Regulations, as modified by today's action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Electronic Availability

Electronic copies of the preamble and the regulatory text of this final rulemaking are available via the EPA internet web site. This service is free of charge, except for any cost you already incur for internet connectivity. An electronic version is made available on the day of publication on the primary EPA web site listed below. The EPA Office of Mobile Sources also publishes these documents on the secondary web site listed below:

EPA internet web site
http://www.epa.gov/docs/fedrgstr/EPA–AIR/(either select desired date or use Search feature)

OMS web site
http://www.epa.gov/OMSWWW/(look in "What's New" or under the specific rulemaking topic)

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

Table of Contents

I. Background

On June 3, 1997, the Agency published a proposed rule which increased the allowable weight limit for three-wheeled motorcycles from 1499 pounds to 1749 pounds (62 FR 30291). This action was taken after a manufacturer requested that EPA consider raising the weight limit to accommodate the market demand for slightly heavier three-wheeled motorcycles. According to the manufacturer, raising the limit would allow more amenities, such as air conditioning. EPA found that it was appropriate to propose raising the weight limit to 1749 pounds, because it accommodates the market-driven changes indicated by the manufacturer, but does not compromise air quality or health benefits. EPA requested comments about the potential for the weight increase to substantially increase the number of such vehicles being sold

in the U.S., or the manner in which they are used. No comments were received during the public comment period for the proposed rule. Therefore, EPA is finalizing as proposed the increased weight limit for 3-wheeled motorcycles.

EPA believes that increasing the weight limit for 3-wheeled vehicles by 250 pounds will not compromise air quality or health benefits based on the current market for these vehicles. The health benefits currently achieved by the motorcycle emission standards are anticipated to remain, and not be adversely impacted by raising the weight limit of 3-wheeled vehicles. Furthermore, it is EPA's understanding that the number of 3-wheeled vehicles affected by this action is going to be very small (i.e., sales of around 500 units annually). EPA will revisit this matter if this understanding changes.

II. Requirements of the Final Rule

EPA is increasing the weight limit for 3-wheeled motorcycles from 1,499 pounds (680 Kg) to 1,749 pounds (793 Kg). EPA is also amending the motorcycle testing procedures to account for the increase in weight.

III. Public Participation

EPA stated in the proposal that a public hearing would be held if requested. No party requested a hearing. A sixty-day public comment period was provided, during which time no written comments were submitted to the EPA Air Docket.

IV. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Reporting and Recordkeeping Requirements

This regulation does not impose any new information collection requirements and results in no change to the currently approved collection. The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0104.

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.

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 OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

C. Impact on Small Entities

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this proposed rule. This rule will not have a significant adverse economic impact because it will increase the weight limit on these vehicles, thereby allowing the manufacturers of three-wheeled vehicles to produce these vehicles within the weight limit of 1749 pounds (793 Kg). This weight increase will allow manufacturers of vehicles near the existing limit of 1499 pounds (680 Kg) to provide more options on those vehicles and thus share the existing market with competing entities fairly. EPA has identified only two manufacturers currently marketing such vehicles in the United States.

D. 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 the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Unfunded Mandates Act

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 final approval action promulgated today 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.

List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: March 3, 1998.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, part 86 of title 40 of the Code of Federal Regulations is amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart E—Emission Regulations for 1978 and Later New Motorcycles, General Provisions

2. A new § 86.402–98 is added to read as follows:

§ 86.402–98 Definitions.

The definitions of § 86.402–78 apply to this subpart. The following definition in this section is applicable beginning with the 1998 model year:

Motorcycle means any motor vehicle with a headlight, taillight, and stoplight and having: Two wheels, or Three wheels and a curb mass less than or equal to 793 kilograms (1749 pounds).

3. Section 86.406–78 is amended by revising paragraph (d) to read as follows:

§ 86.406–78 Introduction, structure of subpart, further information.

* * * * *

(d) Manufacturers who are considering an application should contact: Director, Vehicle Programs and Compliance Division, Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, Michigan 48105 and state whether he/she plans to certify for total sales of greater than or less than 10,000 vehicles for the applicable model year.

Subpart F—Emission Regulations for 1978 and Later New Motorcycles; Test Procedures

4. Section 86.518–78 is amended by revising paragraph (c) to read as follows:

§ 86.518–78 Dynamometer calibration.

* * * * *

(c) The performance check consists of conducting a dynamometer coastdown at one or more inertia-horsepower settings and comparing the coastdown time to the table in Figure F98–9 of § 86.529–98. If the coastdown time is outside the tolerance, a new calibration is required.

5. A new § 86.529–98 is added to subpart F to read as follows:

§ 86.529–98 Road load force and inertia weight determination.

(a)(1) Road load as a function of speed is given by the following equation:

$F = A + CV^2$

(2) The values for coefficients A and C and the test inertia are given in Figure F98–9 of this section. Velocity V is in km/h and force (F) is in newtons. The forces given by the equation in paragraph (a)(1) of this section shall be simulated to the best ability of the equipment being used.

(b) The inertia given in Figure F98–9 shall be used. Motorcycles with loaded vehicle mass outside these limits shall be tested at an equivalent inertial mass and road load force specified by the Administrator. Figure F98–9 follows:

FIGURE F98–9

Loaded vehicle mass (kg)	Equivalent inertial mass (kg)	Force coefficients		Force at 65 km/h (nt)	70 to 60 km/h coastdown calibration times		
		A (nt)	C (nt/(km/h)^2)		Target time (sec)	Allowable tolerance	
						Longest time (sec)	Shortest time (sec)
95–105	100	0.0	.0224	94.8	2.95	3.1	2.8
106–115	110	0.82	.0227	96.8	3.18	3.3	3.0
116–125	120	1.70	.0230	98.8	3.39	3.6	3.2
126–135	130	2.57	.0233	100.9	3.60	3.8	3.4
136–145	140	3.44	.0235	102.9	3.80	4.0	3.6
146–155	150	4.32	.0238	104.9	3.99	4.2	3.8
156–165	160	5.19	.0241	107.0	4.10	4.4	4.0
166–175	170	6.06	.0244	109.0	4.36	4.6	4.2
176–185	180	6.94	.0246	111.0	4.53	4.7	4.3
186–195	190	7.81	.0249	113.1	4.69	4.9	4.5
196–205	200	8.69	.0252	115.1	4.85	5.1	4.6
206–215	210	9.56	.0255	117.1	5.00	5.2	4.8
216–225	220	10.43	.0257	119.2	5.15	5.4	4.9
226–235	230	11.31	.0260	121.2	5.30	5.5	5.1
236–245	240	12.18	.0263	123.2	5.43	5.7	5.2
246–255	250	13.06	.0266	125.3	5.57	5.8	5.4
256–265	260	13.93	.0268	127.3	5.70	5.9	5.5
266–275	270	14.80	.0271	129.3	5.82	6.1	5.6
276–285	280	15.68	.0274	131.4	5.95	6.2	5.7
286–295	290	16.55	.0277	133.4	6.06	6.3	5.8
296–305	300	17.43	.0279	135.4	6.18	6.4	6.0
306–315	310	18.30	.0282	137.5	6.29	6.5	6.1
316–325	320	19.17	.0285	139.5	6.40	6.6	6.2
326–335	330	20.05	.0288	141.6	6.50	6.7	6.3
336–345	340	20.92	.0290	143.6	6.60	6.8	6.4
346–355	350	21.80	.0293	145.6	6.70	6.9	6.5
356–365	360	22.67	.0296	147.7	6.80	7.0	6.6
366–375	370	23.54	.0299	149.7	6.89	7.1	6.7
376–385	380	24.42	.0301	151.7	6.98	7.2	6.8
386–395	390	25.29	.0304	153.8	7.07	7.3	6.9
396–405	400	26.17	.0307	155.8	7.16	7.4	6.9
406–415	410	27.04	.0310	157.8	7.24	7.5	7.0
416–425	420	27.91	.0312	159.9	7.33	7.6	7.1
426–435	430	28.79	.0315	161.9	7.41	7.6	7.2
436–445	440	29.66	.0317	163.7	7.49	7.7	7.3
446–455	450	30.54	.0318	164.9	7.61	7.8	7.4
456–465	460	31.41	.0319	166.0	7.73	8.0	7.5
466–475	470	32.28	.0319	167.1	7.84	8.1	7.6
476–485	480	33.16	.0320	168.3	7.95	8.2	7.7

FIGURE F98–9—Continued

Loaded vehicle mass (kg)	Equivalent inertial mass (kg)	Force coefficients		Force at 65 km/h (nt)	70 to 60 km/h coastdown calibration times		
		A (nt)	C (nt/(km/h)²)		Target time (sec)	Allowable tolerance	
						Longest time (sec)	Shortest time (sec)
486–495	490	34.03	.0320	169.4	8.06	8.3	7.8
496–505	500	34.90	.0321	170.5	8.17	8.4	7.9
506–515	510	35.78	.0322	171.7	8.28	8.5	8.0
516–525	520	36.65	.0322	172.8	8.39	8.6	8.2
526–535	530	37.53	.0323	173.9	8.49	8.7	8.3
536–545	540	38.40	.0323	175.1	8.60	8.8	8.4
546–555	550	39.27	.0324	176.2	8.70	9.0	8.5
556–565	560	40.15	.0325	177.3	8.80	9.1	8.6
566–575	570	41.02	.0325	178.5	8.90	9.2	8.7
576–585	580	41.90	.0326	179.6	9.00	9.3	8.8
586–595	590	42.77	.0327	180.8	9.10	9.4	8.9
596–605	600	43.64	.0327	181.9	9.19	9.5	8.9
606–615	610	44.52	.0328	183.0	9.29	9.5	9.0
616–625	620	45.39	.0328	184.2	9.38	9.6	9.1
626–635	630	46.27	.0329	185.3	9.47	9.7	9.2
636–645	640	47.14	.0330	186.4	9.56	9.8	9.3
646–655	650	48.01	.0330	187.6	9.65	9.9	9.4
565–665	660	48.89	.0331	188.7	9.74	10.0	9.5
666–675	670	49.76	.0332	189.8	9.83	10.1	9.6
676–685	680	50.64	.0332	191.0	9.92	10.2	9.7
686–695	690	51.51	.0333	192.1	10.01	10.3	9.8
696–705	700	52.38	.0333	193.2	10.09	10.4	9.8
706–715	710	53.26	.0334	194.4	10.17	10.4	9.9
716–725	720	54.13	.0335	195.5	10.26	10.5	10.0
726–735	730	55.01	.0335	196.6	10.34	10.6	10.1
736–745	740	55.88	.0336	197.8	10.42	10.7	10.2
746–755	750	56.75	.0336	198.9	10.50	10.8	10.2
756–765	760	57.63	.0337	200.1	10.58	10.9	10.3
766–775	770	58.50	0338	201.2	10.66	10.9	10.3
776–785	780	59.38	.0338	203.3	10.74	11.0	10.4
786–795	790	60.25	.0339	204.5	10.82	11.1	10.5
796–805	800	61.12	.0339	205.6	10.91	11.2	10.6
806–815	810	62.00	.0340	206.7	10.99	11.3	10.7
816–825	820	62.87	.0341	207.9	11.07	11.4	10.8
826–835	830	63.75	.0341	209.0	11.15	11.5	10.8
836–845	840	64.62	.0342	210.1	11.24	11.5	10.9
846–855	850	65.49	.0343	211.3	11.32	11.6	11.0
856–865	860	66.37	.0343	212.4	11.40	11.7	11.1
866–873	870	67.24	.0344	213.5	11.48	11.8	11.2

(c) The dynamometer shall be adjusted to reproduce the specified road load as determined by the most recent calibration. Alternatively, the actual vehicle road load can be measured and duplicated:

(1) Make at least 5 replicate coastdowns in each direction from 70 to 60 km/h on a smooth, level track under balanced wind conditions. The driver must have a mass of 80 ±10 kg and be in the normal driving position. Record the coastdown time.

(2) Average the coastdown times. Adjust the dynamometer load so that the coastdown time is duplicated with the vehicle and driver on the dynamometer.

(3) Alternate procedures may be used if approved in advance by the Administrator.

[FR Doc. 98–6094 Filed 3–10–98; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

48 CFR Parts 209, 212, 213, 217, 222, and 252

[DFARS Case 97–D314]

Defense Federal Acquisition Regulation Supplement; Veterans Employment Emphasis

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998, which prohibits the obligation or expenditure of funds under a contract with a contractor that has not submitted a required report pertaining to employment of veterans.

DATES: *Effective date:* March 11, 1998.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before May 11, 1998, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Michael Pelkey, PDUSD (A&T) DP

(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil

Please cite DFARS Case 97–D314 in all correspondence related to this issue. E-mail comments should cite DFARS Case 97–D314 in the subject line.

FOR FURTHER INFORMATION CONTACT: Michael Pelkey, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105–56) prohibits the obligation or expenditure of funds appropriated by the Act to enter into or renew a contract with a contractor that is subject to the reporting requirements of 38 U.S.C. 4212(d), but has not submitted the most recent report required for 1997 or a subsequent year. The report is prescribed in 41 CFR 61–250 and is known as the "Federal Contractor Veterans' Employment Report VETS–100." Reports for 1997 are due on March 31, 1998.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule requires only that an offeror represent, by submission of its offer, that is has submitted the most recent report required by 38 U.S.C. 4212(d) pertaining to employment of veterans. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97–D314 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998, which prohibits the obligation or expenditure of fiscal year 1998 funds under a contract with a contractor that has not submitted the most recent report required by 38 U.S.C. 4212(d) for 1997 or a subsequent year. Immediate implementation is necessary to preclude violation of the prohibition, which could occur after the 1997 reports are due to the Department of Labor on March 31, 1998. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 209, 212, 213, 217, 222, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 209, 212, 213, 217, 222, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 209, 212, 213, 217, 222, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 209—CONTRACTOR QUALIFICATIONS

2. Section 209.104–1 is amended by adding paragraph (g)(iii) at the end of the section to read as follows:

§ 209.104–1 General standards.

* * * * *

(g) * * *

(iii) A contracting officer shall not enter into or renew a contract with a contractor that is subject to the reporting requirements of 38 U.S.C. 4212(d) pertaining to employment of veterans, but has not submitted the most recent report required by 38 U.S.C. 4212(d) for 1997 or a subsequent year (see 222.1304(b)).

3. Section 209.104–70 is amended by adding paragraph (c) to read as follows:

§ 209.104–70 Solicitation provisions.

* * * * *

(c) Use the provision at 252.209–7003, Compliance with Veterans' Employment Reporting Requirements, in solicitations with a value estimated to exceed the simplified acquisition threshold.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

4. Section 212.503 is amended by adding paragraph (a)(xii) to read as follows:

§ 212.503 Applicability of certain laws to Executive Agency contracts for the acquisition of commercial items.

(a) * * *

(xii) Section 8117, Pub. L. 105–56, Restriction on Use of Funds Appropriated for Fiscal Year 1998 (see 222.1304(b)).

* * * * *

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

5. Section 213. 005 is added immediately following section 213.000 to read as follows:

§ 213.005 Federal Acquisition Streamlining Act of 1994 list of inapplicable laws.

(a) The restriction on use of funds appropriated for fiscal year 1998 in Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105–56) is inapplicable to contracts at or below the simplified acquisition threshold (see 222.1304(b)).

PART 217—SPECIAL CONTRACTING METHODS

6. Section 217.207 is added to read as follows:

§ 217.207 Exercise of options.

(c) Except for contracts for the acquisition of commercial items, if the contractor has any contract containing the clause at FAR 52.222–37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era, the contracting officer may exercise an option with a value exceeding the simplified acquisition threshold only after determining that the contractor has submitted the most recent report required by that clause (see 222.1304(b)).

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

7. Section 222.1304 is added to read as follows:

§ 222.1304 Department of Labor notices and reports.

(b) As provided in Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105–56), no funds made available in that Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., the VETS–100 report required by FAR 52.222–37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era) but has not submitted the most recent report required by 38 U.S.C. 4212(d) for 1997 or a subsequent year.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

8. Section 252.209–7003 is added to read as follows:

§ 252.209–7003 Compliance with Veterans' Employment Reporting Requirements.

As prescribed in 222.1304(b) use the following provision:

Compliance With Veterans' Employment Reporting Requirements (Mar 1998)

By submission of its offer, the offeror represents that, if it is subject to the reporting requirements of 37 U.S.C. 4212(d) (i.e., the VETS–100 report required by Federal Acquisition Regulation clause 52.222–37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has submitted the more recent report required by 37 U.S.C. 4212(d).

(End of provision)

[FR Doc. 98–6166 Filed 3–10–98; 8:45 am]
BILLING CODE 5000–04–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 030398A]

Atlantic Sea Scallop; Certified Vessel Tracking System Vendor

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of Vessel Tracking System (VTS) Certification.

SUMMARY: NMFS announces the approval and certification of a VTS vendor for the Northeast Region. This action is necessary to inform owners of vessels required to report days-at-sea (DAS) with VTS units of the requirement to have an operational VTS unit on board effective May 15, 1998. This action implements the VTS requirement of the Atlantic sea scallop regulations for certain categories of vessels.

DATES: This action becomes effective on May 15, 1998.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978–281–9273.

SUPPLEMENTARY INFORMATION: Final regulations implementing Amendment 4 to the Atlantic Sea Scallop Fishery Management Plan were published on January 19, 1994 (59 FR 2757). This amendment established effort control, or DAS programs, and required vessels participating in a DAS program to install an operational VTS unit for DAS monitoring. The regulations implementing Amendment 5 to the Northeast Multispecies FMP (59 FR 9872, March 1, 1994) implemented similar provisions for certain sectors of this fishery. In 1994, NMFS notified vessels participating in the DAS programs that the VTS requirement was delayed pending certification of vendors that meet the specified minimum performance standards. During this period, vessels were required to report via the call-in system (see § 648.10(d)).

In the proposed rule for Amendment 4 (58 FR 46606, September 2, 1993), NMFS requested that vendors interested in having systems certified for use in these fisheries submit information showing that the VTS meets the minimum performance criteria. The NMFS Office for Law Enforcement worked with the vendors to develop VTS units that meet these specifications.

On October 29, 1996, NMFS announced an experiment to test VTS between January 2, 1997, and September 30, 1997, to determine the effectiveness of VTS units supplied by vendors for VTS monitoring. Limited access multispecies permit holders in the individual DAS and combination DAS permit categories, as well as scallop limited access permit holders in the full-time and part-time categories, were invited to participate in the VTS experiment. Two vendors, Boatracs and SeaConnect, and 56 fishing vessels participated in the VTS experimental program.

Regulations contained in 50 CFR 648.10(d) provide NMFS with the discretion to authorize the use of the call-in system to report DAS until such time VTS vendors are certified. NMFS has reviewed the results of the VTS experiment and other information provided by the vendor and concluded the following vendor has VTS units that meet the requirements for certification: Boatracs, 6440 Lusk Blvd., Suite D201, San Diego, CA 92121–2758, (619) 587–1073, 1–800–336–8722. As the result of certification of this vendor, the existing requirement that limited access sea scallop vessels in the full-time and part-time permit categories report via the call-in system is rescinded.

The vendor SeaConnect did not meet the specifications required for certification. They were informed of the problems, continue to work with the NMFS Office of Law Enforcement, and may qualify in the future.

During its January 1998 meeting, the New England Fishery Management Council voted to propose a 1-year delay in the VTS requirement for all limited access multispecies individual DAS vessels. Therefore, this action applies only to scallop limited access permit holders in the full-time and part-time categories effective May 15, 1998. These vessels are required to have an operational Boatracs VTS unit on board to report DAS and are now subject to all the VTS provisions and requirements under §§ 648.9 and 648.10 regarding use of the VTS and the VTS prohibitions under § 648.14. Vessel owners holding limited access occasional permits may also elect to report DAS under the VTS notification program or continue to report under the current call-in system.

Vessel owners subject to the VTS requirement should be aware that, currently, the geographic range of the Boatracs system is limited and is not likely to extend beyond the U.S. Exclusive Economic Zone. Owners of vessels that anticipate fishing in a high seas fishery, or who wish to delay purchasing a system for any reason, are encouraged to consider leasing the Boatracs system or working out some other type of procurement arrangement.

Authority: 16 U.S.C. 1801 *et. seq.*

Dated: March 4, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–6233 Filed 3–10–98; 8:45 am]
BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 47
Wednesday, March 11, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AEA–01]

Proposed Amendment to Class E Airspace; Wrightstown, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Wrightstown, NJ. The development of a new Standard Instrument Approach Procedure (SIAP) based on the Global Positioning System (GPS) at Allaire Airport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before April 10, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 98–AEA–01, Federal Aviation Administration 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, Federal Aviation Administration 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, Federal Aviation Administration 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, Federal Aviation Administration Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 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–01." 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, Federal Aviation Administration 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 is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace area at Wrightstown, NJ. A GPS RWY 14 SIAP has been developed for the Allaire Airport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations at the airport. 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 would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. 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 Administration Order 7400.9E Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is proposed to amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA NJ E5 Wrightstown, NJ [Revised]

Lakewood Airport, NJ
(Lat. 40°04'00"N., long. 74°10'40"W.)
McGuire AFB, NJ
(Lat. 40°00'56"N., long. 74°35'37"W.)
Trenton-Robbinsville Airport, NJ
(Lat. 40°12'50"N., long. 74°36'07"W.)
Allaire Airport, NJ
(Lat. 40°11'13"N., long. 74°07'30"W.)
Robert J. Miller Airpark, NJ
(Lat. 39°55'39"N., long. 74°17'33"W.)
Flying W Airport, NJ
(Lat. 39°56'00"N., long. 74°48'24"W.)
Lakehurst (Navy) TACAN
(Lat. 40°02'13"N., long. 74°21'12"W.)
Colts Neck VOR/DME
(Lat. 40°18'42"N., long. 74°09'36"W.)
Coyle VORTAC
(Lat. 39°49'02"N., long. 74°25'54"W.)
Robbinsville VORTAC
(Lat. 40°12'08"N., long. 74°29'43".)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Lakewood Airport and within a 10.5-mile radius of McGuire AFB and within a 11.3-mile radius of the Lakehurst (Navy) TACAN extending clockwise from the Lakehurst (Navy) Tacan 310° radial to the 148° radial and within 4.4 miles each side of the Coyle VORTAC 031° radial extending from the VORTAC to 11.3 miles northeast and within 2.6 miles southwest and 4.4 miles northeast of the Lakehurst (Navy) TACAN 148° radial extending from the TACAN to 12.2 miles southeast and within a 6.4-mile radius of Trenton-Robbinsville airport and within 5.7 miles north and 4 miles south of the Robbinsville VORTAC 278° and 098° radials extending from 4.8 miles west to 10 miles east of the VORTAC and within a 6.7-mile radius of Allaire Airport and within 1.8 miles each side of the Colts Neck VOR/DME 167° radial extending from the Allaire Airport 6.7-mile radius to the VOR/DME and within 4 miles each side of the 312° bearing from the Allaire airport extending from the 6.7-mile radius of the airport to 9 miles northwest of the airport and within a 9.5-mile radius of Flying W Airport and within a 6.5-mile radius of Robert J. Miller Air Park and within 1.3 miles each side of the Coyle VORTAC 044° radial extending from the 6.5-mile radius of Robert J. Miller Air Park to the VORTAC, excluding the portions that coincide with the Berlin NJ, Princeton, NJ, Vincentown, NJ, Old Bridge, NJ, Matawan, NJ, and North Philadelphia, PA Class E airspace areas.

* * * * *

Issued in Jamaica, New York, on February 25, 1998.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–5926 Filed 3–10–98; 8:45 am]

BILLING CODE 4910–13–M

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

RIN 0960–AE65

Revised Medical Criteria for Determination of Disability, Endocrine System and Related Criteria

AGENCY: Social Security Administration.

ACTION: Proposed rule.

SUMMARY: We are proposing to delete "Obesity," from the listing to adjudicate claims for disability under titles II and XVI of the Social Security Act (the Act) when we evaluate claims of individuals at step 3 of our sequential evaluation process. Current medical and vocational research demonstrates that, while many individuals with obesity are disabled, obesity, in and of itself, is not necessarily determinative of an individual's inability to engage in any gainful activity. Instead, individuals with obesity would have their cases reviewed under the listing for an affected body system(s) or, on a case-by-case basis, at the remaining steps of the sequential evaluation process.

DATES: To be sure that your comments are considered, we must receive them no later than May 11, 1998.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966–2830, sent by e-mail to regulations@ssa.gov, or delivered to the Social Security Administration, 2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments may be inspected during these hours by making arrangements with the contact person shown below.

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9:00 a.m. on the date of publication in the Federal Register. To download the file, modem dial (202) 512–1387. The FBB instructions will explain how to download the file and the fee. This file is in WordPerfect and will remain on the FBB during the comment period.

FOR FURTHER INFORMATION CONTACT: Robert Augustine, Legal Assistant, Office of Process and Innovation Management, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, (410) 966–5121 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION: Title II of the Act provides for the payment of disability insurance benefits to workers insured under the Act. Title II also provides, under certain circumstances, for the payment of child's insurance benefits for persons who become disabled before age 22 and widow's and widower's insurance benefits based on disability for widows, widowers, and surviving divorced spouses of insured individuals. In addition, title XVI of the Act provides for supplemental security income (SSI) payments to persons who are aged, blind, or disabled and who have limited income and resources.

For adults under both the title II and title XVI programs and for persons claiming child's insurance benefits based on disability under the title II program, "disability" means that an impairment(s) results in an inability to engage in any substantial gainful activity. For an individual under age 18 claiming SSI benefits based on disability, "disability" means that an impairment(s) results in "marked and severe functional limitations." Under both title II and title XVI, disability must be the result of any medically determinable physical or mental impairment(s) that can be expected to result in death or that has lasted or can be expected to last for a continuous period of at least 12 months.

The process for determining whether an individual (except for an individual under age 18 claiming SSI benefits based on disability) is disabled based on the statutory definition is set forth in our longstanding regulations at §§ 404.1520 and 416.920. These regulations provide for a sequential evaluation process for evaluating disability. There is a separate sequential evaluation process for individuals under age 18 claiming SSI benefits based on disability. At step 3 of both sequential evaluation processes we ask the same question: Whether an individual, who is not engaging in substantial gainful activity and who has an impairment(s) that is severe, has an impairment(s) that meets or equals in severity the criteria of an impairment listed in appendix 1 of subpart P of part 404, the Listing of Impairments (the listings). The listings describe, for each of the major body systems, impairments that are considered severe enough to prevent a

person from doing any gainful activity (or in the case of a child under age 18 claiming SSI benefits based on disability, to cause marked and severe functional limitations). Although the listings are contained only in part 404, they are referenced by subpart I of part 416.

The listings are divided into part A and part B. The criteria in part A are applied in evaluating impairments of persons age 18 or over. The criteria in part A may also be used to evaluate impairments in persons under age 18 if the disease processes have a similar effect on adults and children. Part B contains additional criteria for evaluating impairments of children under age 18 when the criteria in part A do not give appropriate consideration to the particular effects of the disease processes in childhood. In evaluating disability for a person under age 18, we first use the criteria in part B and, if the criteria in part B do not apply, we use the criteria in part A (see §§ 404.1525 and 416.925).

When these and several other listings were revised and published in the **Federal Register** on December 6, 1985 (50 FR 50068), we indicated that medical advances in disability evaluation and treatment and program experience would require that we periodically review and update the medical criteria in the listings. Accordingly, we published expiration dates ranging from 3 to 8 years for each of the specific body system listings. We subsequently extended these dates in a final rule published in the **Federal Register** on December 6, 1993 (58 FR 64121). These dates appear in the introductory statement before part A and provide that the current listings in part A and part B for the endocrine system and obesity (9.00) and the endocrine system (109.00) will no longer be effective on June 6, 1997. Subsequently, we issued final rules on June 5, 1997 (62 FR 30746) extending the expiration date of these listings for both part A and part B to June 7, 1999. We are now proposing to delete listing 9.09, "Obesity," and related provisions in the listings, and to rename the section "Endocrine System." (There is no listing for obesity in part B.) These changes will not affect the expiration date for the endocrine system listings.

We propose to remove listing 9.09 to recognize that there is no generally accepted current medical and vocational knowledge which establishes that even massive obesity, *per se*, has a defined adverse effect on an individual's ability to work; i.e., even long-term, massive obesity at the level specified in the listing does not necessarily cause limitations that would prevent an individual from engaging in any gainful activity. Associated disorders of the musculoskeletal, cardiovascular, peripheral vascular, and pulmonary systems are generally the major cause of disability at the listing level in obese individuals but, unless the associated disorder(s) is itself of listing-level severity, no reliable conclusions may be drawn about disability in most obese individuals. Rather, it is necessary to consider the effect of any disorders related to or aggravated by obesity on each individual, on a case-by-case basis, in order to determine whether the individual is disabled.

The following is a detailed summary of the proposed revisions, together with our reasons for proposing these changes.

Revisions to Part A of Appendix 1

Table of Contents

We propose to delete "and Obesity" from section 9.00 to reflect the proposed deletion of listing 9.09.

9.00 Endocrine System and Obesity

We propose to delete "and Obesity" from the heading in this listing to reflect the proposed deletion of listing 9.09. We also propose to delete the second and third paragraphs from the preface of 9.00 because they discuss aspects of the evaluation of obesity. This discussion would no longer be needed under this proposal.

9.01 Category of Impairments, Endocrine System and Obesity

We propose to delete "and Obesity" from the heading of this listing to reflect the proposed deletion of listing 9.09.

9.09 Obesity

We propose to delete this listing in its entirety. Current medical and vocational research demonstrates that the listing is not necessarily reflective of an inability to engage in any gainful activity or even of an inability to engage in substantial gainful activity. For example, listing 9.09A requires a "[h]istory of pain and limitation of motion in any weight-bearing joint or the lumbosacral spine (on physical examination) associated with findings on medically acceptable imaging techniques of arthritis in the affected joint or lumbosacral spine." While such findings certainly could be a cause of disability depending on their impact on a particular individual's functioning, the listing is not specific: It does not indicate the degree of pain, does not require current pain, only a history of pain, and does not indicate a degree of limitation of motion, or any functional effects resulting from the impairment. Thus, the current listing can be satisfied with only minimal additional findings over and above the weight levels, even though some individuals might have sufficient residual functional capacities to work.

The same holds true for the other criteria in current listing 9.09. Even though the findings in listings 9.09B through 9.09E could be disabling if they were to cause significant limitations of functioning in a given individual, they could also include individuals who are not prevented from working. Indeed, only listings 9.09B and 9.09E specify laboratory values, but those findings may or may not be associated with significantly limited functioning, depending on the individual.

For this reason, we believe that individuals with the kinds of additional impairments currently listed in 9.09 must have their cases reviewed under the listing for the affected body system or, on a case-by-case basis, at the remaining steps of the sequential evaluation process. Individuals whose severe impairments related to obesity are not of listing-level severity may establish that they are disabled, given their residual functional capacities, together with their age, education, and work experience.

We considered revising the obesity listing by clarifying the severity criteria for the various listed body systems that could be affected (musculoskeletal, cardiovascular, peripheral vascular and respiratory). However, because the effects of obesity and related impairments on an individual's functioning vary so widely, we concluded that the only way we could be certain that individuals would be disabled would be by requiring the other impairments to meet or equal the severity of their respective listings. If another body system listing is met or equaled, the individual's weight would become immaterial to the finding of disability. We also considered raising the weights in the tables to the extent that the exacerbated effect of the obesity would ensure that the individuals would be disabled under the listing based on weight alone. We chose not to revise the listing in this way because we would have had to raise the weights in the tables to such high levels that we would rarely use the listing.

Other Revisions

Introductory Text

We propose to delete "and Obesity" from item 10 of the introductory text that precedes part A of the Listing of Impairments. We also propose to revise item 10 of the introductory text to read "Endocrine System (9.00 and 109.00):

June 7, 1999." to conform with the style of this section.

3.00 Respiratory System

We propose to delete the cross-reference to the obesity listing in the last sentence of 3.00H and in listing 3.10, *Sleep-related breathing disorders.* Since we propose to delete the obesity listing, the cross-reference would no longer be appropriate.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these proposed regulations meet the criteria for a significant regulatory action under Executive Order (E.O.) 12866. Therefore, we prepared and submitted to OMB an assessment of the potential costs and benefits of this regulatory action. This assessment also contains an analysis of alternative policies we considered and chose not to adopt. It is available for review by members of the public by contacting the person shown above.

Regulatory Flexibility Act

We certify that these proposed rules will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These proposed regulations will impose no new reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social security.

Dated: December 19, 1997.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set out in the preamble, part 404, subpart P, Chapter III of Title 20, Code of Federal Regulations, is proposed to be amended as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

1. The authority citation for subpart P continues to read as follows:

Authority: Secs. 202, 205(a), (b), and (d)–(h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b), and (d)–(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189.

Appendix 1 to Subpart P—[Amended]

2. Appendix 1 to Subpart P is amended as follows:

a. Item 10 of the introductory text before Part A of appendix 1 is revised.

b. The Table of Contents for Part A of appendix 1 is amended by removing "and Obesity" from section 9.00.

c. Listing 3.00 in part A of appendix 1 is amended by removing the last sentence of paragraph H.

d. Listing 3.10 in Part A of appendix 1 is revised.

e. Listing 9.00 in part A of appendix 1 is amended by removing "and Obesity" from the title and removing the last two paragraphs from the preface.

f. Listing 9.01 in part A of appendix 1 is amended by removing "and Obesity" from the title.

g. Listing 9.09 in part A of appendix 1 is removed.

The revised text is set forth as follows:

Appendix 1 to Subpart P—Listing of Impairments

* * * * *

10. Endocrine System (9.00 and 109.00): June 7, 1999.

* * * * *

Part A

* * * * *

3.10 *Sleep-related breathing disorders.* Evaluate under 3.09 (Chronic cor pulmonale) or 12.02 (Organic mental disorders).

* * * * * *

[FR Doc. 98–6212 Filed 3–10–98; 8:45 am]

BILLING CODE 4190–29–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 422

RIN 0960–AE66

Listening-In to or Recording Telephone Conversations

AGENCY: Social Security Administration (SSA).

ACTION: Proposed rule.

SUMMARY: We are proposing to add regulations relating to the use of SSA's telephone lines. In the new regulations, we propose to describe the limited circumstances under which SSA employees may listen-in to or record telephone conversations and the procedures we will follow in connection with this activity.

DATES: Your comments will be considered if we receive them no later than May 11, 1998.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966–2830, sent by E-mail to "regulations@ssa.gov," or delivered to the Office of Process and Innovation Management, Social Security Administration, L2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Lois Berg, Legal Assistant, Office of Process and Innovation Management, Social Security Administration, L2109 West Low Rise Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1713.

SUPPLEMENTARY INFORMATION:

Background

On August 8, 1996, the Federal Information Resources Management Regulation (FIRMR) was repealed. A provision of the FIRMR, section 201–21.603, related to listening-in to or recording telephone conversations. As a result of the repeal of the FIRMR, we are now proposing to promulgate our own regulations describing the limited circumstances under which SSA employees may listen-in to or record telephone conversations. These circumstances include law enforcement/national security, public safety, public service monitoring, and all-party consent situations. We also describe in the proposed regulations the procedures we will follow in determining the circumstances in which we will permit listening-in to or recording telephone conversations, who will listen-in to or record the conversations, and other policies and procedures which we will follow in connection with this activity.

SSA is committed to providing the public with the highest level of service by ensuring that information provided by SSA employees is delivered accurately and courteously. To ensure that commitment, we conduct monitoring of telephone calls over various designated SSA

telecommunications lines as a training and mentoring tool.

We believe service observation is necessary to effectively perform SSA's mission. Therefore, we also conduct monitoring of telephone conversations to provide an objective assessment of SSA's telephone accuracy and courtesy. Data obtained through service observation are also used to comply with a congressional request that SSA provide Congress with information regarding teleservice center service levels on a continuing basis. This is done in the agency's Annual Financial Statement of Major Performance Measures. SSA's service observation activities are valuable to the public, not only because the data obtained are used to evaluate the accuracy of SSA's teleservice, but also because the service observation findings are used to make recommendations for improving teleservice procedures and processes. Data obtained through service observation are also used to respond to other oversight groups on how well SSA serves the public, for corrective action recommendation purposes, and for assisting in agency planning and decisionmaking.

Finally, SSA currently conducts recording of incoming calls on the emergency telephone lines assigned to SSA headquarters. We believe the recording of emergency calls is in the best interest of public safety and agency emergency service.

The main purpose of these proposed regulations is to inform the public and SSA employees of the circumstances under which SSA will listen-in to or record telephone conversations. The proposed regulations also contain language which differs from the repealed FIRMR which prohibited the annotating, e.g., writing down, of personal information such as a beneficiary's name, Social Security number, etc., when monitoring telephone calls. Since SSA has the responsibility to pay benefits correctly and to provide the public with accurate information, as well as to safeguard the trust funds, the proposed regulations will allow authorized employees to write down personal information obtained when listening-in to telephone calls. Annotated information obtained from public service monitoring will be used for programmatic or policy purposes; e.g., for recontacting individuals to correct or supplement information relating to benefits, for assessment of current/proposed policies and procedures, or to correct SSA records, etc.

Explanation of Proposed Regulations

We are proposing to add a new subpart H to part 422 of our rules which will contain regulations relating to the use of SSA's telephone lines. We propose three sections for this new subpart H. In § 422.701, we propose to explain the scope and purpose of subpart H. In § 422.705, we propose to explain when SSA employees may listen-in to or record telephone conversations. Finally, in § 422.710, we propose to describe the procedures we will follow when we plan to listen-in to or record telephone calls, who will do it, and other policies and procedures which we will follow.

Electronic Versions

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9:00 a.m. on the date of the publication in the **Federal Register**. To download the file, modem dial (202) 512–1387. The FBB instructions will explain how to download the file and the fee. This file is in WordPerfect and will remain on the FBB during the comment period.

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these proposed rules do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they were not subject to OMB review.

Regulatory Flexibility Act

We certify that these proposed regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These proposed regulations impose no additional reporting or recordkeeping requirements necessitating clearance by OMB.

(Catalog of Federal Domestic Assistance Program Nos. 93–773 Medicare-Hospital Insurance; 93–774 Medicare-Supplementary Medical Insurance; 96.001 Social Security-Disability Insurance; 96.002 Social Security-Retirement Insurance; 96–003 Special Benefits for Persons Aged 72 and Over; 96.004 Social Security-Survivors Insurance; 96–005 Special Benefits for Disabled Coal Miners; and 96–006 Supplemental Security Income.)

List of Subjects in 20 CFR Part 422

Administrative practice and procedure, Freedom of information, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Social security.

Dated: February 27, 1998.

Kenneth S. Apfel,

Commissioner of Social Security.

For the reasons set out in the preamble, we are proposing to amend part 422 of chapter III of title 20 of the Code of Federal Regulations as follows:

PART 422—ORGANIZATION AND PROCEDURES

1. Subpart H is added to Part 422 to read as follows:

Subpart H—Use of SSA Telephone Lines

Sec.

Subpart H—Use of SSA Telephone Lines

Authority: Secs. 205(a) and 702(a)(5) of the Social Security Act (42 U.S.C. 405 and 902(a)(5)).

§ 422.701 Scope and purpose.

The regulations in this subpart describe the limited circumstances under which SSA is authorized to listen-in to or record telephone conversations. The purpose of this subpart is to inform the public and SSA employees of those circumstances and the procedures that SSA will follow when conducting telephone service observation activities.

§ 422.705 When SSA employees may listen-in to or record telephone conversations.

SSA employees may listen-in to or record telephone conversations on SSA telephone lines under the following conditions:

(a) *Law enforcement/national security.* When performed for law enforcement, foreign intelligence, counterintelligence or communications security purposes when determined necessary by the Commissioner of Social Security or designee. Such determinations shall be in writing and shall be made in accordance with applicable laws, regulations and Executive Orders governing such activities. Communications security monitoring shall be conducted in accordance with procedures approved by the Attorney General. Line identification equipment may be

installed on SSA telephone lines to assist Federal law enforcement officials in investigating threatening telephone calls, bomb threats and other criminal activities.

(b) *Public safety.* When performed by an SSA employee for public safety purposes and when documented by a written determination by the Commissioner of Social Security or designee citing the public safety needs. The determination shall identify the segment of the public needing protection and cite examples of the possible harm from which the public requires protection. Use of SSA telephone lines identified for reporting emergency and other public safety-related situations will be deemed as consent to public safety monitoring and recording. (See § 422.710(a)(1))

(c) *Public service monitoring.* When performed by an SSA employee after the Commissioner of Social Security or designee determines in writing that monitoring of such lines is necessary for the purposes of measuring or monitoring SSA's performance in the delivery of service to the public; or monitoring and improving the integrity, quality and utility of service provided to the public. Such monitoring will occur only on telephone lines used by employees to provide SSA-related information and services to the public. Use of such telephone lines will be deemed as consent to public service monitoring. (See § 422.710(a)(2) and (c)).

(d) *All-party consent.* When performed by an SSA employee with the prior consent of all parties for a specific instance. This includes telephone conferences, secretarial recordings and other administrative practices. The failure to identify all individuals listening to a conversation by speaker phone is not prohibited by this or any other section.

§ 422.710 Procedures SSA will follow.

SSA component(s) that plan to listen-in to or record telephone conversations under § 422.705(b) or (c) shall comply with the following procedures.

(a) Prepare a written certification of need to the Commissioner of Social Security or designee at least 30 days before the planned operational date. A certification as used in this section means a written justification signed by the Deputy Commissioner of the requesting SSA component or designee, that specifies general information on the following: The operational need for listening-in to or recording telephone conversations; the telephone lines and locations where monitoring is to be performed; the position titles (or a statement about the types) of SSA employees involved in the listening-in to or recording of telephone conversations; the general operating times and an expiration date for the monitoring. This certification of need must identify the telephone lines which will be subject to monitoring, e.g., SSA 800 number voice and text telephone lines, and include current copies of any documentation, analyses, determinations, policies and procedures supporting the application, and the name and telephone number of a contact person in the SSA component which is requesting authority to listen-in to or record telephone conversations.

(1) When the request involves listening-in to or recording telephone conversations for public safety purposes, the requesting component head or designee must identify the segment of the public needing protection and cite examples of the possible harm from which the public requires protection.

(2) When the request involves listening-in to or recording telephone conversations for public service monitoring purposes, the requesting component head or designee must provide a statement in writing why such monitoring is necessary for measuring or monitoring the performance in the delivery of SSA service to the public; or monitoring and improving the integrity, quality and utility of service provided to the public.

(b) At least every 5 years, SSA will review the need for each determination authorizing listening-in or recording activities in the agency. SSA components or authorized agents involved in conducting listening-in or recording activities must submit documentation as described in § 422.710(a) to the Commissioner of Social Security or a designee to continue or terminate telephone service observation activities.

(c) SSA will comply with the following controls, policies and procedures when listening-in or recording is associated with public service monitoring.

(1) SSA will provide a message on SSA telephone lines subject to public service monitoring that will inform callers that calls on those lines may be monitored for quality assurance purposes. SSA will also continue to include information about telephone monitoring activities in SSA brochures and/or pamphlets as notification that some incoming and outgoing SSA telephone calls are monitored to ensure SSA's clients are receiving accurate and courteous service.

(2) SSA employees authorized to listen-in to or record telephone calls are permitted to annotate personal identifying information about the calls, such as a person's name, Social Security number, address and/or telephone number. When this information is obtained from public service monitoring as defined in § 422.705(c), it will be used for programmatic or policy purposes; e.g., recontacting individuals to correct or supplement information relating to benefits, for assessment of current/proposed policies and procedures, or to correct SSA records. Privacy Act requirements must be followed if data are retrievable by personal identifying information.

(3) SSA will take appropriate corrective action, when possible, if information obtained from monitoring indicates SSA may have taken an incorrect action which could affect the payment of or eligibility to SSA benefits.

(4) Telephone instruments subject to public service monitoring will be conspicuously labeled.

(5) Consent from both parties is needed to tape record SSA calls for public service monitoring purposes.

(d) The recordings and records pertaining to the listening-in to or recording of any conversations covered by this regulation shall be used, safeguarded and destroyed in accordance with SSA records management program.

[FR Doc. 98–6211 Filed 3–10–98; 8:45 am]
BILLING CODE 4190–29–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 507

Manufacture, Sale, Wear, Commercial Use and Quality Control of Heraldic Items

AGENCY: Department of the Army, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed revision authorizes the manufacture and sale of full size military medals and decorations. In the past the manufacture and sale of these items was prohibited except under Government contract through the Defense Personnel Support Center. In coordination with all the Services, the Office of the Secretary of Defense approved the manufacture and sale of full size military medals and decorations with the provision that no version of the Medal of Honor can be manufactured except under Government contract with the Defense Personnel Support Center. This proposed rule also

revises the Department of the Army policy (Army Regulation 672–8) governing the manufacture, sale, reproduction, possession, and wearing of military decorations, medals, badges, and insignia. This proposal establishes responsibility for authorizing the incorporation of insignia designs in commercial articles; adds procedures for processing a request to use Army insignia and the Army emblem design in advertisement or promotional materials; clarifies insignia items that are controlled heraldic items; and defines the certification process for heraldic items. This proposal has a direct affect on Departments of the Army and Air Force personnel who design, procure from private industry and who wear military insignia.

DATES: Comments must be received no later than April 10, 1998.

ADDRESSES: Director, The Institute of Heraldry, 9325 Gunston Road, Room S–112, Fort Belvoir, Virginia 22060–5579.

FOR FURTHER INFORMATION CONTACT: Stanley W. Haas, Chief, Technical and Production Division, telephone (703) 806–4984.

SUPPLEMENTARY INFORMATION: The wear, manufacture, and sale of decorations, medals, badges, and insignia is restricted by 18 U.S.C. 701 and 704. The Institute of Heraldry, U.S. Army has been designated to act in behalf of the Department of Defense, Department of the Army and Department of the Air Force in establishing regulations governing control in manufacture and quality.

Executive Order 12866

This rule is not a major rule as defined by Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act has no bearing on this rule.

Paperwork Reduction Act

This rule does not contain reporting or record keeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 32 CFR Part 507

Decorations, medals, awards.

Accordingly, 32 CFR Part 507 is proposed to be revised as follows:

PART 507—MANUFACTURE AND SALE OF DECORATIONS, MEDALS, BADGES, INSIGNIA, COMMERCIAL USE OF HERALDIC DESIGNS AND HERALDIC QUALITY CONTROL PROGRAM

Subpart A—Introduction

Sec.

Subpart B—Manufacture and Sale of Decorations, Medals, Badges, and Insignia

Subpart C—Commercial Use of Heraldic Designs

Subpart D—Heraldic Quality Control Program

Authority: 10 U.S.C. 3012, 18 U.S.C. 701, 18 U.S.C. 702.

Subpart A—Introduction

507.1 Purpose.

This part prescribes the Department of the Army and the Air Force policy governing the manufacture, sale, reproduction, possession, and wearing of military decorations, medals, badges, and insignia. It also establishes the Heraldic Item Quality Control Program to improve the appearance of the Army and Air Force by controlling the quality of heraldic items purchased from commercial sources.

§ 507.2 References.

Related publications are listed in paragraphs (a) through (f) of this section. (A related publication is merely a source of additional information. The user does not have to read it to understand this part). Copies of referenced publications may be reviewed at Army and Air Force Libraries or may be purchased from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

(a) AFI 36–2903, Dress and Personal Appearance of Air Force Personnel.

(b) AR 360–5, Public Information.

(c) AR 670–1, Wear and Appearance of Army Uniforms and Insignia.

(d) AR 840–1, Department of the Army Seal, and Department of the Army emblem and Branch of Service Plaques.

(e) AR 840–10, Heraldic Activities, Flags, Guidons, Streamers, Tabards and Automobile Plates.

(f) AFR 900–3, Department of the Air Force Seal, Organizational Emblems, Use and Display of Flags, Guidons, Streamers, and Automobile and Aircraft Plates.

§ 507.3 Explanation of abbreviations and terms.

(a) *Abbreviations.*

(1) AFB—Air Force Base.

(2) DA—Department of the Army.

(3) DCSPER—Deputy Chief of Staff for Personnel.

(4) DPSC—Defense Personnel Support Center.

(5) DUI—distinctive unit insignia.

(6) ROTC—Reserve Officers' Training Corps.

(7) SSI—shoulder sleeve insignia.

(8) TIOH—The Institute of Heraldry.

(9) USAF—United States Air Force.

(b) *Terms.*

(1) *Cartoon.* A drawing six times actual size, showing placement of stitches, color and size of yarn and number of stitches.

(2) *Certificate of Authority to Manufacture.* A certificate assigning manufacturers a hallmark and authorizing manufacture of heraldic items.

(3) *Hallmark.* A distinguishing mark consisting of a letter and numbers assigned to certified manufacturers for use in identifying manufacturers of insignia.

(4) *Heraldic items.* All items worn on the uniform to indicate unit, skill, branch, award or identification and a design has been established by TIOH on an official drawing.

(5) *Letter of Agreement.* A form signed by manufacturers before certification, stating that the manufacturer agrees to produce heraldic items in accordance with specific requirements.

(6) *Letter of Authorization.* A letter issued by TIOH that authorizes the manufacture of a specific heraldic items after quality assurance inspection of a preproduction sample.

(7) *Tools.* Hubs, dies, cartoons, and drawings used in the manufacture of heraldic items.

§ 507.4 Responsibilities.

(a) *Deputy Chief of Staff for Personnel (DCSPER), Army.* The DCSPER has staff responsibility for heraldic activities in the Army.

(b) *The Director, The Institute of Heraldry (TIOH).* The Director, TIOH, will—

(1) Monitor the overall operation of the Heraldic Quality Control Program.

(2) Authorize the use of insignia designs in commercial items.

(3) Certify insignia manufacturers.

(4) Inspect the quality of heraldic items.

(c) *The Commander, Air Force Personnel Center, Randolph AFB, TX 78150–4739.* The Commander has staff responsibility for heraldic activities in the Air Force.

(d) *The Chief, Air Force Personnel Center Commander's Programs Branch (HQ AFPC/DPSFC), 550 C Street West, Suite 37, Randolph AFB, TX 78150–4739.* The Chief, Commander's Programs Branch is responsible for granting permission for the incorporation of certain Air Force badges and rank insignia designs in commercial items.

(e) *Commander, Air Force Historical Research Agency (AFHRA/RSO), Maxwell AFB, AL 36112–6424.* The Commander, AFHRA/RSO, is responsible for granting permission for use of the Air Force seal, coat of arms, and crest.

(f) *Commanders.* Commanders are responsible for purchasing heraldic items that have been produced by manufacturers certified by TIOH. Commanders will ensure that only those heraldic items that are of quality and design covered in the specification and that have been produced by certified manufacturers are worn by personnel under their command.

§ 507.5 Statutory authority.

(a) The wear, manufacture, and sale of military decorations, medals, badges, their components and appurtenances, or colorable imitations of them, are governed by section 704, title 18, United States Code (18 U.S.C. 704).

(b) The manufacture, sale, possession, and reproduction of badges, identification cards, insignia, or other designs, prescribed by the head of a U.S. department or agency, or colorable imitations of them, are governed by Title 18, United States Code, Section 701 (18 U.S.C. 701).

(c) This part incorporates the statutory provisions.

Subpart B—Manufacture and Sale of Decorations, Medals, Badges, and Insignia

§ 507.6 Authority to manufacture.

(a) A certificate of authority to manufacture heraldic articles may be granted by the Institute of Heraldry.

(1) Certificates of authority will be issued only to companies who have manufacturing capability and agree to manufacture heraldic items according to applicable specifications or purchase descriptions.

(2) The certificate of authority is valid only for the individual or corporation indicated.

(3) A hallmark will be assigned to each certified manufacturer. All insignia manufactured will bear the manufacturer's hallmark.

(b) A certificate of authority may be revoked or suspended under the procedures prescribed in subpart D of this part.

(c) Manufacturers will submit a preproduction sample to TIOH of each item they manufacture for certification under the Heraldic Quality Control Program. A letter of certification authorizing manufacture of each specific item will be issued provided the sample meets quality assurance standards.

(d) A copy of the certified manufacturer's list will be furnished to the Army and Air Force Exchange Service and, upon request, to Army and Air Force commanders.

§ 507.7 Authority to sell.

No certificate of authority to manufacture is required to sell articles listed in § 507.8 of this part; however, sellers are responsible for insuring that any article they sell is manufactured in accordance with Government specifications using government furnished tools, bears a hallmark assigned by TIOH, and that the manufacturer has received a certification to manufacture that specific item prior to sale.

§ 507.8 Articles authorized for manufacture and sale.

(a) The articles listed in paragraphs (a)(1) through (10) of this section are authorized for manufacture and sale when made in accordance with approved specifications, purchase descriptions or drawings.

(1) All authorized insignia (AR 670–1 and AFI 36–2903).

(2) Appurtenances and devices for decorations, medals, and ribbons such as oak leaf clusters, service stars, arrowheads, V-devices, and clasps.

(3) Combat, special skill, occupational and qualification badges and bars.

(4) Identification badges.

(5) Fourrageres and lanyards.

(6) Lapel buttons.

(7) Decorations, service medals, and ribbons, except for the Medal of Honor.

(8) Replicas of decorations and service medals for grave markers. Replicas are to be at least twice the size prescribed for decorations and service medals.

(9) Service ribbons for decorations, service medals, and unit awards.

(10) Rosettes.

(11) Army emblem and branch of service plaques.

(b) Variations from the prescribed specifications for the items listed in paragraph (a) of this section are not permitted without prior approval, in writing, by TIOH.

§ 507.9 Articles not authorized for manufacture or sale.

The following articles are not authorized for manufacture and sale, except under contract with DPSC:

(a) The Medal of Honor.

(b) Service ribbon for the Medal of Honor.

(c) Rosette for the Medal of Honor.

(d) Service flags (prescribed in AR 840–10 or AFR 900–3).

(e) Army seal.

(f) Commercial articles for public sale that incorporates designs or likenesses of decorations, service medals, and service ribbons.

(g) Commercial articles for public sale that incorporate designs or likenesses of designs of insignia listed in § 507.8 of this part, except when authorized by the Service concerned.

Subpart C—Commercial Use of Heraldic Designs

§ 507.10 Incorporation of designs or likenesses of approved designs in commercial articles.

The policy of the Department of the Army and the Department of the Air Force is to restrict the use of military designs for the needs or the benefit of personnel of their Services.

(a) Except as authorized in writing by the Department of the Army or the Department of the Air Force, as applicable, the manufacture of commercial articles incorporating designs or likenesses of official Army/Air Force heraldic items is prohibited. However, certain designs or likenesses of insignia such as badges or organizational insignia may be incorporated in articles manufactured for sale provided that permission has been granted as specified in paragraphs (a)(1) and (2) of this section.

(1) *Designs approved for use of the Army.* The Director, The Institute of Heraldry, 9325 Gunston Road, Room S–112, Fort Belvoir, VA 22060–5579, is responsible for granting permission for the incorporation of certain Army insignia designs and the Army emblem in commercial articles manufactured for sale. Permission for such use will be in writing. Commanders of units authorized a SSI or DUI may authorize the reproduction of their SSI or DUI on commercial articles such as shirts, tie tacks, cups, or plaques. Permission for use of a SSI or DUI will be submitted in writing to the commander concerned. Authorization for incorporation of

designs or likenesses of designs in commercial items will be granted only to those manufacturers who agree to offer these items for sale only to Army and Air Force Exchange Service and outlets that sell primarily to military personnel and their dependents.

(2) *Designs approved for use of the Air Force.* Headquarters, Air Force Personnel Center, Chief, Commander's Programs Branch (HQ AFPC/DPSFC), 550 C Street West, Suite 37, Randolph AFB, TX 78150–4739, is responsible for granting permission for the incorporation of certain Air Force designs for commercial articles manufactured for sale. The Commander, Air Force Historical Research Agency, AFHRA/RSO, Maxwell AFB, AL 36112–6678, is responsible for granting permission for the incorporation of the coat of arms, crest, seal and organizational emblems. Such permission will be in writing. Authorization for incorporation of designs or likenesses of designs in commercial items will be granted only to those manufacturers who agree to offer these items for sale only to the Army and Air Force Exchange Service, or to those outlets that sell primarily to military personnel and their dependents.

(b) In the case of the Honorable Service lapel button, a general exception is made to permit the incorporation of that design in articles manufactured for public sale provided that such articles are not suitable for wear as lapel buttons or pins.

§ 507.11 Reproduction of designs.

(a) The photographing, printing, or, in any manner making or executing any engraving, photograph, print, or impression in the likeness of any decoration, service medal, service ribbon, badge, lapel button, insignia, or other device, or the colorable imitation thereof, of a design prescribed by the Secretary of the Army or the Secretary of the Air Force for use by members of the Army or the Air Force is authorized provided that such reproduction does not bring discredit upon the military service and is not used to defraud or to misrepresent the identification or status of an individual, organization, society, or other group of persons.

(b) The use for advertising purposes of any engraving, photograph, print, or impression of the likeness of any Department of the Army of Department of the Air Force decoration, service medal, service ribbon, badge, lapel button, insignia, or other device (except the Honorable Service lapel button) is prohibited without prior approval, in writing, by the Secretary of the Army or the Secretary of the Air Force except when used to illustrate a particular article that is offered for sale. Request for use of Army insignia in advertisements or promotional materials will be processed through public affairs channels in accordance with AR 360–5, paragraph 3–37.

(c) The reproduction in any manner of the likeness of any identification card prescribed by Department of the Army or Department of the Air Force is prohibited without prior approval in writing by the Secretary of the Army or Secretary of the Air Force.

§ 507.12 Possession and wearing.

(a) The wearing of any decoration, service medal, badge, service ribbon, lapel button, or insignia prescribed or authorized by the Department of the Army and the Department of the Air Force by any person not properly authorized to wear such device, or the use of any decoration, service medal, badge, service ribbon, lapel button, or insignia to misrepresent the identification or status of the person by whom such is worn is prohibited. Any person who violates the provision of this section is subject to punishment as prescribed in the statutes referred to in § 507.5 of this part.

(b) Mere possession by a person of any of the articles prescribed in § 507.8 of this part is authorized provided that such possession is not used to defraud or misrepresent the identification or status of the individual concerned.

(c) Articles specified in § 507.8 of this part, or any distinctive parts including suspension ribbons and service ribbons) or colorable imitations thereof, will not be used by any organization, society, or other group of persons without prior approval in writing by the Secretary of the Army or the Secretary of the Air Force.

Subpart D—Heraldic Quality Control Program

§ 507.13 General.

The heraldic quality control program provides a method of ensuring that insignia items are manufactured with tools and specifications provided by TIOH.

§ 507.14 Controlled heraldic items.

The articles listed in § 507.8 of this part are controlled heraldic items and will be manufactured in accordance with Government specifications using Government furnished tools or cartoons. Tools and cartoons are not provided to manufacturers for the items in paragraphs (a) through (e) of this section. However, manufacture will be in accordance with the Government furnished drawings.

(a) Shoulder loop insignia, ROTC, U.S. Army.

(b) Institutional SSI, ROTC, U.S. Army.

(c) Background trimming/flashes, U.S. Army.

(d) U.S. Air Force organizational emblems for other than major commands.

(e) Hand embroidered bullion insignia.

§ 507.15 Certification of heraldic items.

A letter of certification to manufacture each heraldic item, except those listed in § 507.14(a) through (e) of this part, will be provided to the manufacturer upon submission of a preproduction sample. Manufacture and sale of these items is not authorized until the manufacturer receives a certification letter from TIOH.

§ 507.16 Violations and penalties.

A certificate of authority to manufacture will be revoked by TIOH upon intentional violation by the holder thereof of any of the provisions of this part, or as a result of not complying with the agreement signed by the manufacturer in order to receive a certificate. Such violations are also subject to penalties prescribed in the Acts of Congress (§ 507.5 of this part). A repetition or continuation of violations after official notice thereof will be deemed prima facie evidence of intentional violation.

§ 507.17 Procurement and wear of heraldic items.

(a) The provisions of this part do not apply to contracts awarded by the Defense Personnel Support Center for manufacture and sale to the U.S. Government.

(b) All Army and Air Force service personnel who wear quality controlled heraldic items that were purchased from commercial sources will be responsible for ensuring that the items were produced by a certified manufacturer. Items manufactured by certified manufacturers will be identified by a hallmark and/or certificate label certifying the item was produced in accordance with specifications.

(c) Commanders will ensure that only those heraldic items that are of the quality and design covered in the specifications and that have been produced by certified manufacturers are worn by personnel under their command. Controlled heraldic items will be procured only from manufacturers certified by TIOH. Commanders procuring controlled

heraldic items, when authorized by local procurement procedures, may forward a sample insignia to TIOH for quality assurance inspection if the commander feels the quality does not meet standards.

§ 507.18 Processing complaints of alleged breach of policies.

The Institute of Heraldry may revoke or suspend the certificate of authority to manufacture if there are breaches of quality control policies by the manufacturer. As used in this paragraph, the term quality control policies includes the obligation of a manufacturer under his or her "Agreement to Manufacture," the quality control provisions of this part, and other applicable instructions provided by TIOH.

(a) *Initial processing.* (1) Complaints and reports of an alleged breach of quality control policies will be forwarded to the Director, The Institute of Heraldry, 9325 Gunston Road, Room S–112, Fort Belvoir, VA 22060–5579 (hereinafter referred to as Director).

(2) The Director may direct that an informal investigation of the complaint or report be conducted.

(3) If such investigation is initiated, it will be the duty of the investigator to ascertain the facts in an impartial manner. Upon conclusion of the investigation, the investigator will submit a report to the appointing authority containing a summarized record of the investigation together with such findings and recommendations as may be appropriate and warranted by the facts.

(4) The report of investigation will be forwarded to the Director for review. If it is determined that a possible breach of quality control policies has occurred, the Director will follow the procedures outlined in paragraphs (b) through (g) of this section.

(b) *Voluntary performance.* The Director will transmit a registered letter to the manufacturer advising of the detailed allegations of breach and requesting assurances of voluntary compliance with quality control policies. No further action is taken if the manufacturer voluntarily complies with the quality control policies; however, any further reoccurrence of the same breach will be considered refusal to perform.

(c) *Refusal to perform.* (1) If the manufacturer fails to reply within a reasonable time to the letter authorized by paragraph (b) of this section, or refuse to give adequate assurances that future performance will conform to quality control policies, or indicates by subsequent conduct that the breach is continuous or repetitive, or disputes the allegations of breach, the Director will direct that a public hearing be conducted on the allegations.

(2) A hearing examiner will be appointed by appropriate orders. The examiner may be either a commissioned offer or a civilian employee above the grade of GS–7.

(3) The specific written allegations, together with other pertinent material, will be transmitted to the hearing examiner for introduction as evidence at the hearing.

(4) Manufacturers may be suspended for failure to return a loaned tool without referral to hearing specified in paragraph (c)(1) of this section; however, the manufacturer will be advised, in writing, that tools are overdue and suspension will take effect if not returned within the specified time.

(d) *Notification to the manufacturer by examiner.* Within a 7-day period following receipt by the examiner of the allegations and other pertinent material, the examiner will transmit a registered letter of notification to the manufacturer informing him or her of the following:

(1) Specific allegations.

(2) Directive of the Director requiring the holding of a public hearing on the allegations.

(3) Examiner's decision to hold the public hearing at a specific time, date, and place that will be not earlier than 30 days from the date of the letter of notification.

(4) Ultimate authority of the Director to suspend to revoke the certificate of authority should the record developed at the hearing so warrant.

(5) Right to—

(i) A full and fair public hearing.

(ii) Be represented by counsel at the hearing.

(iii) Request a change in the date, time, or place of the hearing for purposes of having reasonable time in which to prepare the case.

(iv) Submit evidence and present witnesses in his or her own behalf.

(v) Obtain, upon written request filed before the commencement of the hearing, at no cost, a verbatim transcript of the proceedings.

(e) *Public hearing by examiner.* (1) At the time, date, and place designated in accordance with paragraph (d)(3) of this section, the examiner will conduct the public hearing.

(i) A verbatim record of the proceeding will be maintained.

(ii) All previous material received by the examiner will be introduced into evidence and made part of the record.

(iii) The Government may be represented by counsel at the hearing.

(2) Subsequent to the conclusion of the hearing, the examiner will make specific findings on the record before him or her concerning each allegation.

(3) The complete record of the case will be forwarded to the Director.

(f) *Action by the Director.* (1) The Director will review the record of the hearing and either approve or disapprove the findings.

(2) Upon arrival of a finding of breach of quality control policies, the manufacturer will be so advised.

(3) After review of the findings, the certificate of authority may be revoked or suspended. If the certificate of authority is revoked or suspended, the Director will—

(i) Notify the manufacturer of the revocation or suspension.

(ii) Remove the manufacturer from the list of certified manufacturers.

(iii) Inform the Army and Air Force Exchange Service of the action.

(g) *Reinstatement of certificate of authority:* The Director may, upon receipt of adequate assurance that the manufacturer will comply with quality control policies, reinstate a certificate of authority that has been suspended or revoked.

Thomas B. Proffitt,

Director.

[FR Doc. 98–6201 Filed 3–10–98; 8:45 am]

BILLING CODE 3710–08–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 011–0063b; FRL–5966–9]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District, Environmental Protection Agency (EPA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) that concern ten administrative and traditional source category rules.

The intended effect of proposing approval of these rules is to regulate emissions of volatile organic compounds (VOCs), oxides of nitrogen (NO_x) and other pollutants in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the

EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 10, 1998.

ADDRESSES: Written comments on this action should be addressed to: Andrew Steckel, Rulemaking Office [AIR–4], Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Rulemaking Office [AIR–4], Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1189.

SUPPLEMENTARY INFORMATION: This document concerns San Diego County Air Pollution Control District Rule 10, Permits Required; Rule 17, Cancellation of Applications; Rule 19, Provision of Sampling and Testing Facilities; Rule 21, Permit Conditions; Rule 61.7, Spillage and Leakage of VOC; Rule 61.8, Certification of Requirements For Vapor Control Equipment; Rule 101, Definitions (Open Burning); Rule 102, Open Fires, Western Section; Rule 103, Open Fires Eastern Section; and Rule 108, Burning Conditions. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

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

Dated: February 2, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 98–5851 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX 62–1–7271b; FRL–5971–8]

Approval and Promulgation of Implementation Plan for Texas: General Conformity Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to approve a revision to the Texas State Implementation Plan (SIP) for the State of Texas that contains general conformity rules. Specifically, the general conformity rules, if approved, will enable the Texas Natural Resource Conservation Commission (TNRCC) to review conformity of all Federal actions (see 40 CFR part 51, subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans) with the control strategy SIPs submitted for the nonattainment and maintenance areas within the State. This proposed action would streamline the conformity process and allow direct consultation among agencies at the local levels. The Federal actions by the Federal Highway Administration and Federal Transit Administration (under 23 U.S.C. or the Federal Transit Act) are covered by the transportation conformity rules under 40 CFR part 51, subpart T—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act. The EPA approved the Texas transportation conformity SIP on November 8, 1995 (60 FR 56244).

The EPA is proposing to approve this SIP revision under sections 110(k) and 176 of the Clean Air Act (the Act). The rationale for the proposed approval and other information are provided in the Final Rules Section of this **Federal Register**.

In the Final Rules Section of this **Federal Register**, the EPA is approving this General Conformity SIP revision as a direct final rulemaking without prior proposal because the EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. 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 the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in providing comments on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing, postmarked by April 10, 1998.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Region 6 address listed. Copies of the Texas General Conformity SIP and other relevant information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 665–7214.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753, Telephone: (512) 239–0800.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665–7247.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: February 9, 1998.

Jerry Clifford,

Acting Regional Administrator, Region 6.

[FR Doc. 98–5846 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL166–1b; FRL–5975–4]

Approval and Promulgation of State Implementation Plan; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the May 5, 1995, and May 26, 1995, Illinois State Implementation Plan (SIP) revision requests to the EPA regarding Synthetic Organic Chemical Manufacturing Industry reactor and distillation rules as they apply to Monsanto Chemical Group's facility in Sauget, Illinois. In the final rules section of this **Federal Register**, the EPA is approving the State's requests as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this notice of proposed rulemaking. Should the Agency receive such comment, it will publish a final rule informing the public that the direct final rule did not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments on this proposed rule must be received on or before April 10, 1998.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6082.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Dated: February 24, 1998.

Michelle D. Jordan,

Acting Regional Administrator, Region 5.

[FR Doc. 98–6097 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AK–20–1708b; FRL–5975–1]

Approval and Promulgation of State Implementation Plans: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Alaska on October 31, 1997. This revision consists of amendments to Fuel Requirements for Motor Vehicles, title 18, chapter 53 of the Alaska Administrative Code (18 AAC 53) regarding the use of oxygenated fuels. In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by April 10, 1998.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101. Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, Washington 98101, and the Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Tracy Oliver, Office of Air Quality (OAQ–107), EPA, Seattle, Washington 98101, (206) 553–1388.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: February 18, 1998.

Chuck Clarke,

Regional Administrator, Region 10.

[FR Doc. 98–6095 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA 082–5032b; FRL–5975–6]

Air Quality Implementation Plans; Approval and Promulgation; Various States; Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Virginia for the purpose of terminating an alternative emission reduction plan for Reynolds Metals Company which was approved in 1983. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule

will be withdrawn and all public comments received 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 action should do so at this time.

DATES: Comments must be received in writing by April 10, 1998.

ADDRESSES: Written comments on this action should be addressed to Makeba A. Morris, Chief, Technical Assessment Section, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. 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; Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Denis M. Lohman, (215) 566–2192, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this **Federal Register**.

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

Dated: February 26, 1998.

Thomas C. Voltaggio,

Deputy Regional Administrator, Region III.

[FR Doc. 98–6278 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[IL145–2b, IL152–2b; FRL–5958–4]

Approval and Promulgation of Implementation Plan; Illinois Designation of Areas for Air Quality Planning Purposes; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, and, October 16, 1997, the State of Illinois submitted State Implementation Plan (SIP) revision requests to meet commitments related to the conditional approval of Illinois' May 15, 1992, SIP submittal for the Lake Calumet (SE Chicago), McCook, and Granite City, Illinois, Particulate Matter (PM) nonattainment areas. The EPA proposes to approve the portion of the SIP revision requests that applies to the Granite City area. The SIP revision requests correct, for the Granite City PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal (as discussed in the November 18, 1994, conditional approval notice). No action is being taken on the submitted plan revisions for the Lake Calumet and McCook areas at this time. They will be addressed in separate rulemaking actions. On March 19, 1996, and October 15, 1996, Illinois submitted requests to redesignate the Granite City PM nonattainment area to attainment status for the PM National Ambient Air Quality Standards (NAAQS). The EPA is proposing to approve this request, as well as the maintenance plan for the Granite City area which was submitted with the redesignation request to ensure continued attainment of the NAAQS. In the final rules section of this **Federal Register**, the EPA is approving this action as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no written 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 written adverse comments, the direct final rule will be withdrawn and all written public comments received will be addressed in a subsequent final rule based on the 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: Written comments on this proposed rule must be received on or before April 10, 1998.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and EPA's analysis of it are available for inspection at: Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3299.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: January 16, 1998.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 98–6092 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Part 806

RIN 2900–AI99

VA Acquisition Regulations: Sealed Bidding and Competitive Proposals

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans Affairs Acquisition Regulations (VAAR) at 48 CFR 806.401 to delete the provisions which currently state that contracting officers must solicit sealed bids for contracts expected to exceed the small purchase limitation. The term "small purchase limitation" has been superseded in the Federal Acquisition Regulation (FAR) with the term "simplified acquisition threshold." Also, the monetary limits for determining when sealed bids are required have been changed in the FAR. The FAR now allows the use of the simplified acquisition procedures of FAR Part 13 for acquisitions of non-commercial items not exceeding $100,000 and for acquisitions of commercial items not exceeding $5,000,000. With respect to the proposed changes, there appears to be no reason for having a VAAR threshold requiring sealed bids for contracts at lower monetary amounts than the FAR provides. Under the proposal, the FAR provisions would apply instead of the removed VAAR provisions. The authority to issue solicitations for commercial items under the provisions in the FAR at 48 CFR 13.601 and 13.602 is scheduled to expire January 1, 2000. If the solicitation authority under these provisions expires, the remaining provisions of the FAR would apply.

DATES: Comments must be received on or before May 11, 1998.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted

in response to "RIN 2900-AI99." All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Don Kaliher, Acquisition Policy Team (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420, (202) 273–8819.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of the proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The adoption of the proposed rule would have only a minuscule effect on the activities of those small entities that would be affected by the provisions of the proposed rule. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

List of Subjects in 48 CFR Part 806

Government procurement.

Approved: March 5, 1998.

Togo D. West, Jr.,

Acting Secretary.

For the reasons set forth in the preamble, 48 CFR part 806 is proposed to be amended as follows:

PART 806—COMPETITION REQUIREMENTS

1. The authority citation for part 806 continues to read as follows:

Authority: 38 U.S.C. 501 and 40 U.S.C. 486(c).

§ 806.401 [Amended]

2. Section 806.401 is amended by removing "expected to exceed the small purchase limitation or".

[FR Doc. 98–6234 Filed 3–10–98; 8:45 am]

BILLING CODE 8320–01–U

Notices

Federal Register
Vol. 63, No. 47
Wednesday, March 11, 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

Natural Resources Conservation Service

Task Force on Agricultural Air Quality

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Task Force on Agricultural Air Quality will meet to discuss the relationship between agricultural production and air quality. The meeting is open to the public.

DATES: The meeting will convene Wednesday, April 8, 1998 at 8:30 a.m. and continue until 5:00 p.m. The meeting will resume Thursday, April 9, 1998 from 8:30 a.m. to 5:00 p.m. Written material and requests to make oral presentations should reach the Natural Resources Conservation Service on or before April 3, 1998.

ADDRESSES: The meeting will be held April 8 at the Texas A&M University Agricultural Research and Extension Center, 6500 Amarillo Boulevard West, Amarillo, Texas 79106, telephone (806) 359–5401. On April 9 the meeting will be held at the Ambassador Hotel, 3100 I–40 West, Amarillo, TX, 79102, telephone (806) 358–6161. Written material and requests to make oral presentations should be sent to George Bluhm, University of California, Land, Air, Water Resources, 151 Hoagland Hall, Davis, CA 95616–6827.

FOR FURTHER INFORMATION CONTACT: George Bluhm, Designated Federal Official, telephone (916) 752–1018, fax (916) 752–1552.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. Additional information about the Task Force on Agricultural Air Quality, including any revised agendas for the April 8–9, 1998 meeting that may appear after this **Federal Register** Notice is published, may be found on the World Wide Web at http://www.nhq.nrcs.usda.gov/BCS/air/farmbill.html.

Draft Agenda of the April 8–9, 1998, Meeting

I. Wednesday, April 8

A. Opening Remarks

1. Call meeting to order—George Bluhm, DFO
2. Introduce new chair person and Chief of NRCS—Pearlie Reed
3. Welcome to Texas research—John Sweeten and Calvin Parnell, Jr.
4. Welcome to Texas operations—John Burt, NRCS State Conservationist, Texas
5. Agricultural Air Quality Management in Texas—Dr. John Baker, Texas Natural Resource Conservation Commissioner

B. Past Actions

1. Past agricultural air quality research efforts—Bill Hambleton
2. ARS agricultural air quality research—Dick Amerman
3. CSREES agricultural air quality research—Berlie Schmidt
4. EPA air research relative to agriculture—Sally Shaver
5. Air quality research needs subcommittee—Jim Trotter

C. Status Reports

1. Agricultural burning subcommittee—Robert Quinn
2. MOU between USDA and EPA—Sally Shaver
3. Local leadership—Dennis Tristao
4. Health effects—Victor Chavez and Sally Shaver

D. Public Input

II. Thursday, April 9

A. Call Meeting to Order—George Bluhm

B. Opening Remarks—Pearlie Reed

C. Status Reports, continued

1. Odorants—John Sweeten
2. PM research issues—Manuel Cunha, Robert Flocchini, Keith Saxton
3. Ozone research issues—Joe Miller
4. Monitoring issues—Calvin Parnell, Jr.
5. Haze Criteria

D. Public Input

E. New Issues

1. Conservation application and carbon sequestration in the CRP—Dr. Ted Elliot, Colorado State University
2. Emerging issues—George Bluhm

F. Set Date and Location for Next Meeting

G. Public Input

Procedural

This meeting is open to the public. At the discretion of the Chair, members of the public may present oral presentations during the April 8–9 meeting. Persons wishing to make oral presentations should notify George Bluhm no later than April 3, 1998. If a person submitting material would like a copy distributed to each member of the committee in advance of the meeting, that person should submit 25 copies to George Bluhm no later than April 3, 1998.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact George Bluhm as soon as possible.

Lee P. Herndon,

Director, Institutes Division.

[FR Doc. 98–6227 Filed 3–10–98; 8:45 am]

BILLING CODE 3014–16–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Digital Computer System Parameters; Proposed Collection; Comment Request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 11, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Stephen Baker, Department of Commerce, 14th and Constitution Avenue, NW, room 6877, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

I. Abstract

To export computers that perform above a certain level an export license is needed for certain locations. In support of this application, documentation must be provided on the computer system. When BXA receives this information it is thoroughly reviewed by a licensing officer who, depending on the limits of parameters of the system, may submit the application for review by other government agencies. If the application is approved, the respondent is issued a validated export license that authorizes shipment of the computer system. If additional information is required, the respondent will be notified. Applications may be rejected if it is determined that the export or reexport of the system poses a threat to U.S. national security.

II. Method of Collection

Submitted, as required, with form BXA–748P.

III. Data

OMB Number: 0694–0013.

Form Number: N/A.

Type of Review: Regular submission for extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 80.

Estimated Time Per Response: 32 minutes per response.

Estimated Total Annual Burden Hours: 83.

Estimated Total Annual Cost: $0 (no capital expenditures are required).

IV. Request for Comments

Comments are invited 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 (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 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 will also become a matter of public record.

Dated: March 5, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–6184 Filed 3–10–98; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with § 351.213 of the Department of Commerce (the Department) Regulations (19 CFR 351.213 (1997)), that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to request a review: Not later than the last day of March 1998, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period
Antidumping duty proceeding	
Australia: Canned Bartlett Pears, A–602–039	3/1/97–2/28/98
Bangladesh: Shop Towels, A–538–802	3/1/97–2/28/98
Brazil:	
Ferrosilicon, A–351–820	3/1/97–2/28/98
Lead & Bismuth Steel, A–351–811	3/1/97–2/28/98
Canada: Iron Construction Castings, A–122–503	3/1/97–2/28/98
Chile: Standard Carnations, A–337–602	3/1/97–2/28/98
Colombia: Certain Fresh Cut Flowers, A–301–602	3/1/97–2/28/98
Ecuador: Certain Fresh Cut Flowers, A–331–602	3/1/97–2/28/98
Finland: Viscose Rayon Staple Fiber, A–405–071	3/1/97–2/28/98
France:	
Brass Sheet & Strip, A–427–602	3/1/97–2/28/98
Lead & Bismuth Steel, A–427–804	3/1/97–2/28/98
Germany:	
Brass Sheet & Strip, A–428–602	3/1/97–2/28/98
Lead & Bismuth Steel, A–428–811	3/1/97–2/28/98
India: Sulfanilic Acid, A–533–806	3/1/97–2/28/98
Israel: Oil Country Tubular Goods, A–508–602	3/1/97–2/28/98
Italy:	
Certain Valves and Connections of Brass, for Use in Fire Protection Equipment, A–475–401	3/1/97–2/28/98
Brass Sheet & Strip, A–475–601	3/1/97–2/28/98
Japan:	
Defrost Timers, A–588–829	3/1/97–2/28/98
Stainless Steel Butt-Weld Pipe Fittings, A–588–702	3/1/97–2/28/98
Television Receivers, Monochrome and Color, A–588–015	3/1/97–2/28/98

	Period
Mexico: Steel Wire Rope, A–201–806	3/1/97–2/28/98
Republic of Korea: Steel Wire Rope, A–580–811	3/1/97–2/28/98
Spain: Stainless Steel Bar, A–469–805	3/1/97–2/28/98
Sweden: Brass Sheet & Strip, A–401–601	3/1/97–2/28/98
Taiwan: Light-Walled Welded Rectangular Carbon Steel Tubing, A–583–803	3/1/97–2/28/98
Thailand: Circular Welded Pipes & Tubes, A–549–502	3/1/97–2/28/98
The People's Republic of China:	
Chloropicrin, A–570–002	3/1/97–2/28/98
Ferrosilicon, A–570–819	3/1/97–2/28/98
Glycine, A–570–836	3/1/97–2/28/98
The United Kingdom: Lead & Bismuth Steel, A–412–810	3/1/97–2/28/98
Countervailing Duty Proceeding	
Brazil:	
Cotton Yarn, C–351–037	1/1/97–12/31/97
Certain Castor Oil Products, C–351–029	1/1/97–12/31/97
Lead & Bismuth Steel, C–351–812	1/1/97–12/31/97
Chile: Standard Carnations, C–337–601	1/1/97–12/31/97
France:	
Brass Sheet and Strip, C–427–603	1/1/97–12/31/97
Lead & Bismuth Steel, C–427–805	1/1/97–12/31/97
Germany: Lead & Bismuth Steel, C–428–812	1/1/97–12/31/97
India: Sulfanilic Acid, C–533–807	1/1/97–12/31/97
Iran: In-Shell Pistachios, C–507–501	1/1/97–12/31/97
Israel: Oil Country Tubular Goods, C–508–601	1/1/97–12/31/97
Netherlands: Standards Chrysanthemums, C–421–601	1/1/97–12/31/97
Pakistan: Shop Towels, C–535–001	1/1/97–12/31/97
Turkey:.	
Certain Welded Carbon Steel Pipe and Tube, C–489–502	1/1/97–12/31/97
Welded Carbon Steel Line Pipe, C–489–502	1/1/97–12/31/97
The United Kingdom: Lead & Bismuth Steel, C–412–811	1/1/97–12/31/97

Suspension Agreements

None.

In accordance with § 351.213 of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. In recent revisions to its regulations, the Department has changed its requirements for requesting reviews for countervailing duty orders. Pursuant to 771(9) of the Act, an interested party must specify the individual producers or exporters covered by the order or suspension agreement for which they are requesting a review (Department of Commerce Regulations, 62 FR 27295, 27424 (May 19, 1997)). Therefore, for both antidumping and countervailing duty reviews, the interested party must specify for which individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with § 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of March 1998. If the Department does not receive, by the last day of March 1998, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 5, 1998.

Richard W. Moreland,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 98–6280 Filed 3–10–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and

be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 98–005. *Applicant:* University of California, Davis, 1 Shields Avenue, Davis, CA 95616. *Instrument:* Electron Microscope, Model LEEM III. *Manufacturer:* Elmitec Elektronenmikroskopie GmbH, Germany. *Intended Use:* The instrument will be used for investigations of the following materials and phenomena: (1) Dynamics of surface structural changes, including nucleation and growth of metal, semiconductor, and oxide overlayers and critical phenomena in surface and island diffusion, (2) structural effects on adsorbates, including segregation, diffusion, and reactivity, and (3) synthesis and characterization of nano-scale materials, including quantum dots, thin-film fullerene polymers, and nanoclusters. *Application accepted by Commissioner of Customs:* February 4, 1998.

Docket Number: 98–006. *Applicant:* Centers for Disease Control & Prevention, National Institute for Occupational Safety and Health, 1095 Willowdale Road, MS 3014, Morgantown, WV 26505–2888. *Instrument:* Stereological Microscope System, Model BX50. *Manufacturer:* Olympus Denmark, Denmark. *Intended Use:* The instrument will be used for studies of the neural cell number, cell size and cell density contained in microscopic sections of brain tissue prepared from experimental animals used in occupational safety and health research. The objective of these investigations will be to obtain a greater understanding of how brain cells are affected by exposure to chemicals in the workplace environment. In addition, the instrument will be used for training postdoctoral fellows and staff in biomedical research. *Application accepted by Commissioner of Customs:* February 4, 1998.

Docket Number: 98–007. *Applicant:* University of Minnesota, Neurosurgery Department, Lions Research Building, 2001 Sixth Street, S.E., #421, Minneapolis, MN 55455. *Instrument:* 7-Channel Multi-electrode Manipulator, System Echorn 7. *Manufacturer:* Thomas Recording, Germany. *Intended Use:* The instrument will be used to investigate how the brain processes visual information to move our limbs. *Application accepted by Commissioner of Customs:* February 4, 1998.

Docket Number: 98–008. *Applicant:* University of California, San Diego, 9500 Gilman Drive, La Jolla, CA 92093–0359. *Instrument:* Imaging Plate X-ray Detector for Protein Crystallography. *Manufacturer:* MAR Research, Germany. *Intended Use:* The instrument will be used in a high speed data collection system for protein crystallography using both copper Ka x-ray and molybdenum Ka x-ray to collect data to find the three-dimensional structure of proteins or enzymes using x-ray diffraction methods at very high resolution. In addition, the instrument will be used on a one-to-one basis in the training of graduate students. *Application accepted by Commissioner of Customs:* February 6, 1998.

Docket Number: 98–009. *Applicant:* National Institute of Standards and Technology, U.S. Department of Commerce, Rt. 270 and Quince Orchard Road, Gaithersburg, MD 20899. *Instrument:* Neutron Velocity Selector. *Manufacturer:* Mirrotron, Ltd., Hungary. *Intended Use:* The instrument will be used to monochromate low energy neutrons so that they can be used to probe the microscopic structure of a broad range of advanced materials such as tough plastics, high strength metal alloys, structural ceramics, magnetic recording media, colloidal solutions, liquid crystals, micro-porous materials, etc. *Application accepted by Commissioner of Customs:* February 9, 1998.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 98–6287 Filed 3–10–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Northeast Region Dealer Purchase Reports; Proposed Collection; Comment Request

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 11, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kelley McGrath, One Blackburn Drive, Gloucester, MA 01940, (978) 281–9307.

SUPPLEMENTARY INFORMATION:

I. Abstract

Dealer reporting is needed to obtain fishery-dependent data on the landings and purchases of fish and shellfish to monitor, evaluate and enforce fishery regulations, collect basic fisheries statistics (species, pounds, and value), and to collect certain effort information for economic and biological assessment of the stocks.

II. Method of Collection

Dealer purchase forms are provided to respondents. Weekly reports for some species will be made via telephone with an Interactive Voice Response (IVR) system

III. Data

OMB Number: 0648–0229
Form Number: 88–30, 88–142
Type of Review: Regular Submission
Affected Public: Business or other for profit organizations
Estimated Number of Respondents: 1,245
Estimated Time Per Response: 2 minutes for dealer purchase reports (88–30), 30 minutes for shellfish processor reports (88–142), and 4 minutes for IVR reporting. These estimates do not include the time for entries that respondents would make to their own business records as part of their normal business practices.
Estimated Total Annual Burden Hours: 3,391.
Estimated Total Annual Cost to Public: $0 (no capital expenditures are required).

IV. Request for Comments

Comments are invited 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 (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 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 5, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–6185 Filed 3–10–98; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Economic Performance Data for West Coast (California—Alaska) Commercial Fisheries; Proposed Collection

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, 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 May 11, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dave Colpo, Pacific States Marine Fisheries Commission, Alaska Fisheries Science Center, 7600 Sand Point Way NE., Seattle, WA 98115, (206) 526–4251, dave_colpo@psmfc.org; Steve Freese, Alaska Fisheries Science Center, 7600 Sand Point Way NE., Seattle, WA 98115 (206) 526-6113, Steve.Freese@noaa.gov; or Joe Terry, Alaska Fisheries Science Center, 7600 Sand Point Way NE., Seattle, WA 98115, (206) 526–4253, Joe.Terry@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Economic performance data for select West Coast (California-Alaska) commercial fisheries will be collected for each of the following four groups of operations: (1) On-shore processors; (2) motherships; (3) catcher/processor vessels; and (4) catcher vessels. Companies associated with these groups will be surveyed for expenditure, earnings and employment data. In general, questions will be asked concerning ex-vessel and wholesale prices and revenue, variable and fixed costs, expenditures, dependence on the fisheries, and fishery employment. Data will be collected for participants in the commercial groundfish and salmon marine fisheries, including charter boats operations for California, Oregon and Washington, and for participants in the commercial groundfish and halibut fisheries off Alaska. The data collection efforts will be coordinated to reduce the additional burden for those who participate in multiple fisheries. Each year the principal focus of this data collection program will be on a different set of fisheries or on a different set of participants in these fisheries. The data will be used for the following three purposes: (1) To monitor the economic performance of these fisheries and various components of these fisheries through primary processing; (2) to analyze the economic performance effects of current management measures; and (3) to analyze the economic performance effects of alternative management measures. The measures of economic performance to be supported by this data collection program include the following: (1) Contribution to net National benefit; (2) contribution to income of groups of participants in the fisheries (i.e., fishers, vessel owners, processing plant employees, and processing plant owners); (3) employment; (4) regional economic impacts (income and employment); and (5) factor utilization rates. As required by law, the confidentiality of the data will be protected.

In each year, the data collection effort will focus on a different component of the West Coast fisheries and more limited data will be collected for the previously surveyed components of these fisheries. The latter will be done to update the models that will be used to track economic performance and to evaluate the economic effects of alternative management actions. This cycle of data collection will result in economic performance data being available and updated for all the components of the West Coast fisheries identified above.

The large scale of most of the processing operations involved in these fisheries and of many of the harvesting operations, and the concentration of ownership in many of these fisheries, particularly off Alaska, means that improved economic data for the management of these fisheries is a high priority for the individuals who will provide data for these fisheries. This is demonstrated by the fact that associations representing many of the Alaskan participants in these fisheries support this data collection effort and have volunteered to assist in proving the data.

II. Method of Collection

Data will be collected from a sample of the owners and operators of catcher vessels, catcher/processors, on-shore processing plants, and motherships that participate in these fisheries. The data are expected to be collected principally by NMFS and Pacific States Marine Fisheries Commission economists. Questionnaires will be mailed to the selected members of each of the four survey groups, and in many cases those individuals will be interviewed to ensure the clarity of their responses. To the extent practicable, the data collected will consist of data that the respondents maintain for their own business purposes. Therefore, the collection burden will consist principally of transcribing data from their internal records to the survey instrument and participating in personal interviews. In addition, current data reporting requirements will be evaluated to determine if they can be modified to provide improved economic data at a lower cost to respondents and the Agency. Similarly, it will be determined if some of these data can be collected more effectively and efficiently from the firms that provide bookkeeping and accounting services to participants in West Coast commercial marine fisheries. This data collection method would be used only after obtaining permission to do so from participants in the fisheries.

Response to the surveys described in this **Federal Register** Notice will be voluntary. The North Pacific Fishery Management Council has recommended the development of additional mandatory reporting requirements for economic data. If such requirements are implemented, the data collected with voluntary surveys in Alaska would be decreased.

III. Data

OMB Number: None.
Form Number: N/A.
Type of Review: Regular Submission.
Affected Public: Businesses and other for-profit (selected harvesters and processors who participate in select West Coast commercial marine fisheries.
Estimated Number of Respondents: (3-year average): 1,471 in total

consisting of 600 small catcher vessel owners, 630 large catcher vessel owners, 206 primary processor owners, including factory trawlers, motherships and on-shore processing plants, 5 secondary processors and 130 charter boat operators.

Estimated Time Per Response: 1 hour per small catcher vessel; 2 hours per large catcher vessel and charter boat; 5 hours per primary and secondary processor.

Estimated Total Annual Burden Hours: 2,675 hours (3-year average).

Estimated Total Annual Cost to Public: $0. Respondents will not be required to purchase equipment or materials to respond to this survey.

IV. Request for Comments

Comments are invited 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 (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 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 5, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–6186 Filed 3–10–98; 8:45 am]

BILLING CODE 3510–22–P

COMMISSION ON STRUCTURAL ALTERNATIVES FOR THE FEDERAL COURTS OF APPEALS

Public Hearings Notice

AGENCY: Commission on Structural Alternatives for the Federal Courts of Appeals.

ACTION: Notice of public hearings.

SUMMARY: The Commission on Structural Alternatives for the Federal Courts of Appeals has scheduled six public hearings to allow interested persons to comment on the Commission's work. The hearings will be in the following cities. The precise times and locations will be announced later.

Atlanta, March 23
Dallas, March 25
Chicago, April 3
New York, April 24
Seattle, May 27
San Francisco, May 29

Congress created the Commission late last year under Public Law 105–119, section 305 (28 U.S.C. 41 note) and charged it with studying the structure and alignment of the federal appellate system, with particular reference to the Ninth Circuit. In December 1998 the Commission is to report to the President and Congress any recommendations for changes in circuit boundaries or structure, consistent with fairness and due process. To assist its work, the Commission is interested in obtaining views on whether each federal appellate court renders decisions that are reasonably timely, are consistent among the litigants appearing before it, are nationally uniform in their interpretations of federal law, and are reached through processes that afford appeals adequate, deliberative attention of judges.

At the public hearings, the Commission specifically requests that witnesses address the following:

1. What problems or difficulties do you perceive in the federal appellate system's structure, organization, alignment, processes, and personnel that may interfere with its ability to render decisions that meet the above objectives? What criteria or standards can be used to answer this question?

2. What measures should be adopted by Congress or the courts to ameliorate or overcome perceived problems in the federal appellate system or any of its circuits? What are the advantages or disadvantages of any proposed measures?

3. What is working well in the federal appellate courts?

Persons may request to testify at any single hearing by mailing or faxing a one-page letter to the Commission stating their interest in the question identified above, the hearing at which they desire to appear, and if applicable, the name of the organization on whose behalf they will be appearing. The letter must be received by the Commission at least 21 days before the hearing date. Persons who are invited by the Commission to testify will be expected to submit a written statement of not more than 2,500 words at least five days before the hearing.

In lieu of testifying at a hearing, interested persons may submit a statement in writing to the Commission anytime prior to June 1, 1998. Statements should be submitted in hard copy, typed, double-spaced, and also on a computer diskette in a format readable by a standard word processing program.

Letters and statements should be sent to: Commission on Structural Alternatives for the Federal Courts of Appeals, Washington, DC 20544, Fax: 202–208–5102.

Dated: March 3, 1998.

Daniel J. Meador,

Executive Director, Commission on Structural Alternatives for the Federal Courts of Appeals.

[FR Doc. 98–6298 Filed 3–10–98; 8:45 am]

BILLING CODE 2210–55–M

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0359]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement Part 232, Contract Financing

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. This information collection requirement is currently approved by the Office of Management and Budget (OMB) for use through September 30, 1998, under OMB Control Number 0704–0359. DoD proposes that OMB extend its approval for use through September 30, 2001.

DATES: Consideration will be given to all comments received by May 11, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to:

Defense Acquisition Regulations Council, Attn: Ms. Sandra Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax number (703) 602–0350. Please cite OMB Control Number 0704–0359 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Haberlin, (703) 602–0131. A copy of the information collection requirements contained in the DFARS text is available electronically via the Internet at: http://www.dtic.mil/dfars/. Paper copies of the information collection requirements may be obtained from Ms. Sandra Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062.

SUPPLEMENTARY INFORMATION:

Title, Associated Forms, and Associated OMB Control Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 232, Contract Financing, and related clause at 252.232–7007, Limitation of Government's Obligation; OMB Control Number 0704–0359.

Needs and Uses: This requirement provides for the collection of information from contractors that are awarded incrementally funded, fixed-price DoD contracts. The information collection requires these contractors to notify the Government when the work under the contract will, within 90 days, reach the point at which the amount payable by the Government (including any termination costs) approximates 85 percent of the funds currently allotted to the contract. This information will be used to determine what course of action the Government will take (e.g., allot additional funds for continued performance, terminate the contract, or terminate certain contract line items).

Affected Public: Businesses or other for-profit entities; not-for-profit institutions.

Annual Burden Hours: 800.

Number of Respondents: 800.

Responses per Respondent: 1.

Annual Responses: 800.

Average Burden per Response: 1 Hour.

Frequency: On occasion.

Summary of Information Collection

The information collection includes requirements related to contract financing and payment in DFARS Part 232, Contract Financing, and the related clause at DFARS 252.232–7007, Limitation of Government's Obligation. DFARS Subpart 232.7, Contract Funding, limits the use of incrementally funded fixed-price contracts to situations where the contract is funded with research and development appropriations; where Congress has otherwise incrementally appropriated program funds; or where the head of the contracting activity approves the use of incremental funding for either base services contracts or hazardous/toxic waste remediation contracts. The clause at DFARS 252.232–7007 identifies procedures for incrementally funding the contract and requires the contractor to provide the Government with written notice when the work will reach the point at which the amount payable by the Government, including any termination costs, approximates 85 percent of the funds currently allotted to the contract.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 98–6165 Filed 3–10–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board (AFEB)

AGENCY: Office of the Surgeon General.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of Public Law 92–463, The Federal Advisory Committee Act, this announces the forthcoming AFEB Meeting. The Infectious Disease Subcommittee will meet from 0800–1630 on Wednesday, 15 April. The regular AFEB meeting will be held from 0800–1630, Thursday and 0800–1300 on Friday, 16–17 April 1998. The purpose of the meeting is to address pending Board issues, provide briefings for Board members on topics related to ongoing and new Board issues, and to conduct an executive working session. The meeting location will be at the Naval Environmental Health Center in Norfolk, Virginia.

The meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: COL Vicky Fogelman, AFEB Executive Secretary, Armed Forces Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 682, Falls Church, Virginia 22041–3258, (703) 681–8012/4.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 98–6205 Filed 3–10–98; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Institute of Pathology Scientific Advisory Board

AGENCY: Armed Forces Institute of Pathology (AFIP)

ACTION: Notice of open meeting.

SUMMARY: In accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463) announcement is made of the following open meeting:

Name of Committee: Scientific Advisory Board (SAB).

Dates of Meeting: 21–22 May 1998.

Place: Armed Forces Institute of Pathology, Building 54, 14th St. & Alaska Ave., NW, Washington, DC 20306–6000.

Time: 8:00 a.m.–4:30 p.m. (21 May 1998), 8:00 a.m.–12:00 p.m. (22 May 1998).

FOR FURTHER INFORMATION CONTACT: Mr. Ridgely Rabold, Center for Advanced Pathology (CAP), AFIP, Building 54, Washington, DC 20306–6000, phone (202) 782–2553.

SUPPLEMENTARY INFORMATION: *General function of the board:* The Scientific Advisory Board provides scientific and professional advice and guidance on programs, policies and procedures of the AFIP.

Agenda: The Board will hear status reports from the AFIP Deputy Director, Center for Advanced Pathology Director, the National Museum of Health and Medicine, and each of the pathology departments which the Board members will visit during the meeting.

Open board discussions: Reports will be given on all visited departments. The reports will consist of findings, recommended areas of further research, and suggested solutions. New trends and/or technologies will be discussed and goals established. The meeting is open to the public.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 98–6202 Filed 3–10–98; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Public Meetings for the Draft Environmental Impact Statement, Bluestone Dam Safety Assurance Project, Hinton, WV

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of meeting.

SUMMARY: With the distribution of the Draft Environmental Impact Statement (DEIS) having been completed on the Bluestone Lake Dam Safety Assurance Project, this notice announces the following two Public Meetings to consider comments concerning the document:

First Meeting

Date of Meeting: April 1, 1998.
Time: 7:00 p.m.
Place: State Capitol Complex, Building 7, Conference Room C, 1900 Kanawha Blvd., Charleston, West Virginia.

Second Meeting

Date of Meeting: April 2, 1998.
Time: 7:00 p.m.
Place: Summers County High School, Auditorium, 1 Bobcat Drive, Hinton, West Virginia.

FOR FURTHER INFORMATION CONTACT: Please address questions regarding this notice to Mr. A. Benjamin Borda, Environmental Analysis Branch, U.S. Army Corps of Engineers, 502 8th Street, Huntington, WV 25701. By telephone call (304) 529–5712 or by facsimile (304) 529–5136.

SUPPLEMENTARY INFORMATION: Under the policy of evaluating existing Corps of Engineers projects to ensure dam safety, the Huntington District is evaluating alternative measures to modify Bluestone Dam consistent with present day design criteria. The study is being conducted through the Corps of Engineers (COE) Dam Safety Assurance Program for the evaluation of existing dams. The COE has determined that improvements to the dam are necessary to accommodate the probable maximum flood (PMF). The DEIS analyzes three structural alternatives for the correction of hydrologic and seismic deficiencies at Bluestone Dam as well as a no-action alternative. These alternatives are summarized as follows:

a. *Alternative 1.* Raise the existing dam and strengthen it, without adding additional discharge capacity. It will sustain a pool elevation of 1555.8 feet and safely withstand the PMF.

b. *Alternative 2.* Maintain the current height of the dam and strengthen it to sustain a pool elevation of 1534.5 feet and construct an auxiliary spillway for additional discharge capacity, to safely withstand the PMF.

c. *Alternative 3.* Raise the existing dam and strengthen it, while utilizing the six existing penstocks to allow additional discharge capacity. It will sustain a pool elevation of 1546.8 feet and safely withstand the PMF. This is the preferred alternative.

d. *No Action Alternative.* Make no changes to the dam, either physically or operationally. The dam would not withstand the PMF. It is highly probable that the dam would fail at a pool elevation estimated to be 1532 feet.

Alternative 3 was not identified during scoping but arose from environmental and economic considerations undertaken during the development of the DEIS. The features of Alternative 3 are intermediate to the original structural alternatives (1 & 2). The DEIS contains specifics on all three structural alternatives in addition to a description of projected impacts.

The National Environmental Policy Act (NEPA) requires the COE to take into account the environmental impacts that could result from this Federal action. NEPA also requires that the COE discover and address concerns the public may have about the proposed project. This was accomplished initially through the "scoping" process. With distribution of the DEIS having been completed, the COE is now making the above notice of meetings to consider comments concerning the document.

Interested groups and individuals are encouraged to attend the meetings and to present oral comments on the environmental issues which they believe should be considered further in the Final EIS. Anyone who would like to make an oral presentation should telephone or write to Mr. Ben Borda (above address) by 4 p.m., March 25, 1998, so that time may be allotted during the meetings, and a name placed on the speaker list.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 98–6204 Filed 3–10–98; 8:45 am]

BILLING CODE 3710–GM–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for the Plot and Green Ridge Local Flood Protection Projects Within the City of Scranton, Lackawanna County, PA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, Baltimore District, is initiating a Supplemental Environmental Impact Statement (SEIS) for the Plot and Green Ridge Flood Protection Projects. The SEIS will be prepared to (1) Supplement the previously completed Final Environmental Impact Statement prepared for the Scranton, Pennsylvania, Flood Protection Feasibility Study in January 1992; (2) to identify potential environmental impacts associated with the various project alternatives; and (3) to document compliance with NEPA requirements. Specifically, the SEIS will identify existing conditions, identify any changed environmental conditions, re-examine previously collected data in light of new or updated methodologies, collect new environmental data, and evaluate the feasibility of both new and previously considered potential project actions.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and SEIS can be addressed to Ms. Maria De La Torre, Baltimore District, U.S. Army Corps of Engineers, ATTN:.CENAB–PL–P, P.O. Box 1715, Baltimore, Maryland 21203–1715, telephone (410) 962–2911 or 1–800–295–1610, E-mail address: maria.e.delatorre@usace.army.mil.

SUPPLEMENTARY INFORMATION:

1. A study of the Lackawanna River was originally authorized October 1, 1986, by resolution of the House of Representatives Committee on Public Works and Transportation (House Document 702). An Environmental Impact Statement (EIS) was prepared by the Corps of Engineers and was completed in January 1992. This EIS evaluated the feasibility of proposed alternative solutions for providing flood protection along the Lackawanna River in Scranton, Pennsylvania. At that time, the 1992 EIS recommended structural flood protection for only the right bank,

Park Place area in Scranton, and not for the Plot and Green Ridge areas within Scranton. In 1996 the Corps of Engineers was directed by the 1996 Water Resources Development Act to carry out flood control for the Plot and Green Ridge areas. Therefore, the U.S. Army Corps of Engineers, Baltimore District, is now preparing a Supplemental Environmental Impact Statement (SEIS) for the Plot and Green Ridge Flood Protection Projects.

2. Specific authorization for the Plot and Green Ridge Flood Protection Projects are from Section 342 of the Water Resources Act of 1996 which directs the Corps of Engineers "* * * to carry out the project for flood control for the Plot and Green Ridge sections of the [Lackawanna] project."

3. The Plot and Green Ridge Flood Protection study areas are located in northeastern Pennsylvania in the city of Scranton. They encompass an estimated area of 400 acres adjacent to the Lackawanna River and extend for a distance of approximately 2½ miles. The Green Ridge area is located on the left descending bank of the river, directly across the river from Albright Avenue, and the Plot area is located on the right descending bank, immediately upstream of the Green Ridge area. The upstream limit of the Plot area extends to approximately the confluence of the Lackawanna River and Leggetts Creek. The downstream limit of the proposed Green Ridge area will be the Lackawanna tributary of Meadow Brook.

4. The investigation of local flood protection projects for the Plot and Green Ridge areas is in response to problems and opportunities associated with the Federal objectives and specific state and local concerns. Federally, the investigation is based on the objective to contribute to the national economic development while protecting the nation's environment pursuant to the national environmental statutes, applicable executive orders, and other Federal planning requirements. Considerations are also given to the benefits of the plan and expenditures necessary to construct and maintain the plan. The plan must be engineeringly and institutionally implementable and consistent with certain environmental statutes and Executive Orders. The desires of the non-Federal sponsors for a particular project are additional criteria for plan development and evaluation. Specific solutions that will be evaluated with these criteria include both structural and non-structural solutions such as levees and floodwalls, channel dredging and enlargements, channel improvements, modifications to buildings, roads, and structures, flood emergency preparedness, and building relocation.

5. The decision to implement these actions will be based on an evaluation of the probable impact of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may be expected to accrue from the proposal will be balanced against its reasonable foreseeable impacts. The Baltimore District is preparing an SEIS that will describe the impacts of the proposed projects on environmental and cultural resources in the study area and the overall public interest. The SEIS will be in accordance with NEPA and will document all factors that may be relevant to the proposal, including the cumulative effects thereof. Among these factors are resource conservation, socio-economics considerations, economic benefits, aesthetics, general environmental concerns, wetlands, cultural concerns, fish and wildlife concerns, flood hazards, floodplain values, land use, recreation, water supply, water quality, project implementation costs, energy needs, safety, and the general needs and welfare of the people. If applicable, the SEIS will also apply guidelines issued by the Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act of 1977 (Public Law 95–217).

6. The public involvement program will include workshops, meetings, and other coordination with interested private individuals and organizations, as well as with concerned Federal, state, and local agencies. Coordination letters have been sent to appropriate agencies, organizations, and individuals on an extensive mailing list. Additional public information will be provided through print media, mailings, and radio and television announcements.

7. In addition to the Corps, other participants who will be involved in the study and SEIS process include, but are not limited to, the following: U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; U.S. Forest Service; U.S. Geological Survey; National Resource Conservation Service; U.S. National Park Service, Commonwealth of Pennsylvania Department of Environmental Protection, and the City of Scranton, Pennsylvania. The Baltimore District invites potentially affected Federal, state, and local agencies, and other organizations and entities to participate in this study.

8. The SEIS is tentatively scheduled to be available for public review in August 1998.

James F. Johnson,
Chief, Planning Division.

[FR Doc. 98–6207 Filed 3–10–98; 8:45 am]
BILLING CODE 3710–41–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent to Prepare an Environmental Impact Statement (EIS) for the San Diego Harbor Navigation Improvement Study, San Diego County, California

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The Los Angeles District intends to prepare an EIS to support the proposed navigation improvement study at San Diego Harbor, California. The purpose of the proposal is to identify measures that will improve navigation in San Diego Harbor from the 10th Avenue Marine Terminal to the Coronado Bay Bridge. Alternative measures include harbor deepening by dredging to approximately −45.0 feet Mean Lower Low Water (MLLW) at the 10th Avenue terminal, as well as a no action alternative. The EIS will analyze potential impacts on the environmental range of alternatives, including the recommended plan.

FOR FURTHER INFORMATION CONTACT: For further information contact Ms. Stephanie Hall, Project Environmental Coordinator, (213) 452–3862, or Mr. Joseph Johnson, Study Manager, (213) 452–3831.

SUPPLEMENTARY INFORMATION: The Army Corps of Engineers intends to prepare and EIS to assess the environmental effects associated with the proposed navigation improvement measures at San Diego Harbor, from the 10th Avenue Marine Terminal to the Coronado Bay Bridge. The public will have the opportunity to comment on this analysis before any action is taken to implement the proposed action.

Scoping

a. The Army Corps of Engineers will conduct a scoping meeting prior to preparing the Environmental Impact Statement to aid in the determination of significant environmental issues associated with the proposed action. The public, as well as Federal, State, and local agencies, are encouraged to participate in the scoping process by submitting data, information, and

comments identifying relevant environmental and socioeconomic issues to be addressed in the environmental analysis. Useful information includes other environmental studies, published and unpublished data, alternatives that could be addressed in the analysis, and potential mitigation measures associated with the proposed action.

b. A public scoping meeting will be held in the City of San Diego on March 18, 1998, concurrent with a public workshop. The location and time of the public scoping meeting will be announced in the local news media. A separate notice of this meeting will be sent to all parties on the study mailing list.

c. Individuals and agencies may offer information or data relevant to the environmental or socioeconomic impacts by attending the public scoping meeting. Comments, suggestions, and requests to be placed on the mailing list for announcements should be sent to Stephanie J. Hall, U.S. Army Corps of Engineers, Los Angeles, District, P.O. Box 532711, Los Angeles, CA 90053–2325, ATTN: CESPL–PD–RQ, or the following E-mail address: shall@splgate.spl.usace.army.mil

Availability of the Draft EIS

The Draft EIS is scheduled to be published and circulated in August, 1999, and a public hearing to receive comments on the Draft EIS will be held after it is published.

Robert L. Davis,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 98–6208 Filed 3–10–98; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability for the Draft Environmental Impact Statement for the Ocean City, MD, and Vicinity Water Resources Feasibility Study at Ocean City, in Worcester County, MD

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers Baltimore District, Maryland Department of Natural Resources, the National Park Service (Assateague Island National Seashore), Worcester County, and the Town of Ocean City, project sponsors, have prepared a Draft Integrated Ocean City, Maryland, and Vicinity Water Resources Feasibility Study and Environmental Impact Statement. The study proposes solutions to several interrelated water resources problems in Ocean City, Maryland. The study area includes Ocean City and Assateague Island, adjacent coastal bays and nearshore waters of the Atlantic Ocean, and Maryland mainland areas within the coastal watershed boundary. The Feasibility Study includes four separate components, which present solutions for four different water-related problems in the Maryland coastal bay area. The components include (a) the short-term restoration of the northern end of Assateague Island, (b) long-term sand management for Assateague Island and Ocean City, (c) navigation improvements to the Ocean City harbor and inlet, and (d) restoration of terrestrial and aquatic habitat. A Draft Integrated Interim Report and Environmental Impact Statement (DEIS) for the Short-Term Restoration of Assateague Island, component (a), was published for review and comment by agencies and the public in May 1997, in order to expedite construction. The Interim Report addressed only the component of the study dealing with the short-term restoration of the northern end of Assateague Island. Although it was reviewed separately, the Interim Report is part of the overall Ocean City, Maryland, and Vicinity Water Resources Study. The Draft Feasibility Report and EIS currently available for review and comment include full information on the three study components not covered in the Interim Report (long-term sand management, restoration of terrestrial and aquatic habitat, and navigation improvements), as well as summary information on the previous Interim Report for short-term restoration.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DEIS can be addressed to Ms. Michele A. Bistany, Study Team Leader, Baltimore District, U.S. Army Corps of Engineers, ATTN: CENAB–PL–PD, PO Box 1715, Baltimore, Maryland 21203–1715, telephone 410–962–4934. E-mail address: michele.a.bistany@usace.army.mil

SUPPLEMENTARY INFORMATION:

1. The decision to implement this action is being based on an evaluation of the probable impact of proposed activities on the public interest. The decision will reflect the National concern for both protection and utilization of important resources.

The benefits that reasonably may be expected to accrue from the proposed project are being balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposed actions, including the cumulative effects thereof, are being considered; among these factors are economics, aesthetics, general environmental concerns, wetlands, cultural values, flood hazards, fish and wildlife values, flood plain values, land use, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and the general needs and welfare of the people.

2. The four components of the study include the following:

(a) The short-term restoration plan for the northern end of Assateague Island was developed because of the endangered condition of the island. The sediment-starved condition of Assateague Island was partially caused by construction of the Ocean City inlet jetties, which disrupted the sediment flow between Ocean City and Assateague and re-routed a large portion of sand that would otherwise have reached Assateague. This disruption in the natural longshore transport of sediment has caused adverse physical, biological, and economic impacts, particularly to the northern 6.2 miles of the island. Complete data on the short-term restoration is presented in the Interim Report, dated May 1997, and a summary is presented in the current document. The short-term plan involves placing approximately 1.8 million cubic yards of sand to construct a low berm and widen the island between 1.6 miles and 7 miles south of the inlet. The berm will be configured to minimize impacts to Piping Plovers, a threatened species, and restore the integrity of the island. The sources of material to be placed on Assateague Island are Great Gull Bank, an offshore shoal, and possibly a small portion of the ebb shoal at the mouth of the inlet. The estimated cost for the short-term restoration is $17,200,000. The short-term project will be Federally funded.

(b) The long-term sand management of Assateague Island and Ocean City, Maryland, was developed to manage the sand flow in and around the inlet that separates Ocean City and Assateague Island. The project would supply approximately 189,000 cy of sand to Assateague Island annually. This is the approximate amount of sand that would naturally have reached the island if the jetties and inlet did not exist. The recommended plan would use a shallow-water hopper dredge for "mobile bypassing" on an annual basis. Material would be removed from locations where it has been deposited by currents in and around the inlet and then bypassed to the north end of Assateague Island. The material would

be placed in a way that mimics natural processes and the project would be monitored annually to minimize negative impacts and maximize benefits of the project. A small amount of sand, on the order of 20,000 cy, may also be "back-passed" to Ocean City as needed for highly erosive sections of the beach. The estimated annual cost for the long-term restoration is $1,100,000. The Federal and local sponsor cost shares for this component are still being determined.

(c) Navigation improvements to the harbor and inlet include deepening the harbor channel from 10 feet to a depth of 14 feet and deepening the inlet channel from 10 feet to a depth of 16 feet. Material dredged from the channels during construction and maintenance of the channel will be used in the long-term sand management component of the project, and may be used in the environmental restoration component of the project, described below. The estimated cost for the navigation improvements component is $1,672,200. The Federal and local sponsor cost shares for this component are 80 percent Federal and 20 percent local.

(d) The recommended environmental restoration plan includes restoring salt marsh at the Isle of Wight Wildlife Management Area, located along Route 90, and restoring 8.5 acres of salt marsh at Ocean Pines, located on the mainland shore of Isle of Wight Bay. The eroding South Point Island, located in the northern end of Chincoteague Bay, would be stabilized to its 3-acre size in 1997, and a vegetated 3-acre island created in proximity to the existing South Point Island. A 6-acre island, of which 3 acres will be planted salt marsh, would be constructed in the vicinity of Dog Island Shoals, located at the southern end of Isle of Wight Bay. The estimated cost for the environmental restoration component is $5,418,200. This project is being pursued under the authority of Section 206 of the Water Resources Development Act of 1996. Cost shares for Section 206 Environmental Restoration projects are 65 percent Federal and 35 percent local

3. The DEIS describes the impacts of the proposed project on environmental and cultural resources in the study area. The DEIS also applies guidelines issued by the Environmental Protection Agency, under authority of the Clean Water Act of 1977 (PL 95–217). An evaluation of the proposed actions on the waters of the United States was performed pursuant to the guidelines of the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. The proposed dredging, construction, and placement of dredged material are in compliance with Section 404(b)(1) guidelines. This project will help restore one of the few remaining functioning barrier islands on the Atlantic coast, which includes the Assateague Island National Seashore; restore lost salt marsh and island habitat for aquatic creatures and colonial waterbirds; and protect habitat for Brown Pelicans. It will also improve navigation through the Ocean City harbor and inlet and will help alleviate the shoaling problems in the coastal bays.

4. In accordance with the National Environmental Policy Act and the Clean Water Act, the U.S. Army Corps of Engineers is soliciting comments from the public and from Federal, state, and local agencies and officials, as well as other interested parties. Any comments received will be considered in the decision to implement the project. To make this decision, comments are considered to assess impacts on endangered species, historic projects, water quality, general environmental effects, and other public interest factors listed above.

5. A public meeting will be held on April 8, 1998, at 6:30 p.m. at the Ocean City Elementary School. The purpose of the meeting will be to give individuals and groups the opportunity to comment, orally and/or in writing, on the environmental, social, and economic impacts of the proposed actions (recommended plan) as presented in the DEIS. The DEIS findings will be reviewed at the public meeting, and comments regarding the proposed project will be incorporated into the Full Environmental Impact Statement. The 45-day public review and comment period for the draft feasibility study and DEIS will be from March 13, 1998, to April 27, 1998 and written comments received during that time will be incorporated into the Final EIS as required by NEPA.

6. This Notice of Availability is being sent to organizations and individuals known to have an interest in the proposed restoration. Please bring this notice to the attention of any other individuals with an interest in this matter. Copies of the Draft Interim and Feasibility Reports and the Environmental Impact Statements are available for review at the following locations:

(a) Eastern Shore Area Library, 122 So. Division St., Salisbury, MD
(b) Worcester County Library, Snow Hill Branch, 207 No. Washington St., Snow Hill, MD
(c) Eastern Shore Public Library, 23610 Front St., Accomac, VA
(d) Worcester County Library, Ocean City Branch, 14th St. and Coastal Highway, Ocean City, MD
(e) Enoch Pratt Free Library, 400 Cathedral St., Baltimore, MD
(f) Assateague Island National Seashore, Route 611, 7206 National Seashore Lane, Berlin, MD

7. Requests for copies of the DEIS may be mailed to the following address: District Engineer, ATTN: CENAB–PL–PR, U.S. Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, MD 21203–1715. Telephone 410–962–4934, or 1–800–295–1610. E-mail address: michele.a.bistany@usace.army.mil

James F. Johnson,

Chief, Planning Division.

[FR Doc. 98–6206 Filed 3–10–98; 8:45 am]

BILLING CODE 3710–41–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare an Environmental Impact Statement (EIS) for the Alligator Lake Chain & Lake Gentry Habitat Enhancement Project in Osceola County, FL

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers (Corps), intends to prepare an Environmental Impact Statement (EIS) for the Alligator Lake Chain & Lake Gentry Habitat Enhancement Project in Osceola County, Florida.

This action will address modifications to the regulation schedules for the Alligator Lake Chain (Alligator; Brick; Lizzie; Center; Coon and Trout Lakes), Lake Gentry; as well as Lakes Joel, Myrtle, and Preston, for the purpose of facilitating an extreme drawdown resulting in habitat enhancement. Muck removal, extensive burning and treatment of hydrilla are to be considered as complementary actions to the extreme drawdown. This intense level of lake management is needed because of heavy buildup of organic sediments on the lake bottoms, tussock formation, and dense growth of aquatic vegetation.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS can be answered by: William Porter, Planning Division, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232–0019, Telephone 904–232–2259; or Elmar

Kurzbach at (904) 232–2325; Fax 904–232–3442.

SUPPLEMENTARY INFORMATION:

a. *Authorization:* The Flood Control Act, approved by Congress on 30 June 1948, authorized flood protection and other water control benefits in central and south Florida. Specific reports which relate to Alligator Lake Chain & Lake Gentry Habitat Enhancement Project portion of the Central and Southern Florida project are as follows:

(1) Public Law 858, 80th Congress, 2d Session, 30 June 1948. (The Flood Control Act of 1948 authorized project works in the Central and Southern Florida).

(2) Public Law 780, 83rd Congress, 2d Session, 3 September 1954. (The Flood Control Act of 1954 authorized the remainder of the comprehensive plan project features as specified in house Document 643.)

(3) Public Law 85–500, 85th Congress, S. 3910, 3 July 1958. (The Flood Control Act of 1958 authorized project features as specified in House Document 186.)

(4) The Kissimmee River Basin and Related Areas General Design Memorandum, Part II—Kissimmee River Comprehensive Plan.

b. *Study Area:* Located in Osceola County, as a subset of the Kissimmee Chain of Lakes, the Alligator Lake Chain and Lake Gentry are connected by a series of canals allowing water flow and navigation between the lakes. The South Florida Water Management District operates control structures to the north and south of the Alligator Chain to maintain flood protection around the lakes. Water from these lakes is discharged south to Lake Gentry, although more limited flow can be sent north towards Lake Joel. Parts of both Osceola and Orange Counties, Florida are affected by these lakes.

c. *Project Features and Scope:* The EIS intends to address the modification of the existing water regulation schedule for the Alligator Chain of Lakes and Lake Gentry to allow an extreme drawdown in November of 1998. The Alligator Chain of Lakes and Lake Gentry presently fluctuate over a narrower range than they did prior to the construction of the Central and South Florida project. Lake level stabilization has contributed to the rapid growth of dense nuisance vegetation in lakeshore aquatic habitat, which normally supports numerous species of fish, waterfowl, wading birds and other wildlife. The density of this vegetation continues to degrade the quality of this aquatic habitat in an atmosphere of ever increasing demand for it as a resource. The proposed extreme drawdown for Alligator Lake Chain and Lake Gentry is required to improve the aquatic habitat. During the drawdown, approximately 4,245 acres of bottom sediment would dry and compact stimulating growth of desirable aquatic vegetation and increasing overall habitat productivity. To enhance these natural processes heavy equipment would be used by Florida Game and Fresh Water Fish Commission to remove, burn, and disc the muck and nuisance vegetation from areas where long-term lake level stabilization has resulted in aquatic habitat deterioration.

The EIS will evaluate alternative plans, including the selected alternative plan and the no-action alternative, and determine if, and to what extent, implementation of these various plans may affect the surrounding environment. Alternative plans will be developed and evaluated based on economic, engineering, and environmental considerations. Preliminary alternatives may include, but are not limited to, several water regulation schedule modifications and their effects on: Protection of adjacent lands from flooding; water supply for agricultural and commercial tropical fish farm uses; and maintenance of the resource as a quality habitat for wildlife.

d. *Scoping:* The scoping process as outlined by the Council on Environmental Quality is being utilized to involve Federal, State, and local agencies, affected Indian Tribes, and other interested private organizations and parties.

A Scoping Letter will be sent to interested Federal, State and local agencies, interested organizations and the public, to request their comments and concerns regarding issues they feel should be addressed in the EIS. Interested persons and organizations wishing to participate in the scoping process should contact the U.S. Army Corps of Engineers at the address above. Significant issues anticipated include: Potential impacts to commercial tropical fish farming; flood protection and water supply for the project area; effects on water based recreation activity; impacts to avian, amphibian, and/or reptilian habitat; possible species or critical habitat listed under the Endangered Species Act. Public meetings held over the course of the study will be announced in public notices and local newspapers with exact locations, dates, and times.

e. It is estimated that the EIS will be available to the public late spring 1998.

George M. Strain,

Chief, Plan Formulation Branch.

[FR Doc. 98–6203 Filed 3–10–98; 8:45 am]

BILLING CODE 3710–AJ–M

DEPARTMENT OF EDUCATION

Notice of Proposed information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 11, 1998.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary

of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 9, 1998.

Linda Tague,

Acting Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Extension.
Title: Integrated Postsecondary Education Data System (IPEDS).
Frequency: Annually.
Affected Public: Business or other for-profit; Not-for-profit institutions.
Reporting Burden and Recordkeeping:
Responses: 10,036.
Burden Hours: 277,809.
Abstract: IPEDS constitutes the core of NCES' postsecondary education data collection program and helps NCES meet its mandate to report full and complete statistics on the condition of postsecondary education in the U.S. IPEDS provides data on a broad range of topics including postsecondary enrollments, faculty and staff, programs, degrees awarded, numbers and types of institutions, finances and information on time to degree/graduation rates. Because IPEDS is a system of surveys, it makes it possible to develop a more comprehensive perspective of postsecondary education than any single component could provide.

[FR Doc. 98–6380 Filed 3–10–98; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board

Notice of Open Meeting

AGENCY: Department of Energy.

SUMMARY: Consistent with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board—Tennessee Valley Electric System Advisory Committee.

Date and Time: Tuesday, March 24, 1998, 8:30 a.m.—5:00 p.m.

Place: Nashville Convention Center, Room 205, 601 Commerce Street, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Richard C. Burrow, Secretary of Energy Advisory Board (AB–1), US Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–1709.

SUPPLEMENTARY INFORMATION: The purpose of the Tennessee Valley Electric System Advisory Committee is to provide advice, information, and recommendations to the Secretary of Energy Advisory Board on the role of the Tennessee Valley Authority (TVA) in a restructured competitive electric industry. The Tennessee Valley Electric System Advisory Committee will prepare a report for submission to the Secretary of Energy Advisory Board.

Tentative Agenda

Tuesday, March 24, 1998

8:30 AM–9:15 AM Opening Remarks—The Honorable Butler Derrick, Chairman
9:15 AM–9:45 AM Presentations
9:45 AM–10:45 AM Public Comment Period
10:45 AM–11:00 AM Break
11:00 AM–12:30 PM Working Session
12:30 PM–1:30 PM Lunch Break
1:30 PM–2:30 PM Public Comment Period
2:30 PM–5:00 PM Working Session

This tentative agenda is subject to change. A final agenda will be available at the meeting.

Public Participation

The Chairman of the Tennessee Valley Electric System Advisory Committee is empowered to conduct the meeting in a way which will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Nashville, Tennessee, the Tennessee Valley Electric System Advisory Committee welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Tennessee Valley Electric System Advisory Committee will make every effort to hear the views of all interested parties. Written comments may be submitted to Skila Harris, Executive Director, Secretary of Energy Advisory Board, AB–1, US Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

Minutes

Minutes and a transcript of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday except Federal holidays. Information on the Tennessee Valley Electric System Advisory Committee may also be found at the Secretary of Energy Advisory Board's web site, located at http://www.hr.doe.gov/seab.

Issued at Washington, DC, on March 6, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–6231 Filed 3–10–98; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–99–000]

Algonquin Gas Transmission Company; Notice of Site Visit

March 6, 1998.

On March 12, 1998, the Office of Pipeline Regulation will conduct a site visit with representatives of Algonquin Gas Transmission Company along the 1.5-mile-long E System Loop in New London County, Connecticut.

All interested parties may attend. Those planning to attend must provide their own transportation.

For further information, please contact Paul McKee at (202) 208–1611.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6235 Filed 3–10–98; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–9–000]

Merleyn A. Calvin; Notice of Petition for Adjustment

March 5, 1998.

Take notice that on March 2, 1998, Merleyn A. Calvin (Calvin), filed a petition for adjustment under Section 502(c0 of the Natural Gas Policy Act of 1978 (NGPA),[1] requesting to be relieved of her obligation to make Kansas ad valorem tax refunds to Panhandle Eastern Pipe Line Company (Panhandle), with respect to her working interest certain wells operated by CLX Energy, Inc. (CLX),[2] otherwise required by the Commission's September 10, 1997, order in Docket Nos. RP97–369–000, GP97–3–000, GP97–4–000, and GP97–5–000.[3] Calvin's petition is on file with the Commission and open to public inspection.

The Commission's September 10 order on remand from the D.C. Circuit Court of Appeals[4] directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988.

Calvin states that her husband purchased the subject gas well working interests for her, and that he now has an advanced case of Parkinson's disease, which has forced him to retire early. Calvin further indicates that she has limited means from which to pay the Kansas ad valorem tax refunds. Calvin also states that: (1) She and her husband filed for bankruptcy in 1989; (2) the bankruptcy court issued an order in 1990, discharging their debts; (3) the Colorado National Bank received all of their oil and gas assets; and (4) neither she nor her husband own an interest in the wells involved in CLS's refund claim.

Calvin also believes that her obligation to make the subject refunds may have been discharged by the bankruptcy. Therefore, Calvin requests to be relieved of her obligation to refund her share of the Kansas ad valorem tax refunds owed by CLX, on the grounds that making the subject refunds would cause her to endure a special hardship. In the alternative, if the Commission does not grant the adjustment relief requested, Calvin requests that the Commission authorize her to amortize her refund obligation over a 5-year period.

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, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214, 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6240 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

[1] 15 U.S.C. § 3142(c) (1982).

[2] CLX previously filed its own petition for adjustment in Docket No. SA98–2–000, in which it seeks to be relieved of any obligation to pay Kansas ad valorem tax refunds owed by its royalty interest, overriding royalty interest, and other working interest owners.

[3] See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

[4] *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. RP97–139–008]

Caprock Pipeline Company; Notice of Tariff Filing

March 5, 1998.

Take notice that on March 2, 1998, Caprock Pipeline Company (Caprock), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following actual tariff sheets, to be effective November 1, 1997:

First Revised Sheet No. 6A
Second Revised Sheet No. 10

Caprock states that the above referenced actual tariff sheets are being filed in compliance with the Commission's June 6, 1997 Order, to be effective November 1, 1997. The June 6 order approved the ProForma sheets Caprock filed on May 1, 1997, and directed Caprock to file actual tariff sheets. On October 1, 1997, Caprock filed actual tariff sheet Third Revised Sheet No. 29A in compliance with the Commission's order and which was subsequently approved. However, due to an administrative oversight, Sheet Nos. 6A and 10 were not included in the October 1 filing as required. Therefore, Caprock is hereby submitting for filing and acceptance, to be effective November 1, 1997, First Revised Sheet No. 6A and Second Revised Sheet No. 10.

Caprock states that copies of the filing were served upon Caprock's jurisdictional customers, interested public bodies and all parties to the proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests 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. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6245 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–7–000]

Dorchester Hugoton, Ltd.; Notice of Petition for Adjustment

March 5, 1998.

Take notice that on March 2, 1998, Dorchester Hugoton, Ltd. (Dorchester), filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),[1] requesting that the refund procedures in the Commission's September 10, 1997 Order in Docket Nos. RP97–369–000, GP97–3–000, GP97–4–000, and GP97–5–000,[2] be altered with respect to Dorchester's Kansas and valorem tax refund liability.

The Commission's September 10 order on remand from the D.C. Circuit Court of Appeals[3] directed first sellers

[1] 15 U.S.C. § 3142(c) (1982).

[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. 1996), cert. denied, Nos. 96–954 and 96–1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997).

under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission issued a January 28, 1998 Order in Docket No. RP98–39–001, *et al.* (January 28 Order),[4] clarifying the refund procedures, stating that producers could request additional time to establish the uncollectability of royalty refunds, and that first seller may file requests for NGPA Section 502(c) adjustment relief from the refund requirement and the timing and procedures for implementing the refunds, based on the individual circumstances applicable to each first seller.

Dorchester requests authorization, pursuant to the Commission's January 28 Order, to defer payment to Panhandle Eastern Pipe Line Company (Panhandle) of principal and interest refunds attributable to unrecovered royalties for one year until March 9, 1999. In addition, Dorchester requests that it be allowed to place into an escrow account during the requested 1-year deferral period: (1) An amount equal to the principal and interest on royalty refunds which have not been recovered as of February 27, 1998 (to curtail the level of interest); (2) an amount equal to the interest on royalty refunds recovered after February 27, 1998, where the principal of that royalty refund is paid to Panhandle, except for pre-October 3, 1983 production (to protect the interests of royalty owners); (3) an amount equal to the principal and interest attributable to production prior to October 3, 1983, excluding uncollected royalties attributable thereto (to protect Dorchester's and the royalty owners' property rights pending judicial review); and (4) an amount equal to the interest on the total remaining amount of refunds allegedly due (i.e., the interest due on principal), excluding royalties and pre-October 3, 1983, production (to protect Dorchester's property rights pending judicial review and potential legislative action).

Dorchester argues that it seeks to establish these procedures to ensure that it pays only that which is legitimately owed, and that it will be able to recover the overpayment, if it is subsequently determined that Dorchester's refund liability was less than the originally claimed by Panhandle. Dorchester asserts that a one-year deferral in the obligation to make royalty refunds is necessary in order to allow it to confirm the appropriate refund amounts due, to attempt to locate the prior royalty owners, and to seek recovery of such amounts from the proper royalty owners.

On or before March 9, 1999, Dorchester proposes to file documentation with the Commission, of those royalties which were not collectible and disburse the recovered royalty refund principal to Panhandle, except for refunds attributable to pre-October 3, 1983, production. Until that time, Dorchester proposes to place the interest from royalty refunds which was recovered in its escrow account to protect the royalty owners. In addition, Dorchester argues that its proposal for an escrow account is necessary to protect its property and that of its royalty owners.

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, 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 384.214, 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6238 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

[4] 82 FERC ¶ 61,059 (1998).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT98–22–000]

Egan Hub Partners, L.P.; Notice of Proposed Changes in FERC Gas Tariff

March 5, 1998.

Take notice that on March 2, 1998, Egan Hub Partners, L.P. (Egan Hub), tendered for filing a part of its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheets Nos. 1, 58, 61, 82, 85, 88, 97, 102, 105, 109 and 112 replacing 2nd Sub., First Revised Sheets of the same numbers. Egan Hub proposes that the tariff sheets become effective on March 2, 1998.

Egan Hub states that the main purpose of its March 2 filing is to update Egan Hub's address, phone and fax numbers in its tariff. In addition, Egan Hub provides Second Revised Sheet No. 82 to correct erroneous tariff language. Finally, Egan Hub provides Second Revised Sheet No. 112 which demonstrates that the proposed Columbia Gulf receipt/delivery point is now an actual receipt/delivery point.

Egan Hub states that copies of the filing have been served upon its affected customers and any interested State Commissions.

And person desiring to be heard or to protest this 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 Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protest must be filed in accordance with 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 proceeding. 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6243 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–8–000]

Ensign Oil & Gas Inc.; Notice of Petition for Adjustment and Dispute Resolution Request

March 5, 1998.

Take notice that on March 2, 1998, Ensign Oil & Gas Inc. (Ensign), filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),[1] and a dispute resolution request, with respect to its Kansas ad valorem tax refund liability under the Commission's September 10, 1997 Order in Docket Nos. RP97–369–000, GP97–4–000, and GP97–5–000.[2]

The Commission's September 10 order on remand from the D.C. Circuit

[1] 15 U.S.C. § 3142(c) (1982).

[2] See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28 1998, 82 FERC ¶ 61,058 (1998).

Court of Appeals[3] directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission issued a January 28, 1998 order in Docket No. RP98–39–001, *et al.* (January 28 Order),[4] clarifying the refund procedures, stating that producers could request additional time to establish the uncollectability of royalty refunds, and that first seller may file requests for NGPA section 502(c) adjustment relief from the refund requirement and the timing and procedures for implementing the refunds, based on the individual circumstances applicable to each first seller.

Ensign requests that the Commission resolve any potential dispute between Ensign and Williams Gas Pipelines Central, Inc., formerly: Williams Natural Gas Company (Williams), finding that Ensign has no liability for reimbursement of Kansas ad valorem taxes paid over the period 1983 to 1988, based on a 1990 Settlement Agreement between Ensign and Williams or, in the alternative (if the Commission decides that the Ensign-Williams settlement does not resolve the refund liability issues) that adjustment relief from such refund liability be granted to Ensign, based on Ensign's assertion that it would be inequitable and an unfair distribution of burdens for the Commission to require Ensign to make refunds when Ensign, in good faith, negotiated a settlement with Williams in 1990, under which Ensign gave up its claims against Williams in return for a release from all claims by Williams that were not excluded under the 1990 Settlement Agreement. Ensign further argues that it would be inequitable and an unfair distribution of burdens for the Commission to require Ensign to refund royalties with respect to its sales to Williams, since Amoco Production Company made all of the royalty disbursements and Ensign has no knowledge of who the royalty interest owners are. Ensign also asserts that relief is justified on equitable grounds, in view of the fact that Ensign previously relied on the Commission's orders that permitted first sellers to collect Kansas ad valorem tax reimbursements.

In addition, Ensign requests procedural adjustment relief, pursuant to the January 28 Order, with respect to sales to Northern Natural Gas Company (Northern). Specifically, Ensign requests that it be allowed to:

(1) Defer payment of principal and interest attributable to royalty refunds under these sales for one year until March 9, 1999;

(2) Place into its escrow account the principal on its share of refunds allegedly due Northern [excluding royalties covered above in 1) above], pending a final determination whether there has been any violation of the maximum lawful prices under the NGPA;[5] and

(3) Place into its escrow account the interest on the total amount of refunds allegedly due Northern [excluding royalties deferred under 1) above], pending resolution of the maximum lawful price issue discussed in 2) above and pending final judicial action on review of the Commission's orders establishing the interest obligation.

Ensign states that it is committed to resolve the maximum lawful price issue or present it to the Commission on or before September 6, 1998.

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, 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 384.214, 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6239 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

[3] *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).

[4] 82 FERC ¶ 61,059 (1998).

[5] Ensign indicates that it will disburse the principal on recovered royalties to Northern Natural, if it has been determined that the price collected, plus the Kansas ad valorem tax reimbursement, exceed the maximum lawful price. Ensign also indicates that it will, at that time, place the interest on recovered royalties in its escrow account, and will file with the Commission for relief from unrecovered or de minimus royalties (principal and interest).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. TM98–3–4–000 and RP98–155–000]

Granite State Gas Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

March 5, 1998.

Take notice that on March 2, 1998, Granite State Gas Transmission, Inc. (Granite State), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheets listed below for effectiveness on April 1, 1998:

Eleventh Revised Sheet No. 21
Twelfth Revised Sheet No. 22
First Revised Sheet Nos. 333 and 334

According to Granite State, the foregoing revised tariff sheets comprise the quarterly adjustment in its Power Cost Adjustment (PCA), surcharge, a tracking mechanism to pass through to Granite State's firm transportation customers certain electric power costs for which it is obligated to reimburse Portland Pipe Line Corporation under the terms of a lease of a pipeline. Granite State further states that the foregoing revised tariff sheets include a revision in the reconciliation procedure in the PCA tariff provision for past over and under collections of electric power costs billed Granite State by Portland Pipe Line. However, in the event that the Commission does not accept the foregoing tariff sheets, Granite State has submitted the alternate revised tariff sheets below for effectiveness on April 1, 1998:

Alternate Eleventh Revised Sheet No. 21
Alternate Twelfth Revised Sheet No. 22

According to Granite State, the PCA surcharge tariff provision was accepted by the Commission in a filing in Docket No. RP97–300–000 and approved as part of the settlement of Granite State's most recent rate proceeding in Docket No. RP97–8–000. Granite State further states that it proposes to change the reconciliation procedure in the tariff provision to a quarterly sequence, beginning October 1, 1998, instead of semi-annual sequence, each January and July. Granite State says that it has had one year's experience with the present reconciliation procedure and the semi-annual reconciliations result in erratic swings in the PCA surcharge; it states that quarterly reconciliations of past over and under collections for the reimbursement power costs due Portland Pipe Line will result in surcharges that are more reflective of

actually incurred expenses for the power costs with less erratic swings from quarter to quarter.

Granite State states that its preference is for acceptance of the PCA surcharge for the quarter beginning April 1, 1998 derived using the change in reconciliation procedure proposed in its filing but, in the event that the Commission does not accept the change, Granite State has filed alternate revised tariff sheets on which the quarterly surcharge has been derived without any change in the reconciliation procedure.

Granite State further states that copies of its filing have been served on its firm transportation customers and on the regulatory agencies for the States of Maine, Massachusetts and New Hampshire.

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, NE, Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed in accordance with 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 proceeding. 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6253 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. UL96–18–001]

Hubbardston Hydro Company; Notice Rejecting Request for Rehearing

March 5, 1998.

On December 23, 1997, the Acting Director, Office of Hydropower Licensing, issued on order finding that the existing unlicensed Hubbardston Hydro Project, located on Fish Creek in Ionia County, Michigan, is required to be licensed.[1] On February 2, 1998, Hubbardston Hydro Company filed a late request for rehearing of that order.

Section 313(a) of the Federal Power Act[2] requires an aggrieved party to file a request for rehearing within 30 days after the issuance of the Commission's order, in this case by January 22, 1998. Because the 30-day deadline for requesting rehearing is statutorily based, it cannot be extended and Hubbardston Hydro Company's request for rehearing must be rejected as untimely.[3] However, on February 23, 1998, Hubbardston filed a motion for reconsideration and clarification which the Commission will consider.

This notice constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this notice pursuant to 18 CFR 385.713.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6254 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

[1] 81 FERC ¶62,223. Hubbardston cites to a January 6, 1998, letter transmitting a copy of the order to Hubbardston. However, the only date that is relevant is the issuance date which is clearly identified immediately beneath the title of the order.

[2] 16 U.S.C. 825*l*.

[3] In addition, Hubbardston's pleading raises no allegations of error with respect to the December 23, order.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1975]

Idaho Power Company; Notice of Authorization for Continued Project Operation

March 5, 1998.

On December 20, 1995, Idaho Power Company, licensee for the Bliss Project No. 1975, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's Regulations thereunder. Project No. 1975 is located on the Snake River in Gooding, Twin Falls, and Elmore Counties, Idaho.

The license for Project No. 1975 was issued for a period ending February 28, 1998. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 1975 is issued to Idaho Power Company for a period effective March 1, 1998, through February 28, 1999, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 28, 1999, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Idaho Power Company is authorized to continue operation of the Bliss Project No. 1975 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6236 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–373–000]

Koch Gateway Pipeline Company; Notice of Informal Settlement Conference

March 5, 1998.

Take notice that an informal settlement conference will be convened in this proceeding on March 12, 1998, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., for the purpose of exploring the possible settlement of 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, contact Edith A. Gilmore at (202) 208–2158 or Sandra J. Delude at (202) 208–0583.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6247 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2037–000]

Louisville Gas and Electric Company; Notice of Filing

March 4, 1998.

Take notice that on February 27, 1998, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Purchase and Sales Agreement between LG&E and Market Responsive Energy, Inc., under LG&E's Rate Schedule GSS.

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, NE., Washington, DC 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 March 19, 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6260 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–8–004 and RP96–199–012 (Not consolidated)]

Mississippi River Transmission Corporation; Notice of Compliance Filing

March 5, 1998.

Take notice that on March 2, 1998, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in Appendix A and Appendix B to the filing.

MRT states that the purpose of the instant filing is to comply with the Commission's Order on Compliance Filing in Docket Nos. RP98–8–001, RP98–8–002, RP96–199–007, and RP96–199–008, issued on February 3, 1998, and the Commission's Order issued on February 11, 1998 in Docket Nos. RP98–8–003 and RP96–199–010. These orders accepted certain tariff sheets, subject to refund and conditioned upon MRT filing revisions discussed with these orders.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such 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 proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6249 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–153–000]

Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 5, 1998.

Take notice that on March 2, 1998, Mississippi River Transmission Corporation (MRT), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets with a proposed effective date of April 1, 1998.

Thirtieth Revised Sheet No. 5
Thirtieth Revised Sheet No. 6
Twenty-Seventh Revised Sheet No. 7

MRT states that the purpose of this filing is to reduce the GSRC volumetric surcharge rate applicable to its Interruptible Transportation service from $0.05 to $0.03 for the summer months, beginning April 1, 1998. This reduction is pursuant to Section 16.3 (e) of the General Terms and Conditions of MRT's Tariff, and Article IV, section 3 of the May 13, 1994, Base Stipulation and Agreement in Docket No. RP93–4, RP94–68, and RP94–190.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 2046, 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 protestant parties to the proceeding. 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6251 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–253–000]

National Fuel Gas Supply Corporation; Notice of Application for Abandonment

March 5, 1998.

Take notice that on February 26, 1998, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP98–253–000, an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its Van Compressor Station (Van Station), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, National Fuel proposes to abandon its Van Station located in Venango County, Pennsylvania. National Fuel states that the abandonment will include the removal of all buildings and concrete foundations which will involve excavation up to three feet in depth. National Fuel declares that no transmission lines will be abandoned in connection with this project and there will be no abandonment or decrease in service to any National Fuel customer as a result of the proposed abandonment.

National Fuel explains that during the summer of 1996, a flood destroyed most of National Fuel's transmission facilities at its Van Compressor Station. National Fuel notes that the Van Station compressed gas from Van Hampton Gas & Oil Company, Inc. (Van Hampton), a producer and gatherer of natural gas. National Fuel asserts that in September 1996, after the flood destroyed Van Station, Van Hampton leased a skid mounted temporary compressor to National Fuel as a temporary replacement for National Fuel's 150 horsepower compressors damaged by the flood at Van Station. National Fuel advises that the leased compressor continues in operation today on the site of Van Station.

National Fuel states that a new station (New Van Station) being constructed by National Fuel approximately 700 feet northwest of Van Station outside of the flood plane, will begin operation on or about March 3, 1998. National Fuel also states that the lease agreement for the temporary replacement compressor will expire when the new station begins operation and the skid-mounted compressor will be returned to Van Hampton.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1998, file with the Federal Energy Regulatory Commission, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulation Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for National Fuel to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6241 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–154–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 5, 1998.

Take notice that on March 2, 1998, Northern Natural Gas Company (Northern), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets with an effective date of April 1, 1998:

43 Revised Sheet No. 50
43 Revised Sheet No. 51
40 Revised Sheet No. 53

Northern states that the filing revises the current Stranded Account No. 858, Surcharge which is designed to recover costs incurred by Northern related to its contracts with third-party pipelines. Therefore, Northern has filed Forty Third Revised Sheet Nos. 50 and 51 and the Fortieth Revised Sheet No. 53 to be effective April 1, 1998.

Northern states that copies of this filing were served upon the Company's customers and interested state commissions.

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 Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed in accordance with Section 154.210 of the Commission's Regulations. All protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestant a party 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 inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6252 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2034–000]

Orange and Rockland Utilities, Inc.; Notice of Filing

March 4, 1998.

Take notice that on February 27, 1998, Orange and Rockland Utilities, Inc. (O&R), tendered for filing pursuant to Part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 CFR Part 35), a service agreement under which O&R will provide capacity and/or energy to EnerZ Corporation (EnerZ).

O&R requests waiver of the notice requirement so that the service agreement with EnerZ becomes effective as of February 25, 1998.

O&R has served copies of the filing on The New York State Public Service Commission and Enerz.

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 March 19, 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6262 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT98–23–000]

Overthrust Pipeline Company; Notice of Tariff Filing

March 5, 1998.

Take notice that on March 2, 1998, Overthrust Pipeline Company (Overthrust), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1–A, Fourth Revised Sheet No. 1, and Sixth Revised Sheet No. 30, to be effective April 1, 1998,

Overthrust states that the revised tariff sheets update the Table of Contents of Overthrust's tariff. Overthrust states that the proposed technical changes are required due to the pagination of various tariff sheets that were filed by Overthrust to become effective during 1997.

Overthrust states further that a copy of this filing has been served upon its customers and the Wyoming Public Service Commission.

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 Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed in accordance with 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 proceeding. 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6244 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC96–19–018 and ER96–1663–019]

Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company; Notice of Filing

March 4, 1998.

Take notice that on March 3, 1998, the California Independent System Operator Corporation (ISO), filed for Commission acceptance in these dockets, pursuant to Section 205 of the Federal Power Act, an application to amend the ISO Tariff, including the ISO Protocols (ISO Tariff), by adding new Sections 21 and 22 (Amendment No. 5), and a motion for waiver of the 60-day notice requirement. The ISO requests that the Amendment No. 5, be accepted for filing and be made effective as of the ISO Operations Date, which will no later than March 31, 1998.

The ISO states that the ISO Tariff Sections 21 and 22 would defer, for a brief period of time, certain functions contemplated by the ISO Tariff. Specifically, Section 21 would set the Generation Meter Multiplier at 1.0 for scheduling purposes. Section 22 would increase the schedule validation tolerance from 1 MW to 20 MW. The ISO also requests the Commission allow the reinstatement of the deferred functions upon seven days notice (via posting on the ISO's Home Page and submission of such notices to the Commission), by pre-approving the termination of proposed Sections 21 and 22.

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 March 16, 1998. 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 this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6257 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC96–19–019 and ER96–1663–020]

Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company; Notice of Filing

March 4, 1998.

Take notice that on March 3, 1998, the California Power Exchange Corporation (PX), filed for Commission acceptance in this docket, 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.

The proposed amendments would address PX Tariff provisions involving Generation Meter Multipliers, security and credit, the Default Interest Rate, use of the PX Reserve Account, the bundling of California Independent System Operator Corporation charges to the PX, ADR conflicts of the law and federal entities, Overgeneration, Interruptible Imports, Existing Contracts, Inter-Scheduling Coordinator trading, Congestion Management, and the PX Participation Agreement.

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 March 16, 1998. 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 this filing are on file with the

Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6258 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC96–19–017 and ER96–1663–018]

Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company; Notice of Filing

March 4, 1998.

Take notice that on March 3, 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 Tariff, including the ISO Protocols, and a motion for waiver of the 60-day notice requirement. The ISO requests that the proposed amendments be made effective as of the ISO Operations Date.

The ISO states the Amendment No. 4 would provide (1) A mechanism to resolve mismatches in Inter-Scheduling Coordinator Trades; (2) a mechanism to allow Scheduling coordinators to buy back and sell back Ancillary Services in the Hour-Ahead Market; (3) a clarification providing for the use of Day-Ahead Market Clearing Process to allocate Replacement Reserves; (4) amendments to conform the ISO Tariff provisions on Black Start and Voltage Support to contractual agreements between the ISO and providers of Black Start Voltage Support; (5) clarification of the payments process for Reliability Must-Run Contracts pursuant to Section 5.2.7 of the ISO Tariff; (6) clarification of definitions for the Imbalance Energy calculation; (7) a simplification of the calculation of the Usage Charge relating to Participating to debits; (8) amendments necessary to reflect the limitations of a temporary manual workaround for assessing Wheeling Access Charges until a recently discovered software variance can be corrected; (9) amendments to various default Usage Charge provisions to address gaming opportunities; and (10) deletion of the requirement that the ISO publish the Hour-Ahead GMMs. The ISO states that the proposed amendments are necessary for the initial operations of the ISO.

The ISO additional requests that the Commission allow an automatic termination, upon seven (7) days notice, of proposed Section 7.1.4.4 of the ISO Tariff.

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 (19 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 16, 1998. 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 this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6276 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT98–21–000]

Questar Pipeline Company; Notice of Tariff Filing

March 5, 1998.

Take notice that on March 2, 1998, Questar Pipeline Company (Questar), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 1, First Revised Sheet No. 1B, Seventh Revised Sheet No. 40 and First Revised Sheet No. 160, to be effective April 1, 1998.

Questar states that the proposed revised tariff sheets update the Table of Contents contained in its FERC Gas Tariff by correctly identifying the location and description of tariff provisions listed in the General Terms and Conditions. These proposed technical changes are required due to pagination of various tariff sheets that were filed by Questar to become effective during 1997.

Questar states further that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Wyoming Public Service Commission.

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 Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed in accordance with 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 proceeding. 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6242 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1969–000]

San Diego Gas & Electric Company; Notice of Filing

March 4, 1998.

Take notice that on February 23, 1998, San Diego Gas & Electric Company (SDG&E), tendered for filing and acceptance, pursuant to 18 CFR 35.13, Service Agreements (Service Agreements), with the following entities for Point-To-Point Transmission Service under SDG&E's Open Access Transmission Tariff (Tariff), in compliance with FERC Order No. 888A:

1. American Electric Power Service Corporation
2. TransAlta Energy Marketing Corporation
3. Power Fuels, Incorporated

SDG&E filed the executed Service Agreement with the Commission in compliance with applicable Commission Regulations. SDG&E also provided Sheet No. 114 (Attachment E) to the Tariff, which is a list of current subscribers. SDG&E requests waiver of the Commission's notice requirement to permit an effective date of March 30, 1998.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests

should be filed on or before March 13, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protesters parties to the proceeding. 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6259 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–251–000]

Tennessee Gas Pipeline Company; Notice of Request Under Blanket Authorization

March 5, 1998.

Take notice that on February 25, 1998, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252 filed in Docket No. CP98–251–000 a request pursuant to Section 157.205 and 157.212 of the Commission's Regulations and blanket certificate issued at CP82–413–000, for authorization to install a new delivery point for Berkshire Power Company, L.L.C. (Berkshire), all as more fully set forth in the application which is open to public inspection.

Tennessee states that it proposes to install 1,300 hp of compression, an insulated building, about 1.6 miles of 8-inch diameter interconnecting pipeline in Hampden County, Massachusetts, and related facilities, which facilities will be owned by Tennessee. It is stated that Berkshire will reimburse Tennessee for the cost of the delivery point which is estimated to be $347,744 and for the delivery facilities which is about $6.25 MM.

Tennessee also states that the total quantities to be delivered would not exceed authorized quantities and that its tariff does not prohibit the addition of new delivery points, and that capacity exists to accomplish the deliveries without detriment to existing customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6255 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–156–006]

Viking Gas Transmission Company; Notice of Compliance Filing

March 5, 1998.

Take notice that on February 27, 1998, Viking Gas Transmission Company (Viking), tendered for filing a chart detailing the capacity release data element information that Viking is using (Appendix A), to the filing.

Viking states that the purpose of this filing is to comply with the Commission's May 21, 1997, (Order on Compliance Filing and Denying Rehearing) issued in Viking Gas Transmission Company, Docket Nos. RP97–156–001 and RP97–156–002, 79 FERC ¶61,221. On January 29, 1998, Viking filed (1) to adopt a trading partner agreement in its tariff, and (2) a chart detailing the nomination, flowing gas, invoicing and EDM data element information that Viking is using.

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and to affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed in accordance with Section 154.10 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 proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6246 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–105–004]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

March 5, 1998.

Take notice that on March 2, 1998, Williams Gas Pipelines Central, Inc., formerly Williams Natural Gas Company (Williams), tendered for filing its compliance filing in the above referenced docket.

Williams states that by letter order issued February 24, 1998, the Commission required Williams to provide information reconciling the original filing made on December 31, 1997 to the revised filing made on February 11, 1998.

Williams states that a copy of its filing was served on all participants listed on the service lists maintained by the Commission in the dockets referenced above and on all of Williams' jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such 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. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6250 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1980]

Wisconsin Electric Power Company; Notice of Authorization for Continued Project Operation

March 5, 1998.

On February 27, 1996, Wisconsin Electric Power Company, licensee for the Big Quinnesec Falls Project No. 1980, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 1980 is located on the Menominee River in Dickinson County, Michigan and Marinette and Florence Countries, Wisconsin.

The license for Project No. 1980 was issued for a period ending February 28, 1998. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 1980 is issued to Wisconsin Electric Power Company for a period effective March 1, 1998, through February 28, 1999, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before February 28, 1999, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Wisconsin Electric Power Company is authorized to continue operation of the Big Quinnesec Falls Project No. 1980 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6237 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2017–000]

Wisconsin Electric Power Company; Notice of Cancellation

March 4, 1998.

Take notice that on February 27, 1998, Wisconsin Electric Power Company (Wisconsin Electric) filed a notice of cancellation effective May 1, 1998, Service Agreement No. 30 under Wisconsin Electric FERC Electric Tariff Original Volume No. 1 is to be canceled.

Copies of the filing have been served on Oconto Electric Cooperative, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

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 March 19, 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6261 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–375–000]

Wyoming Interstate Company Ltd.; Notice of Informal Settlement Conference

March 5, 1998.

Take notice that an informal settlement conference in this proceeding will be convened on Wednesday, March 11, 1998, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, for the purpose of exploring the possible settlement of 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 Arnold H. Meltz at (202) 208–2161 or John Roddy at (202) 208–0053.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–6248 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER91–195–031, et al.]

Western Systems Power Pool, et al.; Electric Rate and Corporate Regulation Filings

March 3, 1998.

Take notice that the following filings have been made with the Commission:

1. Western Systems Power Pool

[Docket No. ER91–195–031]

Take notice that on February 27, 1998, the Western Systems Power Pool (WSPP), filed certain information to update its January 30, 1998, quarterly filing. This data is required by Ordering Paragraph (D) of the Commission's June 27, 1991, Order (55 FERC ¶61,495) and Ordering Paragraph © of the Commission's June 1, 1992, Order On Rehearing Denying Request Not To Submit Information, And Granting In Part And Denying In Part Privileged Treatment. Pursuant to 18 CFR 385.211, WSPP has requested privileged treatment for some of the information

filed consistent with the June 1, 1992 order. Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

2. United American Energy Corp.

[Docket No. ER96–3092–006]

Take notice that on February 24, 1998, United American Energy Corp., tendered for filing a Notification of Change in Status.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER97–4463–001]

Take notice that on February 27, 1998, Northern States Power Company (Minnesota), and Northern States Power Company (Wisconsin) (collectively referred to as NSP), hereby submits its compliance filing to be effective September 1, 1997, in accordance with the Commission's February 12, 1998, acceptance order.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Ocean Vista Power Generation, L.L.C.

[Docket No. ER98–927–001]

Take notice that on February 26, 1998, Ocean Vista Power Generation, L.L.C., made a compliance filing to modify its Code of Conduct.

Comment date: March 18, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Oeste Power Generation, L.L.C.

[Docket No. ER98–928–001]

Take notice that on February 26, 1998, Oeste Power Generation, L.L.C., made a compliance filing to modify its Code of Conduct.

Comment date: March 18, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Mountain Vista Power Generation, L.L.C.

[Docket No. ER98–930–001]

Take notice that on February 26, 1998, Mountain Vista Power Generation, L.L.C., made a compliance filing to modify its Code of Conduct.

Comment date: March 18, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Alta Power Generation, L.L.C.

[Docket No. ER98–931–001]

Take notice that on February 26, 1998, Alta Power Generation, L.L.C., made a compliance filing to modify its Code of Conduct.

Comment date: March 18, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. PacifiCorp

Docket No. ER98–1239–001]

Take notice that on February 27, 1998, PacifiCorp's Merchant Function, tendered for filing in compliance with the Commission's Order dated February 19, 1998, under FERC Docket No. ER98–1239–000, a revision to Original Sheet No. 17 to PacifiCorp's FERC Electric Tariff, First Revised Volume No. 12 (Tariff).

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: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. New Century Operating Companies

[Docket No. ER98–1563–000]

Take notice that on February 12, 1998, New Century Operating Companies tendered for filing an amendment in the above-referenced docket.

Comment date: March 16, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Western Resources, Inc.

[Docket No. ER98–1743–000]

Take notice that on February 6, 1998, Western Resources, Inc., tendered for filing an amendment in the above-referenced docket.

Comment date: March 16, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Louisville Gas and Electric Company

[Docket No. ER98–1820–000]

Take notice that on February 26, 1998, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Service Agreement between LG&E and Illinois Power Company under LG&E's Rate Schedule GSS.

Comment date: March 18, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Eastern Pacific Energy

[Docket No. ER98–1829–000]

Take notice that on February 27, 1998, Eastern Pacific Energy (EPE), filed an Amendment to its February 11, 1998, Application for Acceptance of Initial Rate Schedule, Waivers, and Blanket Authority. The Amendment more fully describes EPE's business activities and ownership.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. PP&L, Inc.

[Docket No. ER98–1962–000]

Take notice that on February 20, 1998, PP&L, Inc. (Formerly known as Pennsylvania Power & Light Company) (PP&L), filed a Service Agreement dated February 4, 1998, with Cinergy Operating Companies (COC), under PP&L's FERC Electric Tariff, Original Volume No. 5. The Service Agreement adds COC as an eligible customer under the Tariff.

PP&L requests an effective date of February 20, 1998, for the Service Agreement.

PP&L states that copies of this filing have been supplied to COC and to the Pennsylvania Public Utility Commission.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Northern Indiana Public

[Docket No. ER98–1963–000]

Service Company

Take notice that on February 23, 1998, Northern Indiana Public Service Company, tendered for filing an executed Sales Service Agreement and an executed Standard Transmission Service Agreement for Non-Firm Point-to-Point Transmission Service between Northern Indiana Public Service Company and Columbia Power Marketing Corporation (Columbia).

Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Point-to-Point Transmission Service to Columbia pursuant to the Open-Access Transmission Tariff filed by Northern Indiana Public Service Company in Docket No. OA96–47–000 and allowed to become effective by the Commission. Under the Sales Service Agreement, Northern Indiana Public Service company will provide general purpose energy and negotiated capacity to Columbia pursuant to the Wholesale Sales Tariff field by Northern Indiana Public Service company in Docket No. ER95–1222–000 as amended by the Commission's order in Docket No. ER97–458–000 and allowed to become effective by the Commission. Northern Indiana Public Service Company has requested that the Service Agreements

be allowed to become effective as of March 15, 1998.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Virginia Electric and Power Company

[Docket No. ER98–1964–000]

Take notice that on February 23, 1998, Virginia Electric and Power Company (Virginia Power), tendered for filing Service Agreements for Non-Firm Point-to-Point Transmission Service with VTEC Energy, Inc., and Engage Energy US L.P., under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreements, Virginia Power will provide non-firm point-to-point service to the Transmission Customers under the rates, terms and conditions of the Open Access Transmission Tariff.

Copies of the filing were served upon VTEC Energy, Inc., and Engage Energy US L.P., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. West Texas Wind Energy Partners, LLC

[Docket No. ER98–1965–000]

Take notice that on February 23, 1998, West Texas Wind Energy Partners, LLC (WTWEP), petitioned the Commission for acceptance for filing of a power purchase agreement between WTWEP and Central and South West Services, Inc. (CSWS), acting as agent on behalf of West Texas Utilities Company, Central Power and Light Company and Southwestern Public Service Company (collectively, the Purchasers), and to accept the rates thereunder as just and reasonable under § 205(a) of the Federal Power Act, 16 USC 824d(a); for the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and for the waiver of certain Commission Regulations. WTWEP is a limited liability company that proposes to engage in the wholesale sale of electric power in the state of Texas and is headquartered in Florida.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Niagara Mohawk Power Corporation

[Docket No. ER98–1968–000]

Take notice that on February 23, 1998, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and VTEC Energy, Inc. This Transmission Service Agreement specifies that VTEC Energy, Inc., 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 VTEC Energy, Inc., to enter into separately scheduled transactions under which NMPC will provide transmission service for VTEC Energy, Inc., as the parties may mutually agree.

NMPC requests an effective date of February 18, 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 VTEC Energy, Inc.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Central Hudson Gas and Electric Corporation

[Docket No. ER98–1970–000]

Take notice that on February 23, 1998, Central Hudson Gas and Electric Corporation (CHG&E), tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's (Commission), Regulations in 18 CFR a Service Agreement between CHG&E and The Cincinnati Gas & Electric Company (CG&E). The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Electric Rate Schedule, Original Volume No. 1 (Power Sales Tariff) accepted by the Commission in Docket No. ER97–890–000. CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Cinergy Services, Inc.

[Docket No. ER98–1974–000]

Take notice that on February 23, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff), entered into between Cinergy and Cargill-IEC L.L.C., (Cargill).

Cinergy and Cargill are requesting an effective date of February 1, 1998.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Cinergy Services, Inc.

[Docket No. ER98–1975–000]

Take notice that on February 23, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff), entered into between Cinergy and Cargill-IEC L.L.C., (Cargill).

Cinergy and Cargill are requesting an effective date of February 1, 1998.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Illinois Power Company

[Docket No. ER98–1976–000]

Take notice that on February 23, 1998, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which ConAgra Energy Services, Inc., will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of February 15, 1998.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. Illinois Power Company

[Docket No. ER98–1977–000]

Take notice that on February 23, 1998, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which Columbia Power Marketing Corporation will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of February 15, 1998.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

23. Illinois Power Company

[Docket No. ER98–1978–000]

Take notice that on February 23, 1998, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm

and non-firm transmission agreements under which Tenaska Power Services will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of February 15, 1998.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

24. West Texas Utilities Company

[Docket No. ER98–1979–000]

Take notice that on February 23, 1998, West Texas Utilities Company (WTU), tendered for filing two amendments, one dated January 17, 1990, and one dated October 4, 1994, to WTU's Contract for Electric Service, dated April 26, 1977, with Texas New Mexico Power Company (TNP). The Amendments provide for construction by both parties (at their own expense), metering changes and conforming operational and administrative changes.

WTU seeks an effective date of February 5, 1990 for the 1990 Amendment and of October 17, 1994 for the 1994 Amendment and, accordingly, seeks waiver of the Commission's notice requirements. Copies of the filing were served on TNP and the Public Utility Commission of Texas.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

25. Central Power and Light Company, West Texas Utilities Company, Public Service Company of Oklahoma, and Southwestern Electric Power Co.

[Docket No. ER98–1980–000]

Take notice that on February 23, 1998, Central Power and Light Company, West Texas Utilities Company, Public Service Company of Oklahoma, and Southwestern Electric Power Company, (collectively, the CSW Operating Companies), submitted for filing a Restated and Amended Operating Agreement that is intended to supersede the CSW Operating Companies' currently effective Operating Agreement. The CSW Operating Companies request that the Restated and Amended Operating Agreement be accepted to become effective as of January 1, 1997.

The CSW Operating Companies state that the filing has been served on the Public Utility Commission of Texas, the Louisiana Public Service Commission, the Arkansas Public Service Commission and Oklahoma Corporation Commission.

Comment date: March 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

26. Pennsylvania Power Company

[Docket No. ER98–2018–000]

Take notice that on February 27, 1998, Pennsylvania Power Company (Penn Power), tendered for filing a proposed Electric Service Agreement and rate schedule which produce a negotiated rate decrease for one municipal resale customer (Borough of Grove City). Penn Power requests an effective date of March 1, 1998, the date that Penn Power and the Borough agreed to as a result of negotiations.

Penn Power states that copies of the filing were served on the Borough as well as the Pennsylvania Public Utility Commission.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

27. Nevada Power Company

[Docket No. ER98–2019–000]

Take notice that on February 27, 1998, Nevada Power Company (Nevada Power), tendered for filing, a Service Agreement with the Colorado River Commission (CRC), pursuant to Nevada Power's Coordination Sales Tariff. Nevada Power requests an effective date of April 1, 1998.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

28. Energy Clearinghouse Corp.

[Docket No. ER98–2020–000]

Take notice that on February 27, 1998, Energy Clearinghouse Corporation (ECC), petitioned the Commission for acceptance of ECC 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.

ECC intends to engage in wholesale electric power and energy purchases and sales as a marketer as well as selling and marketing the same at retail, aggregating and brokering. ECC is not in the business of generating or transmitting electric power. ECC is wholly owned by Harold E. Scherz.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

29. Northeast Utilities Service Company

[Docket No. ER98–2021–000]

Take notice that on February 27, 1998, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company, Holyoke Water Power Company and Holyoke Electric Power Company, tendered for filing pursuant to Section 205 of the Federal Power Act and Section 35.13 of the Commission's Regulations, a rate schedule change for sales of electric energy to Princeton Municipal Light Department.

NUSCO states that a copy of this filing has been mailed to Princeton Municipal Light Department and the Massachusetts Department of Public Utilities.

NUSCO requests that the rate schedule change become effective on March 1, 1998.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

30. Northeast Utilities Service Company

[Docket No. ER98–2022–000]

Take notice that on February 27, 1998, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company and Public Service Company of New Hampshire, tendered for filing pursuant to Section 205 of the Federal Power Act and Section 35.13 of the Commission's Regulations, a rate schedule change for sales of electric energy to Princeton Municipal Light Department.

NUSCO states that a copy of this filing has been mailed to Princeton Municipal Light Department and the Massachusetts Department of Public Utilities.

NUSCO requests that the rate schedule change become effective on March 1, 1998.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

31. New England Power Company

[Docket No. ER98–2023–000]

Take notice that on February 27, 1998, New England Power Company (NEP), filed an amendment to NEP's service agreement with its New Hampshire retail affiliate, Granite State Electric Company under NEP's wholesale requirements service tariff, FERC Electric Tariff, Original Volume No. 1, together with related documents.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

32. Wisconsin Electric Power Co.

[Docket No. ER98–2025–000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric), on February 27, 1998, tendered for filing an electric service agreement under its Coordination Sales Tariff (FERC Electric Tariff, Original Volume No. 2). Wisconsin Electric respectfully requests an effective date March 2, 1998.

Wisconsin Electric is authorized to state that Central Minnesota Municipal Power Agency joins in the requested effective date.

Copies of the filing have been served on Central Minnesota Municipal Power Agency, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

33. Orange and Rockland Utilities, Inc.

[Docket No. ER98–2026–000]

Take notice that on February 27, 1998, Orange and Rockland Utilities, Inc. (Orange and Rockland), filed a Service Agreement between Orange and Rockland and Eastern Power Distribution, Inc., (Customer). This Service Agreement specifies that Customer has agreed to the rates, terms and conditions of Orange and Rockland Open Access Transmission Tariff filed on July 9, 1996 in Docket No. OA96–210–000.

Orange and Rockland requests waiver of the Commission's 60 day notice requirements and an effective date of February 5, 1998, for the Service Agreement. Orange and Rockland has served copies of the filing on The New York State Public Service Commission and on the Customer.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

34. Deseret Generation & Transmission Co-operative

[Docket No. ER98–2027–000]

Take notice that on February 27, 1998, Deseret Generation & Transmission Co-operative tendered an informational filing in compliance with its rate schedules. The filing sets forth the revised approved costs for member-owned generation resources and the revised approved reimbursements under its Resource Integration Agreements with its two of its members. A copy of this filing has been served upon all of Deseret's members.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

35. Entergy Services, Inc.

[Docket No. ER98–2028–000]

Take notice that on February 27, 1998, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc. (EAI), (formerly Arkansas Power & Light Company), tendered for filing a 1998 Wholesale Formula Rate Update (Update) in accordance with the Power Coordination, Interchange and Transmission Service Agreements between EAI and the cities of West Memphis and Osceola, Arkansas (Arkansas Cities), the cities of Campbell and Thayer, Missouri (Missouri Cities), and the Arkansas Electric Cooperative Corporation (AECC), the Transmission Service Agreement between EAI and the Louisiana Energy and Power Authority (LEPA), the Transmission Service Agreement between EAI and the City of Hope, Arkansas (Hope), and the Hydroelectric Power Transmission and Distribution Service Agreement between EAI and the City of North Little Rock, Arkansas (North Little Rock). Entergy Services states that the Update redetermines the formula rate charges and Transmission Loss Factor in accordance with (1) the above agreements, (2) the 1994 Joint Stipulation between EAI and AECC accepted by the Commission in Docket No. ER95–49–000, as revised by the 24th Amendment to the AECC Agreement accepted by the Commission on March 26, 1996 in Docket No. ER96–1116–000, (3) the formula rate revisions accepted by the Commission on February 21, 1995 in Docket No. ER95–363–000 as applicable to the Arkansas Cities, Missouri Cities, Hope and North Little Rock and (4) the formula rate revisions as applicable to LEPA accepted by the Commission on January 10, 1997 in Docket No. ER97–257–000.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

36. Duke Energy Corporation

[Docket No. ER98–2029–000]

Take notice that on February 27, 1998, Duke Power, a division of Duke Energy Corporation (Duke), tendered for filing a Market Rate Service Agreement (the MRSA) between Duke and The Energy Authority, Inc., dated as of January 29, 1998. The parties have not engaged in any transactions under the MRSA as of the date of filing. Duke requests that the MRSA be made effective as of February 1, 1998.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

37. Duke Energy Corporation

[Docket No. ER98–2030–000]

Take notice that on February 27, 1998, Duke Power, a division of Duke Energy Corporation (Duke), tendered for filing Transmission Service Agreements between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and the following customers:

Customer	Type of service agreement	Date of service agreement	Requested effective date
Amoco Energy Trading Corp.	Firm	December 19, 1997	February 1, 1998.
Amoco Energy Trading Corp.	Non-Firm	December 19, 1997	February 1, 1998.
ConAgra Energy Services, Inc.	Non-Firm	December 19, 1997	February 1, 1998.
North American Energy Conservation, Inc.	Non-Firm	January 30, 1997	February 1, 1998.
PacifiCorp Power Marketing, Inc.	Non-Firm	December 22, 1997	February 1, 1998.
Southern Company Services, Inc.	Firm	December 19, 1997	February 1, 1998.
Tenaska Power Services, Co.	Non-Firm	January 16, 1998	February 1, 1998.

The parties have not engaged in any transactions under the TSAs prior to thirty (30) days prior to this filing. Duke requests that the TSAs be made effective as rate schedules as of February 1, 1998.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

38. Louisville Gas and Electric Company

[Docket No. ER98–2031–000]

Take notice that on February 27, 1998, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Short-Term Firm Point-To-Point Transmission Service Agreement between LG&E and Amoco Energy Trading Corporation under LG&E's Open Access Transmission Tariff.

Comment date: March 19, 1998, in accordance with Standard Paragraph E at the end of this notice.

39. Tampa Electric Company

[Docket No. ER98–2032–000]

Take notice that on February 27, 1998, Tampa Electric Company (Tampa

Electric), tendered for filing a letter of commitment providing for the sale of capacity and energy to the Reedy Creek Improvement District (RCID), under Service Schedule J of the Contract for Interchange Service between them. Tampa Electric requests that the letter of commitment be made effective on May 1, 1998.

Copies of the filing have been served on RCID and the Florida Public Service Commission.

Comment date: March 19, 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. 98–6256 Filed 3–10–98; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5976–5]

Science Advisory Board Notification of Public Advisory Committee Meetings, March 1998

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notification is hereby given that two committees of the Science Advisory Board (SAB) will meet on the dates and times described below. All meetings are open to the public. Due to limited space, seating at meetings will be on a first-come, first-served basis. All time noted are Eastern Daylight Time. For further information concerning specific meetings, please contact the individuals listed below. Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office.

1. Ecological Processes and Effects Committee (EPEC)

The Ecological Processes and Effects Committee of the Science Advisory Board (SAB) will meet on March 24–25, 1998 in the Conference Facility at the New England Aquarium, Central Wharf, Boston, MA 02110, telephone (617) 973–5220. The meeting is open to the public, but seating will be limited and available on a first come, first served basis. The meeting will convene at 8:30 a.m. on March 24, and at 8:00 a.m. on March 25, and end no later than 5:30 pm on both days. The purpose of the meeting is to: (a) Review the final report from the Blackstone River Initiative, Water Quality Analysis of the Blackstone River Under Wet and Dry Weather Conditions; and (b) conduct general committee business, including discussion of potential strategic projects to be undertaken in 1998.

Background—Blackstone River Initiative: The Blackstone River, which flows through south central Massachusetts into northeastern Rhode Island, is an important natural, recreational, and cultural resource to MA and RI and a major source of freshwater to Narragansett Bay. Over the years, the Blackstone River watershed has been the site of industrial and urban/suburban development, with the resultant hydrologic alteration (e.g., dams and impoundments) and pollutant loadings to the river. EPA Region I began the Blackstone River Initiative in 1991, in part to address concerns about the pollutant loadings contributed by the river to Narragansett Bay and to foster river restoration efforts. The final report from the Blackstone River Initiative, which describes the wet and dry weather monitoring efforts, application of fate and transport models, and determination of annual pollutant loading rates, has been submitted to the Science Advisory Board for review with regard to the following questions.

Overall Charge Question

(a) The Blackstone River Initiative was a multi-phased, interagency, interstate project established to: (1) Determine the current water quality of the Blackstone River under both wet and dry weather conditions; (2) assess the relative contribution of pollutant loadings from point and non-point sources in the watershed; and (3) forecast annual pollutant loading rates. In general, were the study design and implementation appropriate to fulfill these objectives?

More Specifically, the Committee Is Asked To Consider the Following

(b) Please comment on the approach used to describe the fate of dissolved oxygen in the Blackstone River. Are the procedures used to calibrate and validate the dissolved oxygen model appropriate?

(c) A basic, mathematical model was used to describe the fate of suspended solids and trace metals in the Blackstone River. Please comment on this approach. The dry weather trace metal data was also used to define aquatic life criteria violations. Please comment on this approach and its relevance to ambient water toxicity.

(d) The data from the Blackstone River Initiative were used to determine the relative importance between dry and wet weather pollutant loads and point and non-point sources of pollution. The analysis led to the identification of river reach pollutant hot spots. Please comment on whether this analysis appears appropriate.

(e) A procedure was followed to combine the dry weather modeling and dry and wet weather data analysis to estimate annual loading rates to Narragansett Bay by the Blackstone River. Is the application of this procedure appropriate and is the methodology transferable to other watersheds?

(f) The Blackstone River Initiative has generated a substantial data base of information for a moderately sized watershed. What is the utility of this data base on CD-ROM as a resource for other applications?

For Further Information—Any member of the public wishing to obtain copies of the Blackstone River review materials provided to the SAB for the meeting should contact Peter Nolan, Office of Environmental Measurement and Evaluation, U.S. EPA Region I, at (781) 860–4343 or E-mail at nolan.peter@epa.gov. (Review documents are NOT available from the SAB office).

For a copy of the draft meeting agenda, please contact Ms. Wanda R. Fields, Secretary for EPEC, at (202) 260–8414, Fax at (202) 260–7118, or E-mail: fields.wanda@epa.gov. Any member of the public wishing to submit brief oral comments to the Committee must contact Stephanie Sanzone, Designated Federal Officer for EPEC, in writing, no later than 4:00 pm Eastern Time on March 17, 1998 at Science Advisory Board (1400), U.S. EPA, Washington, DC 20460, tel. (202) 260–6557; fax (202)-260–7118; or E-mail: sanzone.stephanie@epa.gov. Written comments in any length may be

provided to Ms. Sanzone at the above address prior to the meeting. See below for details on providing comments to the SAB.

2. Executive Committee

The Executive Committee (EC) of the Science Advisory Board's (SAB) will conduct a public teleconference meeting on Tuesday, March 31, 1998, between the hours of 3:00 and 5:00 pm, Eastern Time. The meeting will be coordinated through a conference call connection in Room 2103 of the Mall at the U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. The public is welcome to attend the meeting physically or through a telephonic link. Additional instructions about how to participate in the conference call can be obtained by calling Ms. Priscilla Tillery-Gadson at (202) 260–8414 by March 18, 1998.

In this meeting the Executive Committee plans to review drafts from several of its Committees. These anticipated drafts include: (a) Environmental Engineering Committee Review of Toxic Release Inventory (TRI) Environmental Indicators Project; (b) Environmental Engineering Committee Review of ORD Pollution Prevention Research Plan; (c) Integrated Human Exposure Committee's Commentary on the Importance of Indoor Air Environment; and (d) Research Strategies Advisory Committee's Review of the ORD FY99 Budget Request.

For Further Information—Any member of the public wishing further information concerning the meeting or wishing to submit comments should contact Dr. Donald G. Barnes, Designated Federal Officer for the Executive Committee, Science Advisory Board (1400), U.S. Environmental Protection Agency, Washington DC 20460; telephone (202) 260–4126; FAX (202) 260–9232; and via the INTERNET at: barnes.don@epa.gov. Copies of the relevant documents are available from the same source. Draft documents will also be available on the SAB Website (http://www.epa.gov/sab) at least one week prior to the meeting.

Providing Oral or Written Comments at SAB Meetings

The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes. For conference call meetings, opportunities for oral comment will be limited to no more than five minutes per speaker and no more than fifteen minutes total. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date, may be mailed to the relevant SAB committee or subcommittee prior to its meeting; comments received too close to the meeting date will normally be provided to the committee at its meeting. Written comments may be provided to the relevant committee or subcommittee up until the time of the meeting.

Information concerning the Science Advisory Board, its structure, function, and composition, may be found in *The FY1997 Annual Report of the Staff Director* which is available from the SAB Committee Evaluation and Support Staff (CESS) by contacting US EPA, Science Advisory Board (1400), Attention: CESS, 401 M Street, SW, Washington, DC 20460 or via fax (202) 260–1889. Additional information concerning the SAB can be found on the SAB Home Page at: http://www.epa.gov/sab.

Dated: March 2, 1998.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 98–6277 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 202–010689–073.

Title: Transpacific Westbound Rate Agreement ("TWRA").

Parties: American President Lines, Ltd. and APL Co. PTE Ltd., Hapag-Lloyd Container Linie GmbH, Kawasaki Kisen Kaisha, Ltd., A.P. Moller-Maersk Line, Mitsui O.S.K. Lines, Ltd., Neptune Orient Lines, Ltd., Nippon Yusen Kaisha Line, Orient Overseas Container Line, Inc., P&O Nedlloyd Limited, P&O Nedlloyd B.V., Sea-Land Service, Inc.

Synopsis: The proposed modification provides for an alternative form of short notice independent action on non-refrigerated commodities in which IA can be taken on two-days notice on a matter that was proposed as an Agreement action but failed to be adopted.

Agreement No.: 224–201046.

Title: Alabama-Odyssea Agreement.

Parties: Alabama State Docks Department, Odyssea Stevedoring, Inc.

Synopsis: The proposed agreement concerns the terms and conditions under which the contractor performs cargo and freight handling services at the port. The term of the agreement runs until December 31, 2002.

Dated: March 5, 1998.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 98–6194 Filed 3–10–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

JFJ Freight Forwarders Inc., 320 N.W. 102nd Avenue, Pembroke Pines, FL 33026, Officer, Junetide F. Johnson, President

All Continental Group, Inc., 924 E. Main Street, Suite 106, Alhambra, CA 91801, Officers: GE Jia, Chief Executive Officer

Dated: March 6, 1998.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 98–6222 Filed 3–10–98; 8:45 am]

BILLING CODE 6730–01–M

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 6, 1998.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Baraboo Bancorporation, Baraboo, Wisconsin; to acquire 100 percent of the voting shares of State Bank of Wonewoc, Wonewoc, Wisconsin.

Board of Governors of the Federal Reserve System, March 6, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–6220 Filed 3–10–98; 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 March 26, 1998.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. Deutsche Bank AG, Frankfurt am Main, Federal Republic of Germany; for its subsidiary, Roland Berger & Partner Holding GmbH., Frankfurt am Main, Federal Republic of Germany, to establish a subsidiary in the United States and thereby engage *de novo* in providing management consulting advice, pursuant to § 225.28(b)(9)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 6, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–6221 Filed 3–10–98; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–134]

Quarterly Public Health Assessments Completed

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice is a quarterly announcement of sites for which ATSDR has completed public health assessments during the period July–September 1997. This list includes sites that are on or proposed for inclusion on the National Priorities List (NPL), and includes sites for which an assessment was prepared in response to a request from the public.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE.. Mailstop E–32, Atlanta, Georgia 30333, telephone (404) 639–0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments was published in the **Federal Register** on September 15, 1997, (62 FR 48290). The quarterly announcement is the responsibility of ATSDR under the regulation, Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities (42 CFR part 90). This rule sets forth ATSDR's procedures for the conduct of public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) (42 U.S.C. 9604(i)).

Availability

The completed public health assessments and addendum are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. The completed public health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 487–4650. NTIS charges for copies of public health assessments and addenda. The NTIS order numbers are listed in parentheses following the site names.

Public Health Assessments Completed or Issued

Between July 1, 1997, and September 30, 1997, public health assessments were issued for the sites listed below:

NPL Sites

California

Riverbank Army Ammunition Depot—Riverbank—(PB98–105885)

Colorado

Summitville Mine—Summitville (Del Norte)—(PB97–194757)

Illinois

Yeoman Creek and Edwards Field Landfills—Waukegan—(PB98–100944)

Maryland

Naval Air Station Patuxent River (a/k/a Patuxent Naval Air Station)—Patuxent—(PB97–198212)

Massachusetts

PSC Resources—Palmer—(PB98–105869)

Michigan

Albion Sheridan Township Landfill—Albion—(PB–105794)
North Bronson Industrial Area—Bronson—(PB98–105877)

Nebraska

Sherwood Medical Company—Norfolk—(PB97–203384)

North Carolina

U.S. Marine Corps Camp Lejeune Military Reservation—Camp Lejeune—(PB97–194740)

Oregon

U.S. Army Umatilla Depot Acitivty (a/k/a Umatilla Army Depot (Lagoons))—Hermiston—(PB98–103278)

Utah

Kennecott (South Zone)—Copperton—(PB98–106230)
Monticello Mill Tailings (DOE) and Monticello Radioactively Contaminated Properties (a/k/a Monticello Vicinity Properties)—Monticello—(PB98–106222)

Wisconsin

Madison Metropolitan Sewage Sludge Lagoon—Madison (Town of Blooming Grove)—(PB98–100886)

Non NPL Petition Sites

Colorado

Hansen Containers—Grand Junction—(PB98–105893)

Montana

Burlington Northern Livingston Complex (a/k/a Burlington Northern Rail Yard) Livingston—(PB98–105794)

South Carolina

GSX of South Carolina (a/k/a GSX Landfill)—Pinewood—(PB98–100878)

Dated: March 5, 1998.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 98–6195 Filed 3–10–98; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–98–13]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited 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) 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 for other forms of information technology. Send comments to Seleda Perryman, Assistant CDC Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

1. TB in Children (0920–0400)—Extension—National Center for HIV, STP, and TB Prevention—As a result of the rise of tuberculosis among children, CDC sponsored a Workshop on TB in Children a few years ago. Recommendations from the workshop included the need for further research concerning the epidemiology of TB in children, including children co-infected with HIV, improved diagnostic technologies, and the infectiousness of TB in children in health care settings. A contract with Columbia University (to study children in New York City) and with the University of California, San Diego (to study children in San Diego) was approved in December, 1996. The contract consisted of three Modules. Module II, Studies of the Diagnosis of TB in Children, was canceled in December, 1997 due to a lack of participant response. Module III, Reducing the Risk of Nosocomial Transmission of Tuberculosis in Pediatric Settings, has completed data collection and the results are being analyzed. Data collection for Module I, Epidemiology, Magnitude and Risk Factors for TB in children, including HIV-infected Children, was not completed within the original OMB timeframe. This is mainly due to the recent decline in TB incidence in children experienced in the last year in the two study areas.

Data collection will need to be completed for Module I. The data collected to date is not useful because the numbers are too small to be statistically significant to meet the study objectives.

Estimated cost to respondents and government: The costs of epidemiologists working on the contract will be $100,000. This is included in the total cost of the contract which is $1.8 million.

Clinicians will interview parents of pediatric TB cases and controls. We have estimated a payment of $10 per hour of parents time for the interviews. The costs are estimated as follows:

(a) Positive TST's—$10 @ hr. divided by 3 multiplied by 100=s $333.33

(b) Negative TST's—$10 @ hr. divided by 3 multiplied by 200=s $666.67

(c) Source case—$10 @ hr. divided by 2 multiplied by 150=s $750.00

Total cost is: $1750.00.

Respondents	Number of respondents	Number of responses/respondent	Average burden/response (in hrs.)	Total burden (in hrs.)
Positive Tuberculin Skin Tests (TST's)	100	1	0.333	33
Negative TST's	200	1	0.333	68
Source Case	150	1	0.5	75
Total				176

2. Evaluation of the C. Everett Koop Community Health Information Center (CHIC)—New—The National Center for Chronic Disease Prevention and Health Promotion intends to conduct a survey of 25 individuals who pay for library research services from the CHIC and an additional 50 individuals who represent members of key intermediary organizations that the CHIC would like to reach but is currently not reaching. The specific topic area for this study relates to the ability of the CHIC to meet the health information needs of the general public.

The purpose of this survey is to determine:

—The level of satisfaction with CHIC services among paying patrons who request services via telephone (the CHIC currently conducts a satisfaction survey with all walk-in patrons)
—The level of knowledge about the CHIC among key intermediary individuals and organizations
—The health information needs of key intermediary individuals and organizations
—How to market CHIC services to key intermediary individuals and organizations

Results from this research will be used to help evaluate the effectiveness of the CHIC in meeting the health information needs of the general public. Results from this research will provide the government with information about the efficacy of health information centers. In addition, this information will also be used by the CHIC to further enhance their ability to deliver health information services to the public residing in the Delaware Valley. There is no cost to the respondents.

Type of respondents	Number of respondents	Number of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Paying Patrons	25	1	.17	4.0
Key Intermediaries	50	1	.25	12.5
Total				16.5

3. National CDC AIDS and STD Hotline Callers Survey—Extension—(0920–0295)—The National Center for HIV, STD, and TB Prevention (NCHSTP) is requesting clearance to gather information for management and evaluation purposes. The information gathered will assists NCHSTP in the improvement of HIV/STD services to high risk populations. Every 30th caller to the National AIDS Hotline and every 15th caller to the National STD Hotline will be surveyed. Only callers to the AIDS and STD Hotlines will be affected. Respondents (callers) will be the general public. There is no cost to the respondent.

Respondents	Number of respondents	Number of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Callers to the Hotline	28,311	1	.0236	595
Total				595

4. Audience-Derived Input Regarding Campaign Development To Promote Colorectal Cancer Screening—New—The National Center for Chronic Disease Prevention and Health Promotion, Division of Cancer Prevention and Control is requesting clearance to gather information about colorectal cancer screening. Colorectal cancer is the second leading cause of cancer-related deaths in the United States. In 1997, approximately 131, 200 new cases of colorectal cancer will have been diagnosed, and an estimated 54,900 deaths will be caused by the disease. When colorectal cancer is detected early, chances for survival are greatly enhanced: current studies indicate that deaths from colorectal cancer could be reduced by approximately 33 percent through screening and by providing special attention to individuals at increased risk for this disease. As a result, in 1997 several major health organizations, including the Centers for Disease Control and Prevention, recommended routine screening be conducted for colorectal cancer among all Americans over 50 years of age in good health. Recent documented usage of colorectal cancer screening by the U.S. population, however, lags far behind screening for other cancers, such as breast and cervical cancers. Finding ways to promote the new recommendation for routine colorectal cancer screening among the target population, therefore, is a necessity in combating the disease.

The Division of Cancer Prevention and Control is planning to obtain input from the target audience of all adults within the U.S. who are in good health and age 50 and older. Information collected from the target audience will assist in the design and implementation of a national campaign intended to promote screening for colorectal cancer. Such information will include knowledge and attitudes regarding colorectal screening as well as responses to draft messages promoting screening, and will be gathered using focus groups, interviews, and the purchase of omnibus survey questions. Information on the estimated annual respondent burden is shown in the table below. Based on previous formative efforts, the cost to respondents is estimated to be $10 per hour, for a total cost of $2,250 for the 225 total burden hours listed.

Respondents	Number of respondents	Number of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Focus Groups	50	1	1.5	75
Intercept Interviews	100	1	0.5	50

Respondents	Number of respondents	Number of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Questions included in omnibus surveys	1000	1	0.10	100
Total				225

5. Breast Cancer Incidence in an Occupational Cohort Exposed to Ethylene Oxide and in an Occupational Cohort Exposed to Polychlorinated Biphenyls (0920–0366)—Extension—Breast cancer is the most common incident cancer among U.S. women, and the second leading cause of cancer mortality in U.S. women.

Increasing numbers of women are employed outside the home, yet few studies of breast cancer etiology have addressed occupational and environmental chemical exposures, and many cancer studies of industrial cohorts have excluded women. This study will provide information concerning (1) the incidence of breast cancer in a cohort of women exposed to ethylene oxide (ETO) and (2) the incidence of breast cancer in a cohort of women exposed to polychlorinated biphenyls (PCBs). Both compounds are suspected breast carcinogens. These two cohorts have been previously assembled by NIOSH, and each represents the largest and best defined female study cohort in the U.S. for the respective exposure.

All women in the existing NIOSH ethylene oxide cohort (n=9,929) and PCB cohort (13,736) will be enrolled in the study. For both cohorts, data from personnel records has been coded into a computer file containing demographic, and work history information. This information will be used to estimate workplace exposures. Vital status has been determined through automated data sources. Questionnaires are currently being mailed to each living cohort member to obtain information on breast cancer incidence and risk factors for breast cancer. For deceased cohort members, next-of-kin will be asked to provide this information. Other record sources such as death certificates and population-based cancer incidence registries will also be used to identify cancer cases. The diagnosis will be confirmed by medical records. Each questionnaire will take approximately 30 minutes to complete. The total cost to respondents is $187,500.

Respondents	Number of respondents	Number of responses/respondent	Avg. burden/response (in hrs.)	Total burden (in hrs.)
Workers	23,000	1	.50	11,500
Medical providers	2,000	1	.50	1,000
Total				12,500

6. Respiratory Protective Devices—42 CFR 84—Regulation—(0920–0109)—Extension—The regulatory authority for the National Institute for Occupational Safety and Health (.0NIOSH) certification program for respiratory protective devices is found in the Mine Safety and Health Amendments Act of 1977 (30 U.S.C. 577a, 651 *et seq.*, and 657(g)) and the Occupational Safety and Health Act of 1970 (30 U.S.C. 3, 5, 7, 811, 842(h), 844). These regulations have as their basis the performance tests and criteria for approval of respirators used by millions of American construction workers, miners, painters, asbestos removal workers, fabric mill workers, and fire fighters. In addition to benefitting industrial workers, the improved testing requirements also benefit health care workers implementing the current CDC Guidelines for Preventing the Transmission of Tuberculosis. Regulations of the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) also require the use of NIOSH-approved respirators.

NIOSH, in accordance with implementing regulations 42 CFR 84: (1) Issues certificates of approval for respirators which have met improved construction, performance, and protection requirements; (2) establishes procedures and requirements to be met in filing applications for approval; (3) specifies minimum requirements and methods to be employed by NIOSH and by applicants in conducting inspections, examinations, and tests to determine effectiveness of respirators; (4) establishes a schedule of fees to be charged applicants for testing and certification, and (5) establishes approval labeling requirements. The total cost to respondents is $4,691,120.

Respondents	Number of respondents	Number of responses/respondent	Avg. Burden/response (in hrs.)	Total burden (in hrs.)
Respirator Manufacturers	56	14	227	177,968
Total				177,968

Dated: March 5, 1998.

Charles Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–6193 Filed 3–10–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 98024]

Creating Healthy Work Organizations; Notice of Availability of Funds for Fiscal Year 1998

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1998 funds for a cooperative agreement program to design, implement, and evaluate organizational change interventions to create healthy work organizations.

CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering a copy of Healthy People 2000, see the section WHERE TO OBTAIN ADDITIONAL INFORMATION.)

Authority

This program is authorized under sections 20(a) and 22(e)(7) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a) and 671(e)(7).

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private, non-profit and for-profit organizations and governments, and their agencies. Thus, universities, colleges, research institutions, hospitals, other public and private organizations, State and local health departments or their bona fide agents, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned businesses are eligible to apply.

Note: An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible to receive Federal funds constituting an award, a grant, contract, loan, or any other form of funding.

Availability of Funds

Approximately $240,000 is available in FY 1998 to fund one award. The project period may last up to three years, depending on availability of funds, with budget periods of 12 months. It is expected that the award will begin on or about July 1, 1998. The funding estimate is subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and availability of funds.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of HHS funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1998 Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act (Pub. L. 105–78) states in Section 503(a) and (b) that no part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, or any State legislature, except in presentation to the Congress or any State legislative body itself. No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

Research over the past 25 years has identified job factors and work routines which are associated with employee stress and ill-health and has resulted in lengthy lists of both job stressors and stress-related health outcomes. A recent conceptual development has been a broadening of the focus from job stressor-health relationships to overall organizational health. Organizational health is a more inclusive concept and refers to enhanced organizational performance (productivity and effectiveness) plus worker good health. A healthy work organization is one whose culture/climate, values and practices promote employee health and company effectiveness. This definition accommodates heretofore opposing goals: (1) Organizational goals of profitability and competitiveness, and (2) worker goals of health and well-being.

In 1991, NIOSH initiated a program of research to study healthy work organizations. The research emphasized the interrelationship of individual worker well-being and organization effectiveness, and focused on macro-organization characteristics, in addition to job-level characteristics, as risk factors for ill health and performance impairment. NIOSH analyzed organizational climate survey data obtained from one corporate partner during the years 1993–1995. Over 10,000 workers filled out the anonymous questionnaire, which contained measures of stress and coping, management practices, individual and team performance, organizational culture, values, and performance. Statistical analyses of these cross-sectional data identified key organizational variables associated with low employee stress and high organizational effectiveness.

Based on these analyses, NIOSH developed a provisional model of a healthy work organization which contains three broad, interrelated categories: *Organizational values, culture/climate,* and *management practices.* Healthy work organizations demonstrate commitment to company values which emphasize employee growth and development, integrity and honesty in communication, workforce diversity, and view the individual worker as a valuable human resource. These organizations have a culture/climate in which workers (a) are personally valued, (b) have authority to take actions to solve problems, (c) are

encouraged by management to express opinions and become involved in decision-making, and (d) resolve group conflicts effectively. Management practices in an healthy work organization include (1) management actively engaged in leadership and strategic planning, (2) management making the necessary changes to follow through on long term business strategies, (3) workers recognized for problem-solving and rewarded for doing quality work, and (4) first line supervisors provide assistance and resources in helping workers plan for their future.

Beyond these empirically determined characteristics, two additional factors need to be incorporated into the model: *External economic/market conditions* and *physical work conditions.* External market conditions exert a strong influence on company profitability and competitiveness independent of the culture/climate, values, and management practices. Similarly, a healthy work organization should meet certain minimum standards for physical working conditions in order to protect the health and safety of employees.

In summary, the job and organizational characteristics listed above form a provisional profile of a healthy work organization, and can be used to design interventions for improving organizational health. The model is provisional because it has not been validated in various manufacturing settings and has not been tested across other industry groups. Furthermore, it is not known whether all of the characteristics listed above are necessary and sufficient measures of a healthy work organization, or whether certain combinations of characteristics are more important than others.

Purpose

The application is to conduct field studies which identify characteristics of healthy work organizations. The program will focus on worksite primary prevention efforts, which can involve:

A. Examination of on-going studies in companies where changes are being, or have been, introduced to improve organizational effectiveness and employee health, or

B. New studies which test models of healthy work organizations. Interventions can consist of structural and/or functional changes targeting culture/climate, values or management practices.

The major objectives should be the development, installation, and evaluation of interventions to create healthy work organizations. Project results, in combination with other research, will provide the basis for recommendations on how to create healthy work organizations.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities) and CDC/NIOSH will be responsible for activities under B. (CDC/NIOSH Activities).

A. Recipient Activities

1. Prepare study protocol and obtain required approvals (e.g., institutional review board, etc). The protocol should contain a review of the pertinent literature on healthy work organizations, a description of the study methodology, data to be collected, and proposed analyses of the data. Present the protocol to a panel of scientific peer reviewers (if required) and revise the protocol as required for final approval.

2. Perform data collection and management. Data will include subjective and objective measures of worker health and performance, company health care costs, and performance/productivity indicators.

3. Evaluate the effectiveness of healthy work organization interventions in reducing health care costs and stress-related health conditions while improving organizational productivity and effectiveness.

4. Prepare a report summarizing the study methodology, results obtained, and conclusions reached. Develop recommendations (e.g., best practices) for creating healthy work organizations. Report study results in the scientific community via presentations at professional conferences and articles in peer-reviewed journals.

B. CDC/NIOSH Activities

1. Provide scientific and technical collaboration for the successful completion of this project.

2. Identify reviews and/or clearances that must be fulfilled by the recipient and, if necessary, assist in convening a scientific peer review panel to review draft study Sec. protocol.

3. Provide technical assistance, if needed, at key stages of the study including study design, survey instrument design, interpretation of results and preparation of written reports.

Technical Reporting Requirements

An original and two copies of a progress report are required annually. An original and two copies of a final performance report and Financial Status Report are due no later than 90 days after the end of the project period.

Annual progress report should include:

A. A brief program description.

B. A listing of program goals and objectives accompanied by a comparison of the actual accomplishments related to the goals and objectives established for the period.

C. If established goals and objectives to be accomplished were delayed, describe both the reason for the deviation and anticipated corrective action or deletion of the activity from the project.

D. Other pertinent information, including the status of completeness, timeliness and quality of data.

Application Content

The entire application, including appendices, should not exceed 40 pages and the application Narrative section contained therein should not exceed 25 pages. Pages should be clearly numbered and a complete index to the application and any appendices included. The original and each copy of the application must be submitted unstapled and unbound. All materials must be typewritten, double-spaced, with unreduced type (font size 12 point) on 8½" by 11" paper, with at least 1" margins, headers, and footers, and printed on one side only. Do not include any spiral or bound materials or pamphlets.

The applicant should provide a detailed description of first-year activities and briefly describe future-years objectives and activities.

A. Title Page

The heading should include the title of the program, project title, organization, name and address, project director's name address and telephone number.

B. Abstract

A one page, singled-spaced, typed abstract must be submitted with the application. The heading should include the title of and number of this program agreement, project title, organization, name and address and telephone number of the project director. This abstract should include a work plan identifying activities to be developed, specific activities to be completed, and a time-line for completion of these activities.

C. Proposal Narrative

The narrative of each application must:

1. Briefly state the applicant's understanding of the need or problem to

be addressed and the purpose of this project. Prepare a draft protocol for the study.

2. Include a description of the intervention or change strategy and an evaluation plan which includes both subjective and objective measures of antecedent factors and outcomes.

3. Describe clearly the objectives of the project, the steps and timelines to be taken in planning and implementing the project, and the respective responsibilities of the applicant for carrying out those steps.

4. Provide a proposed method of evaluating the accomplishments.

5. Provide documentation of access to potential study sites, and provide documentation of management and labor support for the study.

6. Document the applicant's expertise in the area of organizational behavior, organization development, job stress, and psychosocial risk factors as they pertain to healthy work organization research.

7. Provide the name, qualifications, and proposed time allocation of the Project Director who will be responsible for administering the project. Describe staff, experience, facilities, equipment available for performance of this project, and other resources that define the applicant's capacity or potential to accomplish the requirements stated above. List the names (if known), qualifications, and time allocations of the existing professional staff to be assigned to (or recruited for) this project, the support staff available for performance of this project, and the available facilities including space.

8. Human Subjects: State whether or not Humans are subjects in this proposed project. (See *Human Subjects* in the Evaluation Criteria and Other Requirements sections.)

9. Inclusion of women, ethnic, and racial groups: Describe how the CDC policy requirements will be met regarding the inclusion of women, ethnic, and racial groups in the proposed research. (See *Women, Racial and Ethnic Minorities* in the Evaluation Criteria and Other Requirements sections.)

10. Provide a detailed budget which indicates: (a) Anticipated costs for personnel, travel, communications, postage, equipment, supplies, etc., and (b) all sources of funds to meet those needs.

Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria:

A. Understanding of the Problem (25%)

Responsiveness to the objective of the program including: (1) Applicant's understanding of the general objectives of the proposed cooperative agreement, and (2) evidence of ability to design and evaluate healthy work organization interventions.

B. Program Personnel (20%)

1. Applicant's technical experience (e.g., in the areas of healthy work organizations, job stress, organizational behavior, organization development), and

2. The qualifications and time allocation of the professional staff to be assigned to this project.

C. Study Design (30%)

1. Adequacy of the study design and methodology for accomplishing the stated objectives. Steps proposed for implementing this project and the respective responsibilities of the applicant for carrying out those steps. Evidence of the applicant's access to companies who will serve as the study populations (e.g., commitment from company sites for installing and evaluating the interventions and for providing objective data for evaluation).

2. The degree to which the applicant has met the CDC policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed project. This includes: (a) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation; (b) The proposed justification when representation is limited or absent; (c) A statement as to whether the design of the study is adequate to measure differences when warranted; and (d) A statement as to whether the plan for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

D. Project Planning (15%)

The applicant's schedule proposed for accomplishing the activities to be carried out in this project and for evaluating the accomplishments.

E. Facilities and Resources (10%)

The adequacy of the applicant's facilities, equipment, and other resources available for performance of this project.

F. Human Subjects (Not Scored)

Whether or not exempt from the Department of Health and Human Services (DHHS) regulations, are procedures adequate for the protection of human subjects? Recommendations on the adequacy of protections include: (1) Protections appear adequate, and there are no comments to make or concerns to raise, (2) protections appear adequate, but there are comments regarding the protocol, (3) protections appear inadequate and the Objective Review Group has concerns related to human subjects; or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

G. Budget Justification (Not Scored)

The budget will be evaluated to the extent that it is reasonable, clearly justified, and consistent with the intended use of funds.

Executive Order 12372 Review

This program is not subject to the Executive Order 12372 review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number for this project is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from ten or more individuals and funded by this cooperative agreement will be subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the DHHS Regulations, 45 CFR part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or

will support the research. If any American Indian community is involved, its tribal government must also approve that portion of the project applicable to it.

Women, Racial and Ethnic Minorities

It is the policy of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaska Native, Asian, Black or African American, Hispanic or Latino, and Native Hawaiian or other Pacific Islander. Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exists that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects. Further guidance to this policy is contained in the Federal Register, Vol. 60, No. 179, pages 47947–47951, and dated Friday, September 15, 1995.

Application Submission and Deadline

1. Preapplication Letter of Intent

Although not a prerequisite of application, a non-binding letter of intent-to-apply is requested from potential applicants. The letter should be submitted to Victoria Sepe, Grants Management Branch, Procurement and Grants Office, CDC at the address listed in this section. It should be postmarked no later than April 3, 1998. The letter should identify Program Announcement number 98024, name of principal investigator, and address of the proposed project. The letter of intent does not influence review or funding decisions, but it will enable CDC to plan the review more efficiently and will ensure that each applicant receives timely and relevant information prior to application submission.

2. Application

The original and two copies of the application PHS Form 5161–1 (Revised 7/92, OMB Number 0937–0189) must be submitted to Victoria Sepe, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 321, Atlanta, GA 30305, on or before May 15, 1998.

1. Deadline: Applications will be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date, or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (The applicants must request a legibly dated U.S. Postal Service postmark or obtain a receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. Late Applicants: Applications that do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered and will be returned to the applicants.

Where To Obtain Additional Information

Application Packet

To receive additional written information call 1–888–GRANTS4. You will be asked to leave your name, address, and phone number and will need to refer to Announcement 98024. You will receive a complete program description, information on application procedures, and application forms. CDC will not send application kits by facsimile or express mail. Please refer to Announcement Number 98024 when requesting information and submitting an application.

Internet

This and other CDC announcements are available through the CDC homepage on the Internet. The address for the CDC homepage is: http://www.cdc.gov. For your convenience, you may be able to retrieve a copy of the PHS Form 5161–1 (OMB Number 0937–0189) from http://mercury.psc.dhhs.gov.

Business Management Technical Assistance

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Victoria Sepe, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), Mailstop E–13, Room 321, 255 East Paces Ferry Road, NE., Atlanta, GA 30305, telephone (404) 842–6804, Internet: vxw1@cdc.gov.

Programmatic Technical Assistance

If you have programmatic technical assistance questions you may obtain information from Lawrence R. Murphy, Ph.D., Motivation and Stress Research Section, Applied Psychology and Ergonomics Branch, Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), Mailstop C–24, 4676 Columbia Parkway, Cincinnati, OH 45226–1998, telephone (513) 533–8171, Internet: lrm2@cdc.gov.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: March 5, 1998.

Diane D. Porter,

Acting Director, National Institute For Occupational Safety and Health Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–6197 Filed 3–10–98; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Health Professions Preparatory, Pregraduate and Indian Health Professions Scholarships Programs

AGENCY: Indian Health Service, HHS.

ACTION: Update of Standing Notice of Availability of Funds for Health Professionals Preparatory, Pregraduate and Indian Health Professions Scholarship Programs published in 62 FR 5443, February 5, 1997.

SUMMARY: The Indian Health Service (IHS) announces the availability of approximately $3,578,200 to fund scholarships for the Health Professions Preparatory and Pregraduate Scholarship Programs for FY 1998 awards. These programs are authorized by section 103 of the Indian Health Care Improvement Act (IHCIA), Pub.L. 94–437, as amended by Pub.L. 100–713, Pub.L. 102–573, and by Pub.L. 104–313. The Indian Health Scholarship (Professions), authorized by section 104 of the IHCIA, Pub. L. 94–437, as amended by Pub.L. 100–713, Pub.L. 102–573, and by Pub.L. 104–313, has approximately $7,636,100 available for FY 1998 awards.

Scholarships under the three programs will be awarded utilizing the

Grant Application form PHS–5161–1 (OMB# 0937–0189, expires July 31, 1998. For academic year 1998–1999, both full-time and part-time scholarships will be funded for each of the three scholarship programs.

The Health Professions Preparatory Scholarship Grant Program is listed as No. 93.123 in the Office of Management and Budget Catalog of Federal Domestic Assistance (CFDA). The Health Professions Pregraduate Scholarship Grant Program is listed as No. 93.971, and the Indian Health Professions Scholarship Grant Program is listed as No. 93.972 in the CFDA.

DATE: The application deadline for new applicants is April 15, 1998. The application deadline for continuation applicants is April 1, 1998. Applications shall be considered as meeting the deadline if they are received by the appropriate Scholarship Coordinator on the deadline date or postmarked on or before the deadline date. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

FOR FURTHER INFORMATION CONTACT: Please address application inquiries to the appropriate Indian Health Service Area Scholarship Coordinator, as listed below.

IHS Area Office and States/Locality Served and Scholarship Coordinator/ Address

Aberdeen Area IHS: Iowa, Nebraska, North Dakota, South Dakota—Ms. Lila Jean Topalian, Scholarship Coordinator, IHS Aberdeen Area, Federal Building, Rm. 309, 115 4th Avenue, SE., Aberdeen, SD 57401, Tele: 605–226–7553

Alaska Area Native Health Service: Alaska—Ms. Rose Jerue, Scholarship Coordinator, IHS Alaska Area, 4141 Ambassador Drive, Rm. 349, Anchorage, Alaska 99508, Tele: 907–729–1332

Albuquerque Area IHS: Colorado, New Mexico—Ms. Alvina Waseta, Scholarship Coordinator, IHS Albuquerque Area, 5338 Montgomery Blvd., NE, Suite 123, Albuquerque, NM 87109–1311, Tele: 505–248–4513

Bemidji Area IHS: Illinois, Indiana, Michigan, Minnesota, Wisconsin—Ms. Barbara Fairbanks, Scholarship Coordinator, IHS Bemidji Area, 127 Federal Building, Bemidji, MN 56601, Tele: 218–759–3415

Billings Area IHS: Montana, Wyoming—Mr. Sandy MacDonald, Scholarship Coordinator, IHS Billings Area, Area Personnel Office, P.O. Box 2143, 2900 4th Avenue, North, Billings, MT 59103–6601, Tele: 406–247–7210

California Area IHS: California, Hawaii—Ms. Sara G. Cotterill, Scholarship Coordinator, IHS California Area, 1825 Bell Street—Suite 200, Sacramento, CA 95825–1097, Tele: 916–566–7001

Nashville Area IHS: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, District of Columbia, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia—Mr. Jesse Thomas, Scholarship Coordinator, IHS Nashville Area, 711 Stewarts Ferry Pike, Nashville, TN 37214–2634, Tele: 615–736–2431

Navajo Area IHS: Arizona, New Mexico, Utah—Ms. Pamela Johnson, Scholarship Coordinator, IHS Navajo Area, P.O. Box 9020, Window Rock, AZ 86515, Tele: 520–871–1422

Oklahoma City Area IHS: Kansas, Missouri, Oklahoma—Ms. Barbara Roy, Scholarship Coordinator, IHS Oklahoma City Area, Five Corporate Plaza, 3625 N.W. 56th Street, Oklahoma City, OK 73112, Tele: 405–951–3939

Phoenix Area IHS: Arizona, Nevada, Utah—Ms. Lena Fast Horse, Scholarship Coordinator, IHS Phoenix Area, 3738 N. 16th Street—Suite A, Phoenix, AZ 85016–5981, Tele: 602–364–5227

Portland Area IHS: Idaho, Oregon, Washington—Mr. Gary Small, Scholarship Coordinator, IHS Portland Area, 1220 SW 3rd Street, Rm 440, Portland, OR 97204–2892, Tele: 503–326–6990

Tucson Area IHS: Arizona, Texas—Mr. Cecil Escalante, Scholarship Coordinator, IHS Tucson Area, Personnel Office, 7900 S.J. Stock Road, Tucson, AZ 85746, Tele: 520–295–2441

Other programmatic inquiries may be addressed to Ms. Patricia Lee-McCoy, Chief, Scholarship Branch, Indian Health Service, Twinbrook Metro Plaza, Suite 100, 12300 Twinbrook Parkway, Rockville, Maryland 20852; Telephone 301–443–6197. (This is not a toll-free number.) For grants information, contact Ms. Margaret Griffiths, Acting Grants Scholarship Coordinator, Grants Management Branch, Division of Acquisition and Grants Operations, Indian Health Service, Room 100, 12300 Twinbrook Parkway, Rockville, Maryland 20852; Telephone 301–443–0243. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: An addition to the list of priority health professions for Indian Health Scholarships (Professions) that was published in 62 FR 5443, February 5, 1997, is Physician Assistants at the Master of Science degree level. X-ray/ Ultrasonography replaces Sonography as a priority health profession on the list that was published in 62 FR 5443, February 5, 1997.

Dated: February 25, 1998.

Michael H. Trujillo,

Assistant Surgeon General, Director.

[FR Doc. 98–6159 Filed 3–10–98; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4345–D–01]

Revocation and Redelegation of Authority

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO), HUD.

ACTION: Notice of revocation and redelegation of authority pertaining to HUD's Fair Housing Complaint Processing regulations.

SUMMARY: This redelegation pertains to determinations of reasonable cause and of no reasonable cause to believe that a discriminatory housing practice has occurred, implementing section 810(g) of the Fair Housing Act. In this document, the authority to make determinations of reasonable cause and the authority to make determinations of no reasonable cause are being redelegated from the Assistant Secretary for FHEO to the General Deputy Assistant Secretary and to FHEO HUB Directors in the field. In addition, the authority previously given to the FHEO Enforcement Center Directors and to the Deputy Assistant Secretary for Enforcement and Investigations, published at 59 FR 53553 (October 24, 1994), is revoked.

EFFECTIVE DATE: February 26, 1998.

FOR FURTHER INFORMATION CONTACT: Dianne Taylor, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW., Room 5100, Washington, DC 20410–2000; telephone (202) 708–4252, ext. 140. [This is not a toll-free number.] This number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: This redelegation is prompted by

management reforms to the field structure of the Office of Fair Housing and Equal Opportunity. As a result of the reforms, the field structure will no longer be comprised of FHEO Fair Housing Enforcement Centers (FHECs) and FHEO Program Operations and Compliance Centers (POCCs). Instead, the field will be divided into 10 geographic areas served by FHEO HUBs, and each HUB area will be subdivided by Program Center(s) and smaller Local FHEO Site(s). The reorganized FHEO field components will perform all core functions at the lowest organizational levels, thereby empowering field managers to choose from a range of civil rights actions in order to be most responsive to local client needs.

Accordingly, the Assistant Secretary for FHEO revokes and redelegates authority, as follows:

Section A. Authority Revoked

The authority delegated from the Assistant Secretary for FHEO to the Deputy Assistant Secretary for Enforcement and Investigations and to the FHEO Fair Housing Enforcement Center Directors, published at 59 FR 53553 (October 24, 1994), is revoked.

Section B. Authority Redelegated

All of the power and authority delegated to the Assistant Secretary for FHEO pursuant to the regulations at 24 CFR 103.400 and 103.405 of 24 CFR part 103 is retained by the Assistant Secretary for FHEO, and redelegated to the General Deputy Assistant Secretary and to each of the FHEO HUB Directors in the field. This redelegation includes, but is not limited to, carrying out the following responsibilities:

(1.) Making a determination that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, and issuing a short written statement of the facts upon which the decision is based. See, 24 CFR 103.400(a)(1).

(2.) With the concurrence of the General Counsel, determining that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, except in matters involving the legality of local zoning or land use laws or ordinances. Matters involving local zoning or land use laws or ordinances shall be referred to the Attorney General, in lieu of the Assistant Secretary making a determination regarding reasonable cause. See, 24 CFR 103.400(a)(2).

(3.) Upon receipt of concurrence by the General Counsel, directing the issuance of charges under 24 CFR 103.405.

The authority redelegated under 24 CFR Part 8 includes, but is not limited to, the authority to act as the "responsible civil rights official" in requesting and receiving documents pursuant to 24 CFR 8.51(b); obtaining compliance reports from recipients pursuant to 24 CFR 8.55(b); being permitted access to sources of information by recipients pursuant to 24 CFR 8.55(c); performing periodic compliance reviews, including on-site reviews, pursuant to 24 CFR 8.56(a); and conducting investigations pursuant to 24 CFR 8.56(b).

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).

Dated: February 26, 1998.

Eva M. Plaza,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 98–6189 Filed 3–10–98; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4345–D–02]

Revocation and Redelegation of Authority

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO), HUD.

ACTION: Notice of revocation and redelegation of authority.

SUMMARY: In this notice, the Assistant Secretary for Fair Housing and Equal Opportunity redelegates to the General Deputy Assistant Secretary and to FHEO HUB Directors in the field the authority to act as the "responsible Department official" and/or the "responsible civil rights official," for the geographic area for which the official is responsible, in making determinations of compliance and of non-compliance under the following statutes and regulations: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1, and its implementing regulations at 24 CFR part 8; and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and its implementing regulations at 24 CFR part 1; Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 5309, and its implementing regulations at 24 CFR part 8. In this document, the Assistant Secretary also revokes the redelegation of authority published at 61 FR 26199 on May 24, 1996, which pertains to Section 504 of the Rehabilitation Act of 1973.

EFFECTIVE DATE: February 26, 1998.

FOR FURTHER INFORMATION CONTACT: Dianne Taylor, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 7th Street SW, Room 5100, Washington, DC 20410–2000; telephone (202) 708–4252, ext. 140, [This is not a toll-free number.] A telecommunications device for hearing impaired persons (TTY) is available at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: This redelegation is prompted by management reforms to the field structure of the Office of Fair Housing and Equal Opportunity. As a result of the reforms, the field structure will no longer be comprised of FHEO Fair Housing Enforcement Centers (FHECs) and FHEO Program Operations and Compliance Centers (POCCs). Instead, the field will be divided into 10 geographic areas served by FHEO HUBs, and each HUB area will be subdivided by Program Center(s) and smaller Local FHEO Site(s). The FHEO field components will perform all core functions at the lowest organizational levels, thereby empowering field managers to choose from a range of civil rights actions in order to be most responsive to local client needs.

Accordingly, the Assistant Secretary for FHEO revokes and redelegates authority, as follows:

Section A. Authority Revoked

The redelegation of authority published in the **Federal Register** at 61 FR 26199 (May 24, 1996), which pertained to Section 504 of the Rehabilitation Act of 1973, is revoked.

Section B. Authority Redelegated

The Assistant Secretary for EHEO retains and redelegates, to the General Deputy Assistant Secretary and to each FHEO HUB Director in the field, all authority necessary to act as the "responsible civil rights official" and/or the "responsible Department official," for the geographic area for which the official is responsible, in making determinations of compliance and of non-compliance under the following statutes and regulations: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1, and its implementing regulations at 24 CFR part 1; Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 5309, and its implementing regulations at 24 CFR part 8; and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and its implementing regulations at 24 CFR part 8.

The authority redelegated under 24 CFR part 1 includes, but is not limited to the authority to act as the "responsible Department official" in

obtaining compliance reports from recipients under 24 CFR 1.6(b); being permitted access to sources of information by recipients pursuant to 24 CFR 1.6(c); conducting periodic compliance reviews pursuant to 24 CFR 1.7(a); and conducting investigations pursuant to 24 CFR 1.7(c).

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: February 26, 1998.

Eva M. Plaza,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 98–6190 Filed 3–10–98; 8:45 am]

BILLING CODE 4210–28–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4345–D–03]

Redelegation of Authority; Waiver of Directives

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice, the Assistant Secretary for Fair Housing and Equal Opportunity redelegates to the General Deputy Assistant Secretary for FHEO and to FHEO HUB Directors in the field the authority to waive directives and handbook provisions pertaining to fair housing and equal opportunity in Department programs.

EFFECTIVE DATE: February 26, 1998.

FOR FURTHER INFORMATION CONTACT: Dianne Taylor, Office of FHEO, Department of Housing and Urban Development, Room 5100, 451 7th Street, SW, Washington, DC 20410, telephone numbers (202) 708–4252, ext. 140. (This is not a toll-free number.) This number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The purpose of this redelegation is to provide the General Deputy Assistant Secretary for FHEO and FHEO HUB Directors in the field the authority to waive directives, including handbook provisions, pertaining to fair housing and equal opportunity in Department programs, in the geographic area for which the official is responsible. This redelegation does not supersede the Department's Statement of Policy published on April 22, 1991, at 56 FR 16337, entitled "Waiver of Regulations and Directive Issued by HUD."

Department directives mandated by statute, executive order, or regulation, and those related to civil rights compliance and enforcement are not within this redelegation. The Secretary is the ultimate repository of the authority both to issue and to waive the regulations of the Department. Typically the authority to issue regulations is delegated to an Assistant Secretary or official of equivalent rank. Under Section 7(q) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q), the Secretary may not delegate the authority to waive a regulation below the Assistant Secretary rank. This prohibition even includes individuals who have been delegated authority concurrent with the Assistant Secretary. Under circumstances prescribed in the policy statement, the General Counsel must concur on proposed waivers of regulations subject to Section 7(q) of the HUD Act.

Under HUD's policy statement on waiver of regulations and directives, Directive means a Handbook (including a change or supplement), notice, interim notice, special directive, and any other issuance that the Department may classify as a directive. Handbook means a directive that communicates information of a permanent nature (including clarification of policies, instructions, guidance, procedures, forms, and reports) for HUD staff or program participants. Its permanent nature distinguishes a Handbook from other temporary HUD directives such as notices.

Accordingly, the Assistant Secretary for Fair Housing and Equal Opportunity redelegates as follows:

Section A. Authority Redelegated

The Assistant Secretary for Fair Housing and Equal Opportunity retains and redelegates, to the General Deputy Assistant Secretary for FHEO and to each FHEO HUB Director in the field, the authority to waive Department directives, including handbook provisions, concerning fair housing and equal opportunity in Department programs, for the geographic area for which the official is responsible. Each waiver granted shall be in writing, specify the grounds for the waiver, and shall be transmitted in writing to the Assistant Secretary for FHEO.

Authority: Sec. 7(d) of the Department of Housing and Urban Development (42 U.S.C. 3535(d)).

Dated: February 26, 1998.

Eva M. Plaza,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 98–6191 Filed 3–10–98; 8:45 am]

BILLING CODE 4210–18–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Application for Endangered Species Permit

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*):

Applicant: Christopher Niles Kernan, Fairchild Research Center, Miami, Florida PRT–839840.

The applicant requests authorization to remove and reduce to possession seeds and tissue samples of the endangered tiny polygala, *Polygala smallii,* from Federal properties in Miami for the purpose of enhancement of survival of the species.

Applicant: Gregory T. Hagan, Tallahassee, Florida PRT–839491.

The applicant requests authorization to take (capture, band, translocate, and harass during surveys and installation of cavity restrictors) the red-cockaded woodpecker, *Picoides borealis,* throughout the species range in Georgia and Florida, for the purpose of enhancement of survival of the species.

Applicant: Assistant Regional Director, Ecological Services, Fish and Wildlife Service, Southeast Region, Atlanta, Georgia PRT–697819.

The applicant requests renewal of existing authorization to take, or remove and reduce to possession, wildlife and plant species listed as threatened or endangered in 50 CFR Parts 17.11 and 17.12, from throughout these species' ranges in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Arkansas, Louisiana, Puerto Rico, and the U.S. Virgin Islands. Activities authorized under this permit are for the purpose of enhancement of survival of the species.

Written data or comments on these applications should be submitted to: Regional Permit Biologist, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345. All data and comments must be received by April 10, 1998.

Documents and other information submitted with this application are

available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone: 404/679–7313; Fax: 404/679–7081.

Dated: March 3, 1998.

Judy Jones,

Acting Regional Director.

[FR Doc. 98–6200 Filed 3–10–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–912–08–0777–52]

Notice of the Utah Resource Advisory Council Meeting

SUMMARY: A meeting of the Utah Resource Advisory Council (RAC) will be held April 3–4, 1998. On April 3, the RAC will discuss the recreational fee issue. Day-long presentations and panel discussions focusing on fee program history, current status, and future direction are planned. Meeting participants and presenters will include representatives from the BLM, other federal agencies, Northern Arizona University, state government, and interest groups. The meeting is being held at the Holiday Inn, 838 Westwood Blvd., Price, Utah. It will begin at 10:00 and conclude at 5:00 with a public comment period scheduled from 5:00–5:30.

On April 4, the Council will focus on the Off-Road-Vehicle travel plan for the San Rafael Swell. The RAC will participate in a field tour of the west side of the San Rafael Swell within the Sids Mountain area. They will be departing from the Holiday Inn at 7:00 a.m. and concluding the tour at approximately 2:30 p.m.

Resource Advisory Council meetings are open to the public; however, transportation, meals, and overnight accommodations are the responsibility of the participating public.

FOR FURTHER INFORMATION CONTACT: Anyone interested in attending the meeting or wishing to address the Council during the public comment period, should contact Sherry Foot at the Bureau of Land Management, Utah State Office, 324 South State Street, Salt Lake City, Utah, 84111 or by calling (801) 539–4195 or (801) 539–4021.

Dated: March 3, 1998.

G. William Lamb,

State Director.

[FR Doc. 98–6198 Filed 3–10–98; 8:45 am]

BILLING CODE 4310–DQ–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–400]

Certain Telephonic Digital Added Main Line Systems, Components Therefor, and Products Containing Same; Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation on The Basis of a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (ALJ's) initial determination (ID) (Order No. 23) in the above-captioned investigation terminating the investigation on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3104. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on August 20, 1997, based on a complaint by Raychem Corp. of Menlo Park, California. 62 F.R. 44290. The respondents named in the investigation are ECI Telecom, Ltd, of Petah Tikva, Israel and ECI Telecom, Inc. of Altamonte Springs, Florida (collectively, ECI). Raychem's complaint alleged that ECI was importing and selling within the United States telephonic digital main line systems which infringed claims 1–7 of U.S. Letters Patent 5,459,729, claims 1, 3–11, and 14-16 of U.S. Letters Patent 5,459,730, and claims 1–5 and 7–11 of U.S. Letters Patent 5,473,613. The patents are held by Raychem.

On January 30, 1998, complainant and respondents to the investigation filed a joint motion to terminate the investigation as to all issues based upon a settlement agreement. The presiding ALJ issued an ID granting the joint motion on February 10, 1998. He stated that termination based on settlement is generally in the public interest and found no indication that termination of this investigation would have an adverse impact on the public interest. No petitions for review were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission rule 210.42, 19 CFR 210.42.

Copies of the public version of the ALJ's ID, and all other nonconfidential documents filed in connection with this investigation, are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202–205–2000.

By order of the Commission.

Issued: March 5, 1998.

Donna R. Koehnke,

Secretary.

[FR Doc. 98–6228 Filed 3–10–98; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 97–15]

Cecil E. Oakes, Jr., M.D.; Grant of Restricted Registration

On February 25, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Cecil E. Oakes, Jr., M.D., (Respondent) of Fort Benning, Georgia and Fairfield, California, notifying him of an opportunity to show cause as to why DEA should not deny his applications for registration as a practitioner under 21 U.S.C. 823(f), for reason that such registration would be inconsistent with the public interest.

By letter dated April 1, 1997, Respondent, proceeding pro se, filed a request for a hearing and following prehearing procedures, a hearing was held in San Francisco, California on August 20, 1997, before Administrative Law Judge Gail A. Randall. At the hearing, the Government called witnesses to testify and introduced documentary evidence. Respondent testified on his own behalf. After the hearing, both sides submitted proposed findings of fact, conclusions of law and argument. On December 15, 1997, Judge Randall issued her Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision, recommending

that Respondent be granted a DEA Certificate of Registration subject to several conditions. On January 2, 1998, Government counsel filed Exceptions to the Conclusion and Recommended Decision of the Administrative Law Judge, and on January 20, 1998, Judge Randall transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, except as specifically noted below, the Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge. His adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Acting Deputy Administrator finds that according to Respondent, he first obtained a DEA Certificate of Registration in the late 1960's. At some point, he became licensed to practice medicine in the state of Ohio and on December 29, 1987, was issued DEA Certificate of Registration AO9640168, for a Columbus, Ohio address bearing an expiration date of December 31, 1990. Respondent was not subsequently issued any other Certificates of Registration by DEA.

Sometime in 1994, DEA was contacted by a credentials coordinator with the Department of the Army, regarding the status of Respondent's DEA Certificate of Registration. The credentials coordinator forwarded a copy of Respondent's credentials file to DEA. Upon reviewing the file, it became apparent that on three separate occasions, Respondent altered the last DEA Certificate of Registration issued to him. First, Respondent changed the date of issuance to December 29, 1988, with an expiration date of December 31, 1991. Then Respondent altered the issuance date to read December 29, 1990, and the expiration date to read December 31, 1993. Finally, Respondent altered the date of issuance to December 29, 1993, with an expiration date of December 31, 1996. On this last altered certificate, Respondent also changed the address to a location in Tulsa, Oklahoma.

Further investigation revealed that at various times between 1991 and 1994, Respondent worked at two different army hospitals in Georgia. Documents supplied by the hospitals show that between January 1993 and January 1994, Respondent prescribed controlled substances to patients at one of the hospitals, and between June 16, 1994 and August 15, 1994, Respondent dispensed controlled substances to patients at the other hospital. Respondent did not possess a valid DEA Certificate of Registration during these time periods.

During the course of the investigation, DEA discovered that Respondent worked for an employment agency for doctors that perform locum tenens work. DEA advised the agency that Respondent was not registered with DEA to handle controlled substances. Subsequently, on August 12, 1994, the employment agency sent a letter to Respondent asking for "a statement attesting to the fact that you currently possess a current DEA registration and the current expiration date." Respondent replied, "I have a current DEA registration. The expiration date is 1996."

Respondent then contacted DEA to arrange a meeting. When confronted with the altered Certificates of Registration, Respondent admitted that he knew that they were altered. Respondent was advised that he was not registered with DEA and therefore not authorized to handle controlled substances. Respondent was provided with an application for a new registration.

DEA was advised by officials at Respondent's then-employer at Fort Benning that Respondent was a competent physician; that he was good at his job; and that they would continue employing Respondent. As a result, the DEA Atlanta office decided to register Respondent pursuant to a Memorandum of Agreement that would place certain restrictions on his DEA registration, including that he would abide by all laws and regulations relating to controlled substances; that he would admit that he handled controlled substances knowing that he did not have a current DEA registration; and that he would be restricted to the institutional use of his DEA registration at the hospital at Fort Benning. The terms of the agreement were to remain in effect for three years.

Respondent signed the Memorandum of Agreement on November 4, 1995. The agreement was forwarded to the DEA Atlanta office by letter dated November 4, 1995, in which Respondent also requested that he be allowed to transfer his restricted registration from Fort Benning, Georgia to California. There is no evidence in the record regarding DEA's response to this request, however the DEA Atlanta Diversion Group Supervisor signed the agreement on behalf of DEA on November 15, 1995.

In the midst of the Memorandum of Agreement being negotiated and executed, Respondent applied for a California medical license on August 17, 1995. Thereafter, Respondent was issued a California medical license, however Respondent was subsequently cited and fined by the Medical Board of California for falsely representing his date of birth in both his application materials and to a medical board investigator.

On June 14, 1996, Respondent submitted an application for a DEA Certificate of Registration at an address in California. Regarding this application, Respondent was not offered the opportunity to become registered subject to a Memorandum of Agreement, similar to the one executed by the DEA Atlanta office in 1995.

Respondent testified at the hearing in this matter that at the time he altered his DEA Certificate of Registration, he was contending with the financial and emotional burdens that accompanied his son's diagnosis with Attention Deficit Disorder (ADD). His son attempted suicide on three occasions, he was in the process of divorcing his wife, and he had to file for bankruptcy. Respondent testified that, "in no way am I using (his son's problems) as an excuse for bad behavior or to try to rationalize it away unduly as being justified. But I also know within myself at least that this would never have happened if there hadn't been accumulating, seemingly never-ending pressures, stresses and all the impact that it had on me during those years."

Respondent asserted that his son's problems are now under control, and he "can't think of any circumstance in which those actions would ever be repeated." Respondent testified that he had received counseling himself. Respondent recognized that there is no way that he can ever prove totally that his actions will not be repeated without having the opportunity to demonstrate that he can be trusted.

Respondent is currently employed at a clinic in California that only treats patients with ADD. Respondent testified that there are only five specific controlled substances prescribed in the treatment of ADD at the clinic where he works, and no drugs are dispensed. Respondent further testified that he intends to only practice at this clinic. During the course of the hearing, Respondent indicated that he no longer wishes to be registered at the Georgia location listed on his September 1, 1994 application.

The Founder and President of the Haight Ashbury Free Clinics, Inc. submitted a letter on Respondent's

behalf indicating that he had known and worked with Respondent for 25 years. He stated that Respondent "has high medical standards and a strong code of ethics. He has never abused drugs personally or over-prescribed controlled substances with his patients * * *. I give him the highest recommendation."

As a preliminary matter, Judge Randall concluded that Respondent has indicated that he no longer wishes to be registered with DEA in Georgia. Accordingly, she recommended that Respondent be granted permission to withdraw his September 1, 1994 application pursuant to 21 CFR 1301.16. The Acting Deputy Administrator agrees with Judge Randall that Respondent should be allowed to withdraw his application. However, Respondent still wishes to be registered with DEA to handle controlled substances in California.

Pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny an application for a DEA Certificate of Registration if he determines that such registration would be inconsistent with the public interest. In determining the public interest, the following factors are considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See *Henry J. Schwarz, Jr., M.D.*, Docket No. 88–42, 54 FR 16–422 (1989).

Regarding factor one, it is undisputed that the Medical Board of California cited and fined Respondent for falsely representing his date of birth both in his application materials for a California medical license and to a Medical Board investigator. However, there is no evidence in the record that Respondent's ability to practice medicine and handle controlled substances has been restricted in any way by the Medical Board.

Factors two and four, Respondent's experience in dispensing controlled substances and his compliance with laws relating to controlled substances, are both relevant in determining whether Respondent's registration would be inconsistent with the public interest. The Acting Deputy Administrator finds that there is no question that Respondent has not been registered with DEA to handle controlled substances since December 31, 1990, yet he continued to use his expired DEA registration to prescribe and dispense those substances in violation of 21 U.S.C. 841(a)(1) and 843(a)(2).

As to factor three, there is no evidence that Respondent has any convictions relating to the handling of controlled substances.

Regarding factor five, Respondent's alteration of his DEA Certificate of Registration on three separate occasions and the misrepresentation of his date of birth on his application for a California medical license raise serious concerns regarding Respondent's trustworthiness. As Judge Randall found, "these acts would justify denial of the Respondent's application for registration, for it calls into question the Respondent's truth and veracity, two traits the DEA must rely upon in its relationship with registrants."

Judge Randall concluded that the Government has presented a prima facie case for the denial of Respondent's application based upon the falsification of his DEA Certificate of Registration, his handling of controlled substances without proper authorization and his misrepresentations of his date of birth to the Medical Board of California. However, Judge Randall found it significant that even after knowing about Respondent's alterations of his DEA Certificate of Registration, DEA entered into a Memorandum of Agreement with Respondent concerning his application for registration in Georgia. Judge Randall further found "it inconsistent that the DEA has since refused to offer a similar Memorandum for the Respondent's California practice," particularly since Respondent's handling of controlled substances in his practice in California would be more limited than what was proposed in Georgia. Judge Randall also found significant Respondent's expressions of remorse and his acceptance of responsibility for his serious mistakes, as well as, the letter from the Founder and President of the Haight Ashbury Free Clinics, Inc. who attested to Respondent's high medical and ethical standards.

Judge Randall concluded that while Respondent's acts during 1991 to 1994 warrant concern, the "totality of the circumstances would justify a remedy less severe than total denial of the Respondent's application." Therefore, Judge Randall recommended that the "[g]ranting of a restricted registration, similar to the registration offered the Respondent in the 1995 Memorandum, would still protect the public interest." Judge Randall recommended that the following conditions be placed on Respondent's registration:

1. For a period of three years from the effective date of the Deputy Administrator's final order, the Respondent provide the DEA San Francisco Field Division, information of the Respondent's change of employment, if any, thirty days prior to the effective date of the actual change of employment.

2. For a period of three years from the effective date of the Deputy Administrator's final order, the Respondent file annually with the DEA San Francisco Field Division, evidence of his current California medical license.

3. That the Respondent abide by all Federal, state and local laws and regulations relating to the registration to handle and the actual handling of controlled substances.

The Government filed exceptions to Judge Randall's recommended decision. First, the Government seems to suggest that it is inconsistent for the Administrative Law Judge to find that the Government has presented a prima facie case for the denial of the application, yet recommend that Respondent be granted a restricted registration. The Acting Deputy Administrator finds that by definition, prima facie case means "such as will prevail until contradicted and overcome by other evidence." Black's Law Dictionary (6th ed. 1990). Here, the Government has established that grounds exist to deny Respondent's application for registration given his alterations of his Certificate of Registration, his handling of controlled substances without proper authorization, and his misrepresentations to the Medical Board of California. However, the Acting Deputy Administrator concludes that the evidence in favor of denial of Respondent's application is overcome by the fact that he was not offered a Memorandum of Agreement similar to that offered in 1995, his expressions of remorse and acceptance of responsibility for his actions, and the letter of support submitted on his behalf. Therefore, the Acting Deputy Administrator does not find that Judge Randall's finding and recommendation are inconsistent.

Second, the Government argues that Judge Randall's recommended action is a departure from prior agency practice and policy. The Government cites several cases where the applicant/

registrant "engaged in conduct which was untruthful and lacking in trustworthiness and integrity," and DEA "found that revocation was the appropriate sanction." However, the Acting Deputy Administrator finds that those cases can be distinguished from the facts and circumstances of this case. In those cases the registrant/applicant either continued to deny any wrongdoing or presented no evidence in mitigation. See *Maxicare Pharmacy,* 61 FR 27368; *Stanley Karpo, D.P.M.,* 61 FR 13,876 (1996); *Albert L. Pulliam, M.D.* 60 FR 54,513 (1995); *Richard D. Close, M.D.,* 53 FR 43,947 (1988). The Government also cited *Alra Laboratories, Inc.* v. *DEA,* 54 F.3d 450 (7th Cir. 1995), for the proposition that "past performance is the best predictor of future performance." The Acting Deputy Administrator finds that this case can also be distinguished from the present case, since the registration of a distributor was revoked based upon a long history of non-compliance with controlled substance laws and regulations.

Next, the Government asserts that the 1995 Memorandum of Agreement entered into by the DEA Atlanta office was limited to a very restrictive set of circumstances and has no effect on the DEA Sacramento office's decision to seek an order proposing denial of Respondent's application for registration in California. The Government contends that the Atlanta Memorandum of Agreement limited Respondent to practice at a certain army hospital and did not extend to any other employment by Respondent. Additionally, Government counsel argues that it "is aware of no policy or regulation which would require any DEA Field Division to accept or offer the same terms of registration as might have been offered from another DEA office * * *."

The Acting Deputy Administrator disagrees with the Government's suggestion that Respondent's access to controlled substances in Atlanta would have been more restricted than his access at his current place of employment in California. In Atlanta, he would have been working at only one army hospital, but he would have been working in the emergency room with access to a wide variety of controlled substances. In addition, his handling of controlled substances would not have been limited to prescribing only. At his present employment in California, Respondent has testified that he will only prescribe five specific controlled substances in his treatment of ADD patients.

The Acting Deputy Administrator also disagrees with the Government's suggestion that it was improper for Judge Randall to find that it was inconsistent for the DEA Sacramento office not to offer Respondent the same restricted registration as was offered by the DEA Atlanta office in 1995. The Acting Deputy Administrator finds that the only difference in the facts surrounding Atlanta's decision to give Respondent a restricted registration and Sacramento's proposed denial of his application is that Respondent misrepresented his date of birth to the Medical Board of California. While this misrepresentation is troublesome, it does not warrant the denial of Respondent's application in light of his expressions of remorse and acceptance of responsibility for his actions. Therefore, the Acting Deputy Administrator finds it reasonable to register Respondent in California subject to certain terms and conditions.

Finally, the Government argues in its exceptions that the conditions to be placed on Respondent's registration proposed by Judge Randall are of no benefit, since they are either already provided for in the regulations relating to the handling of controlled substances or they would merely provide DEA with advance notice of something that it would ultimately learn from the state. However, the Government did not offer any alternative restrictions.

The Acting Deputy Administrator agrees with the Government that the proposed conditions recommended by Judge Randall are of limited benefit. Serious questions remain regarding Respondent's trustworthiness. But as Respondent testified, he will never be able to totally assure DEA that he can be trusted to responsibly handle controlled substances unless he is given an opportunity to prove himself with a restricted registration. Therefore, the Acting Deputy Administrator agrees with Judge Randall's recommendation to grant Respondent a restricted registration. Such a resolution will provide Respondent with the opportunity to demonstrate that he can responsibly handle controlled substances, while at the same time protect the public health and safety, by providing a mechanism for rapid detection of any improper activity. See *Michael J. Septer, D.O.,* 61 FR 53762 (1996); *Steven M. Gardner, M.D.* 51 FR 12576 (1986). However, the Acting Deputy Administrator concludes that the terms and conditions of Respondent's registration recommended by Judge Randall must be modified as follows:

1. By the effective date of this final order, Respondent shall notify the Resident Agent in Charge of the DEA Sacramento Resident Office, or his designee, of his place of employment at that time. Thereafter, for three years from the date of issuance of the DEA Certificate of Registration, Respondent shall immediately notify the Resident Agent in Charge of the DEA Sacramento Resident Office, or his designee, of any changes in his employment.

2. For three years from the date of issuance of the DEA Certificate of Registration, Respondent's controlled substance handling authority shall be limited to the writing of prescriptions only for the five specific drugs identified by Respondent to be needed in his treatment of Attention Deficit Disorder patients: Ritalin, Dexedrine, Adderall, Desoxyn, all of which are Schedule II controlled substances, and Cylert, a Schedule IV controlled substance.

3. For three years from the date of issuance of the DEA Certificate of Registration, Respondent shall maintain a log of all prescriptions that he issues. At a minimum, the log shall indicate the date that the prescription was written, the name of the patient for whom it was written, and the name and dosage of the controlled substance prescribed. Upon request of the Resident Agent in Charge of the Sacramento Resident Office, or his designee, Respondent shall submit or otherwise make available his prescription log for inspection.

4. For three years from the date of issuance of the DEA Certificate of Registration, Respondent shall consent to periodic inspections by DEA personnel based on a Notice of Inspection rather than an Administrative Inspection Warrant.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 29 CFR 0.100(b) and 0.104, hereby orders that the application dated September 1, 1994, submitted by Cecil E. Oakes, Jr., M.D., be, and it hereby is, withdrawn. The Acting Deputy Administrator further orders that the application dated June 14, 1996, submitted by Cecil E. Oakes, Jr., M.D., be, and it hereby is, granted in Schedules II nonnarcotic and IV subject to the above described restrictions. This order is effective April 10, 1998.

Dated: March 4, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–6158 Filed 3–10–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

F.C.S.C. Meeting Notice No. 6–98

The Foreign Claims Settlement Commission, pursuant to its regulations

(45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

DATE AND TIME: Monday, March 30, 1998, 10:30 a.m.

SUBJECT MATTER: Hearings on the Record on Objections to Proposed Decisions on claims against Albania, as follows:

1. Claim No. ALB–064 Fejzi Domni
2. Claim No. ALB–078 Llazaraq Cifligu
3. Claim No. ALB–080 Ethel Constas
4. Claim Nos. ALB–099 Peter Panajoti, et al., ALB–130, ALB–131, ALB–132, ALB–167
5. Claim No. ALB–268 Philip Stephens, et al.

STATUS: Open.

Matters not disposed of in this meeting will be carried over to the next scheduled meeting. All meetings are held at the Foreign claims Settlement Commission, 600 E Street, N.W., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6988.

Dated at Washington, DC, March 6, 1998.

Judith H. Lock,

Administrative Officer.

[FR Doc. 98–6375 Filed 3–9–98; 12:15 pm]

BILLING CODE 4410–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–031)]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, NASA–NIH Advisory Subcommittee on Behavioral and Biomedical Research; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, NASA–NIH Advisory Subcommittee on Behavioral and Biomedical Research.

DATES: Thursday, April 2, 1998, 7:30 a.m. to 5:00 p.m.; and Friday, April 3, 1998, 7:30 a.m. to 11:30 a.m.

ADDRESSES: White Oak Plantation (The Howard Gilman Foundation), Yulee, FL 32097.

FOR FURTHER INFORMATION CONTACT: Dr. Joan Vernikos, Code UL, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–2530.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Protein Crystallography
- Biology Pillars Update
- NASA–NIH Collaborations
- STS–95 Activities
- Neurovestibular NSCORT
- Neurolab

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: March 4, 1988.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 98–6226 Filed 3–10–98; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Extension.

2. *The title of the information collection:* NRC Forms 540, 540A, 541, 541A, 542, and 542A, Uniform Low-Level Radioactive Waste Manifest forms

3. *The form number if applicable:* NRC Forms 540, 540A, 541, 541A, 542, and 542A,

4. *How often the collection is required:* Forms are used by shippers whenever radioactive waste is shipped. Quarterly reporting or less frequent is made to NRC depending on specific license conditions.

5. *Who will be required or asked to report:* All NRC licensed low-level waste facilities. All generators, collectors, and processors of low-level waste intended for disposal at a low-level waste facility must complete the appropriate forms.

6. *An estimate of the number of responses:*

NRC Form 540: 8,000
NRC Form 541: 8,000
NRC Form 542: 600

7. *The estimated number of annual respondents:*

NRC Form 540: 2,500
NRC Form 541: 2,500
NRC Form 542: 22

8. *An estimate of the total number of hours needed annually to complete the requirement or request:*

NRC Form 540: 9,380 hours (1.17 hours per response)
NRC Form 541: 43,463 hours (5.43 hours per response)
NRC Form 542: 260 hours (0.43 hours per response)

9. *An indication of whether Section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* NRC Forms 540, 541, and 542, together with their continuation pages, designated by the "A" suffix, provide a set of standardized forms to meet Department of Transportation (DOT), NRC, and State requirements. The forms were developed by NRC at the request of low-level waste industry groups. The forms provide uniformity and efficiency in the collection of information contained in manifests which are required to control transfers of low-level radioactive waste intended for disposal at a land disposal facility. NRC Form 540 contains information needed to satisfy DOT shipping paper requirements in 49 CFR Part 172 and the waste tracking requirements of NRC in 10 CFR Part 20. NRC Form 541 contains information needed by disposal site facilities to safely dispose of low-level waste and information to meet NRC and State requirements regulating these activities. NRC Form 542, completed by waste collectors or processors, contains information which facilitates tracking the identity of the waste generator. That tracking becomes more complicated when the waste forms, dimensions, or packagings are changed by the waste processor. Each container of waste shipped from a waste processor may contain waste from several different

generators. The information provided on NRC Form 542 permits the States and Compacts to know the original generators of low-level waste, as authorized by the Low-Level Radioactive Waste Policy Amendments Act of 1985, so they can ensure that waste is disposed of in the appropriate Compact.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov) under the FedWorld collection link on the home page tool bar. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer by April 10, 1998:

Martin Offutt, Office of Information and Regulatory Affairs (3150–0164, –0165, –0166), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 5th day of March 1998.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–6213 Filed 3–10–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–424 and 50–425]

Southern Nuclear Operating Company, Inc., et al. (Vogtle Electric Generating Plant, Units 1 and 2); Exemption

I

Southern Nuclear Operating Company, Inc., et al. (the licensee) is the holder of Facility Operating License Nos. NPF–68 and NPF–81, for the Vogtle Electric Generating Plant (VEGP), Units 1 and 2, respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The VEGP facility consists of two pressurized-water reactors located at the licensee's site in Burke County, Georgia.

II

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.71, "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided that the interval between successive updates [to the FSAR] does not exceed 24 months." The VEGP, Units 1 and 2, share a common FSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit. By letter dated January 23, 1998, the licensee requested an exemption from the requirements of 10 CFR 50.71(e)(4).

III

Section 50.12(a) of 10 CFR, "Specific exemptions," states that:

> The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. . . ." As noted in the staff's supporting Safety Evaluation, the licensee's proposed schedule for FSAR updates will ensure that the VEGP FSAR will be maintained current within 24 months of the last revision and the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The proposed schedule fits within the 24-month duration specified by 10 CFR 50.71(e)(4). Literal application of 10 CFR 50.71(e)(4) would require the licensee to update the same document within 6 months after a refueling outage for either unit; a more burdensome requirement than intended. Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. The Commission hereby grants the licensee an exemption from the requirements of 10 CFR 50.71(e)(4) to submit updates to the VEGP FSAR within 6 months of the VEGP Unit 2 refueling outage. The licensee will be required to submit updates to the VEGP FSAR within 6 months after the Unit 2 refueling outage. With the current length of fuel cycles, FSAR updates would be submitted every 18 months, but not to exceed 24 months from the last submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant effect on the quality of the human environment (63 FR 10248).

This exemption is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 5th day of March 1998.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–6214 Filed 3–10–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 95th meeting on March 23–25, 1998, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Monday, March 23, 1998—8:30 A.M. until 6:00 P.M.

Tuesday, March 24, 1998—8:30 A.M. until 6:00 P.M.

Wednesday, March 25, 1998—8:30 A.M. until 4:00 P.M.

A. *Meeting with Commissioner McGaffigan*—The Committee will meet with the Commissioner to discuss items of mutual interest.

B. *Nuclear Waste Related Research*—The Committee will review various aspects of waste-related research underway or planned in preparation for sending a report to the Commission. Participants may include representatives of the NRC staff, the nuclear industry, and possibly individuals representing foreign programs.

C. *Decommissioning Guidance*—The Committee will review proposed guidance for implementing the recent final rule on radiological criteria for license termination. Guidance to be reviewed will include documents on: surveys, dose modeling, restricted release criteria, and ALARA (as low as is reasonably achievable) criteria.

Participation by the NRC staff and industry is anticipated.

D. *Risk-Informed, Performance-Based Regulation*—The Committee will review recent agency initiatives on risk-informed, performance-based regulation.

E. *Meeting with NRC's Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards*—The Committee will meet with the Director to discuss recent developments within the division such as developments at the Yucca Mountain project, rules and guidance under development, available resources, and other items of mutual interest.

F. *Preparation of ACNW Reports*—The Committee will discuss planned reports, including risk-informed, performance-based regulation, waste related research, regulatory guides dealing with decommissioning, and other topics discussed during this and previous meetings as the need arises.

G. *Committee Activities/Future Agenda*—The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will discuss ACNW-related activities of individual members.

H. *Miscellaneous*—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings was published in the **Federal Register** on September 2, 1997 (62 FR 46382). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the Chief, Nuclear Waste Branch, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Major as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415–7366), between 8:00 A.M. and 5:00 P.M. EST.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the "NRC MAIN MENU." Direct Dial Access number to FedWorld is (800) 303–9672; the local direct dial number is 703–321–3339.

Dated: March 6, 1998.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 98–6286 Filed 3–10–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 13, 1998, through February 27, 1998. The last biweekly notice was published on February 25, 1998 (63 FR 9589).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administration Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public

Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By April 10, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Commonwealth Edison Company, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: January 14, 1998, which superseded the September 3, 1997, submittal.

Description of amendment request: The proposed amendments would revise the Technical Specifications to reduce the allowable Unit 1 Reactor Coolant System Dose Equivalent Iodine-131 from 0.35 microCuries/gram to 0.05 microCuries/gram thru the end of Unit 1, Cycle 7.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Generic Letter 95–05, "Voltage-Based Repair Criteria For Westinghouse Steam Generator Tubes Affected By Outside Diameter Stress Corrosion Cracking," allows lowering of the RCS [Reactor Coolant System] DE–131 [Dose Equivalent Iodine-131] activity as a means for accepting higher projected leak rates if justification for equivalent I–131 below 0.35 microCuries/gram is provided. Four methods for determining the impact of a release of activity to the public were reviewed to provide this justification. These four methods are as follows:

Method 1: NRC NUREG 0800, Standard Review Plan (SRP) Methodology

Method 2: Methodology described in a report by J.P. Adams and C.L. Atwood, "The Iodine Spike Release Rate During a Steam Generator Tube Rupture," Nuclear Technology, Vol. 94, p. 361 (1991) using Braidwood Station reactor trip data.

Method 3: Methodology described in a report by J.P. Adams and C.L. Atwood, "The Iodine Spike Release Rate During a Steam Generator Tube Rupture," Nuclear Technology, Vol. 94, p. 361 (1991) using normalized industry reactor trip data.

Method 4: Methodology described in a draft EPRI Report TR–103680, Revision 1, November 1995, "Empirical Study of Iodine Spiking in PWR Plants".

The effect of reducing the RCS DE I–131 activity limit on the amount of activity released to the environment remains unchanged when the maximum site allowable primary-to-secondary leak rate is proportionately increased and the iodine release rate spike factor is assumed to be 500 in accordance with the SRP. With an RCS DE I–131 activity limit of 1.0 microCuries/gram, the maximum site allowable leakage limit was calculated, in accordance with the NRC SRP methodology, to be 6.64 gpm at room temperature and pressure. ComEd has evaluated the reduction of the RCS DE I–131 activity to 0.05 microCuries/gram along with the increase of the allowable leakage to 132.8 gpm at room temperature and pressure and has concluded:

—assuming a spike factor of 500, the maximum activity released is not changed, and

—the offsite dose, including the iodine spiking factor, will be less than the 10 CFR 100 limits.

Based on the NRC SRP methodology for dose assessments and assuming the iodine spike factor of 500 is applicable at the new 0.05 microCuries/gram RCS DE I–131 activity limit, the Control Room dose, the Low Population Zone dose, and the dose at the Exclusion Area Boundary continue to satisfy the appropriately small fraction of the 10 CFR 100 dose limits.

An evaluation of the Control Room dose, attributed to an MSLB accident concurrent with steam generator primary-to-secondary leakage at the maximum site allowable limit, was performed in support of a license amendment request for application of a 1.0 volt Interim Plugging Criteria. This evaluation concluded that the activity released to the environment during an eight (8) hour time period from an MSLB accident (812 Curies for a Pre-accident iodine spike and 888 Curies for an accident-initiated iodine spike) is bounded by the activity released to the environment from the Loss of Coolant design basis accident (1290 Curies). Therefore, the Control Room dose, due to the MSLB accident scenario, is bounded by the existing Loss of Coolant Accident (LOCA) analysis. The maximum site allowable primary-to-secondary leakage is limited by the offsite dose at the Exclusion Area Boundary due to an accident-initiated spike.

The report by J.P. Adams and C.L. Atwood, "The Iodine Spike Release Rate During a Steam Generator Tube Rupture," Nuclear Technology, Vol. 94, p. 361 (1991), concluded that the NRC SRP methodology, which specifies a release rate spike factor of 500 for iodine activity from the fuel rod to the RCS, is conservative when the RCS DE I–131 concentration is greater than 0.3 microCuries/gram. In order to evaluate whether a release rate spike factor of 500 is conservative below 0.3 microCuries/gram, actual operating data from the previous reactor trips of Braidwood Units 1 and 2, with and without fuel defects, were reviewed and analyzed using the methodology presented in Section II.C of the Adams and Atwood report (Method 2). The same five data screening criteria described in the Adams and Atwood report were applied to the Braidwood data to ensure consistency and validity when comparing the Braidwood results to the data in the Adams and Atwood report. Of the reactor trip events at Braidwood Units 1 and 2, seventeen (17) met the five data screening criteria.

Seven (7) of the seventeen (17) Braidwood trips occurred during cycles with no fuel defects. In all seven of these instances, the calculated spike factor was much less than the spike factor of 500 assumed in the NRC SRP methodology. Braidwood Unit 1 Cycle 7 is currently operating with no fuel defects and an RCS DE I–131 activity of approximately 3E–4 microCuries/gram. The seven previous trips with no fuel defects had steady-state iodine values that are reasonably close to the current operating conditions. It is therefore reasonable to conclude that, assuming continued operation with little to no fuel defects, the calculated spike factors from these events would reflect an actual event for Unit 1 Cycle 7, i.e. the spike factor will be less than 500.

Since some of the Braidwood spike factors were greater than 500 when the RCS DE I–131 activity prior to the accident was less than 0.3 microCuries/gram, ComEd examined the conservatisms in the current release rate calculation. The primary reason for the high spiking factors contained in the Adams and Atwood report (up to 12,000), is not because the absolute post-trip release rate is high (factor numerator), but rather because the steady-state release rate (factor denominator) is low. The Braidwood specific data resulted in six (6) events with a calculated release rate spike factor greater than 500. It is not expected based upon the Unit 1 Cycle 7 fuel conditions that a spiking factor greater than 500 would occur. The revised RCS DE I–131 activity limit will also ensure that the operating cycle will not continue if significant fuel defects develop.

In order to evaluate the Braidwood specific data against the NRC SRP methodology, the release rate for a steady-state RCS DE I–131 activity of 1.0 microCuries/gram was calculated. Using the Braidwood specific data, the pre-trip steady-state release rate is 27.5 Ci/hr. Using a release rate spike factor of 500 for the accident-initiated spike, the post-trip maximum release rate would be 13,733 Ci/hr (SRP Methodology). The highest post-trip iodine release rate from the Braidwood trip data, Event 15, was 1335 Ci/hr, it is important to remember that this number is determined by conservatively increasing the post-trip RCS DE I–131 activity by a factor of three (3), in accordance with the Adams and Atwood report.

The purpose of this amendment request is to reduce the TS [Technical Specification] RCS DE I–131 limit by a factor of twenty as compared to the original TS RCS DE I–131 limit of 1.0 microCuries/gram. By decreasing the TS RCS DE I–131 activity by a factor of twenty the maximum iodine release rate is 686.7 Ci/hr, (13,733 Ci/hr divided by 20). Two (2) of the seventeen (17) Braidwood data points exceed this value. Both occurred during cycles with fuel defects. Braidwood Unit 1 is currently operating with no fuel defects. Fifteen (15) of the 168 data points in the Adams and Atwood report exceed 686.7 Ci/hr. For the combined database of 185 data points, of which 17 exceeded 686.7 Ci/hr, only two of these seventeen (17) data points had a pre-trip RCS DE I–131 activity below 0.05 microCuries/gram. The 95% confidence prediction for the combined data sets bounded one (1) of these two (2) data points. This data indicates that the possibility for a post-trip iodine fuel release rate to exceed 686.7 Ci/hr, when the pre-trip RCS DE I–131 concentration is at or below 0.05 microCuries/gram, is small. The conservatisms mentioned in the following sections will reduce the possibility of exceeding a small fraction of the 10 CFR 100 limits should a fuel release greater than 686.7 Ci/hr occur.

If the Braidwood data were plotted with the Adams and Atwood data, the conclusions of the Adams and Atwood report would not be compromised. Where the Braidwood data contains spike factors greater than 500, the RCS DE I–131 concentrations are below 0.05 microCuries/gram. Since the Braidwood data includes very few data points near 0.05 microCuries/gram (the requested new TS limit), it is appropriate to use the Braidwood database combined with the Adams and Atwood database near 0.05 microCuries/gram to determine if a spike factor of 500 is appropriate. The combined databases contain seventy-nine (79) data points with a Pre-Trip RCS DE I–131 activity between 0.01 microCuries/gram and 0.10 microCuries/gram. Sixty-two (62) of these seventy-nine (79) data points (78%) have spike factors less than 500. Using the entire Braidwood database combined with the Adams and Atwood database, 141 of the 185 data points (76%) have an iodine spike factor less than 500. Therefore, it is reasonable to assume that a spike factor of 500 would not be exceeded for a majority of the events if an MSLB accident were to occur while the RCS DE I–131 activity is at or below 0.05 microCuries/gram. The highest spike factor seen in the Adams and Atwood report near a Pre-Trip RCS DE I–131 activity of 0.05 microCuries/gram was 773 (at 0.05 microCuries/gram). The corresponding release rate for this event was 368 Ci/hr which is less than the calculated Braidwood maximum release rate of 686.7 Ci/hr.

The predominant factors in calculating the offsite dose are the post-trip iodine release rate from the fuel and the flowrate at which the activity is being released to the environment, not whether the spike factor is greater than or less than 500. The post-trip DE I–131 release rate will determine the level of activity in the RCS that will be released. The flowrate will determine at what rate this

activity is released to the environment. Method 3, which used an approach in the Adams and Atwood report, concluded that, at a 95% confidence of a 85 percentile, the post-trip iodine release rate was bounded by 0.608 Ci/hr-MWe. For Braidwood Station, which has a MWe rating of 1175, the post-trip iodine release rate, at a 95% confidence of a 85 percentile, should not exceed 714 Ci/hr. Two (2) of the seventeen (17) reactor trips from Braidwood exceeded 714 Ci/hr. These two (2) reactor trips had post-trip iodine release rates of 1335 Ci/hr (spike factor of 3471) and 802 Ci/hr (spike factor of 1483). Both occurred during cycles with fuel defects. Braidwood Unit 1 is currently operating with no fuel defects.

In the fourth method, the results from a Draft Electric Power Research Institute (EPRI) Report TR–103680, Rev. 1, November 1995, "Empirical Study of Iodine Spiking In PWR Power Plants" were applied. The objective of the EPRI study was to quantify the iodine spiking in a postulated Main Steam Line Break/Steam Generator Tube Rupture (MSLB/SGTR) accident sequences. In the EPRI report, an iodine spike factor between 40 and 150 was determined to match data from existing plant trips. The maximum iodine spike factor value of 150 was applied to a steady-state equilibrium RCS DE I–131 activity of 0.33 microCuries/gram. The resulting two-hour average iodine concentration for a postulated MSLB/SGTR accident sequence was determined to be 3.1 microCuries/gram. Since the EPRI report is based on industry data and the EPRI method predicted a post-accident iodine activity, which is a small fraction of the activity predicted by the NRC SRP methodology, it can be expected that, for the proposed 0.05 microCuries/gram limit under an MSLB/SGTR accident sequence, the post-accident iodine activity would typically be a small fraction of the RCS DE I–131 activity predicted by the NRC SRP methodology. For Braidwood, using the SRP methodology with an RCS DE I–131 activity of 1.0 microCuries/gram and a spike factor of 500, the Post-Trip RCS activity two hours after the event would be near 38 microCuries/gram. At an RCS DE I–131 activity of 0.05 microCuries/gram, it would require a spike factor of nearly 10,000 to obtain a Post-Trip RCS DE I–131 activity near 38 microCuries/gram. With a Post-Trip RCS DE I–131 activity of 38 microCuries/gram, an increase in the allowable leak rate could impact the 10 CFR 100 limits. To accommodate for an increase in the allowable leak rate by a factor of twenty, the resultant activity would need to be below 1.9 microCuries/gram. Two (2) of the seventeen (17) post-trip data points from Braidwood exceeded 1.9 microCuries/gram. Both occurred during cycles with fuel defects. Braidwood Unit 1 is currently operating with no fuel defects. The conservatisms mentioned below will reduce the possibility of exceeding a small fraction of the 10 CFR 100 limits should the post-trip iodine exceed 1.9 microCuries/gram.

Based on evaluations by the four methods above, Braidwood can conclude that the current methodology (Method 1) used to predict iodine spiking is conservative. Although dose projections indicate with confidence that the iodine spiking factor limit will be met, the conservatisms in the offsite dose calculation and current Braidwood Unit 1 operating conditions listed below, provide added assurance that the 10 CFR 100 limits, General Design Criteria (GDC) 19 criteria, and the requirements of NRC Generic Letter 95–05 will be satisfied if the iodine spike factor exceeds 500 or the post-trip fuel release rate exceeds 686.7 Ci/hr.

As further assurance that the 10 CFR 100 and GDC 19 limits are not exceeded, several conservatisms are inherent to the offsite dose calculation. These conservatisms include, but are not limited to:

1. The meteorological data used is at the fifth percentile. It is expected that the actual dispersion of the iodine would result in less exposure at the site boundary than the 30 Rem limit of 10 CFR 100.

2. Iodine partitioning is not accounted for in the faulted SG. With the high pH of the secondary water, some partitioning is expected to occur. An iodine partition factor of 0.1 is more realistic (per Table 15.1–3 of Reference 8 [the Braidwood Updated Final Safety Analysis Report]) than the 1.0 valued (no partitioning) used in the offsite dose calculation. This reduces calculated dose by 90%.

3. The activity in the RCS is not expected to increase instantaneously with the spike in iodine released from the defective fuel.

4. The results from the Braidwood tube pull data indicate that the projected Interim Plugging Criteria leak rate is conservative.

In addition, the current Braidwood Unit 1 operating conditions provide defense in depth and provide further assurance that the 10 CFR 100 and GDC 19 limits will not be exceeded:

1. Braidwood Unit 1 is currently operating with a debris resistant fuel design which is less likely to develop fuel defects.

2. As evidenced by industry data, if debris related fuel failures are going to occur they are most likely to be occur early in the cycle. Braidwood Unit 1 has operated approximately 6 months into its current cycle and has seen no signs of fuel defects. Therefore, fuel failure prior to completion of the current cycle is not likely.

3. The RCS DE I–131 activity is likely to be less than the TS limit. With the current Braidwood Unit 1 RCS DE I–131 activity near 3E–4 microCuries/gram with no fuel defects, the spike factor is expected to be considerably smaller than the 500 value.

4. It is unlikely, for the short time period this amendment is being requested (remainder of Cycle 7), that an accident-initiated iodine spike for Braidwood Unit 1 would be greater than the NRC SRP assumed value.

5. Primary-to-secondary leakage is likely to be less than the TS limit (150 gpd) in each of the four SGs prior to the event. Currently, minimal primary-to-secondary leakage (less than 5 gpd) exists at Braidwood Unit 1.

These proposed changes do not result in a significant increase in the consequences of an accident previously analyzed.

The RCS DE I–131 activity limit is not considered as a precursor to any accident. Therefore, this proposed change does not result in a significant increase in the probability of an accident previously analyzed.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes proposed in this amendment request conservatively reduce the Unit 1 RCS DE I–131 activity limit at which action needs to be taken. The changes do not directly affect plant operation. These changes will not result in the installation of any new equipment or systems or the modification of any existing equipment or systems. No new operating procedures, conditions or configurations will be created by this proposed amendment.

Accordingly, this proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

NRC Generic Letter 95–05 allows lowering of the RCS dose equivalent iodine as a means for accepting higher projected leakage rates provided justification for the RCS DE I–131 activity below 0.35 microCuries/gram is provided. Four methods for determining the fuel rod iodine release rates and spike factors during an accident were reviewed. Each of these methods utilized actual industry data, including Braidwood Units 1 and 2, for pre- and post-reactor trip RCS DE I–131 activities. Each of the methods demonstrated that the actual fuel rod iodine release rates are a small fraction of the release rate as calculated using the NRC SRP methodology. Although these values are a small fraction of that determined by the NRC SRP Method, Braidwood is also requesting an increase in the allowable primary-to-secondary leak rate during MSLB. By decreasing the TS RCS DE I–131 activity limit by a factor of twenty and increasing the allowable leak rate by a factor of twenty, the activity released to the public would be equal to or less than the activity calculated by the SRP method for each of the seventeen reactor trip events reviewed at Braidwood. The predicted end-of-cycle 7 leak rate is 122.3 gpm (Room T/P [temperature and pressure]). The calculated site boundary dose due to this leakage is 27.63 Rem. This dose meets the requirements of 10 CFR 100 and GDC 19. All design basis and off-site dose calculation assumptions remain satisfied. This proposed change would not result in a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603.

NRC Project Director: Robert A. Capra.

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: September 24, 1997.

Description of amendment request: The proposed amendment would revise Technical Specification Surveillance Requirement 4.3.4.2 to change the frequency of turbine throttle and governor valve testing from monthly to quarterly and incorporate corresponding administrative changes. Bases 3/4.3.4 will be changed to update a referenced vendor document and incorporate corresponding administrative changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Bases change is a reference update, which is administrative in nature. Additional administrative changes necessitated by a change in the presentation of the surveillance requirements are proposed. The changes are consistent with Generic Letter 93–05 and NUREG–1366. This change reduces the frequency of testing that is likely to cause transients or excessive wear of equipment. An evaluation of these changes indicates that there will be a benefit to plant safety. The evaluation, documented in NUREG–1366, considered (1) unavailability of safety equipment due to testing, (2) initiation of significant transients due to testing, (3) actuation of engineered safety features that unnecessarily cycle safety equipment, (4) importance to safety of that system or component, (5) failure rate of that system or component, and (6) effectiveness of the test in discovering the failure.

As a result of the decrease in the testing frequencies, the risk of testing causing a transient and equipment degradation will be decreased, and the reliability of the equipment will not be significantly decreased.

The initial conditions and methodologies used in the accident analyses remain unchanged. The proposed changes do not change or alter the design assumptions for the systems or components used to mitigate the consequences of an accident. Therefore, accident analyses results are not impacted. Appropriate testing will continue to assure that equipment and systems will be capable of performing the intended function. The frequency of testing is not a precursor for any analyzed accidents.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes modify allowable intervals between turbine throttle and governor valve surveillance tests. The proposed changes do not affect the design or operation of any system, structure, or component in the plant. The safety functions of the related structures, systems, or components are not changed in any manner, nor is the reliability of any structure, system, or component reduced by the revised surveillance or testing requirements. Appropriate testing will continue to assure that the system is capable of performing its intended function.

The changes do not affect the manner by which the facility is operated and do not change any facility design feature, structure, system, or component. No new or different type of equipment will be installed.

The turbine valve testing surveillances will be changed to account for a frequency change from monthly to quarterly for the throttle valves and for the governor valves.

Since there is no change to the facility or operating procedures, and the safety functions and reliability of structures, systems, or components are not affected, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

C. The proposed changes do not involve a significant reduction in a margin of safety.

All of the proposed Technical Specification changes are compatible with plant operating experience and are consistent with the guidance provided in Generic Letter 93–05 and NUREG–1366. The changes reduce the frequency of testing that increases the risk of transients and equipment degradation. There is no impact on safety limits or limiting safety system settings. The Bases change is a vendor reference update, which is administrative in nature.

Certain reload designs can be such that power differences between the top and bottom of the core are more sensitive to control and can develop divergent xenon oscillations when the power reduction occurs during the middle of core life. Near the end of core life, stabilizing even larger differences in axial power distribution becomes more of a problem because of the larger temperature coefficient, lower boron concentration and larger differential xenon transient. In the Safety Evaluation Report related to the Prairie Island Amendment Numbers 86 and 79 in regard to the discussion above, the NRC wrote, "Based on the above, the staff has concluded that the margin of safety is reduced when the plant is undergoing turbine valve testing."

Since this amendment reduces the number of turbine tests while still maintaining acceptable equipment reliability, the proposed changes result in an increase in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: For Byron, the Byron Public Library District, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603.

NRC Project Director: Robert A. Capra.

Detroit Edison Company, Docket No. 50–16, Enrico Fermi Atomic Power Plant, Unit 1, Monroe County, Michigan

Date of amendment request: December 15, 1997 (Reference NRC–97–0115).

Description of amendment request: The proposed amendment will revise License Condition A to delete references to letters dated May 17, 1985, July 23, 1986, September 15, 1986, September 25, 1987, September 15, 1988, and December 22, 1988, and replace them with the Enrico Fermi Atomic Power Plant, Unit 1, Safety Analysis Report (F1SAR) as the licensing basis.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration using the standards in 10 CFR 50.92(c). The licensee's analysis is presented below:

(1) *Does the proposed change significantly increase the probability or consequences of an accident previously evaluated?*

No, the proposed submittal of the F1SAR as the facility's licensing basis document does not significantly increase the probability of an accident. The F1SAR is a compilation of previously submitted information and other information gathered on the condition of the facility. Compilation of current information and imposition of the new Fire Protection and Quality Assurance Program requirements will not increase the probability of an accident. These additional controls would reduce the probability of an event. The proposed addition of a hypothetical secondary sodium accident scenario identifies one possible previously unidentified potential cause of a primary sodium release and/or liquid waste tank release. The previous submittal assumed the cause of the primary sodium release to be a fire or other catastrophic event. The cause of the liquid waste tank rupture was assumed to be an earthquake. Recognition of a cause being the reaction of secondary sodium does

not significantly increase the probability of a primary sodium release or liquid waste release. A catastrophic event would still need to occur to cause the postulated scenario, so there is no discernible increase in the probability of the primary sodium or liquid waste accident compared to the existing licensing basis. For the reasons discussed above, substituting the F1SAR as the licensing basis for Fermi 1 will not significantly increase the probability of an accident.

The proposed submittal of the F1SAR as the Fermi 1 licensing basis document will have no impact on the consequences of an accident. Consolidating current information on the plant and previous submittals does not change the amount of radioactivity at the facility or the potential magnitude of any release during an accident. Since the potential accident source terms were not updated as part of the submittal, the consequences of the accidents contained in the F1SAR match the consequences in the previous submittal. Though a new postulated hypothetical accident scenario was added, the secondary sodium involved in that accident is not radioactive, per previous submittals, and so the only potential radiological consequences of that scenario occur if the primary sodium or liquid waste is released and those consequences have already been reviewed in the NRC safety analysis for Amendment No. 9 to the Fermi 1 license. Therefore, the adoption of the F1SAR as the facility's licensing basis will not significantly increase the consequences of an accident at Fermi 1.

(2) *Will the proposed amendment create the possibility of a new or different kind of accident from any accident previously analyzed?*

No, establishment of the F1SAR as the Fermi 1 licensing basis document will not create a new type of accident. The F1SAR is mainly a compilation of the previous licensing basis documents, information on the facility condition and additional controls. It does not involve operating in any new type of mode and so cannot create a new or different type of accident. The new hypothetical secondary sodium accident contained in the F1SAR is a sodium accident. One of the existing licensing basis accidents is the primary sodium accident resulting in release of the primary sodium and its activity. The hypothetical secondary sodium accident as analyzed may lead to the release of the primary sodium or liquid waste and so it is a potential precursor of an already identified accident.

(3) *Will the proposed change significantly reduce the margin of safety at the facility?*

No, adopting the new F1SAR as the licensing basis document for Fermi 1 will not decrease the margin of safety. It will establish an up-to-date licensing basis, so future changes can be appropriately evaluated against an updated safety analysis report. The F1SAR better describes the current condition of the plant. No physical changes will be implemented based on the submittal of the F1SAR. Some additional administrative requirements will be established in the new Quality Assurance program and in the need to keep the F1SAR updated biannually. No new types of accidents are discussed in the F1SAR—the discussion of the hypothetical secondary sodium event is a more detailed discussion of what potentially could happen during a catastrophic event leading to a sodium reaction. A total primary sodium release was already established as a licensing basis event. Because the F1SAR will not, in itself, lead to physical changes, but will be the new standard to which future changes are compared, establishment of this updated document as the Fermi 1 licensing basis will not significantly reduce the margin of safety of the facility.

NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for licensee: John Flynn, Esquire, Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Branch Chief: John W. N. Hickey.

Duquesne Light Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of amendment request: December 19, 1997.

Description of amendment request: The proposed amendment would revise the requirements for the source range neutron flux channels in Mode 2 (Below P–6), 3, 4, and 5 to incorporate the guidance provided in NUREG–1431, the NRC's Improved Standard Technical Specifications (ISTS) with some modifications to address plant-specific design features. This change would allow (1) the use of alternate detectors provided the required functions are provided, and (2) plant cooldown with inoperable detectors provided the shutdown margin accounts for the temperature change. This change would also modify the Unit 2 Technical Specifications (TS) Table 3.3–1 Channels To Trip and Minimum Channels Operable requirements to 0 and 1, respectively. This portion of the amendment would make these Unit 2 requirements consistent with the current Unit 1 requirements. For both Units 1 and 2, TS Table 4.3–1 would be modified to include a notation exempting the alternate source range detectors from surveillance testing until they are repaired for operability.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment would modify the reactor trip system instrumentation requirements to permit the use of alternate detectors in place of inoperable source range detectors. The alternate detectors will be connected to the source range circuits to provide the required indications and functions. The alternate detectors are not required to be tested to satisfy the surveillance requirements until they are connected to the source range circuits and required to be operable. The alternate detectors must have the accuracy and sensitivity required to adequately monitor changes in the core reactivity levels. The alternate detectors will provide neutron flux monitoring in place of the source range detectors thus assuring core monitoring at a level consistent with the current technical specification requirements. Therefore, there is no loss of function or need for additional compensatory actions and the operators can perform required plant evolutions while relying on the alternate detectors.

Two operable detectors are required when the control rods are capable of withdrawal. Rod withdrawal and boron dilution add positive reactivity which can significantly affect the reactivity condition of the core, therefore, two monitors are required operable during startup evolutions. Redundant detectors are required to ensure that two source range neutron flux detectors are available to detect changes in core reactivity. These changes provide those indications and functions consistent with the current technical specification requirements where at least two source range detectors are operating and capable of providing the required functions. The function of the source range detectors is to provide direct neutron flux monitoring of the core to detect changes in reactivity which would result in a loss of the required shutdown margin.

One source range or alternate detector is required when the control rods are fully inserted and are not capable of withdrawal. Plant cooldown is recognized as a positive reactivity addition, however, this is accounted for in the shutdown margin calculations. The shutdown margin remains essentially unchanged and will be available to preclude a criticality event during this evolution. Inadvertent control rod withdrawal is not a concern, therefore, one source range or alternate detector can adequately monitor the core neutron flux. The action statements have been modified to address the NUREG–1431 Improved Standard Technical Specification (ISTS) requirements along with incorporating the ability to use alternate detectors in place of the source range detectors.

Bases 3/4.3.1 and 3/4.3.2, Protective and Engineered Safety Features (ESF) Instrumentation, has been revised to include the modifications to the source range detector requirements including the use of alternate

source range detectors. The alternate detectors must provide sufficient accuracy and sensitivity to adequately monitor changes in core reactivity during Modes 2 (Below P–6), 3, 4, and 5.

The operability requirements of the source range neutron flux instrumentation will continue to be met when using an alternate detector in place of a source range neutron flux detector. No changes are being incorporated that would act to increase the probability of a positive reactivity addition event, therefore, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The function of the source range detectors is to provide direct neutron flux monitoring of the core to detect positive reactivity additions which would result in a loss of the required shutdown margin. The alternate detectors must provide the accuracy and sensitivity required to adequately monitor changes in the core reactivity levels during shutdown and startup activities. The alternate monitors will be connected to the source range circuits to provide the required indications and functions. Therefore, there is no loss of function or need for additional compensatory actions and plant shutdown and startup activities can be continued while relying on the alternate detectors.

Control rod withdrawal is a method capable of providing rapid positive reactivity addition with boron dilution being a much slower positive reactivity addition method. With the control rods capable of withdrawal, a rod withdrawal event could rapidly initiate core criticality so redundant source range detectors are required operable. This ensures adequate monitoring capability is available to alert the operators of a rapid increase in the core reactivity condition. The maximum reactivity addition due to the boron dilution is slow enough to allow the operator to determine the cause and take corrective action before the shutdown margin is lost. These changes will not affect the operability or reliability of the source range instrumentation to provide the required indications and functions. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The proposed change will continue to ensure the required source range instrumentation functions are available during shutdown and startup conditions. This change will not reduce the reliability of the source range detectors to monitor the core reactivity condition and provide the appropriate indications or affect the required shutdown margin. Plant operation will continue to be maintained within the shutdown margin requirements of [Technical] Specification 3.1.1.1 and 3.1.1.2. The required indications and functions are still maintained in accordance with current technical specification requirements and the shutdown margin is unaffected, therefore, the proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John F. Stolz.

Duquesne Light Company, et al., Docket No. 50–412, Beaver Valley Power Station, Unit 2, Shippingport, Pennsylvania

Date of amendment request: January 29, 1998.

Description of amendment request: The proposed amendment would revise the Beaver Valley Power Station, Unit No. 2, Updated Final Safety Analysis Report (UFSAR) calculated doses to address a non-conversative assumption regarding control room emergency pressurization fan flow during the Locked Rotor accident and include new X/Q values in calculating the Exclusion Area Boundary (EAB) and Low Population Zone (LPZ) doses.

This change is not the result of hardware changes to the plant or a change in operating practices. It reflects corrected analysis results only and allows correction of the licensing basis to reflect conservative assumptions used in the revised dose analysis for a Locked Rotor event.

The proposed amendment would also revise USFAR Tables 15.0–13, 15.6–15 and 15.6–16 to modify calculation parameters and UFSAR Section 15.6.5.5 to include editorial changes to ensure that descriptions of the Small Break Loss of Coolant Accident (SBLOCA) radiological consequences are clear. The following items in the UFSAR description of the SBLOCA radiological consequences analysis were changed: (1) a new lower minimum control room emergency pressurization fan flow rate and (2) a new lower minimum air bottle discharge rate.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

[Locked Rotor Accident]

The proposed amendment would revise the calculated control room doses for a Locked Rotor accident to address a non-conservative assumption for the fan pressurization system flow rate. The proposed amendment does not affect the capability of the control room habitability system to maintain control room dose within the limits of General Design Criterion (GDC) 19 in Appendix A of the Code of Federal Regulations Title 10 Part 50. The control room habitability system is an accident mitigation system and will continue to operate as designed. The system has no accident prevention function nor does it interact with systems that have such a function. The proposed change does not alter plant systems, structures or components.

The proposed amendment would also revise calculated offsite doses resulting from a locked rotor accident. This change in doses is not due to physical plant changes, but results mainly from use of more conservative assumptions used in calculating doses.

The proposed change does not affect the manner in which the plant is operated. The physical plant equipment and operating practices are not changed; therefore, the probability of an accident previously evaluated remains unchanged.

The performance requirements of the plant systems which are required to minimize the radiological consequences of a Locked Rotor accident remain unchanged. The proposed change slightly increases calculated control room doses due to an analysis input change for filtration fan flow rate. This slight increase remains below the limits required by GDC 19. The proposed change does not involve a significant increase in the consequences of an accident previously evaluated since adequate control room radiation protection continues to be provided to ensure actions can be taken to operate the plant safely under accident conditions. The radiological consequences to the environment from a Locked Rotor accident remain unchanged since the performance of plant systems remains unchanged. Although slightly increased, revised calculated offsite doses remain less than 10 CFR 100 limits.

[SBLOCA]

The proposed amendment would revise the control room dose analysis parameters for a Small Break Loss of Coolant Accident (SBLOCA) to include more conservative assumptions for the pressurization system flow rate. The proposed amendment does not affect the capability of the control room habitability system to maintain control room dose within the limits of General Design Criterion (GDC) 19 in Appendix A of the Code of Federal Regulations Title 10 Part 50. The control room habitability system is an accident mitigation system and will continue to operate as designed. The system has no accident prevention function nor does it interact with systems that have such a function. The proposed change does not alter plant systems, structures or components.

The proposed change does not affect the manner in which the plant is operated. The physical plant equipment and operating

practices are not changed; therefore, the probability of an accident previously evaluated remains unchanged.

The performance requirements of the plant systems which are required to minimize the radiological consequences of a SBLOCA remain unchanged. The proposed change slightly decreases calculated control room doses due to analysis input changes. Calculated doses remain below the limits required by GDC 19.

Based on the above discussion, it is concluded that th[e] proposed change[s] [do] not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

[Locked Rotor Accident]

The proposed change does not alter the method of operating the plant nor does it pose additional challenges to the design or function of the control room habitability system. The control room habitability system will continue to operate as designed. The control room habitability system will continue to maintain the control room dose consequences within the limits specified in GDC 19. Adequate control room radiation protection will continue to be provided to ensure actions can be taken to operate the plants safely under accident conditions. The proposed change to the control room dose is only the result of a change in analysis input parameters. Plant performance has not been modified in any way which affects doses to the public.

[SBLOCA]

The proposed change does not alter the method of operating the plant nor does it pose additional challenges to the design or function of the control room habitability system. The control room habitability system will continue to operate as designed. The control room habitability system will continue to maintain the control room dose consequences within the limits specified in GDC 19. Adequate control room radiation protection will continue to be provided to ensure actions can be taken to operate the plants safely under accident conditions. The proposed change to the control room dose is only a result of an analysis being revised. Plant performance has not been modified in any way which affects doses to the public.

Therefore, the proposed change[s] [do] not create the possibility of a new or different kind of accident from any accident previously evaluated. Although no new types of accidents are created, the analysis represents a new methodology different than any evaluated previously by the NRC.

3. Does the change involve a significant reduction in a margin of safety?

[Locked Rotor Accident]

The slight increase in calculated control room dose as a result of assuming increased fan flow does not result in exceeding the limits prescribed in GDC 19. Calculated doses to the public are slightly increased, but not as a result of physical changes. The proposed change will not result in any additional challenges to plant equipment including the fuel and reactor coolant system pressure boundary since adequate control room radiation protection will continue to be provided. The control room habitability system will continue to provide adequate radiation protection to ensure actions can be taken to operate the plant safely under accident conditions. The offsite doses increase slightly; however, the calculated dose results remain less than 10 CFR 100 limits. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

[SBLOCA]

The slight decrease in calculated control room dose as a result of the revised analysis does not result in exceeding the limits prescribed in GDC 19. The proposed change will not result in any additional challenges to plant equipment including the fuel and reactor coolant system pressure boundary since adequate control room radiation protection will continue to be provided. The control room habitability system will continue to provide adequate radiation protection to ensure actions can be taken to operate the plant safely under accident conditions. [Therefore, the NRC staff concludes that the revision to the SBLOCA analysis does not involve a reduction in a margin of safety.]

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John F. Stolz.

Niagara Mohawk Power Corporation, Docket No. 50–410, Nine Mile Point Nuclear Station, Unit 2 (NMP2), Oswego County, New York

Date of amendment request: February 5, 1998.

Description of amendment request: The proposed amendment would revise Technical Specifications (TSs) to update the terminology and references to 10 CFR 50.55a(f) and (g) consistent with the 1989 edition of Section XI of the American Society of Mechanical Engineer Boiler and Pressure Vessel Code (ASME Code). These changes, in effect, provide for consistency between (1) the NMP2 TS, (2) the second 10-year interval of the Inservice Inspections (ISI) and Inservice Testing (IST) Program Plans for NMP2, and (3) the requirement of 10 CFR 50.55a that the ISI/IST activities conducted during successive 10-year intervals comply with the requirements in the latest edition and addenda of Section XI of the ASME Code that was in effect 12 months before the start of the 10-year interval.

Specifically, TS 4.0.5 would be changed to reference 10 CFR 50.55a(f) for the second 10-year IST Program and 10 CFR 50.55a(g) for the second 10-year ISI Program. The proposed changes to TS Table 4.3.7.5–1 and TS 4.4.3.2.2 would replace the references to ASME Section XI with references to criteria in the IST Program. The changes to TS 3.4.9.1 and 3.4.9.2 would add the phrase "system leakage" to notes that identify testing conditions when the shutdown cooling mode loop may be removed from service. Changes to TS 4.8.1.1.2.h.2 would correct a typographical error for which a reference to ASME Code Section II should refer to Section XI. Appropriate changes would be made to the TS index. Editoral changes to several other TS (i.e., TS 3/4.4.6.1, TS Figure 3.4.6.1–1, TS 3/4.10.7, TS Bases 3/4.4.6, TS Bases 3/4.10.7, and TS Table 5.7.1–1) would make references to "hydrostatic testing" and "leak testing" conform to the terminology to be used in the second 10-year ISI/IST Programs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes to the TS will ensure that TS reflect the correct 10CFR references and the terminology of the second NMP2 10-year ISI/IST program. The proposed revisions replace references to ASME Section XI with references to criteria in the Inservice Testing Program. The performance of system leakage testing is added to notes that identify conditions when the shutdown cooling mode loop may be removed from service. The other changes are editorial changes only to ensure that TS reflect the second 10-year ISI/IST program. One of the changes corrects a typographical error. These proposed changes do not affect the inspections or tests performed under the ISI/IST Program and will not result in any changes to the plant. None of the precursors of previously evaluated accidents are affected and therefore, the probability of an accident previously evaluated is not increased.

The changes will not affect the safety function of any equipment covered by the ISI/IST program. Therefore, these changes will not involve a significant increase in the consequences of an accident previously evaluated.

2. The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not create the possibility of

a new or different kind of accident from any accident previously evaluated.

The changes to the TS will ensure that TS reflect the correct 10CFR references and the terminology of the second NMP2 10-year ISI/IST program. One of the changes corrects a typographical error. No physical modification of the plant is involved and no changes to the methods in which plant systems are operated are required. These changes do no affect the inspections or tests performed under the ISI/IST Program. The changes do not introduce any new failure modes or conditions that may create a new or different accident. Therefore, the changes do not by themselves create the possibility of a new or different kind of accident [from any accident] previously evaluated.

3. The operation of Nine Mile Point Unit 2, in accordance with the proposed amendment, will not involve a significant reduction in a margin of safety.

The changes to the TS will ensure that TS reflect the correct 10CFR references and the terminology of the second NMP2 10-year ISI/IST program. One of the changes corrects a typographical error. No physical modification of the plant is involved and no changes to the methods in which plant systems are operated are required. The changes do not adversely affect any physical barrier to the release of radiation to plant personnel or to the public. These changes do not affect the inspections or tests performed under the ISI/IST Program. Therefore, these changes do not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Mark J. Wetterhahn, Esquire, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Project Director: S. Singh Bajwa.

Philadelphia Electric Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station (LGS), Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: January 27, 1998.

Description of amendment request: The proposed changes to the LGS, Units 1 and 2 Technical Specifications (TS) will revise the TS Table 3.6.3–1, "Part A—Primary Containment Isolation Valves," by removing the numerical maximum stroke time for penetration 210, "HPCI [High Pressure Coolant Injection] Turbine Exhaust," and adding a notation that the isolation time is not required.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specifications changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Changes to Technical Specifications regarding the removal of the High Pressure Coolant Injection (HPCI) Turbine Exhaust Valve maximum stroke times do not change the frequency or consequences of any accident previously evaluated.

The proposed changes do not change the function of the HPCI system nor any safety function of the valve as described in the SAR [Safety Analysis Report]. The isolation stroke times are not limits upon important process variables that are found to be necessary to reasonably protect the integrity of certain of the physical barriers that guard against the uncontrolled release of radioactivity. The stroke times do not detect or indicate an abnormal degradation of the reactor coolant pressure boundary. The stroke times are not a process variable, design feature, or operating restriction that is an initial condition of a design basis accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier. The stroke times are not part of a component that is part of the primary success path and which functions or actuates to mitigate a design basis accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier. The stroke times are not a structure, system, or component which operating experience or probabilistic risk assessment has shown to be significant to public health and safety.

Therefore, the changes will not increase the probability or consequences of an accident previously evaluated.

2. The proposed Technical Specifications changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed Technical Specifications changes regarding the removal of the High Pressure Coolant Injection (HPCI) Turbine Exhaust Valve maximum stroke times do not affect the probability of a malfunction of equipment important to safety. Safety related HPCI system operation occurs with the subject valve passively open. This valve would only be manually closed under events where there was a need to isolate the HPCI system from the suppression pool. The manual closing of the valve may occur under these events and is controlled by station procedures. Given that these procedurally mandated valve isolations are all via remote manual means, valve isolation time is not a critical parameter requiring specific acceptance criteria.

The Inservice Testing (IST) Program will still maintain an IST program basis maximum stroke time for HV–055–1(2)F072 to establish action and alert levels for valve performance monitoring. These performance based values, in conjunction with diagnostic test criteria, are used for motor operated valve material condition monitoring and trending. Therefore, eliminating the subject maximum isolation time requirement from TS will not increase the probability of malfunction of the valve since the principal means of monitoring valve performance remains unchanged.

Therefore, these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed Technical Specifications changes do not involve a significant reduction in a margin of safety.

There is no defined margin of safety for remote manual valve isolation times discussed in Technical Specification Bases. In addition, the valve maximum stroke time will be retained in the IST program.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, PA 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, PA 19101.

NRC Project Director: John F. Stolz.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of amendment requests: June 30, 1997.

Description of amendment requests: The licensee proposes to delete SONGS Unit 2 License Condition 2.C.(19)b, "Shift Manning," and revise SONGS Units 2 and 3 Technical Specifications (TS) 3.3.1, "Reactor Protective Instrumentation (RPS)-Operating," TS 3.3.2, "Reactor Protective Instrumentation (RPS)-Shutdown," TS 3.3.5, "Engineered Safety Features Actuation System (ESFAS) Instrumentation," TS 3.3.10, "Fuel Handling Isolation Signal (FHIS)," TS 3.3.11, "Post Accident Monitoring Instrumentation," TS 3.4.7, "RCS Loops—Mode 5, Loops Filled," TS 3.4.12.1, "Low Temperature Overpressure Protection (LTOP) System," TS 3.7.5, "Auxiliary Feedwater (AFW) System," TS Section 5.5.2.10, "Inservice Testing Program," and TS Section 5.5.2.11, "Steam

Generator (SG) Tube Surveillance Program." The proposed changes are required to either: reinstate provisions of the SONGS Units 2 and 3 TS, revised as part of NRC Amendment Numbers 127 and 116, make corrections to the TS, or remove information inadvertently added that is not applicable.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Proposed Technical Specification Change Number NPF–10/15–475 (PCN–475) addresses modifications to the Technical Specifications for San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 approved by NRC Amendment Nos. 127 and 116. NRC Amendment Numbers 127 and 116 approved changes to adopt the recommendations of NUREG–1432, "Standard Technical Specifications Combustion Engineering Plants," requested through Proposed Technical Specification Change Number NPF–10/15–299 (PCN–299). The proposed changes were identified during drafting of the procedure changes required to implement NRC Amendment Numbers 127 and 116, and during the self-assessment performed by Southern California Edison (SCE).

The proposed change is required to either: reinstate provisions of the SONGS Units 2 and 3 Technical Specifications, revised as part of NRC Amendment Numbers 127 and 116, for SONGS Units 2 and 3, make corrections to the Technical Specifications, or remove information inadvertently added that is not applicable.

Proposed Change 1 would delete License Condition 2.C.(19)b for SONGS Unit 2 only. Presently, overtime restrictions are specified in both the license condition and the Topical Report. Through NRC Amendment Numbers 127 and 116, the shift manning requirements were modified and subsequently moved to the Section 5.5.2.e, with details moved to the Topical Report.

In addition, in the NRC's Safety Evaluation Report related to the "Issuance of Amendment for San Onofre Nuclear Generating Station, Unit No. 2 (TAC No. M86191) and Unit No. 3 (TAC No. M86192)," dated February 9, 1996, it is stated that the staff has determined on a generic basis, that specific overtime limits need not be specified in technical specifications, as they are not required by 10 CFR 50.36 (c)(5). The staff also concluded that control of this matter through administrative procedures provides reasonable assurance that personnel overtime would not jeopardize safe plant operation and that specific overtime limits and associated procedures could be described in the UFSAR, or other licensee controlled documents incorporated in the UFSAR by reference for which further changes can be made pursuant to 10 CFR 50.59.

Retaining a separate license condition provides no function, is inconsistent with the Topical Report, and therefore, should be deleted. There can be no increase in the probability or consequences of any accident previously evaluated as a result of this change, as the change does not revise or reduce commitments, it is solely for clarity.

Proposed change 2 would revise TS 3.3.1, "Reactor Protective Instrumentation (RPS)—Operating," to delete the exception of the power range neutron flux channels from Surveillance Requirement (SR) 3.3.1.7. TS 3.3.1 requires that four RPS trip and operating bypass removal channels for each function covered by this specification be operable in the applicable Modes. SR 3.3.1.7 requires that a channel functional test be performed on each RPS channel, except the power range neutron flux channels. Therefore, the proposed change would delete the exception to SR 3.3.1.7 for the power range neutron flux channels. Under the former Technical Specifications, the power range neutron flux channels were not exempt from the channel functional test.

Proposed change 3 would revise SR 3.3.2.5 of TS 3.3.2, "Reactor Protective Instrumentation (RPS)-Shutdown." SR 3.3.2.5 requires that the RPS response time be verified within limits every 24 months on a staggered test basis. SR 3.3.1.13 of TS 3.3.1 also requires that response time tests be performed every 24 months on a staggered test basis. However, neutron detectors presently are excluded from response time testing in Modes 1 and 2. Therefore, the proposed change will add a note to SR 3.3.2.5 to allow exclusion of neutron detectors from response time testing. Under the former Technical Specifications, the neutron detectors were exempt from response time testing.

Proposed change 4 would revise SR 3.3.5.4. SR 3.3.5.4 requires that a channel calibration of the Recirculation Actuation Signal (RAS), including the bypass removal function, be performed. However, a bypass removal function is not part of the RAS design. A change is required therefore, to delete the bypass removal function, as it is not a part of the RAS function. Because the RAS function does not utilize the bypass removal function, eliminating the words from the SR cannot increase the probability or consequences of any accident previously evaluated as a result of this change.

Proposed change 5 would revise Technical Specification (TS) 3.3.10, "Fuel Handling Isolation Signal (FHIS)." Specifically, the proposed change would revise the allowable value specified in SR 3.3.10.2 for the required FHIS monitor, from "less than or equal to 6E4 cpm above background," to "Sufficiently high to prevent spurious alarms/trips, yet sufficiently low to assure an alarm/trip should an inadvertent release occur."

The 6E4 cpm setpoint does not provide adequate margin above and beyond background during a normal refueling outage. Thus, the proposed setpoint, which can be set greater than the highest ambient background level, but remains well below the calculated monitor response to a fuel handling accident, would provide that margin, and was previously specified in the former Technical Specifications.

The proposed change would permit relocation of the allowable value for the monitors from the Technical Specifications to the administrative control procedures. This change is consistent with the existing Containment Airborne Radiation Monitor Specification. This change will not prevent the radiation monitors from performing their intended function following a design basis accident.

The consequences of a Fuel Handling Accident inside the FHB have been evaluated, assuming no FHB isolation. The results of the calculation indicated off-site, and control room doses with control room isolation within three minutes, are well within the limits established by the NRC guidelines.

Compliance with this statement would provide suitable confirmation that the monitors will be capable of performing their intended function, and is further justified by the fact that no credit was given to the monitors in the radiological dose analysis.

This change will not involve a significant increase in the probability of any accident previously evaluated because the setpoint is not an accident initiator. The consequences of an accident would not be increased either as the administrative value would be set sufficiently low to assure an alarm/trip should an inadvertent release occur. The actual values would be administratively controlled by quality-affecting procedures (i.e., changes to procedures will be evaluated under 10 CFR 50.59).

In addition, a typographical error in SR 3.3.10.3 would be corrected. The SR Note would be revised to refer to "initiation relay," not "ignition relay." This change will not involve a significant increase in the probability of any accident previously evaluated because it corrects a typographical error only.

Proposed change 6 would revise Function 6 of Table 3.3.11–1. Currently, Function 6 refers to Containment Sump Water Level (wide range). However, Function 6 is the combined function of the wide range emergency sump level transmitters, and the containment area level transmitters. Therefore, the description of the combination should not be the description of the function of the single transmitter. There can be no increase in the probability or consequences of any accident previously evaluated as a result of this change, as the change does not revise or reduce commitments, it is solely for clarity.

Proposed change 7 would revise Surveillance Requirement 3.4.7.2 of TS 3.4.7. The change would remove an inconsistency between what is specified in the Limiting Condition for Operation (LCO), and what is required to be verified by the SR. The proposed change conservatively removes the inconsistency by revising SR 3.4.7.2 to specify that the required steam generator secondary side water level be verified greater than 50% (wide range). This change is for clarity only, and is consistent with existing station procedures and operation of the facility.

Proposed change 8 would revise TS 3.4.12.1, "Low Temperature Overpressure

Protection (LTOP) System." Specifically, the Applicability would be revised to clarify the Mode 6 applicability. The Applicability should read "Mode 6 when the head is on the reactor vessel and the RCS is not vented." This change is intended to clarify the Applicability of TS 3.4.12.1 in Mode 6, and also reflects the previous requirements of former TS 3/4.4.8.3.1, "Overpressure Protection Systems RCS Temperature less than or equal to 256°F." This change is editorial only and there can be no increase in the probability or consequences of any accident previously evaluated as a result of this change.

Proposed change 9 would revise SR 3.7.5.3 and SR 3.7.5.4 of TS 3.7.5, "Auxiliary Feedwater (AFW) System." Presently, SR 3.7.5.3 requires that AFW automatic valves actuate to their correct position on an actual or simulated signal when in Mode 1, 2, or 3 (except valves HV–8200 and HV–8201) and SR 3.7.5.4 requires that each AFW pump starts automatically on an actual or simulated signal when in Mode 1, 2, or 3. The Bases, however, for these SRs makes it clear that the tests are a refueling surveillance which should be performed in Mode 5. The proposed change will delete the reference to Modes 1, 2, and 3 from both SR 3.7.5.3 and 3.7.5.4.

The intent of the wording for the SR is to perform the test in Mode 5 in order to demonstrate the operability of the system in Modes 1, 2, and 3. This change would also be consistent with the former SRs which previously specified that the surveillances were required to be performed at least once per refueling interval during shutdown. Therefore, there can be no increase in the probability or consequences of any accident previously evaluated as a result of this change.

Proposed change 10 would revise Section 5.5.2.10, "Inservice Testing Program." The change will clarify that this section applies not only to the Inservice Testing Program, but includes the Inservice Inspection Program as well. This change is editorial in that it correctly identifies the intent of this section. As this is an editorial change only, there can be no increase in the probability or consequences of any accident previously evaluated as a result of this change.

Proposed change 11 would revise Section 5.5.2.11 to correct typographical errors. A table is provided that identifies supplemental sampling requirements for steam generator tube inspections. However, the table is numbered incorrectly. The proposed change would correct the table number.

In addition, under the table heading "Action Required" for both the first "1st Sample Inspection" and "2nd Sample Inspection," for result C–3, notification is to be made to the NRC, and an incorrect reference to 10 CFR 50.72 is made. The proper notification is pursuant to 10 CFR 50.73. The proposed change would correct this reference. Also under the "Action Required" heading for the "1st Sample Inspection" for Result C2, is a typographical error. It is currently written, "Plug defective tubes and inspect an additional 25 tubes in this SG." However, the statement should read, "Plug defective tubes and inspect an additional 2S tubes in this SG." The proposed requirement is consistent with the requirement of the former TS 3/4.4.4, "Steam Generators."

Operation of the facility would remain unchanged as a result of the proposed changes as the changes correct typographical errors. Therefore, the proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes would either: reinstate provisions of the former SONGS Units 2 and 3 Technical Specifications, make corrections to the Technical Specifications, or remove information inadvertently added that is not applicable to SONGS Units 2 and 3.

Proposed change 1 deletes the SONGS Unit 2 license condition regarding shift manning requirements as it conflicts with the requirements contained in the revised Technical Specifications and the Topical Report. Operation of the facility would remain unchanged as a result of the proposed changes and could not create the possibility of a new or different kind of accident from any previously evaluated.

Proposed change 2 would revise TS 3.3.1, "Reactor Protective Instrumentation (RPS)-Operating," to delete the exception of the power range neutron flux channels from Surveillance Requirement (SR) 3.3.1.7. SR 3.3.1.7 requires that a channel functional test be performed on each RPS channel, except the power range neutron flux channels. Therefore, the proposed change would delete the exception to SR 3.3.1.7 for the power range neutron flux channels. This change will not create the possibility of a new or different kind of accident from any previously evaluated.

Proposed change 3 would revise SR 3.3.2.5 of TS 3.3.2, "Reactor Protective Instrumentation (RPS)-Shutdown." SR 3.3.2.5 requires that the RPS response time be verified within limits every 24 months on a staggered test basis. SR 3.3.1.13 of TS 3.3.1 also requires that response time tests be performed every 24 months on a staggered test basis. However, neutron detectors presently are excluded from response time testing in Modes 1 and 2. Therefore, the proposed change will add a note to SR 3.3.2.5 to allow exclusion of neutron detectors from response time testing. The proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

Proposed change 4 would revise Surveillance Requirement (SR) 3.3.5.4. A change is required to delete the bypass removal function, as it is not a part of the RAS function. Because the RAS function does not utilize the bypass removal function, eliminating the words from the SR cannot create the possibility of a new or different kind of accident from any previously evaluated.

Proposed change 5 revises the FHIS the monitor allowable value. The value would be controlled by administrative procedures. This change would not alter the design and operational interface between the FHIS and existing plant equipment. As such, the monitors would continue to operate and perform their intended safety function to isolate the FHB following a design basis accident as before. In addition, the Note to SR 3.3.10.3 would be corrected to read "* * * verification of the proper operation of each initiation relay." Therefore, operation of the facility in accordance with this proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Proposed change 6 revises the name of Function 6 of Table 3.3.11–1. Currently, Function 6 refers to Containment Sump Water Level (wide range), and is more correctly specified as the Containment Water Level (wide range). The proposed change cannot create the possibility of a new or different kind of accident from any accident previously evaluated as the change only revises the name of an instrument and is solely for clarity.

Proposed change 7 would remove an inconsistency between what is specified in the LCO, and what is required to be verified by the SR. The proposed change conservatively removes the inconsistency by revising SR 3.4.7.2 to specify that the required steam generator secondary side water level be verified greater than 50% (wide range). This change is for clarity only, is consistent with existing station procedures, and consistent with operation of the facility. The proposed change cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

Proposed change 8 would revise TS 3.4.12.1, "Low Temperature Overpressure Protection (LTOP) System." Specifically, the Applicability would be revised to clarify the Mode 6 applicability. The Applicability should read "Mode 6 when the head is on the reactor vessel and the RCS is not vented." This change is intended to clarify the Applicability of TS 3.4.12.1 in Mode 6, and also reflects the previous requirements of former TS 3/4.4.8.3.1, "Overpressure Protection Systems RCS Temperature less than or equal to 256°F." This change is editorial only and cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

Proposed change 9 would revise SR 3.7.5.3 and SR 3.7.5.4 of TS 3.7.5, "Auxiliary Feedwater (AFW) System," to delete the requirements that the SRs be performed in Mode 1, 2, or 3. The intent of the wording for the SR is to perform the test in Mode 5 in order to demonstrate the operability of the system in Modes 1, 2, and 3. This change would also be consistent with the former SRs which previously specified that the surveillances were required to be performed at least once per refueling interval during shutdown. Therefore, the proposed change cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

Proposed change 10 would revise Section 5.5.2.10, "Inservice Testing Program." The change will clarify that this section applies

not only to the Inservice Testing Program, but includes the Inservice Inspection Program as well. This change is editorial in that it correctly identifies the intent of this section. As this is an editorial change only, and cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

Proposed change 11 would revise Section 5.5.2.11 to correct typographical errors. A table is provided that identifies supplemental sampling requirements for steam generator tube inspections. Operation of the facility in accordance with this proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes will either: reinstate provisions of the SONGS Units 2 and 3 Technical Specifications, make corrections to the Technical Specifications, or remove information inadvertently added that is not applicable to SONGS Units 2 and 3. Operation of the facility would remain unchanged as a result of the proposed change. Therefore, the proposed change will not involve a significant reduction in a margin of safety.

Proposed change 1 deletes the SONGS Unit 2 license condition regarding shift manning requirements as it conflicts with the requirements contained in the revised Technical Specifications and the Topical Report. The NRC staff has concluded that control of overtime restrictions through administrative procedures provides reasonable assurance that personnel overtime would not jeopardize safe plant operation and that specific overtime limits and associated procedures could be described in the UFSAR, or other licensee controlled documents incorporated in the UFSAR by reference for which further changes can be made pursuant to 10 CFR 50.59. Therefore, the proposed change will not involve a significant reduction in a margin of safety.

Proposed change 2 would revise TS 3.3.1, "Reactor Protective Instrumentation (RPS)—Operating," to delete the exception of the power range neutron flux channels from Surveillance Requirement (SR) 3.3.1.7. SR 3.3.1.7 requires that a channel functional test be performed on each RPS channel, except the power range neutron flux channels. Therefore, the proposed change would delete the exception to SR 3.3.1.7 for the power range neutron flux channels. This change will not involve a significant reduction in a margin of safety.

Proposed change 3 would revise SR 3.3.2.5 of TS 3.3.2, "Reactor Protective Instrumentation (RPS)-Shutdown." SR 3.3.2.5 requires that the RPS response time be verified within limits every 24 months on a staggered test basis. SR 3.3.1.13 of TS 3.3.1 also requires that response time tests be performed every 24 months on a staggered test basis. However, neutron detectors presently are excluded from response time testing in Modes 1 and 2. Therefore, the proposed change will add a note to SR 3.3.2.5 to allow exclusion of neutron detectors from response time testing. The proposed change will not involve a significant reduction in a margin of safety.

Proposed change 4 would delete the bypass removal function, as it is not a part of the RAS function. Because the RAS function does not utilize the bypass removal function, eliminating the words from the SR cannot involve a significant reduction in a margin of safety.

Proposed change 5 would revise the FHIS monitor allowable values and would not alter the existing margin of safety. The change would only relinquish control of the allowable values from the TSs to quality-affecting (changes will require a 10 CFR 50.59 evaluation) procedures. In addition, the proposed change would correct a typographical error in the Note to SR 3.3.10.3. Therefore, operation of the facility will not involve a significant reduction in a margin of safety.

Proposed change 6 revises the name of Function 6 of Table 3.3.11–1. Currently, Function 6 refers to Containment Sump Water Level (wide range), and is more correctly specified as the Containment Water Level (wide range). The proposed change cannot involve a significant reduction in a margin of safety.

Proposed change 7 would remove an inconsistency between what is specified in the LCO, and what is required to be verified by the SR. The proposed change conservatively removes the inconsistency by revising SR 3.4.7.2 to specify that the required steam generator secondary side water level be verified greater than 50% (wide range). This change is consistent with existing station procedures, and consistent with operation of the facility. The proposed change cannot involve a significant reduction in a margin of safety.

Proposed change 8 would revise TS 3.4.12.1, "Low Temperature Overpressure Protection (LTOP) System." Specifically, the Applicability would be revised to clarify the Mode 6 applicability. The Applicability should read "Mode 6 when the head is on the reactor vessel and the RCS is not vented." This change is intended to clarify the Applicability of TS 3.4.12.1 in Mode 6, and also reflects the previous requirements of former TS 3/4.4.8.3.1, "Overpressure Protection Systems RCS Temperature less than or equal to 256°F."

Proposed change 9 would revise SR 3.7.5.3 and SR 3.7.5.4 of TS 3.7.5, "Auxiliary Feedwater (AFW) System," to delete the requirements that the SRs be performed in Mode 1, 2, or 3. The intent of the wording for the SR is to perform the test in Mode 5 in order to demonstrate the operability of the system in Modes 1, 2, and 3. Therefore, the proposed change cannot involve a significant reduction in a margin of safety.

Proposed change 10 would revise Section 5.5.2.10, "Inservice Testing Program." The change will clarify that this section applies not only to the Inservice Testing Program, but includes the Inservice Inspection Program as well. This change is editorial in that it correctly identifies the intent of this section. This is an editorial change only.

Proposed change 11 would revise Section 5.5.2.11 to correct typographical errors. Operation of the facility would remain unchanged as a result of the proposed changes and could not create the possibility of a new or different kind of accident from any previously evaluated.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Main Library, University of California, Irvine, California 92713.

Attorney for licensee: T.E. Oubre, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770.

NRC Project Director: William H. Bateman.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of amendment request: February 3, 1998.

Description of amendment request: The proposed changes will replace the augmented inspection requirements for the Reactor Coolant Pump flywheels specified by Regulatory Guide 1.14, "Reactor Coolant Pump Integrity," Revision 1, dated August 1975, with those established by WCAP–14535A, "Topical Report on Reactor Coolant Pump Flywheel Inspection Elimination," dated November 1996, and will eliminate the inspection requirements for the flow straighteners.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Virginia Electric and Power Company has reviewed the requirements of 10 CFR 50.92 as they relate to the proposed changes for the North Anna Units 1 and 2 and determined that a significant hazards consideration is not involved.

(a) The elimination of the inspection requirements for the flow straighteners, and the reduction of the inspection requirements for the reactor coolant pump flywheels as granted by the NRC and supported by WCAP–14535A do not significantly increase the probability of an accident previously evaluated in the safety analysis report.

The surveillance frequency changes for the reactor coolant pump flywheels are based upon the technical basis of the Westinghouse Energy Systems Topical Report WCAP–14535A. The results of WCAP–14535A have been reviewed, evaluated, and accepted for referencing in license applications by the NRC in their letter entitled "Acceptance for Referencing of Topical Report WCAP–14535, Topical Report on Reactor Coolant Pump

Flywheel Inspection Elimination" dated September 12, 1996.

The proposed surveillance (inspection) requirements only reduce the inspection frequency for the reactor coolant pump flywheels and eliminate the inspection requirements for the flow [straighteners]. There is no change in the method of plant operation or system design. Therefore, the proposed changes do not increase the probability of occurrence or the consequences of any previously analyzed accident.

(b) The proposed changes for the elimination of the inspection requirements for the flow straighteners, and for the reduction in inspection requirements for the reactor coolant pump flywheels as granted by the NRC and supported by WCAP–14535A do not create the possibility of an accident or malfunction of a different type than any evaluated previously in the safety analysis report.

The proposed surveillance (inspection) requirements only reduce the inspection frequency for the reactor coolant pump flywheels and eliminate the inspection requirements for the flow [straighteners] in Unit 1. There is no change in the method of plant operation or system design. Therefore, there are no new or different kinds of accident or malfunction from any accidents previously evaluated.

(c) The proposed changes for the elimination of the inspection requirements for the flow straighteners, and for the reduction in inspection requirements for the reactor coolant pump flywheels as granted by the NRC and supported by WCAP–14535A do not impact the accident analysis assumptions or the basis of any Technical Specification. The revised inspection requirements only reduce the examination frequency for the reactor coolant pump flywheels and eliminate the inspection requirements for the flow [straightener] in Unit 1. Therefore, the proposed changes in surveillance (inspection) frequency do not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903–2498.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Project Director: Gordon E. Edison, Acting.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of amendment request: February 3, 1998.

Description of amendment request: The proposed changes will allow the reactor trip bypass breakers to be tested in the racked-in position. This change will continue to ensure the operability of the breakers and eliminate unnecessary movement caused by racking the breakers, thus reducing the wear and tear on the breakers and the possibility of a reactor trip. The operation of the Reactor Protection System and the reactor trip and the reactor trip bypass breakers are not being changed. The proposed changes in the test sequence for the reactor trip bypass breakers continue to provide assurance that the reactor trip bypass breakers will operate as designed to mitigate the consequence of any unsafe or improper reactor operation during steady-state or transient power operations when the bypass breakers are placed in service for reactor trip system testing or trip breaker maintenance.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Virginia Electric and Power Company has reviewed the requirements of 10 CFR 50.92 as they relate to the proposed changes for the North Anna Units 1 and 2 and determined that a significant hazards consideration is not involved.

(a) Operation and testing of the reactor trip breakers does not increase the probability of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report.

The testing sequence will continue to ensure that the reactor trip system will be operable to mitigate the consequences of any unsafe or improper reactor operation during steady state or transient power operations. Although the breaker is placed in service before it is tested, the breaker is tested as soon as practicable to reestablish operability prior to performing testing of the reactor trip system or maintenance on the reactor trip breakers. During the short period of time the breaker is closed before the local shunt trip device test, the operability of the breaker is established based on satisfactory breaker testing conducted during the previous surveillance interval. Changing the minimum channels operable requirement for the reactor trip bypass breakers does not affect the operation of the reactor trip system since only one reactor trip breaker can be inservice for testing or maintenance of the reactor protection system. Therefore, the proposed test sequence does not significantly increase the probability of occurrence or the consequences of any previously analyzed accident.

(b) The proposed Technical Specifications do not create the possibility of an accident or malfunction of a different type than any evaluated previously in the safety analysis report.

The proposed test sequence change does not alter the actual test performed to establish operability of the reactor trip bypass breakers. The bypass breakers will be proven operable prior to reactor trip system testing or reactor trip breaker maintenance. Although the breaker is placed in service before it is tested, the breaker is tested as soon as practicable to reestablish operability prior to performing testing of the reactor trip system or maintenance on the reactor trip breakers. During the short period of time the breaker is closed before the local shunt trip device test, the operability of the breaker is established based on satisfactory breaker testing conducted during the previous surveillance interval. Changing the minimum channels operable requirement for the reactor trip bypass breakers does not affect the operation of the reactor trip system since only one reactor trip bypass breaker can be inservice for testing or maintenance of the reactor protection system. Therefore, it is concluded that no new or different kind of accident or malfunction from any previously evaluated has been created.

(c) The proposed Technical Specifications change does not result in a significant reduction in margin of safety.

The proposed change in the reactor trip bypass breaker test sequence provides assurance that the reactor trip system remains operable during normal operations or during reactor trip system testing and reactor trip breaker maintenance to mitigate the consequences of any unsafe or improper reactor operation. Changing the minimum channels operable requirement for the reactor trip bypass breakers does not affect the operation of the reactor trip system since only one reactor trip bypass breaker can be inservice for testing or maintenance of the reactor protection system. Therefore, the proposed change in the test sequence for the reactor trip bypass breaker does not significantly reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903–2498.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Riverfront Plaza, East Tower, 951 E. Byrd Street, Richmond, Virginia 23219.

NRC Project Director: Gordon E. Edison, Acting.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: October 13, 1997, as supplemented by a letter dated February 10, 1998.

Description of amendment request: The proposed amendment would revise the Kewaunee Technical Specifications (TS) to denote several changes. The proposed changes are: Relocating information to the Updated Safety Analysis Report (USAR), deleting redundant information, incorporating new references and deleting incorrect references, correcting errors, and augmenting existing requirements.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes were revised in accordance with the provision of 10 CFR 50.92 to show no significant hazards exist. The proposed changes will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The likelihood that an accident will occur is neither increased nor decreased by these TS changes. The TS changes will not impact the function or method of operation of plant equipment. Thus, there is not a significant increase in the probability of a previously analyzed accident due to the changes. Since no plant practices have changed and no physical changes are being made, no systems, equipment, or components are affected by the proposed changes. Thus, the consequences of the malfunction of equipment important to safety previously evaluated in the Updated Safety Analysis Report (USAR) are not increased by the changes.

The proposed changes are administrative in nature and, therefore, have no impact on accident initiators or plant equipment, and thus, do not affect the probabilities or consequences of an accident.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

Operation of the facility in accordance with the proposed TS changes would not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve changes to the physical plant or operations. Since these administrative changes do not contribute to accident initiation, they do not produce a new accident scenario or produce a new type of equipment malfunction. Also, these changes do not alter any existing accident scenarios; they do not affect equipment or its operation, and thus, do not create the possibility of a new or different kind of accident.

(3) Involve a significant reduction in the margin of safety.

Changes in the proposed amendment include relocating information to the USAR, deleting redundant information, incorporating new references, deleting incorrect references, correcting errors, and augmenting existing requirements. Operation of the facility in accordance with the proposed TS would not involve a significant reduction in a margin of safety. The proposed changes do not affect plant equipment or operation. Safety limits and limiting safety system settings are not affected by these proposed changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Wisconsin, Cofrin Library, 2420 Nicolet Drive, Green Bay, WI 54311–7001.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701–1497.

NRC Project Director: Richard P. Savio.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Duke Energy Corporation, Docket No. 50–270, Oconee Nuclear Station, Unit 2, Oconee County, South Carolina

Date of amendment request: January 15, 1998.

Description of amendment request: The proposed amendment would revise Technical Specifications (TS) Table 4.1–1 and TS 4.5.2.1.2 to allow a one-time extension for specified Unit 2 refueling outage surveillances during operating cycle 16.

Date of publication of individual notice in the **Federal Register**: January 23, 1998 (63 FR 3593).

Expiration date of individual notice: February 23, 1998.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina.

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: February 3, 1998.

Brief description of amendment request: The proposed amendment would change the operability requirement for the Standby Liquid Control system to Run/Power Operations and Startup.

Date of individual notice in **Federal Register**: February 26, 1998 (63 FR 9872).

Expiration date of individual notice: March 30, 1998.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401.

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: February 3, 1998.

Brief description of amendment request: The proposed amendment would revise the definitions of Cold Condition and Cold Shutdown and add a new section, 3.17, Vessel Hydrostatic Pressure and Leak Testing, to the Technical Specifications to specifically allow reactor vessel hydrostatic pressure testing to be performed during plant shutdown.

Date of individual notice in **Federal Register**: February 26, 1998 (63 FR 9874).

Expiration date of individual notice: March 30, 1998.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401.

Southern Nuclear Operating Company, Inc, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: July 23, 1997, as supplemented September 30, October 27, and December 18, 1997, and February 12, 1998.

Description of amendment request: The July 23, 1997, application was previously noticed in the **Federal Register** on September 10, 1997 (62 FR 47699). In addition, the December 18, 1997, supplement provided additional information that revised the original licensee's evaluation of the no

significant hazards consideration and, therefore, was noticed in the **Federal Register** on January 14, 1998 (63 FR 2281). The February 12, 1998, supplement provided additional information that revised the licensee's evaluation of the no significant hazards consideration. Therefore, renotification of the Commission's proposed determination of no significant hazards is necessary.

The proposed amendments would revise the Technical Specifications (TSs) by relocating the reactor coolant system (RCS) pressure and temperature limits from the TSs to the proposed Pressure Temperature Limits Report in accordance with the guidance provided by Generic Letter 96–03, "Relocation of the Pressure Temperature Limit Curves and Low Temperature Overpressure Protection System Limits." TS 3.4.10.3 would be revised to require that two residual heat removal system suction relief valves be operable or that the RCS be vented at RCS indicated cold leg temperatures less than or equal to 325 °F. In addition, a new TS would be added to limit the operation of more than one reactor coolant pump below 110 °F.

Date of publication of individual notice in the **Federal Register**: February 23, 1998 (63 FR 9020).

Expiration date of individual notice: March 25, 1998.

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama 36302.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Commonwealth Edison Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of application for amendments: November 7, 1997.

Brief description of amendments: The amendments remove the 24/48 Volt direct current (Vdc) batteries and associated charger and distribution systems from the Unit 2 Technical Specifications. All safety-related loads associated with the 24/48 Vdc batteries for Unit 2 will be connected to other safety related battery systems which are in the TS.

Date of issuance: February 25, 1998.

Effective date: Immediately, to be implemented within 30 days.

Amendment Nos.: 165 and 160.

Facility Operating License Nos. DPR–19 and DPR–25: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: January 14, 1998 (63 FR 2277).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 25, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450.

Commonwealth Edison Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of application for amendments: October 3, 1996.

Brief description of amendments: The amendments will correct a typographical error that was introduced into the Technical Specifications with the issuance of Amendment Nos. 150 and 145 issued on June 28, 1996.

Date of issuance: February 25, 1998.

Effective date: Immediately, to be implemented within 30 days.

Amendment Nos.: 166 and 161.

Facility Operating License Nos. DPR–19 and DPR–25: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: January 14, 1998 (63 Fr 2273).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 25, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: October 15, 1997.

Brief description of amendments: The amendments eliminate unnecessary detail from the Accident Monitoring Instrumentation Surveillance Requirements (TS Table 4.3.7.5–1).

Date of issuance: February 17, 1998.

Effective date: Immediately, to be implemented prior to startup from L1F35 for Unit 1 and L2R07 for Unit 2.

Amendment Nos.: 123 and 108.

Facility Operating License Nos. NPF–11 and NPF–18: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: November 19, 1997 (62 FR 61841).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 17, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Jacobs Memorial Library, Illinois Valley Community College, Oglesby, Illinois 61348.

Duke Energy Corporation, Docket No. 50–270, Oconee Nuclear Station, Unit 2, Oconee County, South Carolina

Date of application for amendment: January 15, 1998.

Brief description of amendment: The amendment revises Technical Specifications (TS) Table 4.1–1 and Specification 4.5.2.1.2 to allow a one-time extension for specified Unit 2 refueling outage surveillances during operating cycle 16.

Date of issuance: February 23, 1998.
Effective date: As of the date of issuance to be implemented upon receipt.
Amendment No.: 228.
Facility Operating License No. DPR–47: The amendment revised the Technical Specifications.
Date of initial notice in **Federal Register**: January 23, 1998 (63 FR 3593).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 23, 1998.
No significant hazards consideration comments received: No.
Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691.

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: February 2, 1998, as supplemented February 18, 1998.
Brief description of amendments: The amendments revise the wording used to specify refueling outage surveillances.
Date of issuance: February 26, 1998
Effective date: As of the date of issuance and will be implemented within 30 days.
Amendment Nos.: Unit 1–228; Unit 2–229; Unit 3–225.
Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: The amendments revised the Technical Specifications.
Public comments requested as to proposed no significant hazards consideration: Yes. (63 FR 6784 dated February 10, 1998). The notice provided an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice also provided for an opportunity to request a hearing by March 12, 1998, but indicated that if the Commission makes a final no significant hazards consideration determination, any such hearing would take place after issuance of the amendments. The February 18, 1998, letter provided clarifying information that did not change the scope of the February 2, 1998, application and the no significant hazards consideration determination.
The Commission's related evaluation of the amendment, finding of exigent circumstances, and a final no significant hazards consideration determination are contained in a Safety Evaluation dated February 26, 1998.
Attorney for licensee: J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC.
Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina.

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of application for amendment: August 22, 1997.
Brief description of amendment: Changes to the Technical Specifications (TS) to relocate the inservice testing program requirements from TS 4.0.5 to the Administrative Controls Section in the Unit 1 and 2 TS.
Date of Issuance: February 25, 1998.
Effective Date: February 25, 1998.
Amendment Nos.: 153 and 91.
Facility Operating License No. NPF–16: Amendment revised the TS.
Date of initial notice in **Federal Register**: September 24, 1997 (62 FR 50006).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1998.
No significant hazards consideration comments received: No.
Local Public Document Room location: Indian River Community College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34981–5596.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Date of application for amendment: October 21, 1997, as supplemented by letter dated February 3, 1998. The application superseded a previous application of May 16, 1997.
Brief description of amendment: This amendment revised administrative requirements regarding the unit staff positions of General Supervisor Operation and Manager Operations as stated in TS 6.2.2.i and 6.3.1.
Date of issuance: February 19, 1998.
Effective date: As of the date of issuance to be implemented within 30 days.
Amendment No.: 160.
Facility Operating License No. DPR–63: Amendment revises the Technical Specifications.
Date of initial notice in **Federal Register**: November 5, 1997 (62 FR 59916).
The February 3, 1998, letter provided clarifying information that did not change the no significant hazards consideration.
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 19, 1998.
No significant hazards consideration comments received: No.
Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Northeast Nuclear Energy Company (NNECO), et al., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: March 27, 1997, as supplemented on September 25, 1997.
Brief description of amendment: The amendment revises Technical Specification (TS) Limiting Condition for Operation (LCO) 3.7.11 and Surveillance Requirement (SR) 4.7.11 for the ultimate heat sink. TS LCO 3.7.11 is changed to indicate that the ultimate heat sink is operable at a water temperature of less than or equal to 75 °F instead of an average value. The use of average when verifying the water temperature and the reference to a specific monitoring location are deleted in TS SR 4.7.11.a and .b. The TS Bases Section 3/4.7.11 is also modified to reflect the above changes.
A license condition was also included in Appendix B of the Operating license, which is a list of additional license conditions. This license condition was discussed with NNECO in a conference call on December 15, 1997, and NNECO agreed to the inclusion of the license condition for approving the amendment.
Date of issuance: February 9, 1998.
Effective date: As of the date of issuance to be implemented within 30 days.
Amendment No.: 213.
Facility Operating License No. DPR–65: Amendment revised the Technical Specifications and Appendix B of Operating License.
Date of initial notice in **Federal Register**: April 23, 1997 (62 FR 19831).
The September 25, 1997, letter provided clarifying information that did not change the scope of the March 27, 1997, application and the initial proposed no significant hazards consideration determination.
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 9, 1998.
No significant hazards consideration comments received: No.
Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, Attn: Vince Juliano,

49 Rope Ferry Road, Waterford, Connecticut.

Northeast Nuclear Energy Company (NNECO), et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: August 29, 1997, as supplemented by letters dated September 25 and November 14, 1997.

Brief description of amendment: Based on a review and subsequent calculations of the cold overpressurization protection (COPS) enabling temperature and the emergency core cooling system (ECCS)/charging system mode 3 requirements, NNECO proposes to reduce the COPS enabling temperature. As a result, NNECO proposed the following Technical Specifications (TS) changes: add new heatup and cooldown pressure/temperature limit curves and their associated requirements; add new power operated relief valve (PORV) setpoint curves and their associated requirements; revise the reactor coolant loops and coolant circulation, ECCS, boration systems, and COPS to incorporate the lower enabling temperature and new restrictions for cold overpressure protection system, PORV undershoot, and residual heat removal (RHR) relief valve bellows; add a footnote to allow a reactor coolant pump to substitute for an RHR pump during heatup from Mode 5 to 4, which is consistent with the improved standard technical specification (STS); reword TS 3/4.4.9.3 and its surveillance requirement to be consistent with the improved STS; and revise the affected Bases sections to be consistent with the proposed changes.

Date of issuance: February 12, 1998.

Effective date: As of the date of issuance, to be implemented within 60 days of issuance.

Amendment No.: 157.

Facility Operating License No. NPF–49: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 8, 1997 (62 FR 52583).

The September 25 and November 14, 1997, letters provided clarifying information that did not change the August 27, 1997, application and the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 12, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, Connecticut, and the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: November 20, 1996, as supplemented by letter dated February 20, 1997, and submittal dated March 25, 1997.

Brief description of amendment: The amendment revised the technical specifications to reflect organizational changes and correct editorial and typographical inaccuracies. It also removed paragraph 3.D of the facility operating license that described the modification that increased the spent fuel pool storage capacity.

Date of issuance: February 3, 1998.

Effective date: February 3, 1998.

Amendment No.: 184.

Facility Operating License No. DPR–40: Amendment revised the Technical Specifications and Facility Operating License No. DPR–40.

Date of initial notice in **Federal Register:** January 2, 1997 (62 FR 131) and April 9, 1997 (62 FR 17238). The March 25, 1997, submittal did not change the staff's original no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 3, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: October 4, 1995, as supplemented by letters dated July 17, 1996, August 20, 1996, and June 2, 1997.

Brief description of amendments: The amendments revise the technical specifications to relocate the requirements in 10 subsections of the technical specifications to licensee-controlled documents.

Date of issuance: February 3, 1998.

Effective date: February 3, 1998, to be implemented within 90 days of issuance.

Amendment Nos.: Unit 1—120; Unit 2—118.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Operating Licenses and the Technical Specifications.

Date of initial notice in **Federal Register:** November 27, 1995 (60 FR 58404). The July 17, 1996, August 20, 1996, and June 2, 1997, supplemental letters provided additional clarifying information and did not change the initial no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 3, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: May 14, 1997, as supplemented by letter dated December 15, 1997.

Brief description of amendments: The amendments revised the combined Technical Specifications (TS) for the Diablo Canyon Power Plant (DCPP) Unit Nos. 1 and 2 to revise Technical Specification (TS) 6.9.1.8.b.5 to replace reference WCAP–10266–P–A with WCAP–12945–P for best estimate loss-of-coolant accident (LOCA) analysis. The amendment also revises TS Bases 3/4.2.2 and 3/4.2.3 to change the emergency core cooling system (ECCS) acceptance criteria limit to state that there is a high level of probability that the ECCS acceptance criteria limits are not exceeded.

Date of issuance: February 13, 1998.

Effective date: February 13, 1998, to be implemented within 90 days of issuance.

Amendment Nos.: Unit 1—121; Unit 2—119.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 30, 1997 (62 FR 40855).

The December 15, 1997, supplemental letter provided additional clarifying information and did not change the staff's initial no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 13, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: December 9, 1996.

Brief description of amendments: The amendments revised the combined Technical Specifications (TS) for the Diablo Canyon Power Plant (DCPP), Unit Nos. 1 and 2 to revise the surveillance frequencies from at least once every 18 months to at least once per refueling interval (nominally 24 months) for the reactor trip system (RTS) and engineering safety features actuation systems (ESFAS) instrumentation channels, and make certain changes in trip setpoints and allowance values due to a setpoint methodology change in support of the calibration extensions. Channel operational tests (COTs) and trip actuating device operational tests (TADOTs) associated with these channels are also being extended. Revisions to the appropriate TS Bases are being revised to support the TS revisions.

Date of issuance: February 17, 1998.

Effective date: February 17, 1998, to be implemented within 90 days of issuance.

Amendment Nos.: Unit 1—Amendment No. 122; Unit 2—Amendment No. 120.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 12, 1997 (62 FR 6577)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 17, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: May 31, 1996.

Brief description of amendments: These amendments delete, from the Technical Specifications, Section 4.7.2.d.2, the surveillance requirement for chlorine detection for the control room emergency outside air supply system as a result of the removal of bulk quantities of gaseous chlorine from the Susquehanna Steam Electric Station.

Date of issuance: February 19, 1998.

Effective date: Both units, as of date of issuance, to be implemented within 30 days.

Amendment Nos.: 172 and 145.

Facility Operating License Nos. NPF–14 and NPF–22: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 16, 1997 (62 FR 38137).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 19, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, PA 18701.

Southern Nuclear Power Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: August 8, 1997, as supplemented October 10, 1997, January 16, 23, and 27, 1998.

Brief description of amendments: The amendment changes Vogtle Electric Generating Plant, Units 1 and 2, Technical Specifications (TS) 3.7.17, "Fuel Storage Pool Boron Concentration," TS 3.7.18, "Fuel Assembly Storage in the Fuel Storage Pool," and TS 4.3, "Fuel Storage," to allow credit for soluble boron, in the spent fuel pool, for maintenance of subcriticality associated with spent fuel storage.

Date of issuance: February 20, 1998.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 99—Unit 1; 77—Unit 2

Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1997 (62 FR 68136).

The January 16, 23, and 27, 1998, letters provided clarifying information that did not change the scope of the August 8, 1997, application and the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 20, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Burke County Library, 412 Fourth Street, Waynesboro, Georgia.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: September 17, 1997 (TS 97–02).

Brief description of amendments: The amendments change the Technical Specifications (TS) by modifying Surveillance Requirements (SRs) 4.6.2.1.1.b., 4.6.2.1.1.c,. 4.6.2.1.1.d, and 4.6.2.1.2.b to account for a plant modification to the containment spray system and to make the SRs more consistent with the Westinghouse Standard TS (NUREG–1431).

Date of issuance: February 20, 1998.

Effective date: February 20, 1998.

Amendment Nos.: 231 and 221.

Facility Operating License Nos. DPR–77 and DPR–79: Amendments revise TS.

Date of initial notice in **Federal Register:** October 8, 1997 (62 FR 52589).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: February 23, 1996, as supplemented by letters dated April 24, 1996, and November 15, 1996.

Brief description of amendment: The amendment revises the Callaway Plant, Unit 1 operating license to reflect Union Electric Company (UEC) as a wholly-owned operating subsidiary of Ameren Corporation at the closing of the contemplated merger between UEC and CIPSCO Incorporated.

Date of issuance: February 13, 1998.

Effective date: February 13, 1998.

Amendment No.: 120.

Facility Operating License No. NPF–30: The amendment revised the Operating License.

Date of initial notice in Federal Register: May 22, 1996 (61 FR 25713) The November 15, 1996, supplemental letter provided only clarifying information and did not change the original no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 13, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Missouri-Columbia, Elmer Ellis Library, Columbia, Missouri.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri.

Date of application for amendment: August 8, 1997.

Brief description of amendment: The amendment revises the Callaway Plant, Unit 1 surveillance requirements of Technical Specification 3/4.7.4, "Essential Service Water System" by removing the requirement to perform 4.7.4.b, 4.7.4.b.2 and 4.7.4.c during shutdown.

Date of issuance: February 24, 1998.

Effective date: February 24, 1998, to be implemented within 30 days from the date of issuance.

Amendment No.: 121.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

Date of initial notice in Federal Register: December 17, 1997 (62 FR 66143) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 1998.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Missouri-Columbia, Elmer Ellis Library, Columbia, Missouri 65201–5149.

Dated at Rockville, Maryland, this 4th day of March 1998.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Director, Division of Reactor Projects—III/IV Office of Nuclear Reactor Regulation.

[FR Doc. 98–6085 Filed 3–10–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Panel Meeting: April 23–24, 1998—Albuquerque, New Mexico: The Department of Energy's Work on the Total System Performance Assessment for the Viability Assessment (TSPA–VA)

Pursuant to its authority under section 5051 of Public Law 100–203, the Nuclear Waste Policy Amendments Act of 1987, the Nuclear Waste Technical Review Board's Panel on Performance Assessment will hold a meeting April 23–24, 1998, beginning at 8:30 a.m. both days. The meeting, which is open to the public, will focus on the Department of Energy's work on the total system performance assessment for the viability assessment, or TSPA–VA. A detailed agenda will be available approximately two weeks prior to the meeting by fax or e-mail, or on the Board's web site at www.nwtrb.gov.

The meeting will be held at the Sheraton Uptown Albuquerque Hotel, 2600 Louisiana Boulevard, NE, Albuquerque, New Mexico 87110; Toll-free (800) 252–7772; Tel (505) 881–0000; Fax (505) 881–3736. Reservations for accommodations must be made by March 23, 1998, and you must indicate that you are attending the Nuclear Waste Technical Review Board's panel meeting to receive the preferred rate.

Time will be set aside on the agenda for comments and questions from the public. Those wishing to speak are encouraged to sign the Public Comment Register at the check-in table. A time limit may have to be set on the length of individual remarks; however, written comments of any length may be submitted for the record.

Transcripts of this meeting will be available on computer disk, via e-mail, or on a library-loan basis in paper format from Davonya Barnes, Board staff, beginning May 22, 1998. For further information, contact Frank Randall, External Affairs, 2300 Clarendon Blvd., Suite 1300, Arlington, Virginia 22201–3367; (Tel) 703–235–4473; (Fax) 703–235–4495; (E-mail) info@nwtrb.gov.

The Nuclear Waste Technical Review Board was created by Congress in the Nuclear Waste Policy Amendments Act of 1987 to evaluate the technical and scientific validity of activities undertaken by the DOE in its program to manage the disposal of the nation's high-level radioactive waste and commercial spent nuclear fuel. In that same legislation, Congress directed the DOE to characterize a site at Yucca Mountain, Nevada, for its suitability as a potential location for a permanent repository for the disposal of that waste.

Dated: March 6, 1998.

William Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 98–6209 Filed 3–10–98; 8:45 am]

BILLING CODE 6820–AM–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23058; 812–11016]

AMP Limited, et al.; Notice of Application

March 4, 1998.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under section 6(c) of the Investment Company Act of 1940 (the "Act") from section 15(a) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the implementation, without prior shareholder approval, of new sub-advisory agreements ("New Agreements") between Seligman Henderson Co. ("Sub-adviser") and J.&W. Seligman & Co. Incorporated ("Seligman") relating to various registered investment companies (each a "Fund" and collectively, the "Funds") in connection with the acquisition of Henderson plc ("Henderson") by AMP Limited ("AMP"). The order would cover a period of up to 150 days following the later of: (i) the date on which the assignment of the existing investment sub-advisory agreements ("Existing Agreements") is deemed to have occurred (*i.e.*, the date AMP is deemed to control the issued share capital of Henderson (the "Assignment Date")), or (ii) the date upon which the requested order is issued (but in no event later than October 1, 1998) ("Interim Period"). The order also would permit the Sub-adviser to receive all fees earned under the New Agreements during the Interim Period following shareholder approval.

APPLICANTS: AMP, Henderson, and the Sub-adviser.

FILING DATES: The application was filed on February 18, 1998, and was amended and restated on March 3, 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 March 26, 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, N.W., Washington, D.C. 20549. Applicants: AMP, AMP Building, 33 Alfred Street, Sydney, NSW 2000, Australia; Henderson, 3 Finsbury Avenue, London EC2M 2PA, England; Sub-adviser, 100 Park Avenue, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Edward P. Macdonald, 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 SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. 202–942–8090).

Applicants' Representations

1. AMP, an Australian limited company, together with its consolidated subsidiaries, is a financial services company. Henderson is a European investment management firm. The Sub-adviser is a 50:50 partnership formed between Seligman and Henderson International, Inc., a Delaware corporation and an indirect wholly-owned subsidiary of Henderson.

2. The Sub-adviser has sub-advisory agreements with thirteen registered investment companies and serves as sub-adviser to the Funds pursuant to the Existing Agreements with Seligman, the Funds' investment adviser. The Sub-adviser serves the sub-adviser for Seligman Common Stock Fund, Inc., Seligman Growth Fund, Inc., Seligman Income Fund, Inc., and Tri-Continental Corporation. The Sub-adviser also serves as sub-adviser for the following portfolios of Seligman Henderson Global Fund Series, Inc.: Seligman Henderson International Fund, Seligman Henderson Emerging Markets Growth Fund, Seligman Henderson Global Growth Opportunities Fund, Seligman Henderson Global Smaller Companies Fund and Seligman Henderson Global Technology Fund; and as the sub-adviser for the following portfolios of Seligman Portfolios, Inc.: Seligman Henderson International Portfolio, Seligman Henderson Global Growth Opportunities Portfolio, Seligman Henderson Global Smaller Companies Portfolio, and Seligman Henderson Global Technology Portfolio. Both Seligman and the Sub-adviser are investment advisers registered under the Investment Advisers Act of 1940.

3. On February 3, 1998, the boards of directors for Henderson and AMP announced that they had agreed on the terms of a recommended cash offer ("Offer") under which DLJ Phoenix Securities Limited on behalf of AMP, through AMP's newly-formed indirect subsidiary, AMP Invest plc, would seek to acquire all of the issued share capital of Henderson (the "Transaction"). It is anticipated that all conditions to the Offer, including receipt of all necessary regulatory approvals, will be fulfilled on or after March 11, 1998.

4. Applicants state that the Transaction could be deemed to result in an assignment and thus the automatic termination of the Existing Agreements between Seligman and the Sub-adviser. Applicants request an exemption to permit the implementation, without prior shareholder approval, of the New Agreements. The requested exemption will cover the Interim Period of not more than 150 days beginning on the later of the Assignment Date or the date of the issuance of the requested order and continuing with respect to each Fund through the date on which each New Agreement is approved or disapproved by the Fund's shareholders, but in no event after October 1, 1998. Applicants represent that, during the Interim Period the New Agreements will contain identical terms and conditions as the Existing Agreements, except in each case for effective dates, execution dates, and termination dates.

5. Applicants state that the board of directors of each Fund (the "Board") will meet prior to the Assignment Date in accordance with section 15(c) of the Act to evaluate whether the terms of the New Agreements, including the escrow provisions described below, are in the best interest of the Funds and their shareholders.[1]

6. Applicants submit that it will not be possible to obtain shareholder approval of the New Agreements in accordance with section 15(a) of the Act prior to the Assignment Date. Applicants state that each Fund will promptly schedule a meeting of shareholders to vote on the approval of the New Agreements to be held within 150 days after the commencement of the Interim Period, but in no event later than October 1, 1998.

7. Applicants also request an exemption to permit the Sub-adviser to receive from each Fund all fees earned under the New Agreements during the Interim Period, if and to the extent the New Agreements are approved by the shareholders of each Fund.[2] Applicants state that the fees to be paid during the Interim Period will not be greater than the fees currently paid by the Funds.

8. Applicants propose to enter into an escrow arrangement with an unaffiliated financial institution (the "Escrow Agent"). The advisory fees payable under the New Agreements during the Interim Period will be paid into an interest-bearing escrow account maintained by the Escrow Agent. The amounts in the escrow account (including interest earned on such paid fees) will be paid to the Sub-adviser only after the New Agreements are approved by the shareholders of the relevant Fund in accordance with section 15(a) of the Act. If shareholder approval is not given, the Escrow Agent will return the escrow amounts to the appropriate Fund. Before the release of any such escrow amounts, the Boards will be notified.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company, except pursuant to a written contract that has been approved by the vote of a majority of the outstanding voting securities of such registered investment company. Section 15(a) of the Act further requires that such written contract provide for its automatic termination in the event of its "assignment." Section 2(a)(4) of the Act defines "assignment" to include any direct or indirect transfer of an investment advisory or investment sub-advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

[1] Applicants acknowledge that, to the extent that the Board of any Fund cannot meet to approve a New Agreement prior to the Assignment Date, such Fund may not rely on the exemptive relief in this application.

[2] Applicants state that if the Assignment Date precedes issuance of the requested order, the Sub-adviser will continue to serve as sub-adviser after the Assignment Date (and prior to the issuance of the order) in a manner consistent with its fiduciary duty to continue to provide advisory services to the Funds even though approval of the New Agreements has not yet been secured from the Funds' shareholders. Applicants also state that the Funds may be required to pay, with respect to the period until receipt of the order, no more than the actual out-of-pocket costs to the Sub-adviser for providing advisory services.

2. Applicants state that it is possible that AMP may be deemed to have obtained control of more than 25% of the voting securities of Henderson as early as March 11, 1998. Accordingly, Applicants state that an assignment of the Existing Agreements may then occur and the Existing Agreements will terminate by their terms.

3. Rule 15a–4 provides, in pertinent part, that if an investment advisory contract with a registered investment company is terminated by an assignment the adviser may continue to serve for 120 days under a written contract that has not been approved by the company's shareholders, provided that: (a) The new contract is approved by that company's board of directors (including a majority of the non-interested directors); (b) the compensation to be paid under the new contract does not exceed the compensation that would have been paid under the contract most recently approved by the company's shareholders; and (c) neither the adviser nor any controlling person of the adviser "directly or indirectly receives money or other benefit" in connection with the assignment. Applicants state that because AMP, Henderson and/or the Sub-adviser may be deemed to receive a benefit in connection with the Transaction, there is a question as to the Applicants' ability to rely on rule 15a–4.

4. Section 6(c) provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and 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. Applicants believe that the requested relief meets this standard.

5. Applicants note that the terms and timing of the Transaction were determined by AMP and Henderson in response to a number of factors beyond the scope of the Act and substantially unrelated to the Funds or the Sub-adviser. Applicants state that it is not possible for the Funds to obtain shareholder approval of the New Agreements prior to the Assignment Date. Applicants submit that the Boards will meet to approve the New Agreements prior to the Assignment Date, and the shareholders of the Funds will be further protected by the establishment of the escrow account described in the application.

6. Applicants submit that the Sub-adviser will take all appropriate steps to ensure that the scope and quality of advisory and other services provided for the Funds during the Interim Period will be at least equivalent to the scope and quality of services previously provided. During the Interim Period, the Sub-adviser will operate under the New Agreement, which will have the same terms and conditions as the respective Existing Agreements, except for the effective dates, execution dates, and termination dates. Applicants assert that the level of services provided by the Sub-adviser will remain the same under the New Agreements as under the Existing Agreements.

7. Applicants also assert the allowing the implementation of the New Agreements will ensure that there will be no disruption to the investment program and the delivery of related services to the Funds because the personnel that provide such services to the Funds will remain substantially the same as before the Assignment Date.

Applicants' Conditions

Applicants agree as conditions to the issuance of the exemptive order requested by the application that:

1. The New Agreements to be implemented following the commencement of the Interim Period will have the same terms and conditions as the respective Existing Agreements, except for the effective dates, execution dates, and termination dates.

2. Fees payable to the Sub-adviser for the period covered by the order will be maintained during the Interim Period in an interest-bearing escrow account (including interest earned on such amounts), and will be paid: (a) to the Sub-adviser after the requisite approval by shareholders is obtained; or (b) in the absence of such approval, to the relevant Fund.

3. Each Fund will promptly schedule a meeting of shareholders to vote on approval of the New Agreements to be held within 150 days after the commencement of the Interim Period, but in no event later than on October 1, 1998.

4. Henderson, and not the Funds, will pay the costs of preparing and filing the application and the costs relating to the solicitation of approval of the Funds' shareholders of the New Agreements.

5. The Sub-adviser will take all appropriate steps to ensure that the scope and quality of advisory and other services provided to the Funds during the Interim Period will be at least equivalent, in the judgment of the respective Boards, including a majority of the directors who are not "interested persons" of the Funds, as defined in section 2(a)(19) of the Act ("Disinterested Directors"), to the scope and quality of services previously provided. In the event of any material change in the personnel providing services pursuant to the New Agreements, the Sub-adviser will apprise and consult with the Boards of the affected Funds in order to assure that the Boards, including a majority of the Disinterested Directors, are satisfied that the services provided will not be diminished in scope or quality.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6181 Filed 3–10–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26837]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

March 4, 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 March 30, 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.

Ameren Corporation, et al. (70–9177)

Notice of Proposal To Issue Common Stock; Order Authorizing Solicitation of Proxies

Ameren Corporation ("Ameren"), a registered holding company, and its subsidiary service company, Ameren Services Company ("Ameren Services"), both located at 1901 Chouteau Avenue, St. Louis, Missouri 63103 (both, "Declarants"), have filed a declaration under sections 6(a), 7 and 12(e) of the Act and rules 62 and 65 under the Act.

Ameren proposes to: (1) solicit proxies from its shareholders for their approval, at Ameren's 1998 Annual Meeting of Shareholders scheduled for April 28, 1998, of Ameren's Long-Term Incentive Plan of 1998 ("LTIP"), a stock compensation plan approved by the Ameren Board of Directors; and (2) issue and/or acquire in the open market, through March 31, 2003, up to four million shares of its common stock, $0.01 par value ("Common Stock") for purposes of awards under the LTIP.

The purpose of the LTIP is to give Ameren and its subsidiaries and other associates ("affiliates," as defined in the LTIP) a competitive advantage in attracting, retaining and motivating officers, employees and directors by awarding incentives linked to the profitability of Ameren and its businesses. Declarants also state that the LTIP is intended to increase shareholder value. The LTIP will be administered by the Human Resources Committee of the Ameren Board of Directors ("Committee"), which will determine the officers and employees eligible to receive awards and the amount of any award. The Committee will interpret the LTIP and can adopt rules deemed appropriate. No LTIP awards may be made to Committee members, except by action of the full Board of Directors.

The following awards may be granted under the LTIP: (1) performance units—rights, which may be payable in cash, shares of Common Stock, other awards or other property, which is contingent on the achievement of performance goals set by the Committee; (2) restricted stock—rights to receive shares of Common Stock awarded as determined by the Committee, which shares will be subject to transferability or other restrictions; (3) options—rights to purchase shares of Common Stock, or other awards or property, at a specified price during a prescribed time period; and (4) stock appreciation rights—the right to receive a cash payment equal to the excess of the fair market value of Common Stock on the date of exercise over the grant price of the stock appreciation right. The exercise price of options and the grant price of stock appreciation rights will not be less than the fair market value of the Common Stock on the date of the grant.

Any Common Stock used to fund the LTIP may be, at the discretion of Ameren, authorized but unissued shares, treasury shares or shares purchased on the open market by an independent plan administrator or agent. The decision as to whether shares are to be purchased directly from Ameren, in the open market or in privately negotiated transactions, will be based on Ameren's need for common equity and any other factors considered by Ameren to be relevant. Ameren states that the Common Stock used to fund the LTIP will be in addition to the shares of Common Stock proposed to be issued or acquired for other benefit plans and the dividend reinvestment plan.[1]

As mentioned above, Ameren proposes to solicit proxies from its shareholders to approve the LTIP. Ameren and/or Ameren Services propose to mail the proxy materials to the shareholders of Common Stock on or about March 20, 1998. Accordingly, Ameren and Ameren Services request that an order authorizing the solicitation of proxies be issued as soon as practicable under rule 62(d).

It appears to the Commission that Ameren's and Ameren Services' declaration regarding the proposed solicitation of proxies should be permitted to become effective immediately.

It is ordered, under rule 62 under the Act, that the declaration regarding the proposed solicitation of proxies become effective immediately, subject to the terms and conditions contained in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6178 Filed 3–10–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23057; 812–10994]

Vestaur Securities, Inc. and CoreStates Investment Advisers, Inc.; Notice of Application

March 4, 1998.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under section 6(c) of the Investment Company Act of 1940 (the "Act") from section 15(a) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the implementation, without prior shareholder approval, of a new investment advisory agreement ("New Agreement") between Vestaur Securities, Inc. ("Fund") and CoreStates Investment Advisers, Inc. ("Adviser") in connection with the merger of CoreStates Financial Corp ("CoreStates") with and into First Union Corporation ("First Union"). The order would cover a period of up to 120 days following the date of the consummation of the merger (but in no event later than July 31, 1998) ("Interim Period"). The order also would permit the Adviser to receive all fees earned under the New Agreement during the Interim Period following shareholder approval.

APPLICANTS: Fund and Adviser.

FILING DATES: The application was filed on February 6, 1998. Applicants have agreed to file an amendment to the application 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 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 March 30, 1998, and should be accompanied by proof of service on applicants in the form of an affidavit or, for layers, 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, N.W., Washington, DC. 20549. Fund, c/o Mark E. Stalnecker, Centre Square West-UM Floor, 15th and Market Streets, Philadelphia, Pennsylvania 19101, and Adviser, c/o Mark E. Stalnecker, 1500 Market Street, P.O. Box 7558, Philadelphia, Pennsylvania 19101–7558.

FOR FURTHER INFORMATION CONTACT: Joseph B. McDonald, Jr., Senior Counsel, at (202) 942–0533, or Edward P. MacDonald, Branch Chief, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

[1] *See* Holding Co. Act Release No. 26809 (Dec. 30, 1997).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, DC 20549 (tel. 202–942–8090).

Applicants' Representations

1. The Fund is a Delaware corporation registered under the Act as a closed-end management investment company. The Adviser is an investment adviser registered under the Investment Advisers Act of 1940 and is an indirect wholly-owned subsidiary of CoreStates.

2. On November 17, 1997, CoreStates entered into an agreement and plan of merger ("Merger Agreement") under which CoreStates will be merged with and into First Union ("Transaction"). Upon consummation of the merger (expected to occur on March 31, 1998), the Adviser will become an indirect wholly-owned subsidiary of First Union.

3. Applicants state that the Transaction will result in an assignment of the existing investment advisory agreement between the Fund and the Adviser ("Existing Agreement"). Applicants request an exemption: (i) to permit the implementation, without prior shareholder approval, of the New Agreement; and (ii) to permit the Adviser to receive from the Fund all fees earned under the New Agreement during the Interim Period if the New Agreement is approved by shareholders of the Fund. Applicants state that the New Agreement will have substantially the same terms and conditions as the Existing Agreement, except for its effective date, termination date and escrow provisions described below.

4. The Board will meet on March 11, 1998, in accordance with section 15(c) of the Act, to review and approve the New Agreement.[1] The Board requested the Adviser to provide information it deemed reasonably necessary to evaluate whether the terms of the New Agreement are in the best interests of the Fund and its shareholders, and at the Board meeting on March 11, 1998, the Board will consider such information.

5. Applicants propose to enter into an escrow arrangement with an unaffiliated financial institution ("Escrow Agent"). The fees payable to the Adviser under the New Agreement during the Interim Period will be paid into an interest-bearing escrow account maintained by the Escrow Agent. The amounts in the escrow account (including interest earned on such paid fees) will be paid to the Adviser only if Fund shareholders approve the New Agreement. If the Interim Period has ended and the Fund shareholders have failed to approve the New Agreement, the Escrow Agent will pay to the Fund the escrow amounts (including any interest earned). Before the release of any such escrow amounts, the directors of the Fund who are not "interested persons" of the Fund, within the meaning of section 2(a)(19) of the Act ("Independent Directors") will be notified.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company, except pursuant to a written contract that has been approved by the vote of a majority of the outstanding voting securities of such registered investment company. Section 15(a) of the Act further requires that such written contract provide for automatic termination in the event of its "assignment." Section 2(a)(4) of the Act defines "assignment" to include any direct or indirect transfer of a contract by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

2. Applicants state that, upon completion of the Transaction, indirect control of the Adviser will transfer to First Union. Accordingly, the Transaction will result in an "assignment" of the Existing Agreement and the Existing Agreement will terminate.

3. Rule 15a–4 provides, in pertinent part, that if an investment advisory contract with an investment company is terminated by an assignment in which the adviser does not directly or indirectly receive a benefit, the adviser may continue to act as such for the company for 120 days under a written contract that has not been approved by the company's shareholders, provided that: (a) the new contract is approved by that company's board of directors (including a majority of the non-interested directors); (b) the compensation to be paid under the new contract does not exceed the compensation that would have been paid under the contract most recently approved by the company's shareholders; and (c) neither the adviser nor any controlling person of the adviser "directly or indirectly receives money or other benefit" in connection with the assignment. Applicants state that they cannot rely on rule 15a–4 because of the benefits CoreStates, the Adviser's parent, will receive from the Transaction.

4. Section 6(c) provides that the SEC may exempt any person, security, or transaction from any provision of the Act, if and 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. Applicants assert that the requested relief meets this standard.

5. Applicants submit that the timing of the Transaction arose primarily out of business considerations unrelated to the Fund and the Adviser. Applicants state that the requested relief would permit the continuity of investment management for the Fund, without interruption, during the period following the Transaction.

6. Applicants submit that the scope and quality of investment advisory services provided for the Fund during the Interim Period will not be diminished. During the Interim Period, the Adviser will operate under the New Agreement, which will be substantively the same as the Existing Agreement, except for its effective date and escrow provisions. Applicants are not aware of any material changes in the personnel that will provide investment management services during the Interim Period. Accordingly, the Fund should receive, during the Interim Period, the same investment advisory services, provided in the same manner, as the Fund received before the Transaction.

7. Applicants assert that to deprive the Adviser of fees during the Interim Period would be a harsh result and an unreasonable penalty to attach to the Transaction and would serve no useful purpose. Therefore, applicants submit that the fees payable to the Adviser under the New Agreement during the Interim Period will be maintained in an interest-bearing escrow account by the Escrow Agent. Such fees, however, will not be released by the Escrow Agent to the Adviser without notice to the Independent Directors and appropriate certifications that the New Agreement has been approved by the shareholders of the Fund.

Applicants' Conditions

Applicants agree as conditions to the issuance of the exemptive order requested by the application that:

1. The New Agreement will have substantially the same terms and conditions as the Existing Advisory Agreements, except for its effective date, termination date and escrow provisions.

[1] Applicants acknowledge that, to the extent that the Board cannot meet prior to the consummation of the Transaction, the Fund may not rely on the exemptive relief requested in this application.

2. Fees earned by the Adviser in respect of the New Agreement during the Interim Period will be maintained in an interest-bearing escrow account, and amounts in the account (including interest earned on such paid fees) will be paid: (a) to the Adviser in accordance with the New Agreement, after the requisite shareholder approval is obtained; or (b) to the Fund, in the absence of shareholder approval with respect to the Fund.

3. The Fund will hold a meeting of shareholders to vote on approval of the New Agreement on or before the 120th day following the termination of the Existing Agreement (but in no event later than July 31, 1998).

4. Either First Union or the Adviser will bear the costs of preparing and filing the application and the costs relating to the solicitation of shareholder approval of the New Agreement necessitated by the Transaction.

5. The Adviser will take all appropriate steps so that the quality and scope of advisory and other services provided to the Fund during the Interim Period will be at least equivalent, in the judgment of the Board, including a majority of the Independent Directors, to the scope and quality of services previously provided. In the event of any material change in the personnel providing services pursuant to the New Agreement, the Adviser will apprise and consult with the Board to assure that the Directors, including a majority of the Independent Directors of the Fund, are satisfied that the services provided will not be diminished in scope or quality.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6180 Filed 3–10–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 16, 1998.

An open meeting will be held on Monday, March 16, 1998, at 10:00 a.m. A closed meeting will be held on Monday, March 16, 1998, following the 10:00 a.m. open meeting.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Unger, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the open meeting scheduled for Monday, March 16, 1998, at 10:00 a.m., will be: The Commission will hear oral argument on an appeal by Victor Teicher & Co., L.P., an unregistered investment adviser exempt from registration, and Victor Teicher, its sole general partner. Based on respondents' criminal convictions, the law judge barred respondents from all aspects of the securities industry, including association with any investment adviser, registered or unregistered. For further information, contact William S. Stern at (202) 942–0949.

The subject matter of the closed meeting scheduled for Monday, March 16, 1998, following the 10:00 a.m. open meeting, will be: Post argument discussion.

At times, changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: March 9, 1998.

Jonathan G. Katz,

Secretary

[FR Doc. 98–6432 Filed 3–9–98; 3:58 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. PA–24; File No. S7–6–98]

Privacy Act of 1974: Major Alterations to the Pay and Leave System (SEC–15) and the Office of Inspector General Investigative Files (SEC–43)

AGENCY: Securities and Exchange Commission.

ACTION: Notice of major alterations.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Securities and Exchange Commission gives notice of major alterations to the Pay and Leave System (SEC–15) by adding, among other things, three new routine uses; and the Office of Inspector General Investigative Files (SEC–43) by adding nine new routine uses. Amendments to these systems were last published at 62 FR 47884 and 47885, September 11, 1997.

DATES: Comments must be received no later than April 10, 1998. The changes to these systems of records will take effect April 20, 1998, unless the Commission receives comments which would result in a contrary determination.

ADDRESSES: Persons wishing to submit comments should file three (3) copies thereof with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Reference should be made to File No. S7–6–98. Copies of the comments will be available for public inspection and copying at the Commission's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Hannah R. Hall, Privacy Act Officer, (202) 942–4320, Office of Filings and Information Services, Freedom of Information Act and Privacy Act Operations, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O–5, Alexandria, VA 22312–2413.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (SEC) is republishing the Pay and Leave System (SEC–15) with major alterations, including three new routine uses for the system, numbered 10, 11, and 12. This system of records is subject to the Privacy Act of 1974, 5 U.S.C. 552a.

Pursuant to the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104–193) ("Reconciliation Act"), the SEC will disclose data from SEC–15 to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for use in the Federal Parent Locator System (FPLS) and the Federal Tax Offset System.

FPLS is a computerized network through which States may request location information from Federal and State agencies to find non-custodial parents and/or their employers for purposes of establishing paternity and securing support. Effective October 1, 1997, the FPLS was expanded to include the National Directory of New Hires (NDNH), a database containing information on employees commencing employment, quarterly wage data on

private and public sector employees, and information on unemployment compensation benefits. The Reconciliation Act requires that all federal agencies transmit the applicable quarterly wage data to the NDNH by January 31, 1998. Effective October 1, 1998, the FPLS will be expanded to include a Federal Case Registry that will contain abstracts on all participants involved in child support enforcement cases. When the Federal Case Registry is instituted, its files will be matched on an ongoing basis against the files in the NDNH to determine if an employee is a participant in a child support case anywhere in the United States. If the FPLS identifies a person as being a participant in a State child support case, that State will be notified of the participant's current employer.

The data from SEC–15 to be disclosed by the SEC to the FPLS include: the employer's name and address, and the employee's name, addresses, social security number, date of birth, date of hire, and quarterly wages.[1] In turn, this data will be disclosed by the Office of Child Support Enforcement to the Secretary of the Treasury to verify claims for the advance payment of the earned income tax credit or to verify a claim of employment on a tax return. In addition, names and social security numbers submitted by the SEC to the FPLS will be disclosed by the Office of Child Support Enforcement to the Social Security Administration for verification to ensure that the social security number provided is correct.

Additional changes proposed for SEC–15 include setting forth the purpose for the system and designating the existing routine uses by adding numbers 1 through 9 to the currently unnumbered paragraphs.

Further, the SEC is revising the Office of Inspector General Investigative Files (SEC–43) to add nine new routines uses, numbered 10 through 18. These new routine uses will assist the Office of Inspector General in carrying out its statutory mission of preventing, detecting, and reporting instances of fraud, waste, abuse, and mismanagement in SEC programs and operations.

The altered system of records reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, have been submitted to the Committee on Government Operations of the House of Representatives, the Committee on Government Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," as amended on February 8, 1996.

SEC–15 is revised as follows:

SEC–15

SYSTEM NAME:

Pay and Leave System-SEC.

SYSTEM LOCATION:

Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O–3, Alexandria, VA 22312–2413.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on all individuals employed by the SEC in the prior and current calendar year.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll, leave, attendance, and historical records on magnetic tape or disc, card, microfiche, printout and other miscellaneous forms (*i.e.*, W–4, retirement card).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app. 21–89.

PURPOSE(S):

These records are used to administer the pay and leave requirements of the Commission. These records may also be used to locate individuals for personnel research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and the information contained in these records may be used as follows:

1. To transmit any lawful compensation to an employee for time employed and/or special awards and allowances earned in the performance of official duties.

2. To compile tax withholding, retirement contributions and other types of deductions for transmission to designated authorized recipients (*e.g.*, charity, unions, etc.), other Federal agencies (*i.e.*, IRS, OPM, Treasury, etc.), State, or local taxing authorities.

3. To provide certain agencies (*i.e.*, OMB, GAQ) documents in substantiation of agency expenditures for salaries and personnel benefits by an individual and/or by an Office within the Commission.

4. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related financial or personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for financial or personnel research or related management functions.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

7. To the Defense Manpower Data Center, Department of Defense, and to the U.S. Postal Service to conduct manual or computer matching programs for the purpose of identifying and locating payments and those debtors delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by the Commission in order to collect the debts under the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365) and the Cash Management Improvement Act Amendment (31 U.S.C. 3711, 3718) by voluntary repayment, or by administrative salary offset procedures.

8. To any other Federal agency for the purpose of effecting administrative or salary offset procedures against a person employed by that agency or receiving or eligible to receive some benefit payments from the agency when the Commission as creditor has a claim against that person.

9. To collection reporting agencies and credit bureaus for the purpose of disclosing or collecting payments from debtors. Disclosure of information about persons who are receiving Federal salaries or benefit payments and are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by the Commission may be made to other Federal agencies, but only to the extent of determining whether the person is employed by that agency and, if so, effecting administrative or salary offset procedures against the person.

10. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, Federal Parent Locator System (FPLS) and the Federal Tax Offset System for use in

[1] To the extent that any of the data elements, such as the employee's addresses, date of birth, and date of hire, is needed from the Central Personnel Data File, which comprises the Commission's personnel files, the routine uses for this system of records are published in a government-wide system of records notice (OPM/GOVT–1).

locating individuals and identifying their income sources to establish paternity, to establish and modify orders of support, and for enforcement action.

11. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement.

12. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Appropriate data is stored on electronic and paper records.

RETRIEVABILITY:

These records are indexed for individuals in alphabetical sequence by name or in numerical order by their social security numbers.

SAFEGUARDS:

Only authorized SEC personnel and certain governmental agencies, approved by law, are granted access to any of these records.

RETENTION AND DISPOSAL:

These records are maintained and disposed of pursuant to the regulations imposed by General Services Administration, *General Records Schedule* 2 and 20.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Executive Director (Finance), Office of the Comptroller, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0–3, Alexandria, VA 22312–2413.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the Privacy Act Officer, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0–5, Alexandria, VA 22312–2413.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0–5, Alexandria, VA 22312–2413.

CONTESTING RECORD PROCEDURES:

See Record access procedures above.

RECORD SOURCE CATEGORIES:

The sources for the records are personnel action forms, electronic time and attendance records, withholding certificates, and other related documents submitted by employees or the Office of Personnel and Administrative Management.

SEC–43 is amended as follows:

Paragraphs 10 through 18 are added to this section to read as follows:

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

* * * * *

10. To inform complainants, victims, and witnesses of the results of an investigation.

11. To qualified individuals or organizations in connection with the performance of a peer review or other study of the Office of Inspector General's audit or investigative functions.

12. To private firms of individuals with which the Office of Inspector General has contracted to provide support for investigations or other inquiries. These private firms and individuals will be required to maintain Privacy Act safeguards with respect to such records.

13. To a Federal agency responsible for considering debarment or suspension action if the record would be relevant to such action.

14. To the Department of Justice for the purpose of obtaining its advice on Freedom of Information Act matters.

15. To the Office of Management and Budget for the purpose of obtaining its advice on Privacy Act matters.

16. To a public or professional licensing organization if the record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

17. To the Office of Government Ethics (OGE) to comply with agency reporting requirements established by OGE in 5 CFR part 2638, subpart F.

18. To the news media and the public when there exists a legitimate public interest (*e.g.*, to provide information on events in the criminal process, such as an indictment).

By the Commission.

Dated: March 5, 1998.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6171 Filed 3–10–98; 8:45 am]

BILLING CODE 8410–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA–23]

Privacy Act of 1974: Modification of a Privacy Act System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notice of minor modifications.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Securities and Exchange Commission is amending the Administrative Audit System (SEC–14) to reflect updates to the authority for maintenance, storage, retrievability, and record source categories, and clarification of the retention and disposal. In addition, the agency is modifying the retention and disposal of records maintained in the Agency Correspondence Tracking System (ACTS) (SEC–29).

EFFECTIVE DATE: March 11, 1998.

FOR FURTHER INFORMATION CONTACT: Hannah R. Hall, Privacy Act Officer, (202) 942–4320, Office of Filings and Information Services, Freedom of Information Act and Privacy Act Operations, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O–5, Alexandria, VA 22312–2413.

SUPPLEMENTARY INFORMATION: In the course of reviewing its Privacy Act systems of records notices, the Commission identified needed changes to the Administrative Audit System (SEC–14) and the Agency Correspondence Tracking System (ACTS) (SEC–29). Amendments to these systems were last published at 62 FR 47885 and 47887, September 11, 1997. For the purpose of complying with the Privacy Act and OMB Circular A–130, these modifications are minor changes and do not require an advance report to, and review by, the Congress and the Office of Management and Budget.

SEC–14 is amended as follows:

SEC–14

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This section is revised to read as follows: 31 U.S.C. 35.

STORAGE:

This section is revised to read as follows: Appropriate accounting data is stored in electronic media and paper form (*e.g.*, purchase orders, memoranda, subsidiary ledgers, invoices, and other miscellaneous records).

RETRIEVABILITY:

This section is revised to read as follows: These records are retrieved by the individual's name or social security number.

RETENTION AND DISPOSAL:

This section is revised to read as follows: The records are maintained and disposed of in accordance with the General Services Administration, *General Records Schedule* 6, 7, 9, and 20.

RECORD SOURCE CATEGORIES:

This section is revised to read as follows: The sources for the records are purchase orders, vouchers, invoices, contracts, and electronic records (*e.g.*, Travel Manager, Frequent Travel Solutions, Inc.) or other paper records submitted by employees, vendors, and other sources, including claims filed by witnesses in SEC actions.

SEC–29 is amended as follows:

SEC–29

RETENTION AND DISPOSAL:

Subsystem A: This section is revised to read: Paper records are retained in-house for two (2) years from the office's date of receipt of the complaint/inquiry then transferred to the Federal Records Center for storage. Records sent to the Federal Records Center that *do not* relate to law enforcement matters are maintained for two (2) additional years (for a total of four (4) years from the office's date of receipt). Paper records that *do* relate to an enforcement matter are maintained for an additional four (4) years at the Federal Records Center for a total of six (6) years from the office's date of receipt.

Subsystem B: This section is revised to read: Paper records are maintained in-house upon expiration of the Chairman's tenure in office. In accordance with 17 CFR 200.80f, certain files are forwarded to the Federal Records Center or transferred to the National Archives and Records Administration.

Subsystem C: This section is revised to read: Paper records are maintained in-house for six months from the office's date of receipt and destroyed periodically thereafter.

Subsystem D: This section is revised to read: A computerized record of searches and transactions is maintained in an on-line database and on data cartridges. Electronic records are maintained indefinitely. Database files are saved on the cartridges, which are sent to the Commission's off-site storage vendor.

Dated: March 5, 1998.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6175 Filed 3–10–98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39712; File Nos. SR–CBOE–97–68; SR–MSRB–98–02; SR–NASD–98–03; and SR–NYSE–97–33]

Self-Regulatory Organizations; Order Approving Proposed Rule Changes by the Chicago Board Options Exchange, Municipal Securities Rulemaking Board, National Association of Securities Dealers, Inc., and New York Stock Exchange, Inc. Relating to Continuing Education Requirements

March 3, 1998.

I. Introduction

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] on December 30, 1997, January 21, 1998, January 22, 1998, and December 8, 1997, the Chicago Board Options Exchange ("CBOE"), Municipal Securities Rulemaking Board ("MSRB"), National Association of Securities Dealers, Inc. ("NASD"), and New York Stock Exchange, Inc. ("NYSE"), respectively, submitted to the Securities and Exchange Commission ("Commission") proposed rule changes modifying the continuing education requirements of registered persons.[3] The proposed rule changes were published for comment in the **Federal Register** on January 29, 1998.[4] The Commission received five comment letters regarding expanding the continuing education program. For the reasons discussed below, the Commission is approving the proposed rule changes.

II. Background

The Securities Industry/Regulatory Council on Continuing Education ("CE Council") was created in November 1993 and is comprised of six self-regulatory organizations ("SROs") and thirteen broker-dealers to represent the interests and needs of a wide cross-section of the industry. The SROs include the American Stock Exchange;[5] CBOE; MSRB; NASD; NYSE; and the Philadelphia Stock Exchange.[6] The CE Council facilitates the industry/regulatory coordination of the administration and future development of the Continuing Education ("CE") Program. The Council, on October 17, 1997, announced that it was recommending changes to the CE Program to strengthen the requirements for registered persons[7] and implement a new program specifically for industry managers and supervisors.

The CE Program, which is uniform within the industry, consists of two parts, a Regulatory Element and a Firm Element.

A. The Regulatory Element

The Regulatory Element requires registered persons to participate in interactive computer-based training at specified intervals and encompasses regulatory and compliance issues, sales practice concerns, and business ethics. The Regulatory Element program

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[1] 15 U.S.C. § 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The NYSE, CBOE, and MSRB submitted technical amendments to the proposed rule language. *See* letter from James E. Buck, Senior Vice President, NYSE, to Gail Marshall, Special Counsel, Division of Market Regulation, SEC, dated February 10, 1998; letter from Lawrence J. Bresnahan, Assistant Vice President, Department of Financial and Sales Practice Compliance, CBOE, to Gail Marshall, SEC, dated January 23, 1998; and letter from Ronald W. Smith, Senior Legal Associate, MSRB, to Katherine A. England, Assistant Director, SEC, dated January 21, 1998. The CBOE and MSRB proposed rule language, as amended, is virtually identical to that of the NYSE, which was published in Securities Exchange Act Release No. 39577 (January 23, 1998), 63 FR 4513 (January 29, 1998).

[4] *See* Securities Exchange Act Release Nos. 39574 (January 23, 1998), 63 FR 4510 (January 29, 1998) (SR–NASD–98–03); 39575 (January 23, 1998), 63 FR 4507 (January 29, 1998) (SR–CBOE–97–68); 39576 (January 23, 1998), 63 FR 4509 (January 29, 1998) (SR–MSRB–98–02); and 39577 (January 23, 1998), 63 FR 4513 (January 29, 1998) (SR–NYSE–97–33).

[5] The American Stock Exchange, Inc. ("Amex") has also filed with the Commission a proposed rule change to modify its rules regarding the continuing education of registered persons. That rule proposal is duplicative of the rule proposals being approved today. Accordingly, the Commission, in a separate order, is approving, on an accelerated basis, the Amex's proposed rule change. *See* Securities Exchange Act Release No. 39711 (March 3, 1998).

[6] In addition, the Commission and the North American Securities Administrators Association each have liaisons assigned to the Council.

[7] For purposes of the proposed rules, the term "registered person" means any person required to be registered under the rules of the applicable SRO, including members and registered representatives, but does not include any person whose activities are limited solely to the transaction of business on the floor of a national securities exchange with members or registered broker-dealers. When used with reference to the MSRB, however, the term "registered person" means any person registered with the appropriate enforcement authority as a municipal securities representative, municipal securities principal, municipal securities sales principal, or financial and operation principal pursuant to MSRB Rule G–3.

applies generally to all registered persons and currently does not distinguish among registration types or categories. The existing program contains content common to registered representatives, supervisors, and other registration categories. The CBOE, MSRB, NASD, and NYSE have proposed rule changes for the development of a new program component specifically for supervisors. In addition, it is contemplated that in the future, specific programs may be implemented for other registration categories (*e.g.*, Series 6; investment company products/variable contracts limited representative). The proposed rule changes allow the SROs to require new programs as appropriate with customized training for various registration categories, with the supervisor's program being the first initiative.

The proposed amendments also address the time frames at which registered persons must participate in the Regulatory Element computer-based training. Currently, the SROs' rules require registered persons to complete the training on three occasions, *i.e.*, their second, fifth and tenth registration anniversaries. After a person is registered for more than ten years, he or she graduates from the program and is not required to participate further in the Regulatory Element. However, if at any time a registered person is subject to certain disciplinary actions, then the registered person is required to re-enter the Regulatory Element program. The SROs have proposed to require ongoing participation in the Regulatory Element throughout a registered person's career, specifically, on the second registration anniversary and *every* three years thereafter, with no graduation from the program.

The SROs, however, have proposed a one-time exemption for persons currently graduated from the program by providing that those persons who have been registered for more than ten years as of the effective date of the proposed rule, and who have not been the subject of a disciplinary action during the past ten years, would continue to be excluded from the required ongoing participation in the Regulatory Element. Persons registered in a supervisory capacity would have to have been registered in a supervisory capacity for more than 10 years in order to be covered by this one-time provision for graduation from participation in the program. Therefore, those supervisors who have graduated from the program requirements based on their initial registration date but who have not completed 10 years as a supervisor would be required to re-enter the program.

B. The Firm Element

The Firm Element requires that each member conduct annually an analysis of their training needs and administer such training, as is appropriate, to their registered persons who have direct contact with customers and the immediate supervisors of such registered persons, on an ongoing basis. Topics must be specifically related to their business, such as new products, sales practices, risk disclosure, and new regulatory requirements and concerns. The proposed rule changes require members to also focus specifically on supervisory training needs in conducting their analysis of training needs, and if it is determined that there is a specific need for supervisory training, it must be addressed in the Firm Element training plan.

III. Comments Received

The Commission received five comment letters on the proposal to expand the CE Program.[8] Three of the five commenters were concerned that the CE Program has not been in existence long enough to determine that it should be expanded upon.[9] Since its inception on July 1, 1995, more than 225,000 registered persons have participated in the Regulatory Element. The NASD provides the CE Council with statistical performance reports on how these registered persons do on the training.[10] These reports provide the CE Council with data on how different registrations (*i.e.* Series 7, Series 6, Principal, and other) perform on each of the training subject areas (*i.e.*, communications with the public, suitability, handling customer accounts, and business conduct). The Commission believes that three years of statistical information provides the CE Council and the SROs sufficient information to make a determination that changes to the Program would be beneficial to the industry. Moreover, the Commission believes the SROs have an obligation to apply the information from these performance reports in their oversight of the CE Program. The Commission, therefore, believes it is appropriate for the SROs to determine that the "one size fits all approach" is not the most effective training method and to begin establishing specialized training based upon a person's registration (*e.g.*, Series 7, Series 6, or Principal).[11]

The Regulatory Element computer-based training is administered by the Sylvan Learning Systems ("Sylvan"). Two commenters expressed concern that the Regulatory Element program was being expanded without regard for the existing problems with Sylvan regarding scheduling and accessing the training sessions. The NASD acknowledged that in September of 1997 there were problems in downloading the training sessions to Sylvan.[12] The NASD has since implemented improvements to its systems to eliminate large-scale download problems and will continue to isolate and correct any random download problems.[13] Moreover, Sylvan has implemented software and procedural changes to the appointment scheduling process to make it more efficient.[14]

One commenter was concerned that the lack of an ongoing graduation provision would significantly increase the costs associated with training a registered employee.[15] While the Commission is sympathetic to the additional costs of the continued training of registered employees, the Commission, however, believes the additional costs is worth both the

[8] Although the rule proposals were virtually identical for each SRO, the comment letters referred particularly to File No. SR–NASD–98–03. *See* letter from Deborah A. Barragan, Compliance Officer, Chase Securities Inc., to Margaret H. McFarland, Deputy Secretary, SEC dated February 18, 1998 ("Chase Letter"); letter from Lisa Clifford, Compliance Officer, Training & Education, Jefferson Pilot Financial, to Secretary, SEC, dated February 19, 1998 ("Jefferson Pilot Letter"); letter from Kevin Devereaux, Vice President, Deputy Director Compliance, BancBoston Securities Inc., to Office of the Secretary, SEC, dated February 12, 1998 ("BancBoston Letter"); letter from Erwin J. Dugasz, Jr., Compliance Manager, Nationwide Investment Services Corporation, to Secretary, SEC, dated February 13, 1998 ("Nationwide Letter"); and letter from Chuck Thompson, Summit Financial Concepts, Inc., to Gail Marshall, SEC, dated February 26, 1998 ("Summit Letter").

[9] *See* Chase Letter; Jefferson Pilot Letter; and BancBoston Letter.

[10] The NASD also sends a performance report to each firm showing the firm the industry average and the firm score, which is how well the different types of registered employees of the firm performed on the training. The rules of the SROs require the firms to review this feedback in the ongoing analysis of their training needs for the Firm Element.

[11] One commenter noted that their registered employees found the Regulatory Element too oriented to the Series 7 representatives. *See* Chase Letter. The Commission believes that this specialized program for Principals is the first step in establishing a Regulatory Element training program that is more specialized and therefore more effective.

[12] *See* letter from Mary L. Schapiro, President, NASD Regulation, to Member Firms, dated October 3, 1997.

[13] *See* letter from Mary L. Schapiro, President, NASD Regulation, to Member Firms, dated January 20, 1998.

[14] Id.

[15] *See* Nationwide Letter. Nationwide estimated that it would cost $525.00 to send an employee to the Regulatory Element training over a period of 20 years.

benefit to investors and to the industry of having registered persons regularly trained in regulatory and ethical standards.

One commenter questioned whether the new CE training for Principals would be appropriate for a registered Principal that had no supervisory duties.[16] The SROs have indicated that the new CE training for Principals is not being designed to address only personnel issues or office supervision. The training will also cover such topics as communications with the public and client accounts.

IV. Discussion

The Commission believes that the SRO's proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, national securities associations, and the MSRB, and, in particular, the respective requirements of Section 6(b)(5), 15A(b)(6), and 15B(b)(2)(C) of the Act.[17] Sections 6(b)(5), 15A(b)(6), and 15B(b)(2)(C) require, among other things, that the rules of an exchange, association, or the MSRB, respectively, be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market, and, in general, protect investors and the public interest. The Commission further believes that the proposed rule changes also are consistent with the respective provisions of Sections 6(c)(3)(B), 15A(g)(3)(A), and 15B(b)(2)(A) of the Act,[18] each of which makes it the responsibility of an exchange, association, or the MSRB to prescribe standards of training, experience, and competence for persons associated with SRO members.

The Commission also believes that the proposed rule change is consistent with the purposes underlying Section 15(b)(7) of the Act, which generally prohibits a registered person from effecting any transaction in, or inducing the purchase or sale of, any security unless such registered person meets the standards of training, competence and other qualifications as the Commission finds necessary or appropriate in the public interest or for the protection of investors.

The Commission believes that the SRO's proposed rule changes are an appropriate means of maintaining and reinforcing the initial qualification standards required of a registered person and will significantly enhance the continuing education program by requiring all registered persons to participate in the Regulatory Element throughout their securities industry careers.

IV. Effective Date

The SRO's proposed rule changes (File Nos. SR–CBOE–97–68; SR–MSRB–98–02; SR–NASD–98–03; and SR–NYSE–97–33) will become effective July 1, 1998.

V. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule changes are consistent with the Act and the rules and regulations thereunder applicable to national securities exchanges, national securities associations, and the MSRB.[19]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[20] that the proposed rule changes (File Nos. SR–CBOE–97–68; SR–MSRB–98–02; SR–NASD–98–03; and SR–NYSE–97–33) be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[21]

[FR Doc. 98–6176 Filed 3–10–98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39721; File No. SR–CHX–98–04]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 to the Proposed Rule Change by the Chicago Stock Exchange, Inc. Relating to Examination Requirements for Securities Traders

March 4, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 18, 1998, the Chicago Stock Exchange, Inc. ("CHX" or "Exchange") filed with the Securities and Exchange Commission "SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CHX.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CHX proposes to amend Rule 3, "Training and Examination of Registrants," or Article VI, "Restrictions and Requirements," of the CHX's rules by adopting Interpretation and Policy .02, "Persons off the floor," which will establish examination requirements for certain associated persons of CHX members for which the CHX is the Designated Examining Authority ("DEA").[3] Specifically, proposed Interpretation and Policy .02 will require associated persons at applicable firms who execute, make trading decisions with respect to, or otherwise engage in proprietary or agency trading of equities, preferred securities, or convertible debt securities to successfully complete the Uniform Registered Representative Exam, Series 7. Proposed Interpretation and Policy .02 will not apply to any associated person who is subject to the examination requirements of Interpretation and Policy .01, "Floor Member Organizations," of CHX Article VI, Rule 3.[4] To accommodate the proposed change, the CHX also will revise the text of CHX Article VI, Rule 3, to provide that the CHX may require that associated persons of members must successfully complete a training course or examination, or both, in connection with registration.

Copies of the proposed rule change are available at the CHX and at the Commission.

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[16] *See* Summit Letter.

[17] 15 U.S.C. §§ 78f(b)(5), 78o–3(b)(6), and 78o–4(b)(2)(C).

[18] 15 U.S.C. §§ 78f(c)(3)(B), 78o–3(g)(3)(A), and 78o–3(g)(3)(A), and 78o–4(b)(2)(A).

[19] In addition, in approving these rule proposals, the Commission notes that it has considered the proposed rules' impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78s(b)(2).

[21] 17 CFR 200.3–30(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] On March 3, 1998, the CHX amended its proposal to correct a legal reference in the CHX's discussion of the statutory basis for the proposed rule change. *See* Letter from Joseph M. Klauke, Foley & Lardner, to Yvonne Fraticelli, Division of Market Regulation, Commission, dated March 3, 1998 ("Amendment No. 1"). Specifically, Amendment No. 1 replaces a reference to Section 6(c)(3)(8) under the Act with a reference to Section 6(c)(3)(B) under the Act.

[3] The proposal is limited to associated persons of members for which CHX is the DEA because associated persons of members with a DEA other than the CHX already are subject to the examination requirements of the self-regulatory organization which is the DEA for the member firm. According to the CHX, the proposal is designed to close a loophole in examination requirements that exists currently for off-floor associated persons of CHX members for which the CHX is the DEA. Telephone conversation between Patricia Levy, General Counsel, CHX, and Yvonne Fraticelli, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, on February 25, 1998.

[4] Interpretation and Policy .01 establishes examination requirements for persons on the CHX floor, including floor brokers, market makers, and co-specialists.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CHX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The CHX proposes to add interpretation .02 to Article VI, Rule 3 of the CHX's rules to establish examination requirements for securities traders not located on the floor of the Exchange.

Article VI, Rule 3 of the Exchange's rules permits the CHX to adopt appropriate examination requirements. Pursuant to this rule, the CHX has adopted examination requirements for various persons on the CHX floor, such as floor brokers, market makers, and co-specialists. These examination requirements are specified in interpretation .01 to CHX Article VI, Rule 3. No similar examination requirement currently exists for persons that conduct trading activities off the floor. The purpose of the proposed rule change is to add examination requirements for off-floor securities traders and certain other associated persons of members who are not covered by the current requirements.

Specifically, the CHX seeks to require associated persons of members for which the Exchange is the DEA that engage in proprietary or agency trading of equities, preferred securities or convertible debt securities, including, but not limited to, persons who execute such trades or make trading decisions with respect to such trades, and who are not subject to the currently existing examination requirements ("Securities Traders"), to successfully complete the Series 7 examination.

According to the CHX, the proposal, which is not based on the specific rule filing of any other exchange, will bring the CHX's examination requirements in line with those of the major securities exchanges and enhance the consistency of exam requirements across the exchanges.

The new exam requirement for Securities Traders will be phased in over a six-month period. Associated persons who currently fit the definition of Securities Traders will have to register to take the Series 7 exam within 30 days of the Exchange's publication of the order approving the effectiveness of this requirement in a Notice to Members and must promptly notify the Exchange that they have so registered. Securities Traders will have six months from the date of such Notice to Members in which to pass the Series 7 exam. Securities Traders who become associated with members after notice of this requirement is published by the CHX in a Notice to Members must successfully complete the Series 7 exam before conducting securities trading activities for which an exam is required under the new interpretation.

2. Statutory Basis

The CHX believes that the proposed rule change is consistent with Section 6 of the Act, in general, and furthers the objectives of Section 6(c)(3)(A) and Section 6(c)(3)(B),[5] in particular, in that it is designed to prescribe appropriate standards of training, experience, and competence for brokers and dealers in order to protect investors and the public. The CHX believes that the proposed rule change also is consistent with Section 6(b)(5) of the Act, in general, in that it is designed to perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CHX believes that no burden will be placed on competition as a result of the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will by order approve such proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.

[5] *See* Amendment No. 1, *supra* note 2.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CHX. All submissions should refer to file number SR–CHX–98–04 and should be submitted by April 1, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Jonathan G. Katz,

Secretary.

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[6] 17 CFR 200.30–3(a)(12)

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39720; File No. SR–CSE–97–13]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 by The Cincinnati Stock Exchange, Inc. Relating to Market Order Exposure Requirements

March 4, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on November 13, 1997, The Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change relating to market order exposure requirements. On February 25, 1998, the CSE filed

[1] 15 U.S.C. § 78s(b)(1).

Amendment No. 1 to the proposed rule change.[2] The proposal, as amended, is described in Items I and II below, which Items have been prepared by the CSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE proposes to amend Rule 11.9(u), Interpretation .01, concerning customer market order exposure requirements. Proposed new text is in italics; deleted text is in brackets.

Rule 11.9 National Securities Trading System

(a) through (u) No Change.

Interpretations and Policies

.01 [Price Improvement Opportunity] *Market Order Exposure Requirement*

Consistent with his or her agency responsibility to exercise due diligence, a member must comply with the following procedures which provide the opportunity for public agency buy/sell *market* orders to receive a price lower/higher than the disseminated national best offer/bid.

[(a) Market Order Exposure—] Except under unusual market conditions or if it is not in the best interests of the customer, when the spread between the national best bid and offer is greater than the minimum price variation, a member must either immediately execute the *market* order at an improved price or expose the *market* order on the Exchange for a minimum of [thirty] *fifteen* seconds in an attempt to improve the price.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission the CSE included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CSE has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 17, 1997, the Exchange issued Regulatory Circular 97–07 which, among other things, clarified a Member's obligations under Rule 11.9 in light of the securities industry's move to finer trading increments (*i.e.*, 1/16 point). The Exchange has now determined, based on its experience with specialists quoting and trading in finer increments, that exposing a market order for thirty seconds creates additional risks to the specialists. The Exchange believes that a fifteen second exposure will balance the risks to specialists and the need to provide customers a meaningful opportunity for price improvement.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general,[3] and furthers the objectives of Section 6(b)(5)[4] in particular. The proposed rule change is designed to balance certain risks to specialists thereby promoting just and equitable principles of trade. In addition, the proposal will provide customers an opportunity for price improvement thereby furthering the mechanism of a free and open market and a national market system.

B. Regulatory Organization's Statement on Burden on Competition

The CSE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received in connection with the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the CSE. All submissions should refer to the File No. SR–CSE–97–13 and should be submitted by April 1, 1998.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6173 Filed 3–10–98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39719; File No. SR–PCX–98–08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Assessment for New Facilities

March 4, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 9, 1998, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory

[2] *See* letter from Adam W. Gurwitz, Vice President Legal and Corporate Secretary, CSE, to Richard Strasser, Assistant Director, Division of Market Regulation, Commission, dated February 25, 1998.

[3] 15 U.S.C. § 78f.

[4] 15 U.S.C. § 78f(b)(5).

[5] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to assess the owners of each of the 552 Exchange memberships in order to provide an equity base for financing land and new facilities for the Exchange. These facilities will include new trading floors, technology facilities, office space and equipment.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to assess the owners of each of its 552 memberships $36,000, to be paid by each membership owner in monthly installments of $1,000. The installments are payable on a monthly basis and may not be paid in advance. The purpose of the assessment is to provide an equity base to finance land and facilities to house the Exchange's new trading floors, technology facilities, associated office space and equipment. The Exchange intends to treat funds from the assessment as a contribution to capital that will be segregated from PCX operating funds.

The Exchange expects that the cost of the facilities will greatly exceed the amount to be raised by this assessment. In that regard, the Exchange intends to arrange additional financing for its new facilities. The amount raised by the assessment will serve as an equity base that will aid in the process of obtaining additional financing.

The Exchange's new facilities will consolidate the Exchange's San Francisco administrative and operational facilities into a single location, will include a larger options trading floor and an appropriately designed equities trading facility that will better serve the trading of equity securities and option contracts, and will provide office space for members and member organizations, including clearing firms. The need for new facilities is based upon the Exchange's current growth rate and its need to provide effective services to its membership. The move will also allow the Exchange to increase the operational efficiency and improve the services it provides to the investing public.

The Exchange recognizes that the current industry trend towards electronic trading will affect the Exchange's future needs for trading floor space, particularly in the trading of equity securities. But with regard to the trading of options contracts, the Exchange believes that it will still need a significantly larger trading floor because the Exchange anticipates that electronic options trading will operate in tandem with the current open outcry floor market. The Exchange also notes that its need to move to new facilities is due in part to the continuing growth of its options business in recent years. The move will also fulfill the Exchange's need to operate in facilities with enhanced emergency power and business recovery systems. The Exchange notes that it previously imposed an assessment on its membership in 1988 and 1984.[3]

The Exchange is currently studying ways in which it might provide future benefits (such as a rebate of the proposed assessment, if permitted in the future by financial circumstances) to the seat holders who pay some or all of the assessment. The Exchange will also require PCX seat owners and their lessees, if any, to specify in an addendum to their leases whether rent under those leases will be increased to reflect the assessment and whether any potential benefits ultimately returned to seat owners with respect to the assessment will, in turn, be paid or transferred by the seat owner to the lessee.

2. Statutory Basis

The proposal is consistent with Section 6(b)[4] of the Act, in general, and Section 6(b)(4),[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees or other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.[6]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the

[3] In 1988, the Exchange imposed an interim monthly assessment on each of its 551 regular memberships, consisting of two parts: A flat fee of $600 per month and supplemental activite charge, applied differently for Equities and Options Members, averaging $600 per month per Member. The assessment was imposed in order for the Exchange to meet its operational, technology, and facilities needs. *See* Securities Exchange Act Release No. 25617 (April 26, 1988), 53 FR 15761 (May 3, 1988). In 1984, the Exchange imposed a special fee of $6,000 on the 503 memberships outstanding as of December 15, 1983, for an aggregate assessment of approximately $3 million. The purpose of the assessment was to raise financing for contemplated facilities improvements to the Los Angeles and San Francisco Equity Floors and the San Francisco Options Floor. *See* Securities Exchange Act Release No. 20550 (January 11, 1984), 49 FR 2178 (January 18, 1984) [order approving File No. SR–PSE–83–24, which was submitted pursuant to Section 19(b)(3)(A) of the Exchange Act].

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] The Commission notes that, although the Exchange did not formally request comments on the rule filing from members, it did hold a series of meetings to apprise members of the proposed project to finance land and facilities to house the Exchange. Subsequent to those meetings, the Exchange received a petition signed by approximately 165 Options Floor Members opposing the proposed new Exchange facilities and assessment plan. A copy of the petition has been filed with the Commission as Exhibit A to the Rule 19b–4 filing for the proposed rule change.

Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–98–08 and should be submitted by April 1, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6172 Filed 3–10–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39709; File No. SR–PCX–98–10]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the Pacific Exchange, Inc. Relating to an Extension of the Permissible Term of FLEX Equity Options

March 3, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 23, 1998, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I and II below, which Items have been prepared by the PCX. On February 27, 1998, the PCX filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to amend its rules to permit a FLEX equity option to have a term of five years in certain circumstances. The text of the proposed rule change is available at the Office of the Secretary, the PCX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to allow FLEX equity options[4] traded on the Exchange to have a maturity beyond three years and up to five years in certain circumstances. Currently, FLEX equity options, by operation of Rule 8.102(d)(1), are limited to a maturity of three years.

This extension is being proposed in response to requests of broker-dealers to extend the maturity of FLEX equity options to five years. The Exchange notes that the Commission recently approved a proposal of the Chicago Board Options Exchange ("CBOE") to amend its rules in response to such requests.[5] The Exchange believes that the proposed rule change will allow investors to use longer expiration FLEX equity options to hedge longer-term issuances of structured products linked to returns of an individual stock. The rule, as amended, would permit the longer-term FLEX equity options to be listed when requested by the submitting member if the Flex Post Official[6] determines that sufficient liquidity exists among Equity FLEX qualified participants.

2. Statutory Basis

By allowing for the extension of the maturity of FLEX equity options to five years in situations where there is demand for a longer-term expiration and where there is sufficient liquidity among Exchange-qualified market makers to support the request, the Exchange believes the proposed rule change will better serve the needs of PCX's customers and the Exchange members who make a market for such customers. The PCX believes the proposal is consistent with and furthers the objectives of Section 6(b)(5) of the Act[7] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission finds that the proposed rule change, as amended, has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(e)(6)[9] thereunder because it: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) was provided by the Exchange to the Commission with written notice of its intent to file the proposed rule change at least five days prior to the filing date. A proposed rule

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Michael D. Pierson, Senior Attorney, Regulatory Policy, PCX, to Deborah Flynn, Division of Market Regulation, Commission, dated February 26, 1998 ("Amendment No. 1"). In Amendment No. 1, the PCX amended the purpose statement of the proposed rule change by replacing the term "Order Book Official" with the term "FLEX Post Official." The proposal will become operative 30 days from the original date of filing because Commission staff finds that the proposed amendment is not substantive.

[4] A FLEX equity option is an option contract traded on the Exchange whose underlying instrument is an equity security. The terms of FLEX equity options are determined by the parties to the contract.

[5] *See* Exchange Act Release No. 39524 (January 8, 1998) 63 FR 3009 (January 20, 1998) (order approving File No. SR–CBOE–97–57).

[6] *See* Amendment No. 1, *supra* note 3.

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(e)(6).

change filed under Rule 19b–4(e) does not become operative prior to thirty days after the date of filing or such shorter time as the Commission may designate if such action is consistent with the protection of investors and the public interest. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–98–10 and should be submitted by April 1, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jonathan G. Katz,

Secretary.

[FR Doc. 98–6174 Filed 3–10–98; 8:45 am]

BILLING CODE 8010–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Technical Correction to the Harmonized Tariff Schedule of the United States

AGENCY: Office of the United States Trade Representative.

ACTION: Technical correction to the Harmonized Tariff Schedule of the United States.

SUMMARY: The United States Trade Representative (USTR) is making a technical correction to the Harmonized Tariff Schedule of the United States (HTS) so that the intended tariff treatment is accorded certain phenols having a purity of 75 percent or more by weight.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW, Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: Barbara Chattin, Director for Tariff Affairs (202) 395–5097, or Catherine Field, Senior Counsel for Multilateral Affairs, (202) 395–3432.

Correction to HTS

The HTS is modified as provided below, with bracketed matter included to assist in the understanding of proclaimed modifications. The following supersedes matter in the HTS. The subheadings and superior text are set forth in columnar format, and material in such columns is inserted in the columns of the HTS designated "Heading/Subheading", "Article Description", "Rates of Duty 1 General", "Rates of Duty 1 Special", and "Rates of Duty 2", respectively.

Effective with respect to articles that are entered, or withdrawn from warehouse for consumption, on or after December 31, 1995.

1. Subheadings 2707.60.10 and 2707.60.20 are deleted and the following new subheadings are inserted in lieu thereof with article descriptions at the same level of indentation as that of subheading 2701.19.00:

[2707 Oils and other products of the distillation . . .:]			
[2707.60 Phenols:]			
"2707.60.05 Containing more than 50 percent by weight hydroxybenzene.	2.9¢/kg + 12.5%	Free (A, CA, E, IL, J, Mx)	7.7¢/kg + 29.5%
2707.60.10 Metacresol, orthocresol, paracresol and metaparacresol, all the foregoing having a purity of 75 percent or more by weight.	0.9¢/kg + 3.1%	Free (A, CA, E, IL, J, MX)	15.4¢/kg + 42.5%
2707.60.90 Other	Free		Free"

Explanation

Effective January 1, 1996, the President proclaimed modifications to the HTS to conform the it with amendments made to International Convention on the Harmonized Commodity Description and Coding System (Convention). The modifications in Proclamation 6857 were based on advice provided by the U.S. International Trade Commission (USITC) to the President in investigation No. 1205–3. One of the modifications that the USITC recommended and the President proclaimed, (See Proclamation 6587), transferred the classification of certain phenols having a purity of 75 percent or more by weight from one subheading to another subheading. This transfer did not change the duty rate treatment for these products. Neither the Proclamation nor the USITC advice addressed either the classification or duty rate treatment for other phenols.

In May 1997, the Customs Service changed the classification of certain phenols based on its interpretation of the modifications to the HTS set forth in Proclamation 6587. This change in classification resulted in a rate increase for these products from Free to 2.9 cents per kilogram plus 12.5 percent ad valorem. Such a change in duty rate for these products was not intended, was not recommended and was not explicitly provided for in Proclamation 6587. This technical correction ensures that the intended tariff rate applies to the affected products.

The USTR is making this correction pursuant to authority granted by Congress to the President in section 604 of the Trade Act of 1974 and delegated by the President to the USTR in Presidential Proclamation No. 6969 of January 27, 1997 (62 FR 4415).

Ambassador Charlene Barshefsky,

United States Trade Representative.

[FR Doc. 98–6188 Filed 3–10–98; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

[10] 17 CFR 200.30–3(a)(12).

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Record (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 30, 1997 (62 FR 51175–51176).

DATES: Comments must be submitted on or before April 10, 1998.

FOR FURTHER INFORMATION CONTACT: Judith Street, ABC–100; Federal Aviation Administration; 800 Independence Avenue, SW.; Washington, DC 20591; Telephone number (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Special Federal Aviation Regulation—Special Flight Authorization for Noise Restricted Aircraft.

OMB Control Number: 2120–0573.

Type of Request: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Abstract: Regulation was effective on June 3, 1993, and permitted certain operations of noise-restricted aircraft without a formal grant of exemption under 14 CFR part 11. Absent this SFAR, there is no regulatory basis for approval of limited special flight authorization for noncomplying aircraft under 14 CFR part 91, Subpart I. Operators of these aircraft would need to petition for and receive a grant of exemption under 14 CFR part 11, which is costly and time consuming for both the petitioner and the FAA. The FAA believes that it is in the public interest to allow limited operations of certain airplanes that do not meet the noise standards of 14 CFR part 91, subpart I, for the purpose of delivering the airplane to a foreign purchaser or flying it to the site of a modifier in the United States who will bring it into compliance with 14 CFR 91.805. Under this SFAR, operators would be able to apply for a special flight authorization to allow limited nonrevenue operations at specific U.S. airports. The information will be used by the FAA to issue special flight authorizations for operations of Stage 1 or Stage 2 airplanes at U.S. airports.

Annual Estimated Burden Hours: 38 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are Invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, D.C. on March 3, 1998.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–6216 Filed 3–10–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 22, 1996 (61 FR 59483–59484).

DATES: Comments must be submitted on or before April 10, 1998.

FOR FURTHER INFORMATION CONTACT:

1. For information or a copy of OMB Control Number 2125–0039, Planning and Research Program Administration, contact Tony Solury, Office of Environment and Planning, 202–366–5003, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

2. For information or a copy of OMB Number: 2125–0501, Structure Inventory and Appraisal Sheet, contact Charles L. Chambers, Office of Engineering, Bridge Division (HNG–33), (202) 366–4618, Federal Highway Administration, Room 3203, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:00 a.m. to 3:30 p.m., E.T., Monday through Friday, except Federal holidays.

3. For information or a copy of OMB Number 2125–0544, Transportation of Hazardous Materials; Highway Routing, contact Mr. Kenneth Rodgers, Office of Motor Carrier Safety and Technology, Safety and Hazardous Materials Division, (202) 366–4016, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Federal Highway Administration (FHWA)

1. *Title:* Planning and Research Program Administration.

OMB Number: 2125–0039.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Form(s): N/A.

Affected Public: State highway agencies.

Abstract: Under the provisions of section 307(c) of title 23, United States Code, two percent of certain categories of Federal-aid highway funds apportioned to the States are set-a-side for use only for State planning and research (SPR funds). At least 25% of the SPR funds apportioned annually must be used for the research, development, and technology transfer activities. In accordance with government-wide grant management procedures, a grant application must be submitted for these funds. In addition, recipients must submit periodic progress and financial reports. In lieu of Standard Form 424, Application for Federal Assistance, the FHWA uses a "work program" that includes a scope of work and budget for activities to be undertaken with FHWA planning and research funds during the next one-or two-year period as the grant application. The information contained in the work program includes task descriptions, assignments of responsibility for conducting the work effort, and estimated costs for the tasks. This information is necessary to determine

how FHWA planning and research funds will be utilized by the State highway agencies and if the proposed work is eligible for Federal participation.

The content and frequency of submission of progress and financial reports specified in 23 CFR part 420 are as specified in OMB Circular A–102 and the companion common grant management regulations.

Estimated Total Annual Burden: 29,120 hours.

2. *Title:* Structure Inventory and Appraisal Sheet.

OMB Number: 2125–0501.

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Form(s): N/A.

Affected Public: Transportation agencies of the 50 States and the District of Columbia and Puerto Rico.

Abstract: The collection of the bridge information contained on the Structure Inventory and Appraisal Sheet is necessary to satisfy the requirements of 23 United States Code 144 and 151, and the Code of Federal Regulations, 23 Highways—part 650, subpart C—National Bridge Inspection Standards and subpart D—Highway Bridge Replacement and Rehabilitation Program. Because of a December 1967 catastrophic bridge failure, the Congress enacted the National Bridge Inspection Standards (NBIS) which require the inspection of the condition of bridges, and the reporting of the findings of the inspections at regular intervals for all bridges located on public roads.

The collected NBIS bridge information is used as a basis for setting priorities for the replacement or rehabilitation of bridges under the Highway Bridge Replacement and Rehabilitation Program (HBRRP) and for apportioning HBRRP funds to the States for bridge replacement or rehabilitation. In addition, the information is used for strategic national defense needs and for preparing the report to Congress on the status of the Nation's highway bridges and funding under the HBRRP.

Estimated Total Annual Burden: The estimated total annual burden is 540,000 hours.

3. *Title:* Transportation of Hazardous Materials; Highway Routing.

OMB Number: 2125–0554.

Type of Request: Reinstatement, without change, of a previously approved collection for which approval has expired.

Form(s): N/A.

Affected Public: The reporting burden is shared by the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, Northern Marianas, and the Virgin Islands.

Abstract: Public comment is requested regarding the burden associated with this collection of information. The data for the Transportation of Hazardous Materials; Highway Routing designations are collected under authority of 49 U.S.C. 5112 and 5125, which places the responsibility on the Secretary of Transportation to specify and regulate standards for establishing, maintaining, and enforcing routing designations. The Federal Highway Administrator has the authority, as required in 49 CFR 397.73, to request that each State and Indian tribe, through its routing agency, provide information identifying hazardous materials routing designations within their respective jurisdictions. This information will be consolidated by the FHWA and published annually in whole or as updates in the **Federal Register**.

Estimated Total Annual Burden: The annual reporting burden is estimated to be 13 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW, Washington, DC 20503, Attention FHWA Desk Officer.

Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publishing in the **Federal Register**.

Issued in Washington, DC, on March 4, 1998.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–6217 Filed 3–10–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–98–3393]

Notice of Request for Renewal of an Existing Information Collection; Federal Motor Carrier Safety Regulations, Driver's Record of Duty Status

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3051, 3506(c)(2)(A)), the FHWA is requesting public comment on its intent to ask the Office of Management and Budget (OMB) to reapprove the soon to expire information collection that documents information on commercial motor vehicle drivers hours of service.

DATES: Submit on or before May 11, 1998.

ADDRESSES: Signed, written comments must refer to the docket number appearing at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah M. Freund or Mr. David R. Miller, Office of Motor Carrier Research and Standards, (202) 366–4009, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Availability

Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): http://dms.dot.gov. It is available 24 hours each day, 365 days each year. You may download an electronic copy of this document using a modem and suitable communications software from the **Federal Register** electronic bulletin board service (telephone number: 202–512–1661). Internet users may reach the **Federal Register**'s home page at: http:/

/www.nara.gov/nara/fedreg and the Government Printing Office's database at: http://www.access.gpo.gov/su——docs.

Title: Driver's Record of Duty Status.

OMB Number: 2125–0016.

Background: For the last 60 years, the FHWA, and its predecessor, the Interstate Commerce Commission (ICC), have required motor carriers operating in interstate commerce to require their drivers to limit the driver's hours of service. This is to ensure the drivers do not operate CMVs while fatigued and possibly cause crashes. The principal method used to track the driver's hours of service has been to record the hours worked, driven, and at rest on paper Records of Duty Status, commonly known as log books. See 49 U.S.C. 31502 and 49 CFR part 395.

The record shows how long a driver has been on duty and driving, and how long the driver has had rest in a sleeper berth and time off duty. This record helps motor carriers know how much longer the driver may legally operate vehicles before the law assumes the driver is fatigued, as determined by research done in the late 1930's and regulations adopted at that time. The motor carriers would then know when the drivers must stop driving to obtain rest. The regulations require drivers to show local law enforcement officials and Federal agents the driver's true and accurate record of the drivers' duty activities, to the closest 15 minutes, within each 24-hour period. This record also helps law enforcement officials determine whether the driver may likely be operating a motor vehicle while fatigued. See 49 CFR 395.8.

The ICC and the FHWA have general statutory authority to require such records. The records have never been expressly mandated by statute. In 1952, the ICC adopted rules to allow motor carriers to record some drivers' hours of service on time cards or time sheets in place of log books. This exception was available to drivers operating within a 50-mile radius of the driver's garage or terminal where the driver reports for work. See 49 CFR 395.1(e). This exception was made a separate information collection entitled "Time Records" and has been assigned OMB No. 2125–0196. Within the last 20 years, there was a change that allowed drivers/carriers to use their own forms rather than the format prescribed by the FHWA's predecessor motor carriers organization, the Bureau of Motor Carrier Safety. In 1980, the FHWA expanded the 50-mile radius to a 100 mile radius. In this same rulemaking, the FHWA began to require motor carriers to maintain and retain documents the carriers obtained or received, in the normal course of business, supporting the validity of the record of duty status. See 49 CFR 395.8(k)(2).

In 1982, the FHWA reduced the retention period for the log book and the supporting documents from one year to 6 months. See 49 CFR 395.8(k)(2). For the first 51 years, the ICC and later the FHWA only allowed motor carriers and drivers to prepare paper log books. In 1988, the FHWA adopted rules to allow motor carriers to choose to use automatic on-board recording devices in place of the paper log book. Again, this was done at the FHWA's discretion and not by an express mandate by statute. See 49 CFR 395.15.

In 1994, new information collection requirements for records of duty status were mandated by section 113 of the Hazardous Materials Transportation Authorization Act of 1994 (Pub. L. 103–311, 108 Stat. 1676). This statute requires each written or electronic document being used as a supporting document to include either the driver's name or vehicle number. This would require motor carriers to ensure the driver's name or vehicle number is also on each document used to verify driver record of duty status. The statute also requires the supporting document must be kept for at least six months. The FHWA has not yet published a proposal requiring the mandated information collection. The FHWA will publish an NPRM for the mandated information related to the driver's record of duty status documents, and will request a modification to this information collection at that time.

In 1995, section 408 of the ICC Termination Act of 1995 (Pub. L. 104–88, 109 Stat. 803, 958) required the FHWA to issue an ANPRM addressing the FHWA's current hours of service regulations. The FHWA published this ANPRM on November 5, 1996 (61 FR 57252). This rulemaking may substantially modify the information collection burdens contained in this information collection. The FHWA expects to publish an NPRM in this action (RIN 2125–AD93) in the winter, 1999.

Respondents: Motor carriers and drivers.

Estimated Total Annual Burden Per Record: 16,978,607 hours.

The FHWA has separated this total into the following three subtotals:

Records of Duty Status (Paper Log Books)—15,671,303 hours

Automatic On-board Recording Devices—1,076,100 hours

100 Air-mile Radius Drivers—The FHWA proposes to append the 100 air-mile radius driver time record account, OMB No. 2125–0196, into the OMB No. 2125-0016 account. This would add an additional 231,204 hours. The computations on how the FHWA arrived at these numbers may be found in the docket.

Interested parties are invited to send comments regarding any aspect of these information collections. The FHWA considers comments by the public on this proposed collection of information in the following four ways: (1) Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the FHWA, including whether the information will have a practical use; (2) evaluating the accuracy of the FHWA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) enhancing the quality, usefulness, and clarity of the information to be collected; and (4) minimizing the burden of 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).

Authority: 49 U.S.C. 31136, 31141, and 31502 and 49 CFR 1.48.

Issued on: March 4, 1998.

George Moore,

Associate Administrator for Administration.

[FR Doc. 98–6219 Filed 3–10–98; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33551]

Kansas Southwestern Railway Company, L.L.C.; Acquisition Exemption; Union Pacific Railroad Company

Kansas Southwestern Railway Company, L.L.C. (KSW), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 287.83 miles of rail line in Kansas owned by Union Pacific Railroad Company (UP). The lines involved in the acquisition transaction consist of: (1) UP's Hutchinson Branch from MP–572.677 on the east leg of the wye and 1,213 feet of the west leg of the wye at Geneseo, KS, to MP–486.003 of the northeast leg of the wye and 984 feet of the southwest leg of the wye at Wichita, KS; (2) UP's Hardtner Branch from MP–485.938 at

Wichita, KS, to MP–571.85 at Kiowa, KS; (3) UP's Stafford Branch from MP–559.028 of the south leg of the wye and 955 feet of the north leg of the wye at Conway Springs, KS, to MP–654.11 at Radium, KS; and (4) UP's Iuka Branch from MP–609.97 at Olcott, KS, to MP–630.13 at Iuka, KS. KSW currently leases and operates over the lines. Following its acquisition of the lines, KSW would continue to be the operator over the lines.

The transaction was expected to be consummated on or shortly after the March 3, 1998 effective date of the exemption.

If this notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33551, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Karl Morell, Esq., Ball Janik LLP, 1455 F. Street, NW, Suite 225, Washington, DC 20005.

Decided: March 3, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–6290 Filed 3–10–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33562]

South Central Florida Express, Inc.; Trackage Rights Exemption; Florida East Coast Railway

Florida East Coast Railway Company has agreed to grant overhead trackage rights between milepost K–0.0 near Ft. Pierce, FL, and milepost K–15.0, and local trackage rights between milepost K–15.0 and milepost K–70.4, at or near Lake Harbor, FL, to South Central Florida Express, Inc. The trackage rights were scheduled to take effect on March 2, 1998, the effective date of the exemption.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33562, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Edward D. Greenberg, Esq., Galland, Kharasch & Garfinkle, P.C., 1054 Thirty-First Street, NW, Washington, DC 20007.

Decided: March 3, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–6291 Filed 3–10–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–542X]

Harbor Belt Line Railroad; Discontinuance Exemption; Port of Los Angeles

On February 19, 1998, Harbor Belt Line Railroad (HBL) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue its switching operations on tracks owned by the City of Los Angeles (the City) within the Port of Los Angeles (the Port) harbor complex, Los Angeles County, CA.[1] The tracks traverse U.S. Postal Service Zip Codes 90731, 90744, 90802, and 90822.

This transaction is related to *Pacific Harbor Line, Inc.—Operation Exemption—Port of Los Angeles*, STB Finance Docket No. 33411 (STB served Dec. 2, 1997), in which Pacific Harbor Line, Inc. (PHL), filed a notice of exemption to acquire operating rights from the City to provide the switching services being discontinued here. Upon commencement of services by PHL, HBL will be replaced as the operator of the lines in the harbor complex and will completely discontinue all operations.

The lines do not contain federally granted rights-of-way. Any documentation in HBL's possession will be made available promptly to those requesting it. Because HBL is proposing to discontinue services over its entire line, no labor conditions will be imposed.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 9, 1998.

Any offer of financial assistance to subsidize continued rail service under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by a $1,000 filing fee. See 49 CFR 1002.2(f)(25).

Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate.

This proceeding is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 1105.8(b).

All filings in response to this notice must refer to STB Docket No. AB–542X and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001; and (2) Samuel M. Sipe, Jr., Steptoe & Johnson, LLP, 1330 Connecticut Ave., N.W., Washington, DC 20036.

Persons seeking further information concerning abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis at (202) 565–1545. [TDD for the hearing impaired is available at (202) 565–1695.]

Decided: March 6, 1998.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–6289 Filed 3–10–98; 8:45 am]

BILLING CODE 4915–00–P

[1] HBL was created in 1928 by the City and the railroads then serving the Port to provide switching service within the Port. HBL is now controlled by the City through its Board of Harbor Commissioners, Union Pacific Railroad Company and The Burlington Northern and Santa Fe Railway Company.

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

February 26, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 10, 1998, to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0148.

Form Number: IRS Form 2758.

Type of Review: Extension.

Title: Application for Extension of Time to File Certain Excise, Income, Information, and Other Returns.

Description: Internal Revenue Code (IRC) 6081 permits the Secretary of the Treasury to grant a reasonable extension of time for filing any return, declaration, statement, or other document. This form is used by U.S. partnerships, fiduciaries, and certain organizations, to request an extension of time to file their returns. The information is used to determine whether the extension should be granted.

Respondents: Business or other for-profit, not-for-profit institutions.

Estimated Number of Respondents/ Recordkeepers: 300,000.

Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—3 hours, 35 minutes.
Learning about the law or the form—6 minutes.
Preparing and sending the form to the IRS—10 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 1,215,000 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–6223 Filed 3–10–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 3, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 10, 1998, to be assured of consideration.

Departmental Offices/Community Development Financial Institutions (CDFI) Fund

OMB Number: 1505–0158.

Form Number: Form CDFI–0003.

Type of Review: Reinstatement.

Title: Presidential Awards for Excellence in Microenterprise Development Program.

Description: The Awards stage two application will be used to select winning programs to receive Presidential recognition and provide examples for the field of microenterprise development. The application will be used to gather further data not collected previously in order to select winners.

Respondents: Business or other for-profit, not-for-profit institutions.

Estimated Number of Respondents: 80.

Estimated Burden Hours Per Respondent: 35 hours.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 2,800 hours.

Clearance Officer: Lois K. Holland (202) 622–1563, Departmental Offices, Room 2110, 1425 New York Avenue, N.W., Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–6224 Filed 3–10–98; 8:45 am]

BILLING CODE 4810–25–U

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 5, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 10, 1998 to be assured of consideration.

Financial Management Service (FMS)

OMB Number: 1510–0059.

Form Number: SF 5510.

Type of Review: Extension.

Title: Authorization Agreement for Preauthorized Payment.

Description: Preauthorized payment is used by remitters (individuals and corporations) to authorize electronic fund transfers from the bank accounts maintained at financial institutions for government agencies to collect monies.

Respondents: Business or other for-profit, Individuals or households, Federal Government.

Estimated Number of Respondents: 100,000.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 25,000 hours.

Clearance Officer: Jacqueline R. Perry (301) 344–8577, Financial Management Service, 3361-L 75th Avenue, Landover, MD 20785.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–6225 Filed 3–10–98; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 98–18]

Retraction of Revocation Notice

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

ACTION: General notice.

SUMMARY: The following Customs broker license numbers were erroneously included in a published list of revoked Customs brokers licenses in the **Federal Register**.

Mark Rendell Dawson—07156
Pamela Louise Schnetter—13140
Renee E. Stein—07160

Licenses 13140, 07156, and 07160, issued in the Port of Los Angeles, are valid licenses.

Dated: February 27, 1998.

Philip Metzger,

Director, Trade Compliance.

[FR Doc. 98–6170 Filed 3–10–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA–141–83]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulations, IA–141–83 (TD 8270), Installment Method Reporting by Dealers in Personal Property (§§ 1.453A–1 and 1.453A–2).

DATES: Written comments should be received on or before May 11, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Installment Method Reporting by Dealers in Personal Property.

OMB Number: 1545–1134.

Regulation Project Number: IA–141–83.

Abstract: This regulation provides definitions, rules, and the methods to be applied by dealers who account for sales of personal property on the installment method. The regulation requires such taxpayers to maintain accounting records of these sales so as to clearly reflect income.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Recordkeepers: 50,000.

Estimated Time Per Recordkeeper: 10 hours.

Estimated Total Annual Recordkeeping Hours: 500,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments:

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6162 Filed 3–10–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report of 1997 Closed Meetings

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of availability of report on closed meetings of the Art Advisory Panel.

SUMMARY: The Report is Now Available. Pursuant to 5 U.S.C. app. I section 10(d), of the Federal Advisory Committee Act; and 5 U.S.C. section 552b, the Government in the Sunshine Act: A report summarizing the closed meeting activities of the Art Advisory Panel during 1997, has been prepared. A copy of this report has been filed with the Assistant Secretary of the Treasury for Management and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1621, 1111 Constitution Avenue, NW., Washington, DC 20224.

Requests for copies should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, DC 20224, Telephone (202) 622–5164). (Not a toll free telephone number.)

The Commissioner of Internal Revenue has determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

FOR FURTHER INFORMATION CONTACT: Karen Carolan, C:AP:AS:4, 901 D Street, SW., Room 224, Washington, DC 20024, Telephone (202) 401–4128. (Not a toll free telephone number.)

Charles O. Rossotti,

Commissioner of Internal Revenue.

[FR Doc. 98–6160 Filed 3–10–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel—Notice of Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be held April 8th and 9th, 1998.

ADDRESSES: The closed meeting of the Art Advisory Panel will be held on April 8th and 9th, 1998, in Room 118, beginning at 9:30 a.m., Aerospace Center Building, 901 D Street, SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, C:AP:AS:4 901 D Street, SW., Washington, DC 20024. Telephone (202) 401–4128, (not a toll free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a closed meeting of the Art Advisory Panel will be held on April 8th and 9th, 1998, in Room 118, beginning at 9:30 a.m., Aerospace Center Building, 901 D Street, SW., Washington, DC 20024.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meeting will not be open to the public.

The Commissioner of Internal Revenue has determined that this document is not a significant regulatory action as defined in Executive Order 12866 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Charles O. Rossotti,

Commissioner of Internal Revenue.

[FR Doc. 98–6161 Filed 3–10–98; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES INFORMATION AGENCY

Submission for OMB Review; Comment Request

AGENCY: United States Information Agency.

ACTION: Submission for OMB Review; Comment request.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces that the following information collection activity has been forwarded to the Office of Management and Budget (OMB) for review and comment. USIA is requesting approval of an information collection entitled "Proposal Submission Instructions (PSI), United States Information Agency, Bureau of Educational and Cultural Affairs", under OMB control number 3116–0121, which is scheduled to expire on April 30, 1998. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3506(c)(2)(A)).

The information collection activity involved with the program is conducted pursuant to the mandate given to the United States Information Agency under the terms and conditions of the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87–256.

DATES: Comments are due on or before April 10, 1998.

Copies: Copies of the Request for Clearance (OMB 83–I), supporting statement, and other documents that have been submitted to OMB for approval may be obtained from the USIA Clearance Officer. Comments should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for USIA, and also to the USIA Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Ms. Jeannette Giovetti, United States Information Agency, M/AOL, 301 Fourth Street, SW., Washington, DC 20547, telephone (202) 619–4408, internet address JGiovett@USIA.GOV; and OMB review: Ms. Victoria Wassmer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 1002, NEOB, Washington, DC 20503, Telephone (202) 395–5871.

SUPPLEMENTARY INFORMATION: 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 OMB control number. The Federal Register Notice with a 60-day comment period soliciting comments on this collection of information was published on January 12, 1998 (vol. 63, no. 7). Public reporting burden for this collection of information (Paper Work Reduction Project: OMB No. 3116–0212) is estimated to average twenty (20) hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Responses are voluntary and respondents are required to respond only one time. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the United States Information Agency, M/AOL, 301 Fourth Street, SW., Washington, DC 20547; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, DC 20503.

Current Actions

This information collection has been submitted to OMB for the purpose of requesting reinstatement for a three-year period and approval of revisions regarding the total annual burden hours.

Title: Proposal Submission Instructions, (PSI), United States Information Agency.

Form Numbers: IA–1279, IA–1280, IA–1285, IAP–100, IAP–135, M/KR–12, M/KR–13 and SF–LLL.

Abstract: The collection of information from the public will enable the grant review panel and Associate Director to ensure that each applications complies with the established procedures and the approval and/or disapproval of funding is properly warranted.

Proposed Frequency of Responses: No. of Respondents—700; Recordkeeping Hours—20; Total Annual Burden—14,000.

Dated: March 5, 1998.

Rose Royal,

Federal Register Liaison.

[FR Doc. 98–6187 Filed 3–10–98; 8:45 am]

BILLING CODE 8230–01–M

Corrections

Federal Register
Vol. 63, No. 47
Wednesday, March 11, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

14 CFR Part 382

[Docket OST-96-1880]

RIN 2105-AC28

Nondiscrimination on the Basis of Disability in Air Travel

Correction

In rule document 98–5525 beginning on page 10528 in the issue of Wednesday, March 4, 1998, make the following correction:

§ 382.38 [Corrected]

On page 10536, in the second column, in § 382.38(k), "August 31, 1998" should read "September 30, 1998".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–209682–94]

RIN 1545–AS39

Adjustments Following Sales of Partnership Interests

Correction

In proposed rule document 98–1949, beginning on page 4408, in the issue of Thursday, January 29, 1998, make the following correction:

§ 1.743–1 [Corrected]

On page 4419, in the table, in "Assets", in the fourth column under "Basis adjustment", the total "4,000.00" should read "3,000.00".

BILLING CODE 1505-01-D

federal register

Wednesday
March 11, 1998

Part II

Department of Housing and Urban Development

24 CFR Part 888

Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors Fiscal Year 1998; Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 888

[Docket No. FR–4305–N–01]

Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors Fiscal Year 1998

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of revised contract rent Annual Adjustment Factors.

SUMMARY: The United States Housing Act of 1937 requires that assistance contracts signed by owners participating in the Department's Section 8 housing assistance payments programs provide for annual adjustment in the monthly rentals for units covered by the contract. This notice announces revised Annual Adjustment Factors (AAFs) for adjustment of contract rents on assistance contract anniversaries. The factors are based on a formula using data on residential rent and utilities cost changes from the most current Bureau of Labor Statistics Consumer Price Index (CPI) survey and from HUD Random Digit Dialing (RDD) rent change surveys.

EFFECTIVE DATE: March 11, 1998.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Rental Assistance Division, Office of Public and Indian Housing [(202) 708–0477], for questions relating to the Section 8 Voucher, Certificate, and Moderate Rehabilitation programs; Allison Manning, Office of Special Needs Assistance Programs, Office of Community Planning and Development, [(202) 708–1234] for questions regarding the Single Room Occupancy Moderate Rehabilitation program; Frank M. Malone, Acting Director, Office of Asset Management and Disposition, Office of Housing [(202) 708–3730], for questions relating to all other Section 8 programs; and Alan Fox, Economic and Market Analysis Division, Office of Policy Development and Research [(202) 708–0590; e-mail alan_fox@hud.gov], for technical information regarding the development of the schedules for specific areas or the methods used for calculating the AAFs. Mailing address for above persons: Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410. Hearing- or speech-impaired persons may contact the Federal Information Relay Service at 1–800–877–8339 (TTY) (Other than the "800" TTY number, the above-listed telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Applicability of AAFs to Various Section 8 Programs

AAFs established by this Notice are used to adjust contract rents for units assisted in the Section 8 housing assistance payments programs. However, the specific application of the AAFs is determined by the law, the HAP contract, and appropriate program regulations or requirements.

AAFs are not used for the Section 8 voucher program.

AAFs are not used for budget-based rent adjustments. Contract rents for projects receiving Section 8 subsidies under the loan management program (24 CFR part 886, subpart A) and for projects receiving Section 8 subsidies under the property disposition program (24 CFR part 886, subpart C) are adjusted, at HUD's option, either by applying the AAFs or by budget-based adjustments in accordance with 24 CFR 207.19(e). Budget-based adjustments are used for most Section 8/202 projects.

Under the Section 8 moderate rehabilitation program (both the regular program and the single room occupancy program), the public housing agency (PHA) applies the AAF to the base rent component of the contract rent, not the full contract rent.

Use of Reduced AAF

As required by Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)), the AAF is reduced by .01:

—In the Section 8 certificate program, for all units.

—In other Section 8 programs, for a unit occupied by the same family at the time of the last annual rent adjustment (and where the rent is not reduced by application of comparability (rent reasonableness)).

The law provides that:

"Except for assistance under the certificate program, for any unit occupied by the same family at the time of the last annual rental adjustment, where the assistance contract provides for the adjustment of the maximum monthly rent by applying an annual adjustment factor and where the rent for a unit is otherwise eligible for an adjustment based on the full amount of the factor, 0.01 shall be subtracted from the amount of the factor, except that the factor shall not be reduced to less than 1.0. In the case of assistance under the certificate program, 0.01 shall be subtracted from the amount of the annual adjustment factor (except that the factor shall not be reduced to less than 1.0), and the adjusted rent shall not exceed the rent for a comparable unassisted unit of similar quality, type, and age in the market area." 42 U.S.C. 1437f(c)(2)(A).

This statutory language is now permanent law. Section 201(c) of the HUD appropriation for fiscal year 1998 provides that these provisions are effective through fiscal year 1998 (Pub. L. 105–65, approved October 27, 1997, Administrative Provisions). Section 2004 of the Balanced Budget Act of 1997 provides that these provisions are in effect through fiscal year 1999 and thereafter (Pub. L. 105–33, approved August 5, 1997).

To implement the law, HUD is again publishing two separate AAF Tables, contained in Schedule C, Tables 1 and 2 of this notice. Each AAF in Table 2 is computed by subtracting 0.01 from the annual adjustment factor in Table 1.

Adjustment Procedures

The discussion in this Federal Register Notice is intended to provide a broad orientation on adjustment procedures. Technical details and requirements will be described in HUD notices (issued by the Office of Housing and the Office of Public and Indian Housing).

Because of statutory and structural distinctions among the various Section 8 programs, there are separate rent adjustment procedures for three program categories:

—The Section 8 new construction and substantial rehabilitation programs (including the Section 8 state agency program); and the moderate rehabilitation programs (including the moderate rehabilitation single room occupancy program).

—The Section 8 loan management (LM) Program (Part 886, Subpart A) and property disposition (PD) Program (Part 886 Subpart C).

—The Section 8 certificate program (including the project-based certificate (PBC) program).

Category 1: Section 8 New Construction, Substantial Rehabilitation and Moderate Rehabilitation Programs

In the Section 8 New Construction and Substantial Rehabilitation programs, the published AAF factor is applied to the pre-adjustment contract rent. In the Section 8 Moderate Rehabilitation program, the published AAF is applied to the pre-adjustment base rent.

For category 1 programs, the Table 1 AAF factor is applied before determining comparability (rent reasonableness). Comparability applies if the pre-adjustment gross rent (pre-adjustment contract rent plus any allowance for tenant-paid utilities) is above the published FMR.

If the comparable rent level (plus any initial difference) is lower than the contract rent as adjusted by application of the Table 1 AAF, the comparable rent level (plus any initial difference) will be the new contract rent. However, the pre-adjustment contract rent will not be decreased by application of comparability.

In all other cases (i.e., unless contract rent is reduced by comparability):

—The Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.

—The Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

Category 2: The Loan Management Program (LM; Part 886, Subpart A) and Property Disposition Program (PD; Part 886, Subpart C)

At this time, rent adjustment by the AAF in the Category 2 programs is not subject to comparability. (Comparability will again apply if HUD establishes regulations for conducting comparability studies under 42 U.S.C. 1437f(c)(2)(C).) Rents are adjusted by applying the full amount of the applicable AAF under this notice.

The applicable AAF is determined as follows:

—The Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.

—The Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

Category 3: Section 8 Certificate Program

The same adjustment procedure is used for rent adjustment in both the tenant-based and project-based certificate programs. The following procedures are used:

—The Table 2 AAF is always used in the Section 8 certificate program; the Table 1 AAF is not used in this program.

—The Table 2 AAF is always applied before determining comparability (rent reasonableness).

—Comparability always applies. If the comparable rent level is lower than the contract rent as adjusted by application of the Table 2 AAF, the comparable rent level will be the new contract rent.

(These procedures do not apply to an over-FMR tenancy in the Section 8 certificate program.)

AAF Tables

The AAFs for fiscal year 1998 are contained in Schedule C, Tables 1 and 2 of this notice. Two columns are shown in this Table. The first column is to be used for units where the highest cost utility is included in the contract rent. The second column is to be used where it is excluded from the contract rent (where the tenant pays for the utility).

AAF Areas

Each AAF applies to a specified geographic area and to units of all bedroom sizes. AAFs are provided:

(1) For the metropolitan parts of the ten HUD regions exclusive of CPI areas; (2) for the nonmetropolitan parts of these regions, and (3) for 99 separate metropolitan AAF areas for which local CPI survey data are available.

With the exceptions discussed below, the AAFs shown in Schedule C use the Office of Management and Budget's (OMB) most current definitions of metropolitan areas. HUD uses the OMB Metropolitan Statistical Area (MSA) and Primary Metropolitan Statistical Area (PMSA) definitions for AAF areas because of their close correspondence to housing market area definitions.

The exceptions are for certain large metropolitan areas, where HUD considers the area covered by the OMB definition to be larger than appropriate for use as a housing market area definition. In those areas, HUD has deleted some of the counties that OMB had added to its revised definitions. The following counties are deleted from the HUD definitions of AAF areas:

Metropolitan area	Deleted counties
Chicago, IL	DeKalb, Grundy and Kendall Counties.
Cincinnati-Hamilton, OH–KY–IN	Brown County, Ohio; Gallatin, Grant and Pendleton Counties in Kentucky; and Ohio County, Indiana.
Dallas, TX	Henderson County.
Flagstaff, AZ–UT	Kane County, UT.
New Orleans, LA	St. James Parish.
Washington, DC–VA–MD–WV	Berkeley and Jefferson Counties in West Virginia; and Clarke, Culpeper, King George and Warren Counties in Virginia.

Separate AAFs are listed in this publication for the above counties. They and the metropolitan area of which they are a part are identified with an asterisk (*) next to the area name. The asterisk indicates that there is a difference between the OMB metropolitan area and the HUD AAF area definition for these areas.

To make certain that they are using the correct AAFs, users should refer to the area definitions section at the end of Schedule C. For units located in metropolitan areas with a local CPI survey, AAFs are listed separately. For units located in areas without a local CPI survey, the appropriate HUD regional Metropolitan or Nonmetropolitan AAFs are used.

The AAF area definitions shown in Schedule C are listed in alphabetical order by State. The associated HUD region is shown next to each State name. Areas whose AAFs are determined by local CPI surveys are listed first. All metropolitan CPI areas have separate AAF schedules and are shown with their corresponding county definitions or as metropolitan counties. Listed after the metropolitan CPI areas (in those states that have such areas) are the non-CPI metropolitan and nonmetropolitan counties of each State. In the six New England States, the listings are for counties or parts of counties as defined by towns or cities.

Puerto Rico and the Virgin Islands use the Southeast AAFs. All areas in Hawaii use the AAFs identified in the Table as "STATE: Hawaii," which are based on the CPI survey for the Honolulu metropolitan area. The Pacific Islands use the Pacific/Hawaii Nonmetropolitan AAFs. The Anchorage metropolitan area uses the AAFs based on the local CPI survey; all other areas in Alaska use the Northwest/Alaska Nonmetropolitan AAFs.

Section 8 Certificate Program AAFs for Manufactured Home Spaces

The AAFs in this publication identified as "Highest Cost Utility Excluded" are to be used to adjust manufactured home space contract rents. The applicable AAF is determined by reference to the

geographic listings contained in Schedule C, as described in the preceding section.

How Factors Are Calculated

For Areas With CPI Surveys

(1) Changes in the shelter rent and utilities components were calculated based on the most recent CPI annual average change data.

(2) The "Highest Cost Utility Included" column in Schedule C was calculated by weighing the rent and utility components with the corresponding components from the 1990 Census.

(3) The "Highest Cost Utility Excluded" column in Schedule C was calculated by eliminating the effect of heating costs that are included in the rent of some of the units in the CPI surveys.

For Areas Without CPI Surveys

(1) HUD used random digit dialing (RDD) regional surveys to calculate AAFs. The RDD survey method is based on a sampling procedure that uses computers to select a statistically random sample of rental housing, dial and keep track of the telephone calls, and process the responses. RDD surveys are conducted to determine the rent change factors for the metropolitan parts (exclusive of CPI areas) and nonmetropolitan parts of the 10 HUD regions, a total of 20 surveys.

(2) The change in rent with the highest cost utility included in the rent was calculated using the average of the ratios of gross rent in the current year RDD survey divided by the previous year's for the respective metropolitan or nonmetropolitan parts of the HUD region.

(3) The change in rent with the highest cost utility excluded (i.e., paid separately by the tenant) was calculated in the same manner, after subtracting the median values of utilities costs from the gross rents in the two years. The median cost of utilities was determined from the units in the RDD sample which reported that all utilities were paid by the tenant.

Other Matters

Environmental Impact

An environmental assessment is unnecessary, since revising Annual Adjustment Factors is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.19(c)(6).

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this Notice do not have federalism implications and, thus, are not subject to review under the Order. The Notice merely announces the adjustment factors to be used to adjust contract rents in the Section 8 Housing Assistance Payment programs, as required by the United States Housing Act of 1937.

The Catalog of Federal Domestic Assistance program number for Lower Income Housing Assistance programs (Section 8) is 14.156.

Accordingly, the Department publishes these Annual Adjustment Factors for the Section 8 Housing Assistance Payments Programs as set forth in the following Tables:

Dated: February 20, 1998.

Andrew Cuomo,

Secretary.

BILLING CODE 4210–32–U

SCHEDULE C - TABLE 1 - CONTRACT RENT AAFS

PREPARED ON 090597

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED		HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
New England Metropolitan	1.013	1.013	New England Nonmetropolitan	1.017	1.016
New York/New Jersey Metropolitan	1.016	1.016	New York/New Jersey Nonmetropolitan	1.016	1.017
Mid-Atlantic Metropolitan	1.019	1.017	Mid-Atlantic Nonmetropolitan	1.023	1.022
Southeast Metropolitan	1.026	1.026	Southeast Nonmetropolitan	1.021	1.017
Midwest Metropolitan	1.025	1.026	Midwest Nonmetropolitan	1.023	1.021
Southwest Metropolitan	1.026	1.026	Southwest Nonmetropolitan	1.022	1.018
Great Plains Metropolitan	1.017	1.014	Great Plains Nonmetropolitan	1.019	1.017
Rocky Mountain Metropolitan	1.032	1.040	Rocky Mountain Nonmetropolitan	1.017	1.025
Pacific/Hawaii Metropolitan	1.014	1.020	Pacific/Hawaii Nonmetropolitan	1.009	1.018
Northwest/Alaska Metropolitan	1.015	1.019	Northwest/Alaska Nonmetropolitan	1.018	1.023
STATE Hawaii	1.004	1.002	PMSA Akron, OH	1.030	1.028
MSA Anchorage, AK	1.017	1.020	PMSA Ann Arbor, MI	1.033	1.032
MSA Atlanta, GA	1.056	1.057	PMSA Atlantic-Cape May, NJ	1.022	1.020
PMSA Baltimore, MD	1.024	1.018	PMSA Bergen-Passaic, NJ	1.029	1.028
*COUNTY Berkeley, WV	1.023	1.023	PMSA Boston, MA-NH	1.042	1.044
PMSA Boulder-Longmont, CO	1.053	1.059	PMSA Brazoria, TX	1.027	1.021
PMSA Bremerton, WA	1.029	1.028	PMSA Bridgeport, CT	1.029	1.027
PMSA Brockton, MA	1.042	1.044	*COUNTY Brown, OH	1.021	1.017
PMSA Buffalo-Niagara Falls, NY	1.029	1.021	*Chicago, IL	1.032	1.028
*Cincinnati, OH-KY-IN	1.020	1.018	*COUNTY Clarke, VA	1.023	1.023
PMSA Cleveland-Lorain-Elyria, OH	1.030	1.028	*COUNTY Culpeper, VA	1.023	1.023

SCHEDULE C - TABLE 1 - CONTRACT RENT AAFS

PREPARED ON 090597

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED		HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
*Dallas, TX	1.027	1.031	PMSA Danbury, CT	1.029	1.028
*COUNTY De Kalb, IL	1.033	1.027	PMSA Denver, CO	1.052	1.060
PMSA Detroit, MI	1.034	1.032	PMSA Dutchess County, NY	1.029	1.028
PMSA Fitchburg-Leominster, MA	1.042	1.044	PMSA Flint, MI	1.034	1.032
PMSA Fort Lauderdale, FL	1.033	1.032	PMSA Fort Worth-Arlington, TX	1.026	1.031
*COUNTY Gallatin, KY	1.021	1.017	PMSA Galveston-Texas City, TX	1.028	1.021
PMSA Gary, IN	1.035	1.025	*COUNTY Grant, KY	1.021	1.017
PMSA Greeley, CO	1.052	1.060	*COUNTY Grundy, IL	1.034	1.026
PMSA Hagerstown, MD	1.023	1.023	PMSA Hamilton-Middletown, OH	1.020	1.018
*COUNTY Henderson, TX	1.023	1.032	PMSA Houston, TX	1.026	1.021
*COUNTY Jefferson, WV	1.023	1.023	PMSA Jersey City, NJ	1.029	1.028
PMSA Kankakee, IL	1.035	1.025	MSA Kansas City, MO-KS	1.040	1.037
*COUNTY Kendall, Il	1.033	1.027	PMSA Kenosha, WI	1.033	1.027
*COUNTY King George, VA	1.023	1.023	PMSA Lawrence, MA-NH	1.042	1.044
PMSA Los Angeles-Long Beach, CA	1.009	1.010	PMSA Lowell, MA-NH	1.042	1.044
PMSA Manchester, NH	1.042	1.044	PMSA Miami, FL	1.033	1.032
PMSA Middlesex-Somerset-Hunterdon, NJ	1.029	1.028	PMSA Milwaukee-Waukesha, WI	1.013	1.012
MSA Minneapolis-St. Paul, MN-WI	1.036	1.035	PMSA Monmouth-Ocean, NJ	1.029	1.027
PMSA Nashua, NH	1.042	1.044	PMSA Nassau-Suffolk, NY	1.029	1.028
PMSA New Bedford, MA	1.042	1.044	PMSA New Haven-Meriden, CT	1.029	1.028
*New Orleans, LA	1.044	1.040	PMSA New York, NY	1.029	1.028

SCHEDULE C - TABLE 1 - CONTRACT RENT AAFS

PREPARED ON 090597

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
*COUNTY Westchester, NY	1.029	1.028
PMSA Newburgh, NY-PA	1.029	1.028
*COUNTY Ohio, IN	1.021	1.018
PMSA Orange County, CA	1.010	1.010
PMSA Philadelphia, PA-NJ	1.022	1.020
PMSA Portland-Vancouver, OR-WA	1.028	1.027
PMSA Racine, WI	1.013	1.012
*COUNTY St. James Parish, LA	1.045	1.040
PMSA Salem, OR	1.028	1.027
PMSA San Francisco, CA	1.023	1.027
PMSA Santa Cruz-Watsonville, CA	1.022	1.027
PMSA Seattle-Bellevue-Everett, WA	1.029	1.028
PMSA Tacoma, WA	1.029	1.028
PMSA Trenton, NJ	1.029	1.028
PMSA Ventura, CA	1.009	1.010
*COUNTY Warren, VA	1.023	1.023
PMSA Waterbury, CT	1.029	1.028
PMSA Worcester, MA-CT	1.042	1.044
PMSA Newark, NJ	1.029	1.028
PMSA Oakland, CA	1.022	1.027
PMSA Olympia, WA	1.029	1.028
*COUNTY Pendleton, KY	1.021	1.017
PMSA Pittsburgh, PA	1.017	1.020
PMSA Portsmouth-Rochester, NH-ME	1.042	1.044
PMSA Riverside-San Bernardino, CA	1.009	1.010
MSA St. Louis, MO-IL	1.027	1.021
MSA San Diego, CA	1.013	1.014
PMSA San Jose, CA	1.023	1.027
PMSA Santa Rosa, CA	1.022	1.027
PMSA Stamford-Norwalk, CT	1.029	1.028
MSA Tampa-St. Petersburg-Clearwater, FL	1.022	1.023
PMSA Vallejo-Fairfield-Napa, CA	1.021	1.027
PMSA Vineland-Millville-Bridgeton, NJ	1.022	1.020
*Washington, DC-MD-VA	1.023	1.023
PMSA Wilmington-Newark, DE-MD	1.022	1.020

SCHEDULE C - TABLE 2 - CONTRACT RENT AAFS

PREPARED ON 090597

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED		HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
New England Metropolitan	1.003	1.003	New England Nonmetropolitan	1.008	1.006
New York/New Jersey Metropolitan	1.006	1.006	New York/New Jersey Nonmetropolitan	1.006	1.007
Mid-Atlantic Metropolitan	1.009	1.007	Mid-Atlantic Nonmetropolitan	1.013	1.012
Southeast Metropolitan	1.016	1.016	Southeast Nonmetropolitan	1.011	1.007
Midwest Metropolitan	1.015	1.016	Midwest Nonmetropolitan	1.013	1.011
Southwest Metropolitan	1.016	1.016	Southwest Nonmetropolitan	1.012	1.008
Great Plains Metropolitan	1.007	1.005	Great Plains Nonmetropolitan	1.009	1.007
Rocky Mountain Metropolitan	1.022	1.030	Rocky Mountain Nonmetropolitan	1.007	1.015
Pacific/Hawaii Metropolitan	1.004	1.010	Pacific/Hawaii Nonmetropolitan	1.000	1.008
Northwest/Alaska Metropolitan	1.005	1.009	Northwest/Alaska Nonmetropolitan	1.008	1.013
STATE Hawaii	1.000	1.000	PMSA Akron, OH	1.020	1.018
MSA Anchorage, AK	1.007	1.010	PMSA Ann Arbor, MI	1.023	1.022
MSA Atlanta, GA	1.046	1.047	PMSA Atlantic-Cape May, NJ	1.012	1.010
PMSA Baltimore, MD	1.014	1.008	PMSA Bergen-Passaic, NJ	1.019	1.018
*COUNTY Berkeley, WV	1.013	1.013	PMSA Boston, MA-NH	1.032	1.034
PMSA Boulder-Longmont, CO	1.043	1.050	PMSA Brazoria, TX	1.017	1.011
PMSA Bremerton, WA	1.019	1.018	PMSA Bridgeport, CT	1.019	1.017
PMSA Brockton, MA	1.032	1.034	*COUNTY Brown, OH	1.011	1.008
PMSA Buffalo-Niagara Falls, NY	1.019	1.011	*Chicago, IL	1.022	1.018
*Cincinnati, OH-KY-IN	1.010	1.008	*COUNTY Clarke, VA	1.013	1.013
PMSA Cleveland-Lorain-Elyria, OH	1.020	1.018	*COUNTY Culpeper, VA	1.013	1.013

SCHEDULE C - TABLE 2 - CONTRACT RENT AAFS

PREPARED ON 090597

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED		HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
*Dallas, TX	1.017	1.021	PMSA Danbury, CT	1.019	1.018
*COUNTY De Kalb, IL	1.023	1.017	PMSA Denver, CO	1.042	1.050
PMSA Detroit, MI	1.024	1.022	PMSA Dutchess County, NY	1.019	1.018
PMSA Fitchburg-Leominster, MA	1.032	1.034	PMSA Flint, MI	1.024	1.022
PMSA Fort Lauderdale, FL	1.023	1.022	PMSA Fort Worth-Arlington, TX	1.016	1.021
*COUNTY Gallatin, KY	1.011	1.007	PMSA Galveston-Texas City, TX	1.018	1.011
PMSA Gary, IN	1.025	1.016	*COUNTY Grant, KY	1.011	1.008
PMSA Greeley, CO	1.042	1.050	*COUNTY Grundy, IL	1.024	1.016
PMSA Hagerstown, MD	1.013	1.013	PMSA Hamilton-Middletown, OH	1.010	1.008
*COUNTY Henderson, TX	1.013	1.022	PMSA Houston, TX	1.016	1.011
*COUNTY Jefferson, WV	1.013	1.013	PMSA Jersey City, NJ	1.019	1.018
PMSA Kankakee, IL	1.025	1.015	MSA Kansas City, MO-KS	1.030	1.027
*COUNTY Kendall, Il	1.023	1.017	PMSA Kenosha, WI	1.023	1.017
*COUNTY King George, VA	1.013	1.013	PMSA Lawrence, MA-NH	1.032	1.034
PMSA Los Angeles-Long Beach, CA	1.000	1.000	PMSA Lowell, MA-NH	1.032	1.034
PMSA Manchester, NH	1.032	1.034	PMSA Miami, FL	1.023	1.022
PMSA Middlesex-Somerset-Hunterdon, NJ	1.019	1.018	PMSA Milwaukee-Waukesha, WI	1.003	1.002
MSA Minneapolis-St. Paul, MN-WI	1.026	1.025	PMSA Monmouth-Ocean, NJ	1.019	1.017
PMSA Nashua, NH	1.032	1.034	PMSA Nassau-Suffolk, NY	1.019	1.018
PMSA New Bedford, MA	1.032	1.034	PMSA New Haven-Meriden, CT	1.019	1.018
*New Orleans, LA	1.034	1.030	PMSA New York, NY	1.019	1.018

SCHEDULE C - TABLE 2 - CONTRACT RENT AAFS

PREPARED ON 090597

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
*COUNTY Westchester, NY	1.019	1.018
PMSA Newburgh, NY-PA	1.019	1.018
*COUNTY Ohio, IN	1.011	1.008
PMSA Orange County, CA	1.000	1.000
PMSA Philadelphia, PA-NJ	1.012	1.010
PMSA Portland-Vancouver, OR-WA	1.018	1.017
PMSA Racine, WI	1.003	1.002
*COUNTY St. James Parish, LA	1.035	1.030
PMSA Salem, OR	1.018	1.017
PMSA San Francisco, CA	1.013	1.017
PMSA Santa Cruz-Watsonville, CA	1.012	1.017
PMSA Seattle-Bellevue-Everett, WA	1.019	1.018
PMSA Tacoma, WA	1.019	1.018
PMSA Trenton, NJ	1.019	1.018
PMSA Ventura, CA	1.000	1.000
*COUNTY Warren, VA	1.013	1.013
PMSA Waterbury, CT	1.019	1.018
PMSA Worcester, MA-CT	1.032	1.034
PMSA Newark, NJ	1.019	1.018
PMSA Oakland, CA	1.012	1.017
PMSA Olympia, WA	1.019	1.018
*COUNTY Pendleton, KY	1.011	1.008
PMSA Pittsburgh, PA	1.008	1.010
PMSA Portsmouth-Rochester, NH-ME	1.032	1.034
PMSA Riverside-San Bernardino, CA	1.000	1.001
MSA St. Louis, MO-IL	1.017	1.011
MSA San Diego, CA	1.003	1.004
PMSA San Jose, CA	1.013	1.017
PMSA Santa Rosa, CA	1.012	1.017
PMSA Stamford-Norwalk, CT	1.019	1.018
MSA Tampa-St. Petersburg-Clearwater, FL	1.012	1.013
PMSA Vallejo-Fairfield-Napa, CA	1.011	1.017
PMSA Vineland-Millville-Bridgeton, NJ	1.012	1.010
*Washington, DC-MD-VA	1.013	1.013
PMSA Wilmington-Newark, DE-MD	1.012	1.010

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SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

ALABAMA (SOUTHEAST)

METROPOLITAN COUNTIES
Autauga, Baldwin, Blount, Calhoun, Colbert, Dale, Elmore, Etowah, Houston, Jefferson, Lauderdale, Lawrence, Limestone, Madison, Mobile, Montgomery, Morgan, Russell, Shelby, St. Clair, Tuscaloosa

NONMETROPOLITAN COUNTIES
Barbour, Bibb, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, Dekalb, Escambia, Fayette, Franklin, Geneva, Greene, Hale, Henry, Jackson, Lamar, Lee, Lowndes, Macon, Marengo, Marion, Marshall, Monroe, Perry, Pickens, Pike, Randolph, Sumter, Talladega, Tallapoosa, Walker, Washington, Wilcox, Winston

ALASKA (NORTHWEST/ALASKA)

CPI AREAS: COUNTIES
MSA Anchorage, AK: Anchorage

NONMETROPOLITAN COUNTIES
Aleutian East, Aleutian West, Bethel, Dillingham, Lake & Peninsula, Northwest Arctic, Nome, Pr. Wales-Outer Ketchikan, Skagway-Yakutat-Angoon, Southeast Fairbanks, Valdez-Cordova, Wade Hampton, Wrangell-Petersburg, Yukon-Koyukuk, Bristol Bay, Fairbanks North Star, Haines, Juneau, Kenai Peninsula, Ketchikan Gateway, Kodiak Island, Matanuska-Susitna, North Slope, Sitka

ARIZONA (PACIFIC/HAWAII)

METROPOLITAN COUNTIES
Coconino, Maricopa, Mohave, Pima, Pinal, Yuma

NONMETROPOLITAN COUNTIES
Apache, Cochise, Gila, Graham, Greenlee, La Paz, Navajo, Santa Cruz, Yavapai

ARKANSAS (SOUTHWEST)

METROPOLITAN COUNTIES
Benton, Craighead, Crawford, Crittenden, Faulkner, Jefferson, Lonoke, Miller, Pulaski, Saline, Sebastian, Washington

NONMETROPOLITAN COUNTIES
Arkansas, Ashley, Baxter, Boone, Bradley, Calhoun, Carroll, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Cross, Dallas, Desha, Drew, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Madison, Marion, Mississippi, Monroe, Montgomery, Nevada, Newton, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Randolph, Scott, Searcy, Sevier, Sharp, St. Francis, Stone, Union, Van Buren, White, Woodruff, Yell

CALIFORNIA (PACIFIC/HAWAII)

CPI AREAS: COUNTIES

PMSA	Los Angeles-Long Beach, CA:	Los Angeles
PMSA	Oakland, CA:	Alameda, Contra Costa
PMSA	Orange County, CA:	Orange
PMSA	Riverside-San Bernardino, CA:	Riverside, San Bernardino
MSA	San Diego, CA:	San Diego
PMSA	San Francisco, CA:	Marin, San Francisco, San Mateo
PMSA	San Jose, CA:	Santa Clara
PMSA	Santa Cruz-Watsonville, CA:	Santa Cruz
PMSA	Santa Rosa, CA:	Sonoma
PMSA	Vallejo-Fairfield-Napa, CA:	Napa, Solano
PMSA	Ventura, CA:	Ventura

METROPOLITAN COUNTIES
Butte, El Dorado, Fresno, Kern, Madera, Merced, Monterey, Placer, Sacramento, San Joaquin, San Luis Obispo, Santa Barbara, Shasta, Stanislaus, Sutter, Tulare, Yolo, Yuba

NONMETROPOLITAN COUNTIES
Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Imperial, Inyo, Kings, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, San Benito, Sierra, Siskiyou, Tehama, Trinity, Tuolumne

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

COLORADO (ROCKY MOUNTAIN)

CPI AREAS: COUNTIES

PMSA Boulder-Longmont, CO:	Boulder
PMSA Denver, CO:	Adams, Arapahoe, Denver, Douglas, Jefferson
PMSA Greeley, CO:	Weld

METROPOLITAN COUNTIES

El Paso, Larimer, Mesa, Pueblo

NONMETROPOLITAN COUNTIES

Alamosa, Archuleta, Baca, Bent, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Dolores, Eagle, Elbert, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Kiowa, Kit Carson, La Plata, Lake, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Yuma

CONNECTICUT (NEW ENGLAND)

CPI AREAS: COUNTIES

PMSA Bridgeport, CT

Fairfield County part:	Bridgeport town, Easton town, Fairfield town, Monroe town, Shelton town, Stratford town, Trumbull town
New Haven County part:	Ansonia town, Beacon Falls town, Derby town, Milford town, Oxford town, Seymour town

PMSA Danbury, CT

Fairfield County part:	Bethel town, Brookfield town, Danbury town, New Fairfield town, Newtown town, Redding town, Ridgefield town, Sherman town
Litchfield County part:	Bridgewater town, New Milford town, Roxbury town, Washington town

PMSA New Haven-Meriden, CT

Middlesex County part:	Clinton town, Killingworth town
New Haven County part:	Bethany town, Branford town, Cheshire town, East Haven town, Guilford town, Hamden town, Madison town, Meriden town, New Haven town, North Branford town, North Haven town, Orange town, Wallingford town, West Haven town, Woodbridge town

PMSA Stamford-Norwalk, CT

Fairfield County part:	Darien town, Greenwich town, New Canaan town, Norwalk town, Stamford town, Weston town, Westport town, Wilton town

PMSA Waterbury, CT

Litchfield County part:	Bethlehem town, Thomaston town, Watertown town, Woodbury town
New Haven County part:	Middlebury town, Naugatuck town, Prospect town, Southbury town, Waterbury town, Wolcott town

PMSA Worcester, MA-CT

Windham County part:	Thompson town

METROPOLITAN COUNTIES

Hartford County part:	Avon town, Berlin town, Bloomfield town, Bristol town, Burlington town, Canton town, East Granby town, East Hartford town, East Windsor town, Enfield town, Farmington town, Glastonbury town, Granby town, Hartford town, Manchester town, Marlborough town, New Britain town, Newington town, Plainville town, Rocky Hill town, Simsbury town, Southington town, South Windsor town, Suffield town, West Hartford town, Wethersfield town, Windsor town, Windsor Locks town
Litchfield County part:	Barkhamsted town, Harwinton town, New Hartford town, Plymouth town, Winchester town
Middlesex County part:	Cromwell town, Durham town, East Haddam town, East Hampton town, Haddam town, Middlefield town, Middletown town, Portland town, Old Saybrook town
New London County part:	Bozrah town, Colchester town, East Lyme town, Franklin town, Griswold town, Groton town, Ledyard town, Lisbon town, Montville town, New London town, North Stonington town, Norwich town, Old Lyme town, Preston town, Salem town, Sprague town, Stonington town, Waterford town, Colchester town, Lebanon town
Tolland County part:	Andover town, Bolton town, Columbia town, Coventry town, Ellington town, Hebron town, Mansfield town, Somers town, Stafford town, Tolland town, Vernon town, Willington town
Windham County part:	Ashford town, Chaplin town, Windham town, Canterbury town, Plainfield town

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

NONMETROPOLITAN COUNTIES

Hartford County part:	Hartland town
Litchfield County part:	Canaan town, Colebrook town, Cornwall town, Goshen town, Kent town, Litchfield town, Morris town, Norfolk town, North Canaan town, Salisbury town, Sharon town, Torrington town, Warren town
Middlesex County part:	Chester town, Deep River town, Essex town, Westbrook town
New London County part:	Lyme town, Voluntown town
Tolland County part:	Union town
Windham County part:	Brooklyn town, Eastford town, Hampton town, Killingly town, Pomfret town, Putnam town, Scotland town, Sterling town, Woodstock town

DELAWARE (MID-ATLANTIC)

CPI AREAS: COUNTIES

PMSA Wilmington-Newark, DE-MD: New Castle

METROPOLITAN COUNTIES

Kent.

NONMETROPOLITAN COUNTIES

Sussex

DIST. OF COLUMBIA (MID-ATLANTIC)

CPI AREAS: COUNTIES

District of Columbia.

FLORIDA (SOUTHEAST)

CPI AREAS: COUNTIES

PMSA Fort Lauderdale, FL: Broward
PMSA Miami, FL: Dade
MSA Tampa-St. Petersburg-Clearwater, FL: Hernando, Hillsborough, Pasco, Pinellas

METROPOLITAN COUNTIES

Alachua, Bay, Brevard, Charlotte, Clay, Collier, Duval, Escambia, Flagler, Gadsden, Lake, Lee, Leon, Manatee, Marion, Martin, Nassau, Okaloosa, Orange, Osceola, Palm Beach, Polk, Santa Rosa, Sarasota, Seminole, St. Johns, St. Lucie, Volusia

NONMETROPOLITAN COUNTIES

Baker, Bradford, Calhoun, Citrus, Columbia, Desoto, Dixie, Franklin, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Indian River, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Monroe, Okeechobee, Putnam, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, Washington

GEORGIA (SOUTHEAST)

CPI AREAS: COUNTIES

*Atlanta, GA: Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Pickens, Rockdale, Spalding, Walton

METROPOLITAN COUNTIES

Bibb, Bryan, Catoosa, Chatham, Chattahoochee, Clarke, Columbia, Dade, Dougherty, Effingham, Harris, Houston, Jones, Lee, Madison, Mcduffie, Muscogee, Oconee, Peach, Richmond, Twiggs, Walker

NONMETROPOLITAN COUNTIES

Appling, Atkinson, Bacon, Baker, Baldwin, Banks, Ben Hill, Berrien, Bleckley, Brantley, Brooks, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Charlton, Chattooga, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Dawson, Decatur, Dodge, Dooly, Early, Echols, Elbert, Emanuel, Evans, Fannin, Floyd, Franklin, Gilmer, Glascock, Glynn, Gordon, Grady, Greene, Habersham, Hall, Hancock, Haralson, Hart, Heard, Irwin, Jackson, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Lamar, Lanier, Laurens, Liberty, Lincoln, Long, Lowndes, Lumpkin, Macon, Marion, Mcintosh, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Murray, Oglethorpe, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Rabun, Randolph, Schley, Screven, Seminole, Stephens, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Towns, Treutlen, Troup, Turner, Union, Upson, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkes, Wilkinson, Worth

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

HAWAII (PACIFIC/HAWAII)

CPI AREAS: COUNTIES

STATE Hawaii:	Hawaii, Honolulu, Kauai, Maui

IDAHO (NORTHWEST/ALASKA)

METROPOLITAN COUNTIES
Ada, Bannock, Canyon

NONMETROPOLITAN COUNTIES
Adams, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Bonneville, Boundary, Butte, Camas, Caribou, Cassia, Clark, Clearwater, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Idaho, Jefferson, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, Shoshone, Teton, Twin Falls, Valley, Washington

ILLINOIS (MIDWEST)

CPI AREAS: COUNTIES

*Chicago, IL:	Cook, Dupage, Kane, Lake, Mchenry, Will
*COUNTY De Kalb, IL:	Dekalb
*COUNTY Grundy, IL:	Grundy
PMSA Kankakee, IL:	Kankakee
*COUNTY Kendall, Il:	Kendall
MSA St. Louis, MO-IL:	Clinton, Jersey, Madison, Monroe, St. Clair

METROPOLITAN COUNTIES
Boone, Champaign, Henry, Macon, Mclean, Menard, Ogle, Peoria, Rock Island, Sangamon, Tazewell, Winnebago, Woodford

NONMETROPOLITAN COUNTIES
Adams, Alexander, Bond, Brown, Bureau, Calhoun, Carroll, Cass, Christian, Clark, Clay, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Knox, La Salle, Lawrence, Lee, Livingston, Logan, Macoupin, Marion, Marshall, Mason, Massac, Mcdonough, Mercer, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Saline, Schuyler, Scott, Shelby, Stark, Stephenson, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Williamson

INDIANA (MIDWEST)

CPI AREAS: COUNTIES

*Cincinnati, OH-KY-IN:	Dearborn
PMSA Gary, IN:	Lake, Porter
*COUNTY Ohio, IN:	Ohio

METROPOLITAN COUNTIES
Adams, Allen, Boone, Clark, Clay, Clinton, De Kalb, Delaware, Elkhart, Floyd, Hamilton, Hancock, Harrison, Hendricks, Howard, Huntington, Johnson, Madison, Marion, Monroe, Morgan, Posey, Scott, Shelby, St. Joseph, Tippecanoe, Tipton, Vanderburgh, Vermillion, Vigo, Warrick, Wells, Whitley

NONMETROPOLITAN COUNTIES
Bartholomew, Benton, Blackford, Brown, Carroll, Cass, Crawford, Daviess, Decatur, Dubois, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Henry, Jackson, Jasper, Jay, Jefferson, Jennings, Knox, Kosciusko, La Porte, Lagrange, Lawrence, Marshall, Martin, Miami, Montgomery, Newton, Noble, Orange, Owen, Parke, Perry, Pike, Pulaski, Putnam, Randolph, Ripley, Rush, Spencer, Starke, Steuben, Sullivan, Switzerland, Union, Wabash, Warren, Washington, Wayne, White

IOWA (GREAT PLAINS)

METROPOLITAN COUNTIES
Black Hawk, Dallas, Dubuque, Johnson, Linn, Polk, Pottawattamie, Scott, Warren, Woodbury

NONMETROPOLITAN COUNTIES
Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Davis, Decatur, Delaware, Des Moines, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont,

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

IOWA (Cont.)

Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Wayne, Webster, Winnebago, Winneshiek, Worth, Wright

KANSAS (GREAT PLAINS)

CPI AREAS: COUNTIES

MSA Kansas City, MO-KS: Johnson, Leavenworth, Miami, Wyandotte

METROPOLITAN COUNTIES

Butler, Douglas, Harvey, Sedgwick, Shawnee

NONMETROPOLITAN COUNTIES

Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Doniphan, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Lane, Lincoln, Linn, Logan, Lyon, Marion, Marshall, Mcpherson, Meade, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita, Wilson, Woodson

KENTUCKY (SOUTHEAST)

CPI AREAS: COUNTIES

*Cincinnati, OH-KY-IN:	Boone, Campbell, Kenton
*COUNTY Gallatin, KY:	Gallatin
*COUNTY Grant, KY:	Grant
*COUNTY Pendleton, KY:	Pendleton

METROPOLITAN COUNTIES

Bourbon, Boyd, Bullitt, Carter, Christian, Clark, Daviess, Fayette, Greenup, Henderson, Jefferson, Jessamine, Madison, Oldham, Scott, Woodford

NONMETROPOLITAN COUNTIES

Adair, Allen, Anderson, Ballard, Barren, Bath, Bell, Boyle, Bracken, Breathitt, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Clay, Clinton, Crittenden, Cumberland, Edmonson, Elliott, Estill, Fleming, Floyd, Franklin, Fulton, Garrard, Graves, Grayson, Green, Hancock, Hardin, Harlan, Harrison, Hart, Henry, Hickman, Hopkins, Jackson, Johnson, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Livingston, Logan, Lyon, Magoffin, Marion, Marshall, Martin, Mason, Mccracken, Mccreary, Mclean, Meade, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Muhlenberg, Nelson, Nicholas, Ohio, Owen, Owsley, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, Whitley, Wolfe

LOUISIANA (SOUTHWEST)

CPI AREAS: COUNTIES

*New Orleans, LA:	Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany
*COUNTY St. James Parish, LA:	St. James

METROPOLITAN COUNTIES

Acadia, Ascension, Bossier, Caddo, Calcasieu, East Baton Rouge, Lafayette, Lafourche, Livingston, Ouachita, Rapides, St. Landry, St. Martin, Terrebonne, Webster, West Baton Rouge

NONMETROPOLITAN COUNTIES

Allen, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Cameron, Catahoula, Claiborne, Concordia, De Soto, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson Davis, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Red River, Richland, Sabine, St. Helena, St. Mary, Tangipahoa, Tensas, Union, Vermilion, Vernon, Washington, West Carroll, West Feliciana, Winn

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

MAINE (NEW ENGLAND)

CPI AREAS: COUNTIES

PMSA Portsmouth-Rochester, NH-ME

York County part: Berwick town, Eliot town, Kittery town, South Berwick town, York town

METROPOLITAN COUNTIES

Androscoggin County part: Auburn city, Greene town, Lewiston city, Lisbon town, Mechanic Falls town, Poland town, Sabattus town, Turner town, Wales town

Cumberland County part: Cape Elizabeth town, Casco town, Cumberland town, Falmouth town, Freeport town, Gorham town, Gray town, North Yarmouth town, Portland city, Raymond town, Scarborough town, South Portland city, Standish town, Westbrook city, Windham town, Yarmouth town

Penobscot County part: Bangor city, Brewer city, Eddington town, Glenburn town, Hampden town, Hermon town, Holden town, Kenduskeag town, Milford town, Old Town city, Orono town, Orrington town, Penobscot Indian Island, Veazie town

Waldo County part: Winterport town

York County part: Buxton town, Hollis town, Limington town, Old Orchard Beach

NONMETROPOLITAN COUNTIES

Aroostook
Franklin
Hancock
Kennebec
Knox
Lincoln
Oxford
Piscataquis
Sagadahoc
Somerset
Washington

Androscoggin County part: Durham town, Leeds town, Livermore town, Livermore Falls town, Minot town

Cumberland County part: Baldin town, Bridgeton town, Brunswick town, Harpswell town, Harrison town, Naples town, New Gloucester town, Pownal town, Sebago town

Penobscot County part: Alton town, Argyle unorg., Bradford town, Bradley town, Burlington town, Carmel town, Carroll plantation, Charleston town, Chester town, Clifton town, Corinna town, Corinth town, Dexter town, Dixmont town, Drew plantation, East Central Penobscot unorg, East Millinocket town, Edinburg town, Enfield town, Etna town, Exeter town, Garland town, Greenbush town, Greenfield town, Howland town, Hudson town, Kingman unorg., Lagrange town, Lakeville town, Lee town, Levant town, Lincoln town, Lowell town, Mattawamkeag town, Maxfield town, Medway town, Millinocket town, Mount Chase town, Newburgh town, Newport town, North Penobscot unorg., Passadumkeag town, Patten town, Plymouth town, Prentiss plantation, Seboeis plantation, Springfield town, Stacyville town, Stetson town, Twombly unorg., Webster plantation, Whitney unorg., Winn town, Woodville town

Waldo County part: Belfast city, Belmont town, Brooks town, Burnham town, Frankfort town, Freedom town, Islesboro town, Jackson town, Knox town, Liberty town, Lincolnville town, Monroe town, Montville town, Morrill town, Northport town, Palermo town, Prospect town, Searsmont town, Searsport town, Stockton Springs, Swanville town, Thorndike town, Troy town, Unity town, Waldo town

York County part: Acton town, Alfred town, Arundel town, Biddeford city, Cornish town, Dayton town, Kennebunk town, Kennebunkport town, Lebanon town, Limerick town, Lyman town, Newfield town, North Berwick town, Ogunquit town, Parsonsfield town, Saco city, Sanford town, Shapleigh town, Waterboro town, Wells town

MARYLAND (MID-ATLANTIC)

CPI AREAS: COUNTIES

PMSA Baltimore, MD: Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore city, Columbia city

PMSA Hagerstown, MD: Washington

*Washington, DC-MD-VA: Calvert, Charles, Frederick, Montgomery, Prince George's

PMSA Wilmington-Newark, DE-MD: Cecil

METROPOLITAN COUNTIES

Allegany

NONMETROPOLITAN COUNTIES

Caroline, Dorchester, Garrett, Kent, Somerset, St. Mary's, Talbot, Wicomico, Worcester

MASSACHUSETTS (NEW ENGLAND)

CPI AREAS: COUNTIES

PMSA Boston, MA-NH

Bristol County part:	Berkley town, Dighton town, Mansfield town, Norton town, Taunton city
Essex County part:	Amesbury town, Beverly city, Danvers town, Essex town, Gloucester city, Hamilton town, Ipswich town, Lynn city, Lynnfield town, Manchester town, Marblehead town, Middleton town, Nahant town, Newbury town, Newburyport city, Peabody city, Rockport town, Rowley town, Salem city, Salisbury town, Saugus town, Swampscott town, Topsfield town, Wenham town
Middlesex County part:	Acton town, Arlington town, Ashland town, Ayer town, Bedford town, Belmont town, Boxborough town, Burlington town, Cambridge city, Carlisle town, Concord town, Everett city, Framingham town, Holliston town, Hopkinton town, Hudson town, Lexington town, Lincoln town, Littleton town, Malden city, Marlborough city, Maynard town, Medford city, Melrose city, Natick town, Newton city, North Reading town, Reading town, Sherborn town, Shirley town, Somerville city, Stoneham town, Stow town, Sudbury town, Townsend town, Wakefield town, Waltham city, Watertown town, Wayland town, Weston town, Wilmington town, Winchester town, Woburn city
Norfolk County part:	Bellingham town, Braintree town, Brookline town, Canton town, Cohasset town, Dedham town, Dover town, Foxborough town, Franklin town, Holbrook town, Medfield town, Medway town, Millis town, Milton town, Needham town, Norfolk town, Norwood town, Plainville town, Quincy city, Randolph town, Sharon town, Stoughton town, Walpole town, Wellesley town, Westwood town, Weymouth town, Wrentham town
Plymouth County part:	Carver town, Duxbury town, Hanover town, Hingham town, Hull town, Kingston town, Marshfield town, Norwell town, Pembroke town, Plymouth town, Rockland town, Scituate town, Wareham town
Suffolk county part:	Boston city, Chelsea city, Revere city, Winthrop town
Worcester County part:	Berlin town, Blackstone town, Bolton town, Harvard town, Hopedale town, Lancaster town, Mendon town, Milford town, Millville town, Southborough town, Upton town

PMSA Brockton, MA

Bristol County part:	Easton town, Raynham town
Norfolk County part:	Avon town
Plymouth County part:	Abington town, Bridgewater town, Brockton city, East Bridgewater town, Halifax town, Hanson town, Lakeville town, Middleborough town, Plympton town, West Bridgewater town, Whitman town

PMSA Fitchburg-Leominster, MA

Middlesex County part:	Ashby town
Worcester County part:	Ashburnham town, Fitchburg city, Gardner city, Leominster city, Lunenburg town, Templeton town, Westminster town, Winchendon town

PMSA Lawrence, MA-NH

Essex County part:	Andover town, Boxford town, Georgetown town, Groveland town, Haverhill city, Lawrence city, Merrimac town, Methuen town, North Andover town, West Newbury town

PMSA Lowell, MA-NH

Middlesex County part:	Billerica town, Chelmsford town, Dracut town, Dunstable town, Groton town, Lowell city, Pepperell town, Tewksbury town, Tyngsborough town, Westford town

PMSA New Bedford, MA

Bristol County part:	Acushnet town, Dartmouth town, Fairhaven town, Freetown town, New Bedford city
Plymouth County part:	Marion town, Mattapoisett town, Rochester town

PMSA Worcester, MA-CT

Hampden County part:	Holland town
Worcester County part:	Auburn town, Barre town, Boylston town, Brookfield town, Charlton town, Clinton town, Douglas town, Dudley town, East Brookfield town, Grafton town, Holden town, Leicester town, Millbury town, Northborough town, Northbridge town, North Brookfield town, Oakham town, Oxford town, Paxton town, Princeton town, Rutland town, Shrewsbury town, Southbridge town, Spencer town, Sterling town, Sturbridge town, Sutton town, Uxbridge town, Webster town, Westboroughtown, West Boylston town, West Brookfield town, Worcester city

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

MASSACHUSETTS (NEW ENGLAND) cont.

METROPOLITAN COUNTIES

Barnstable County part:	Barnstable town, Brewster town, Chatham town, Dennis town, Eastham town, Harwich town, Mashpee town, Orleans town, Sandwich town, Yarmouth town
Berkshire County part:	Adams town, Cheshire town, Dalton town, Hinsdale town, Lanesborough town, Lee town, Lenox town, Pittsfield city, Richmond town, Stockbridge town
Bristol County part:	Attleboro city, Fall River city, North Attleborough, Rehoboth town, Seekonk town, Somerset town, Swansea town, Westport town
Franklin County part:	Sunderland town
Hampden County part:	Agawam town, Chicopee city, East Longmeadow town, Hampden town, Holyoke city, Longmeadow town, Ludlow town, Monson town, Montgomery town, Palmer town, Russell town, Southwick town, Springfield city, Westfield city, West Springfield town, Wilbraham town
Hampshire County part:	Amherst town, Belchertown town, Easthampton town, Granby town, Hadley town, Hatfield town, Huntington town, Northampton city, Southampton town, South Hadley town, Ware town, Williamsburg town

NONMETROPOLITAN COUNTIES

Dukes
Nantucket

Barnstable County part:	Bourne town, Falmouth town, Provincetown town, Truro town, Wellfleet town
Berkshire County part:	Alford town, Becket town, Clarksburg town, Egremont town, Florida town, Great Barrington town, Hancock town, Monterey town, Mount Washington town, New Ashford town, New Marlborough town, North Adams city, Otis town, Peru town, Sandisfield town, Savoy town, Sheffield town, Tyringham town, Washington town, West Stockbridge town, Williamstown town, Windsor town
Franklin County part:	Ashfield town, Bernardston town, Buckland town, Charlemont town, Colrain town, Conway town, Deerfield town, Erving town, Gill town, Greenfield town, Hawley town, Heath town, Leverett town, Leyden town, Monroe town, Montague town, New Salem town, Northfield town, Orange town, Rowe town, Shelburne town, Shutesbury town, Warwick town, Wendell town, Whately town
Hampden County part:	Blandford town, Brimfield town, Chester town, Granville town, Tolland town, Wales town
Hampshire County part:	Chesterfield town, Cummington town, Goshen town, Middlefield town, Pelham town, Plainfield town, Westhampton town, Worthington town
Worcester County part:	Athol town, Hardwick town, Hubbardston town, New Braintree town, Petersham town, Phillipston town, Royalston town, Warren town

MICHIGAN (MIDWEST)

CPI AREAS: COUNTIES

PMSA Ann Arbor, MI:	Lenawee, Livingston, Washtenaw
PMSA Detroit, MI:	Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne
PMSA Flint, MI:	Genesee

METROPOLITAN COUNTIES

Allegan, Bay, Berrien, Calhoun, Clinton, Eaton, Ingham, Jackson, Kalamazoo, Kent, Midland, Muskegon, Ottawa, Saginaw, Van Buren

NONMETROPOLITAN COUNTIES

Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Barry, Benzie, Branch, Cass, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Gratiot, Hillsdale, Houghton, Huron, Ionia, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Montcalm, Montmorency, Newaygo, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Sanilac, Schoolcraft, Shiawassee, St. Joseph, Tuscola, Wexford

MINNESOTA (MIDWEST)

CPI AREAS: COUNTIES

MSA Minneapolis-St. Paul, MN-WI:	Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright

METROPOLITAN COUNTIES

Benton, Clay, Houston, Olmsted, Polk, St. Louis, Stearns

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

NONMETROPOLITAN COUNTIES

Aitkin, Becker, Beltrami, Big Stone, Blue Earth, Brown, Carlton, Cass, Chippewa, Clearwater, Cook, Cottonwood, Crow Wing, Dodge, Douglas, Faribault, Fillmore, Freeborn, Goodhue, Grant, Hubbard, Itasca, Jackson, Kanabec, Kandiyohi, Kittson, Koochiching, Lac qui Parle, Lake, Lake of the Woods, Le Sueur, Lincoln, Lyon, Mahnomen, Marshall, Martin, Mcleod, Meeker, Mille Lacs, Morrison, Mower, Murray, Nicollet, Nobles, Norman, Otter Tail, Pennington, Pine, Pipestone, Pope, Red Lake, Redwood, Renville, Rice, Rock, Roseau, Sibley, Steele, Stevens, Swift, Todd, Traverse, Wabasha, Wadena, Waseca, Watonwan, Wilkin, Winona, Yellow Medicine

MISSISSIPPI (SOUTHEAST)

METROPOLITAN COUNTIES

Desoto, Forrest, Hancock, Harrison, Hinds, Jackson, Lamar, Madison, Rankin

NONMETROPOLITAN COUNTIES

Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, Franklin, George, Greene, Grenada, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Scott, Sharkey, Simpson, Smith, Stone, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo

MISSOURI (GREAT PLAINS)

CPI AREAS: COUNTIES

MSA Kansas City, MO-KS: Cass, Clay, Clinton, Jackson, Lafayette, Platte, Ray

MSA St. Louis, MO-IL: Crawford-Sullivan City (part), Franklin, Jefferson, Lincoln, St. Charles, St. Louis, Warren, St. Louis city

METROPOLITAN COUNTIES

Andrew, Boone, Buchanan, Christian, Greene, Jasper, Newton, Webster

NONMETROPOLITAN COUNTIES

Adair, Atchison, Audrain, Barry, Barton, Bates, Benton, Bollinger, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Clark, Cole, Cooper, Crawford, Dade, Dallas, Daviess, Dekalb, Dent, Douglas, Dunklin, Gasconade, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Iron, Johnson, Knox, Laclede, Lawrence, Lewis, Linn, Livingston, Macon, Madison, Maries, Marion, Mcdonald, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Nodaway, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, St. Clair, St. Francois, Ste. Genevieve, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Washington, Wayne, Worth, Wright

MONTANA (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES

Cascade, Yellowstone

NONMETROPOLITAN COUNTIES

Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Mccone, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone Park

NEBRASKA (GREAT PLAINS)

METROPOLITAN COUNTIES

Cass, Dakota, Douglas, Lancaster, Sarpy, Washington

NONMETROPOLITAN COUNTIES

Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dawes, Dawson, Deuel, Dixon, Dodge, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lincoln, Logan, Loup, Madison, Mcpherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Wayne, Webster, Wheeler, York

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

NEVADA (PACIFIC/HAWAII)

METROPOLITAN COUNTIES
Clark, Nye, Washoe

NONMETROPOLITAN COUNTIES
Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Pershing, Storey, White Pine, Carson City

NEW HAMPSHIRE (NEW ENGLAND)

CPI AREAS: COUNTIES

PMSA Boston, MA-NH
Rockingham County part: Seabrook town, South Hampton town

PMSA Lawrence, MA-NH
Rockingham County part: Atkinson town, Chester town, Danville town, Derry town, Fremont town, Hampstead town, Kingston town, Newton town, Plaistow town, Raymond town, Salem town, Sandown town, Windham town

PMSA Lowell, MA-NH
Hillsborough county part: Pelham town

PMSA Manchester, NH
Hillsborough county part: Bedford town, Goffstown town, Manchester city, Weare town
Merrimack county part: Allenstown town, Hooksett town
Rockingham county part: Auburn town, Candia town, Londonderry town

PMSA Nashua, NH
Hillsborough county part: Amherst town, Brookline town, Greenville town, Hollis town, Hudson town, Litchfield town, Mason town, Merrimack town, Milford town, Mont Vernon town, Nashua city, New Ipswich town, Wilton town

PMSA Portsmouth-Rochester, NH-ME
Rockingham County part: Brentwood town, East Kingston town, Epping town, Exeter town, Greenland town, Hampton town, Hampton Falls town, Kensington town, New Castle town, Newfields town, Newington town, Newmarket town, North Hampton town, Portsmouth city, Rye town, Stratham town
Strafford County part: Barrington town, Dover city, Durham town, Farmington town, Lee town, Madbury town, Milton town, Rochester city, Rollinsford town, Somersworth city

NONMETROPOLITAN COUNTIES
Belknap
Carroll
Cheshire
Coos
Grafton
Sullivan
Hillsborough County part: Antrim town, Bennington town, Deering town, Francestown town, Greenfield town, Hancock town, Hillsborough town, Lyndeborough town, New Boston town, Peterborough town, Sharon town, Temple town, Windsor town
Merrimack County part: Andover town, Boscawen town, Bow town, Bradford town, Canterbury town, Chichester town, Concord city, Danbury town, Dunbarton town, Epsom town, Franklin city, Henniker town, Hill town, Hopkinton town, Loudon town, Newbury town, New London town, Northfield town, Pembroke town, Pittsfield town, Salisbury town, Sutton town, Warner town, Webster town, Wilmot town
Rockingham County part: Deerfield town, Northwood town, Nottingham town,
Strafford County part: Middleton town, New Durham town, Strafford town

NEW JERSEY (NEW YORK/NEW JERSEY)

CPI AREAS: COUNTIES

PMSA Atlantic-Cape May, NJ: Atlantic, Cape May
PMSA Bergen-Passaic, NJ: Bergen, Passaic
PMSA Jersey City, NJ: Hudson
PMSA Middlesex-Somerset-Hunterdon, NJ: Hunterdon, Middlesex, Somerset
PMSA Monmouth-Ocean, NJ: Monmouth, Ocean
PMSA Newark, NJ: Essex, Morris, Sussex, Union, Warren
PMSA Philadelphia, PA-NJ: Burlington, Camden, Gloucester, Salem
PMSA Trenton, NJ: Mercer

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

NEW JERSEY (Cont.)

PMSA Vineland-Millville-Bridgeton, NJ: Cumberland

NEW MEXICO (SOUTHWEST)

METROPOLITAN COUNTIES
Bernalillo, Dona Ana, Los Alamos, Sandoval, Santa Fe, Valencia

NONMETROPOLITAN COUNTIES
Catron, Chaves, Cibola, Colfax, Curry, Debaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Luna, Mckinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance, Union

NEW YORK (NEW YORK/NEW JERSEY)

CPI AREAS: COUNTIES

PMSA Buffalo-Niagara Falls, NY:	Erie, Niagara
PMSA Dutchess County, NY :	Dutchess
PMSA Nassau-Suffolk, NY:	Nassau, Suffolk
PMSA New York, NY:	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland
*COUNTY Westchester, NY:	Westchester
PMSA Newburgh, NY-PA:	Orange

METROPOLITAN COUNTIES
Albany, Broome, Cayuga, Chautauqua, Chemung, Genesee, Herkimer, Livingston, Madison, Monroe, Montgomery, Oneida, Onondaga, Ontario, Orleans, Oswego, Rensselaer, Saratoga, Schenectady, Schoharie, Tioga, Warren, Washington, Wayne

NONMETROPOLITAN COUNTIES
Allegany, Cattaraugus, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Jefferson, Lewis, Otsego, Schuyler, Seneca, St. Lawrence, Steuben, Sullivan, Tompkins, Ulster, Wyoming, Yates

NORTH CAROLINA (SOUTHEAST)

METROPOLITAN COUNTIES
Alamance, Alexander, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cumberland, Currituck, Davidson, Davie, Durham, Edgecombe, Forsyth, Franklin, Gaston, Guilford, Johnston, Lincoln, Madison, Mecklenburg, Nash, New Hanover, Onslow, Orange, Pitt, Randolph, Rowan, Stokes, Union, Wake, Wayne, Yadkin

NONMETROPOLITAN COUNTIES
Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Camden, Carteret, Caswell, Cherokee, Chowan, Clay, Cleveland, Columbus, Craven, Dare, Duplin, Gates, Graham, Granville, Greene, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Jones, Lee, Lenoir, Macon, Martin, Mcdowell, Mitchell, Montgomery, Moore, Northampton, Pamlico, Pasquotank, Pender, Perquimans, Person, Polk, Richmond, Robeson, Rockingham, Rutherford, Sampson, Scotland, Stanly, Surry, Swain, Transylvania, Tyrrell, Vance, Warren, Washington, Watauga, Wilkes, Wilson, Yancey

NORTH DAKOTA (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES
Burleigh, Cass, Grand Forks, Morton

NONMETROPOLITAN COUNTIES
Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Cavalier, Dickey, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, Lamoure, Logan, Mchenry, Mcintosh, Mckenzie, Mclean, Mercer, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, Williams

OHIO (MIDWEST)

CPI AREAS: COUNTIES

PMSA Akron, OH:	Portage, Summit
*COUNTY Brown, OH:	Brown
*Cincinnati, OH-KY-IN:	Clermont, Hamilton, Warren
PMSA Cleveland-Lorain-Elyria, OH:	Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina
PMSA Hamilton-Middletown, OH:	Butler

SCHEDULE C.- CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

OHIO (MIDWEST) cont.

METROPOLITAN COUNTIES
Allen, Auglaize, Belmont, Carroll, Clark, Columbiana, Crawford, Delaware, Fairfield, Franklin, Fulton, Greene, Jefferson, Lawrence, Licking, Lucas, Madison, Mahoning, Miami, Montgomery, Pickaway, Richland, Stark, Trumbull, Washington, Wood

NONMETROPOLITAN COUNTIES
Adams, Ashland, Athens, Champaign, Clinton, Coshocton, Darke, Defiance, Erie, Fayette, Gallia, Guernsey, Hancock, Hardin, Harrison, Henry, Highland, Hocking, holmes, Huron, Jackson, Knox, Logan, Marion, Meigs, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pike, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Tuscarawas, Union, Van Wert, Vinton, Wayne, Williams, Wyandot

OKLAHOMA (SOUTHWEST)

METROPOLITAN COUNTIES
Canadian, Cleveland, Comanche, Creek, Garfield, Logan, Mcclain, Oklahoma, Osage, Pottawatomie, Rogers, Sequoyah, Tulsa, Wagoner

NONMETROPOLITAN COUNTIES
Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Carter, Cherokee, Choctaw, Cimarron, Coal, Cotton, Craig, Custer, Delaware, Dewey, Ellis, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Love, Major, Marshall, Mayes, Mccurtain, Mcintosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Seminole, Stephens, Texas, Tillman, Washington, Washita, Woods, Woodward

OREGON (NORTHWEST/ALASKA)

CPI AREAS: COUNTIES
PMSA Portland-Vancouver, OR-WA: Clackamas, Columbia, Multnomah, Washington, Yamhill
PMSA Salem, OR: Marion, Polk

METROPOLITAN COUNTIES
Jackson, Lane

NONMETROPOLITAN COUNTIES
Baker, Benton, Clatsop, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jefferson, Josephine, Klamath, Lake, Lincoln, Linn, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler

PENNSYLVANIA (MID-ATLANTIC)

CPI AREAS: COUNTIES
PMSA Newburgh, NY-PA: Pike
PMSA Philadelphia, PA-NJ: Bucks, Chester, Delaware, Montgomery, Philadelphia
PMSA Pittsburgh, PA: Allegheny, Beaver, Butler, Fayette, Washington, Westmoreland

METROPOLITAN COUNTIES
Berks, Blair, Cambria, Carbon, Centre, Columbia, Cumberland, Dauphin, Erie, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mercer, Northampton, Perry, Somerset, Wyoming, York

NONMETROPOLITAN COUNTIES
Adams, Armstrong, Bedford, Bradford, Cameron, Clarion, Clearfield, Clinton, Crawford, Elk, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mc Kean, Mifflin, Monroe, Montour, Northumberland, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne

RHODE ISLAND (NEW ENGLAND)

METROPOLITAN COUNTIES
Bristol County
Kent County
Newport County part: Jamestown town, Little Compton town, Tiverton town
Providence County

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

RHODE ISLAND (CONT.)

Washington County part: Charlestown town, Exeter town, Hopkinton town, Narragansett town, North Kingstown town, Richmond town, South Kingstown town, Westerly town

NONMETROPOLITAN COUNTIES

Newport County part: Middletown town, Newport city, Portsmouth town
Washington County part: New Shoreham town

SOUTH CAROLINA (SOUTHEAST)

METROPOLITAN COUNTIES

Aiken, Anderson, Berkeley, Charleston, Cherokee, Dorchester, Edgefield, Florence, Greenville, Horry, Lexington, Pickens, Richland, Spartanburg, Sumter, York

NONMETROPOLITAN COUNTIES

Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Calhoun, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Fairfield, Georgetown, Greenwood, Hampton, Jasper, Kershaw, Lancaster, Laurens, Lee, Marion, Marlboro, Mccormick, Newberry, Oconee, Orangeburg, Saluda, Union, Williamsburg

SOUTH DAKOTA (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES

Lincoln, Minnehaha, Pennington

NONMETROPOLITAN COUNTIES

Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lyman, Marshall, Mccook, Mcpherson, Meade, Mellette, Miner, Moody, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Yankton, Ziebach

TENNESSEE (SOUTHEAST)

METROPOLITAN COUNTIES

Anderson, Blount, Carter, Cheatham, Chester, Davidson, Dickson, Fayette, Hamilton, Hawkins, Knox, Loudon, Madison, Marion, Montgomery, Robertson, Rutherford, Sevier, Shelby, Sullivan, Sumner, Tipton, Unicoi, Union, Washington, Williamson, Wilson

NONMETROPOLITAN COUNTIES

Bedford, Benton, Bledsoe, Bradley, Campbell, Cannon, Carroll, Claiborne, Clay, Cocke, Coffee, Crockett, Cumberland, Dekalb, Decatur, Dyer, Fentress, Franklin, Gibson, Giles, Grainger, Greene, Grundy, Hamblen, Hancock, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Mcminn, Mcnairy, Meigs, Monroe, Moore, Morgan, Obion, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Smith, Stewart, Trousdale, Van Buren, Warren, Wayne, Weakley, White

TEXAS (SOUTHWEST)

CPI AREAS: COUNTIES

PMSA Brazoria, TX: Brazoria
*Dallas, TX: Collin, Dallas, Denton, Ellis, Hunt, Kaufman, Rockwall
PMSA Fort Worth-Arlington, TX: Hood, Johnson, Parker, Tarrant
PMSA Galveston-Texas City, TX: Galveston
*COUNTY Henderson, TX: Henderson
PMSA Houston, TX: Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller

METROPOLITAN COUNTIES

Archer, Bastrop, Bell, Bexar, Bowie, Brazos, Caldwell, Cameron, Comal, Coryell, Ector, El Paso, Grayson, Gregg, Guadalupe, Hardin, Harrison, Hays, Hidalgo, Jefferson, Lubbock, Mclennan, Midland, Nueces, Orange, Potter, Randall, San Patricio, Smith, Taylor, Tom Green, Travis, Upshur, Victoria, Webb, Wichita, Williamson, Wilson

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

TEXAS (Cont.)

NONMETROPOLITAN COUNTIES

Anderson, Andrews, Angelina, Aransas, Armstrong, Atascosa, Austin, Bailey, Bandera, Baylor, Bee, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Calhoun, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comanche, Concho, Cooke, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Dewitt, Deaf Smith, Delta, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hill, Hockley, Hopkins, Houston, Howard, Hudspeth, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, La Salle, Lamar, Lamb, Lampasas, Lavaca, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lynn, Madison, Marion, Martin, Mason, Matagorda, Maverick, Mcculloch, Mcmullen, Medina, Menard, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parmer, Pecos, Polk, Presidio, Rains, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Terrell, Terry, Throckmorton, Titus, Trinity, Tyler, Upton, Uvalde, Val Verde, Van Zandt, Walker, Ward, Washington, Wharton, Wheeler, Wilbarger, Willacy, Winkler, Wise, Wood, Yoakum, Young, Zapata, Zavala

UTAH (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES

Davis, Kane, Salt Lake, Utah, Weber

NONMETROPOLITAN COUNTIES

Beaver, Box Elder, Cache, Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Iron, Juab, Millard, Morgan, Piute, Rich, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Wasatch, Washington, Wayne

VERMONT (NEW ENGLAND)

METROPOLITAN COUNTIES

Chittenden County part:	Burlington city, Charlotte town, Colchester town, Essex town, Hinesburg town, Jericho town, Milton town, Richmond town, St. George town, Shelburne town, South Burlington city, Williston town, Winooski city
Franklin County part:	Fairfax town, Georgia town, St. Albans city, St. Albans town, Swanton town
Grand Isle County part:	Grand Isle town, South Hero town

NONMETROPOLITAN COUNTIES

Addison
Bennington
Caledonia
Essex
Lamoille
Orange
Orleans
Rutland
Washington
Windham
Windsor

Chittenden County part:	Bolton town, Buels gore, Huntington town, Underhill town, Westford town
Franklin County part:	Bakersfield town, Berkshire town, Enosburg town, Fairfield town, Fletcher town, Franklin, Highgate town, Montgomery town, Richford town, Sheldon town
Grand Isle County part:	Alburg town, Isle La Motte town, North Hero town

VIRGINIA (MID-ATLANTIC)

CPI AREAS: COUNTIES

*COUNTY Clarke, VA:	Clarke
*COUNTY Culpeper, VA:	Culpeper
*COUNTY King George, VA:	King George
*COUNTY Warren, VA:	Warren

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

VIRGINIA (MID-ATLANTIC) cont.

CPI AREAS: COUNTIES

*Washington, DC-MD-VA: Arlington, Fairfax, Fauquier, Loudoun, Prince William, Spotsylvania, Stafford, Alexandria city, Fairfax city, Falls Church city, Fredericksburg city, Manassas Park city, Manassas city

METROPOLITAN COUNTIES

Albemarle, Amherst, Bedford, Botetourt, Campbell, Charles City, Chesterfield, Dinwiddie, Fluvanna, Gloucester, Goochland, Greene, Hanover, Henrico, Isle of Wight, James City, Mathews, New Kent, Pittsylvania, Powhatan, Prince George, Roanoke, Scott, Washington, York, Bedford city, Bristol city, Charlottesville city, Chesapeake city, Colonial Heights city, Danville city, Hampton city, Hopewell city, Lynchburg city, Newport News city, Norfolk city, Petersburg city, Poquoson city, Portsmouth city, Richmond city, Roanoke city, Salem city, Suffolk city, Virginia Beach city, Williamsburg city

NONMETROPOLITAN COUNTIES

Accomack, Alleghany, Amelia, Appomattox, Augusta, Bath, Bland, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charlotte, Craig, Cumberland, Dickenson, Essex, Floyd, Franklin, Frederick, Giles, Grayson, Greensville, Halifax, Henry, Highland, King William, King and Queen, Lancaster, Lee, Louisa, Lunenburg, Madison, Mecklenburg, Middlesex, Montgomery, Nelson, Northampton Northumberland, Nottoway, Orange, Page, Patrick, Prince Edward, Pulaski, Rappahannock, Richmond, Rockbridge, Rockingham, Russell Shenandoah, Smyth, Southampton, Surry, Sussex, Tazewell, Westmoreland, Wise, Wythe, Buena Vista city, Clifton Forge city, Covington city, Emporia city, Franklin city, Galax city, Harrisonburg city, Lexington city, Martinsville city, Norton city, Radford city, South Boston city, Staunton city, Waynesboro city, Winchester city

WASHINGTON (NORTHWEST/ALASKA)

CPI AREAS: COUNTIES

PMSA Bremerton, WA: Kitsap
PMSA Olympia, WA: Thurston
PMSA Portland-Vancouver, OR-WA: Clark
PMSA Seattle-Bellevue-Everett, WA: Island, King, Snohomish
PMSA Tacoma, WA: Pierce

METROPOLITAN COUNTIES

Benton, Franklin, Spokane, Whatcom, Yakima

NONMETROPOLITAN COUNTIES

Adams, Asotin, Chelan, Clallam, Columbia, Cowlitz, Douglas, Ferry, Garfield, Grant, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Lincoln, Mason, Okanogan, Pacific, Pend Oreille, San Juan, Skagit, Skamania, Stevens, Wahkiakum, Walla Walla, Whitman

WEST VIRGINIA (MID-ATLANTIC)

CPI AREAS: COUNTIES

*COUNTY Berkeley, WV: Berkeley
*COUNTY Jefferson, WV: Jefferson

METROPOLITAN COUNTIES

Brooke, Cabell, Hancock, Kanawha, Marshall, Mineral, Ohio, Putnam, Wayne, Wood

NONMETROPOLITAN COUNTIES

Barbour, Boone, Braxton, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Lewis, Lincoln, Logan, Marion, Mason, Mcdowell, Mercer, Mingo, Monongalia, Monroe, Morgan, Nicholas, Pendleton, Pleasants, Pocahontas, Preston, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, Wyoming

WISCONSIN (MIDWEST)

CPI AREAS: COUNTIES

PMSA Kenosha, WI: Kenosha
PMSA Milwaukee-Waukesha, WI: Milwaukee, Ozaukee, Washington, Waukesha
MSA Minneapolis-St. Paul, MN-WI: Pierce, St. Croix
PMSA Racine, WI: Racine

METROPOLITAN COUNTIES

Brown, Calumet, Chippewa, Dane, Douglas, Eau Claire, La Crosse, Marathon, Outagamie, Rock, Sheboygan, Winnebago

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - AREA DEFINITIONS

WISCONSIN (Cont.)

NONMETROPOLITAN COUNTIES
Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Clark, Columbia, Crawford, Dodge, Door, Dunn, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kewaunee, Lafayette, Langlade, Lincoln, Manitowoc, Marinette, Marquette, Menominee, Monroe, Oconto, Oneida, Pepin, Polk, Portage, Price, Richland, Rusk, Sauk, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Walworth, Washburn, Waupaca, Waushara, Wood

WYOMING (ROCKY MOUNTAIN)

METROPOLITAN COUNTIES
Laramie, Natrona

NONMETROPOLITAN COUNTIES
Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Lincoln, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston

PACIFIC ISLANDS (PACIFIC/HAWAII)

NONMETROPOLITAN COUNTIES
Pacific Islands

PUERTO RICO (SOUTHEAST)

METROPOLITAN COUNTIES
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[FR Doc. 98–6168 Filed 3–10–98; 8:45 am]
BILLING CODE 4210–32–C

federal register

Wednesday
March 11, 1998

Part III

The President

Proclamation 7072—National Older Workers Employment Week, 1998

Federal Register
Vol. 63, No. 47
Wednesday, March 11, 1998

Presidential Documents

Title 3—

The President

Proclamation 7072 of March 5, 1998

National Older Workers Employment Week, 1998

By the President of the United States of America

A Proclamation

Americans are living longer, healthier lives. As a Nation, we are witnessing a dramatic growth in the population of Americans aged 55 and older, a trend that will continue well into the next century. To maintain our dynamic economy and to fill the jobs of the 21st century, we must make the most of the creative potential and productive capacity of this growing segment of our society.

Unfortunately, many Americans aged 55 and older encounter serious difficulty finding employment when they lose their jobs or seek to change careers. Employers too often focus on the age of older workers instead of their qualifications and strong work ethic. By failing to recognize the wealth of skills and experience older workers can bring to their jobs, such employers deny them an equal opportunity to make their own valuable contributions to the American workplace.

To counter these challenges, laws and government programs offer older workers the protections and services they need to ensure fair employment opportunities and practices. The Age Discrimination Act, the Older Americans Act, and the Age Discrimination in Employment Act protect the basic rights of millions of older working Americans. The Department of Labor and the Department of Health and Human Services also assist older workers through such efforts as the Senior Community Service Employment Program and the programs of the Administration on Aging.

Older Americans actively contribute to our communities through their hard work, wisdom, and experience. They have rightly earned our admiration and respect; they have also earned a fair chance at a good job. As we observe National Older Workers Employment Week, I urge all employers, when they hire new workers, to consider carefully the skills and other qualifications of men and women aged 55 and older and to fully utilize this rich national resource.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 8 through March 14, 1998, as National Older Workers Employment Week. I encourage all Americans to recognize the contributions that older workers make to the workplace and to our economy, and I urge public officials responsible for job placement, training, and related services to intensify their efforts throughout the year to help older Americans find suitable jobs and training.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, 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.

William J. Clinton

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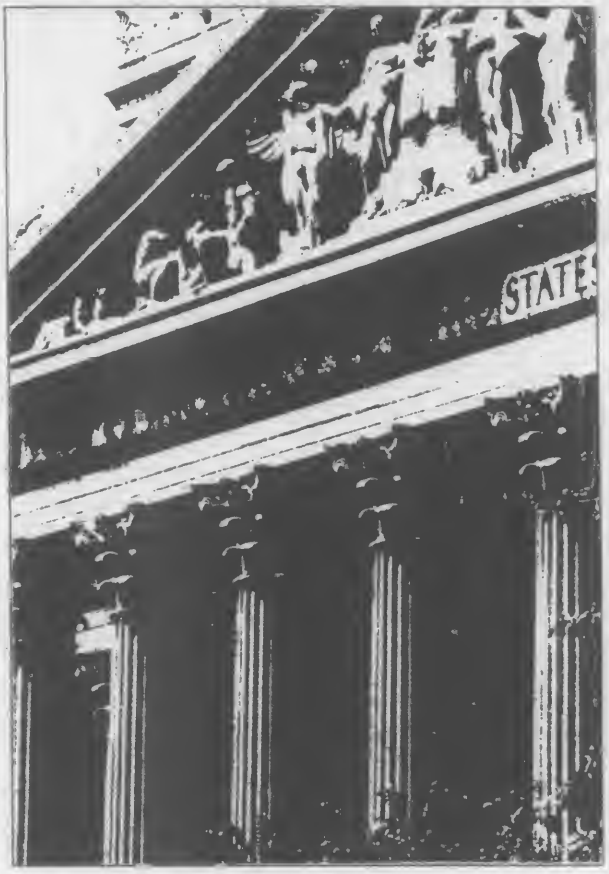

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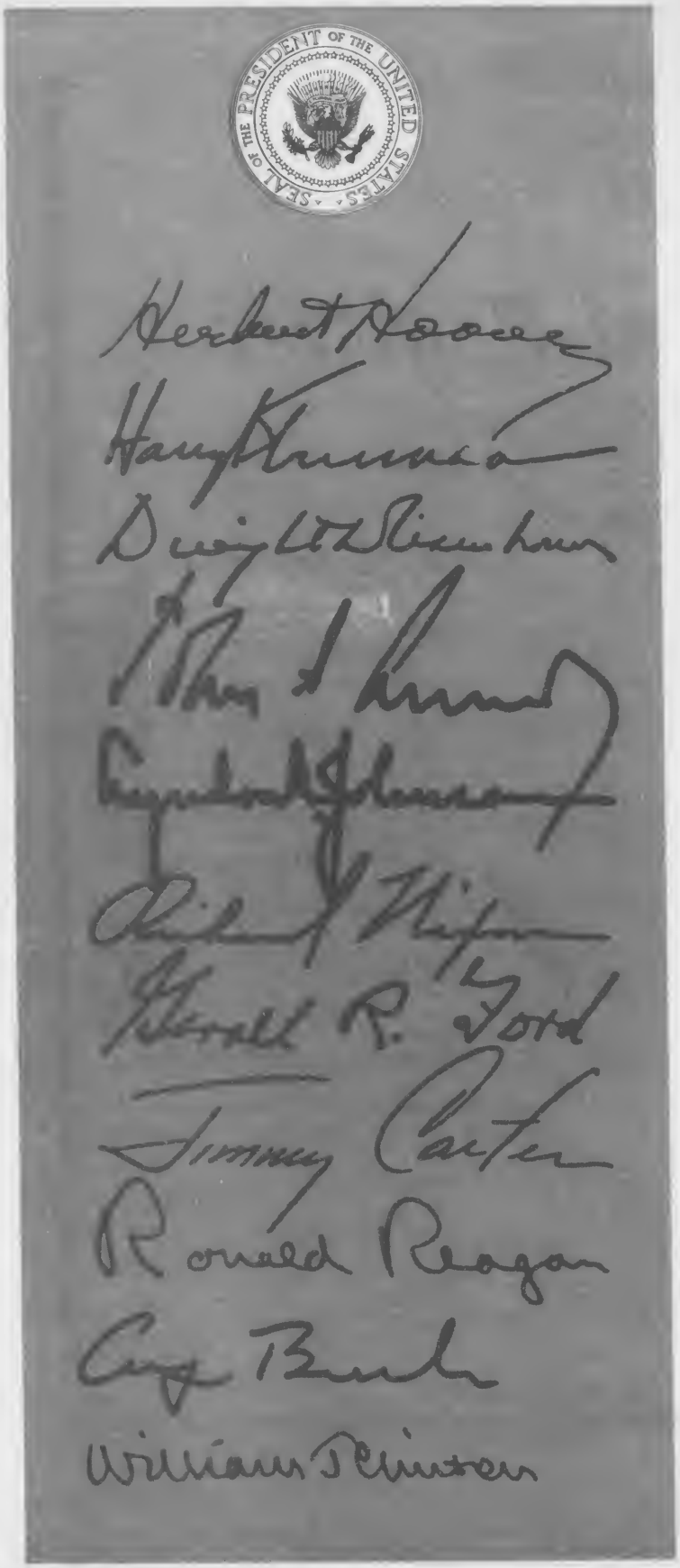

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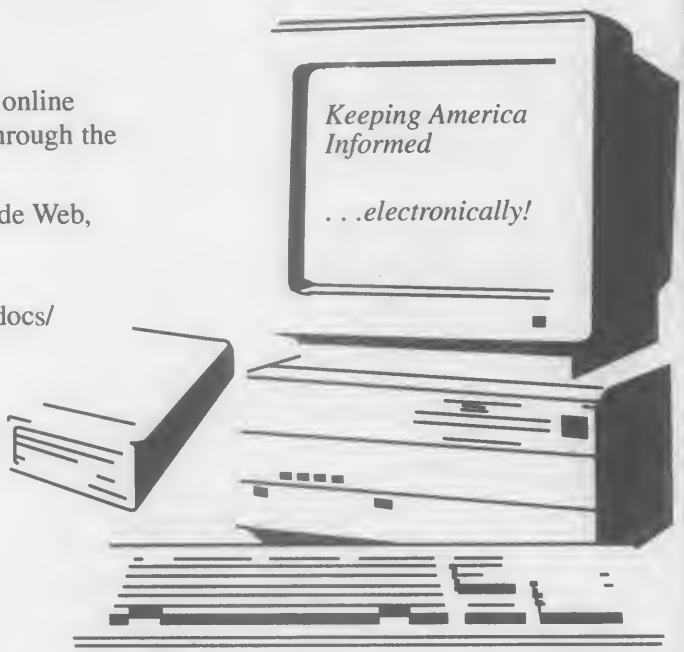

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