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DEPARTMENT OF AGRICULTURE

Rural Housing Service

Rural Business-Cooperative Service

Rural Utilities Service

Farm Service Agency

7 CFR Part 1962

RIN 0560–AE62

Post Bankruptcy Loan Servicing Notices

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The Farm Service Agency (FSA) is amending its regulations regarding servicing accounts when a bankruptcy filing is dismissed. This change will clarify when a Notice of the Availability of Loan Service and Debt Settlement Programs for Delinquent Farm Borrowers will be sent to a borrower who is in or has been dismissed from bankruptcy. The intended effect of this rule is to improve the efficiency of the Agency's servicing of delinquent borrowers who have filed bankruptcy petitions.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Kimberly R. Laris, Senior Loan Officer, Farm Service Agency, U.S. Department of Agriculture, Room 5441–S, 1400 Independence Age., SW, Washington, D.C. 20250–0523; Telephone: 202–720–1659, e-mail: klaris@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

New provisions included in this rule will not have a significant economic impact on a substantial number of small entities. It will not impact small entities to a greater extent than large entities, except to the extent that large entities may not be eligible for loan assistance to begin with, since they would be considered larger than a family-sized farm. Thus large entities may not be borrowers who have filed bankruptcy petitions, and therefore, subject to these rules. To the extent that large entities qualify for Farm Loan Program loan assistance and file bankruptcy petitions, large entities are subject to these rules to the same extent as small entities. Therefore, this rule is determined to be exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 601).

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." The issuing agencies have determined that this action does not significantly affect the quality of human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. All State and local laws and regulations that are in conflict with this rule will be preempted. No retroactive effect will be given to this rule. Administrative proceedings in accordance with 7 CFR parts 11 and 780 must be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

Federal Assistance Programs Affected
10.404—Emergency Loans
10.406—Farm Operating Loans
10.407—Farm Ownership Loans

Executive Order 12372

For reasons set forth in the notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), Farm Operating Loans and Emergency Loans are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials. However, the Soil and Water Loan and Farm Ownership Loan Programs are subject to the provisions of Executive Order 12372. The Agency has conducted the intergovernmental consultation requirements in accordance with RD Instruction 1940–J. (See the Notice related to 7 CFR 3015, subpart V, at 48 FR 29112, June 24, 1983; 49 FR 22675, May 31, 1984; 50 FR 14088, April 10, 1985.)

The Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector of $100 million or more in any 1 year. Under section 202 of the UMRA, FSA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector of $100 million or more in any 1 year. When such a statement is needed for a rule, section 202 of the UMRA generally requires FSA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Discussion

These changes involve the Farm Loan Programs (FLP) loans of FSA formerly administered by the Farmers Home Administration (FmHA). The Farmer Programs loans reassignment of this program to FSA was authorized by the Department of Agriculture Reorganization Act of 1994 (Pub. L. 103–354, 108 Stat.3178).

Current FSA direct FLP loan servicing regulations require that a "Notice of the Availability of Loan Service Programs and Debt Settlement Programs for Delinquent Farm Borrowers," be sent to

borrowers if their bankruptcy is dismissed. A delinquent account servicing notice, pursuant to 7 CFR part 1951, subpart S, may be sent in such cases, even if the borrower had already exhausted all servicing rights and the account had been accelerated prior to the bankruptcy filing. Repeating the notice may cause extensive delays in the collection of accounts and substantially wastes the money and time of the Agency by requiring a procedure which has already been completed. To ensure that borrowers who had filed bankruptcy but whose bankruptcy was dismissed would receive the initial notification of loan-servicing options required by § 331D of the Consolidated Farm and Rural Development Act, the regulations at 7 CFR 1962.47(d)(2) were rigidly written and construed. However, they were not intended to require renotification if the borrower's servicing rights had been exhausted prior to the bankruptcy filing.

In certain situations, the Agency is limiting the issuance of a new loan servicing summary notice authorized under § 331D of the Consolidated Farm and Rural Development Act (Act). Provided the account has not been accelerated, the attorney for the borrower and the borrower will be notified only of the loan servicing options that remain when the bankruptcy is filed. That notification will also occur upon dismissal of a bankruptcy action without confirmation of a bankruptcy plan, and upon default in a confirmed bankruptcy plan if the bankruptcy has been dismissed or closed and the borrower has not substantially completed the confirmed plan. No additional primary loan servicing action will be given upon discharge under chapter 7 of the Bankruptcy Code.

The Agency's present loan servicing program has been in effect since October 14. 1988, and borrowers have had many opportunities to apply for loan servicing. Section 1816 of the Food, Agriculture, Conservation, and Trade Act of 1990 limited the amount of debt the Agency could forgive to $300,000 per borrower, and limited writedowns and buyouts under § 353 of the Consolidated Farm and Rural Development Act (Con Act) to one per borrower on loans made after January 6, 1988.

Section 648(b) of the Federal Agriculture Improvement and Reform Act of 1996 (1996 Act) added § 373 to the Con Act in which Congress imposed the further limitation that the Agency may not provide debt forgiveness on a direct loan if the borrower has already received debt forgiveness on another direct loan. Section 640(2) of the 1996 Act added a definition of debt forgiveness as § 343(a)(12) of the Con Act that includes discharging of debt as a result of bankruptcy. Based on these limitations, it is no longer appropriate for the Agency to renotify all borrowers who have previously exhausted loan servicing options and have been unable to correct their delinquency or service their debt. Many of these borrowers will no longer be eligible for additional loan servicing.

A proposed rule was published on July 18, 1996, (61 FR 37405–07) with a comment period ending August 2, 1996. Comments were received from only one party, an organization representing family farmers. Their comments were divided into four parts. First, it was recommended that the rule be clarified by requiring that notices be sent also to the borrower at his or her address to ensure proper notification when a bankrupt borrower is not represented by an attorney. Since this recommendation may help to ensure proper notification, it was adopted.

Second, the commenter felt that the requirement in the proposed rule that to be considered for servicing, a bankrupt borrower and his or her attorney must both request loan servicing in writing was overly burdensome. The Agency agrees with the commenter and has amended the rule accordingly by requiring either the bankrupt borrower or his or her attorney to submit a request for servicing.

Third, the commenter noted that the rule could be interpreted to preclude sending loan servicing notices to a bankrupt borrower who becomes delinquent on an approved plan of reorganization, even if the borrower has performed under the plan, if the borrower has received notices in the past. In response, the paragraph noted by the commenter was amended to require the following: (1) if the borrower has not exhausted servicing rights, the notice explaining FSA's Farm Loan Programs will be sent to a borrower whose bankruptcy is dismissed before one full payment is made under the plan, unless the borrower's account is under the jurisdiction of the bankruptcy court or has been referred to the Department of Justice; and (2) a new loan servicing summary notice will be sent to a borrower who has a plan confirmed by the court if the borrower substantially complies with the bankruptcy plan, but later defaults on the plan, and the bankruptcy is dismissed, provided the lack of compliance is for reasons beyond the borrower's control and the account has not been accelerated.

As was the case under the predecessor rule, in the situation described in item (2) of the preceding paragraph, no new loan servicing summary notices will be sent if the Agency is advised that sending the notices is inconsistent with the provisions of the confirmed bankruptcy plan or the Bankruptcy Code. Also, no notices will be sent if the case is within the jurisdiction of the bankruptcy court or has been referred to the Department of Justice. This exception is provided to correct situations where there are jurisdictional conflicts between those delegated to finally decide the matter. The Agency wished to conform to jurisdictional principles that establish the superior authority of a bankruptcy court and the Department of Justice. Of course, any borrower who has satisfactorily completed the confirmed plan will be treated the same as any other rehabilitated borrower for the purpose of loan servicing.

The Agency believes that these changes to the proposed rule conform to the spirit of the commenter's objections because they provide that most delinquent borrowers, except as explained above, who have substantially complied with their bankruptcy plans will receive an additional opportunity to apply for loan servicing within the parameters provided by Congress. This policy is justified because the obligations of these borrowers to the Agency have been modified by a confirmed bankruptcy plan (for borrowers filing under chapter 11 of the Bankruptcy Code) or by a completed bankruptcy plan (for borrowers filing under chapters 12 and 13 of the Bankruptcy Code), and they have substantially complied with this obligation.

While *Lee* v. *Yuetter*, 917 F.2d 1104 (8th Cir.1990), upheld the Agency's regulation providing that discharged chapter 7 borrowers did not have outstanding obligations to the Agency and were not borrowers for primary loan servicing purposes, this holding is limited to borrowers discharged under chapter 7 of the Bankruptcy Code. See *Lee* v. *Yeutter*, 106 B.R. 588, 592 (D. Minn., 1989), which contrasted borrowers discharged under chapter 7 of the Bankruptcy Code who have no debt to the Agency that could be further restructured with those borrowers who filed under the reorganization chapters of the Bankruptcy Code who have obligations to the Agency under their confirmed bankruptcy plans which are capable of being restructured. Accordingly, the Agency has always considered borrowers discharged under confirmed reorganization bankruptcy

plans to still be "borrowers." While discharged reorganization borrowers who have completed a confirmed plan, like other borrowers who have received previous debt forgiveness from the Agency on another loan, cannot receive additional debt forgiveness, as defined by § 343(a)(12) of the Con Act, they may be eligible for other servicing options provided by FSA regulations.

The commenter also was disturbed by the Agency's removal of internal agency processes from its published regulations and placing these items in a handbook which would be available to the public upon request at no cost. The commenter expressed concerns that the Agency's streamlining efforts may undercut the rulemaking process and substantive requirements upon which public comment should be solicited will be left out of the **Federal Register**. The commenter offered the example of the former Agricultural Stabilization and Conservation Service allegedly maintaining handbook provisions that conflicted with published regulations, and using the handbook instead of regulations to implement substantive provisions. As an alternative, the commenter suggests that the Agency narrowly define the content of the handbook so that it would include only those items which are clearly internal operating procedures.

The commenter's concerns are understandable. However, Agency regulations, as they are currently written, contain an excessive amount of specific internal policy. In accordance with a Governmentwide mandate of the National Performance Review, the Agency must remove internal administrative processes from the regulations. In addition, 5 U.S.C. 551 does not require the publication of internal administrative processes not affecting the general public. Reform of FSA regulations will ultimately obsolete the regulations of the defunct FmHA, reduce the burden associated with making policy changes, improve the readability of regulations and reduce the volume of extraneous published material.

For example, in this rule, the Agency is removing the specific references to Exhibit D (Notice to Borrower's Attorney Regarding Loan Servicing Options) of this subpart, that is sent with the loan servicing notices to explain the interrelationship of the loan servicing programs to the bankruptcy petitions filed under chapters 7, 11, 12, and 13 of the Bankruptcy Code. While the Agency will continue to use this type of specialized notice, there is no statutory requirement that this type of notice be sent. Since these matters involve internal operating procedures, the requirement will be contained in the Agency's handbook only, with the regulations referencing only that a notice will be sent. Similarly, the Agency has removed Exhibit D from this subpart. Since this document is an informational cover letter sent with the notices, the Agency is not required to publish it.

The commenter suggested that the FSA handbooks be available to the general public through the FSA Web Page. Currently, the FSA Web Page is limited to general information on the Agency's programs; however, the Agency does plan to provide FSA handbooks through a Web Page as soon as resources are available. The procedures used by the USDA, Rural Development agencies, which include many procedures of the former FmHA, are available on the World Wide Web at http://www.rdinit.usda.gov/regs/. This includes procedures that are shared by FSA Farm Loan Programs and the Rural Development agencies, including the one affected by this final rule, RD Instruction 1962–A.

Good cause is shown to make this rule immediately effective upon publication in the **Federal Register** and without the 30-day period required by 5 U.S.C. 551. This rule substantially improves the efficiency of the Agency's servicing of delinquent borrowers who have filed bankruptcy petitions by revising the requirement that additional loan servicing notices be sent whenever a bankruptcy is dismissed. Also, the Agency will notify borrowers within the jurisdiction of the bankruptcy court of remaining servicing rights rather than beginning the lengthy servicing process anew whenever a bankruptcy is filed, regardless of whether the account has been previously accelerated or the Agency has previously sent servicing notices. Expediting liquidation when servicing rights have been exhausted serves the public interest. Therefore, good cause is shown to make this final rule effective immediately.

List of Subjects in 7 CFR Part 1962

Crops, Government property, Livestock, Loan programs—agriculture, Rural areas.

Accordingly, chapter XVIII, title 7, Code of Federal Regulations, is amended as follows:

PART 1962—PERSONAL PROPERTY

1. The authority citation for part 1962 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart A—Servicing and Liquidation of Chattel Security

2. Section 1962.47 is revised to read as follows:

§ 1962.47 Bankruptcy and insolvency.

(a) *Borrower files bankruptcy.* When the Agency becomes aware that a Farm Loan Programs borrower has filed for protection under Title 11 of the United States Code (bankruptcy), the borrower and the borrower's attorney, if any, will be notified in writing of the borrower's remaining servicing options.

(1) If the borrower wishes to apply for servicing options remaining, the borrower, or the borrower's attorney on behalf of the borrower, must sign and return the appropriate response form, or similar written request for servicing, and any forms or information as requested by the Agency, within 60 days from the date the borrower or the borrower's attorney received the notification, or the time remaining from a previous notification that was suspended when the borrower filed bankruptcy, whichever is greater.

(2) The Agency will consider a request for servicing options to be an acknowledgment that the Agency will not be interfering with any rights or protections under the Bankruptcy Code and its automatic stay provisions.

(3) The Agency's processing of any request for servicing may include consideration of primary and preservation loan servicing options, notification of the Agency's decision on the request or application for servicing, mediation, and holding of any meetings or appeals requested by the borrower.

(4) If court approval is required for the borrower to exercise these servicing rights, it will be the borrower or the borrower's attorney's responsibility to obtain that approval.

(5) If a plan is confirmed before servicing and any appeal is completed under 7 CFR part 11, the Agency will complete the servicing or appeals process and may consent to a post-confirmation modification of the plan if it is consistent with the Bankruptcy Code and 7 CFR part 1951, subpart S, as appropriate.

(6) In chapter 7 cases, the Agency will not provide primary loan servicing to a borrower discharged in bankruptcy unless the borrower reaffirms the entire Agency debt. If the chapter 7 debtor obtains the permission of the court and reaffirms the debt, the loan servicing application will be processed in accordance with 7 CFR part 1951, subpart S. If the borrower reaffirms the Agency debt in order to be considered for restructuring but is later denied

restructuring, the borrower may revoke the reaffirmation subject to the provisions of the Bankruptcy Code. No reaffirmation is necessary for any discharged chapter 7 borrower to be eligible for preservation loan servicing in accordance with 7 CFR part 1951, subpart S.

(b) *Borrower defaults on plan or bankruptcy is dismissed*—(1) *90 days past due on a reorganization plan while still under court jurisdiction.*

(i) If allowed by the Bankruptcy Code or court, the borrower and the borrower's attorney, if any, will be notified of any remaining servicing options under 7 CFR part 1951, subpart S, that were not exhausted prior to filing bankruptcy or during the bankruptcy proceedings according to paragraph (a) of this section.

(ii) No notices will be sent if the account was previously accelerated, such action is inconsistent with the provisions of the confirmed bankruptcy plan or the Bankruptcy Code, or the case has been referred to the Department of Justice.

(iii) If a borrower operating under a confirmed bankruptcy plan desires to apply for loan servicing and qualifies for servicing under 7 CFR part 1951, subpart S, the borrower must also comply with Bankruptcy Code rules and requirements concerning modification of the plan.

(2) *Bankruptcy is dismissed without a confirmed plan.* If the borrower's bankruptcy is dismissed without a confirmed plan, and the borrower is in default on Farm Loan Programs loans, the borrower's account will be liquidated after all remaining servicing options under 7 CFR part 1951, subpart S are exhausted. The borrower will be notified of any servicing options remaining according to 7 CFR part 1951, subpart S. Notwithstanding the previous sentence, no notices will be sent if the account was previously accelerated, the Agency is advised that such an act is inconsistent with the confirmed bankruptcy plan or the Bankruptcy Code, or the account has been referred to the Department of Justice.

(3) *Bankruptcy is dismissed after a confirmed reorganization plan.* If a bankruptcy is dismissed after a reorganization plan was confirmed, the account will be serviced as follows:

(i) If the borrower has substantially complied with the plan, but later defaults for reasons beyond the borrower's control, (see 7 CFR 1951.909(c)), the borrower will be notified of loan servicing in accordance with 7 CFR 1951.907. No notices will be sent if the account was previously accelerated; such action is inconsistent with the provisions of the confirmed bankruptcy plan or the Bankruptcy Code; or the case has been referred to the Department of Justice.

(ii) If the borrower failed to make one full payment under the plan, or did not comply with the plan for reasons not beyond the borrower's control, the borrower will be serviced according to paragraph (b)(2) of this section.

(c) *Servicing of bankruptcy loans after the case is closed.* In chapter 11, 12, or 13 cases after the case is closed and the discharge order is issued by the court, if the borrower becomes delinquent after performing as agreed under the plan, the borrower will be sent a notice explaining the loan servicing options available under 7 CFR part 1951, subpart S. The borrower's attorney of record will be sent a courtesy copy if the bankruptcy has not been closed for at least 2 years. No notices will be sent if the account has been accelerated, such act is inconsistent with the provisions of a confirmed bankruptcy plan or other provisions of the Bankruptcy Code, or the account has been referred to the Department of Justice.

(d) *Liquidation.* The account will be liquidated after obtaining any necessary relief, if required, from the automatic stay. In chapter 7 cases after discharge, the account can be liquidated if the debt has not been reaffirmed and the property is no longer part of the estate. Liquidation can proceed prior to discharge if allowed by the court.

(1) If the borrower or borrower's attorney was not previously notified of any remaining servicing options available under 7 CFR part 1951, subpart S before or during the course of the bankruptcy proceedings, the borrower and the borrower's attorney will be sent the notices referenced in paragraph (c) of this section prior to liquidating any security property.

(2) If the borrower or the borrower's attorney had been previously notified of loan servicing options remaining, the account will be liquidated.

3. Exhibit D of subpart A is removed and reserved.

Signed in Washington, D.C., on March 21, 1998.

August Schumacher, Jr.,

Under Secretary for Farm and Foreign Agricultural Services.

Signed in Washington, D.C., on April 6, 1998.

Jill Long Thompson,

Under Secretary for Rural Development.

[FR Doc. 98–14007 Filed 5–28–98; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 97

[Docket No. 98–051–1]

Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning overtime services provided by employees of Veterinary Services for travel from Champlain, NY, to Highgate, VT. Commuted traveltime allowances are the periods of time required for Veterinary Services employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by Veterinary Services employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of commuted traveltime for these locations.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Louise Rakestraw Lothery, Director, Resource Management Support, VS, APHIS, 4700 River Road Unit 44, Riverdale, MD 20737, (301) 734–7517.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR, chapter I, subchapter D, and 7 CFR, chapter III, require inspection, laboratory testing, certification, or quarantine of certain animals, animal products, plants, plant products, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Veterinary Services (VS) on a Sunday or holiday, or at any other time outside the VS employee's regular duty hours, the Government charges a fee for the services in accordance with 9 CFR part 97. Under circumstances described in 97.1(a), this fee may include the cost of commuted traveltime. Section 97.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for VS employees to travel from their dispatch points and return there from the places

where they perform Sunday, holiday, or other overtime duty.

We are amending 97.2 of the regulations by adding and removing commuted traveltime allowances for travel between locations in New York and Vermont. The amendments are set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

Effective Date

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

The number of requests for overtime services of a VS employee at the locations affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock, Poultry and poultry products, Travel and transportation expenses.

Accordingly, 9 CFR part 97 is amended as follows:

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

1. The authority citation for part 97 continues to read as follows:

Authority: 7 U.S.C. 2260; 49 U.S.C. 1741; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 97.2 is amended by removing or adding in the table, in alphabetical order, the following entries to read as follows:

§ 97.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
[Remove]			
• • • • • • •			
New York			
• • • • • • •			
Champlain	Highgate, VT	2	
• • • • • • •			
[Add]			
• • • • • • •			
New York			
Champlain	Highgate Springs, VT		2
• • • • • • •			

Done in Washington, DC, this 22nd day of May 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–14259 Filed 5–28–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–102–AD; Amendment 39–10549; AD 98–11–24]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes. This amendment requires revising the Airplane Flight Manual (AFM) to modify the limitation that prohibits positioning the power levers below the flight idle stop during flight, and to provide a statement of the consequences of positioning the power levers below the flight idle stop during flight. This amendment is prompted by incidents and accidents involving airplanes equipped with turboprop engines in which the ground propeller beta range was used improperly during flight. The actions specified by this AD are intended to prevent loss of airplane controllability, or engine overspeed and consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

EFFECTIVE DATE: July 6, 1998.

ADDRESSES: Information pertaining to this amendment 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: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (425) 227–2145; 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 Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes was published in the **Federal Register** on March 27, 1998 (63 FR 14859). That action proposed to require revising the Limitations Section of the Airplane Flight Manual (AFM) to modify the limitation that prohibits positioning the power levers below the flight idle stop while the airplane is in flight, and to add a statement of the consequences of positioning the power levers below the flight idle stop while the airplane is in flight.

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.

Interim Action

This is considered interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 148 Short Brothers Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $8,880, or $60 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, 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:

98–11–24 Short Brothers PLC: Amendment 39–10549. Docket 97–NM–102–AD.

Applicability: All Model SD3–30, SD3–60, SD3–SHERPA, and SD3–60 SHERPA 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 loss of airplane controllability caused by the power levers being positioned

below the flight idle stop while the airplane is in flight, accomplish the following:

(a) Within 30 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statements. This action may be accomplished by inserting a copy of this AD into the AFM.

Positioning of power levers below the flight idle stop while the airplane is in flight is prohibited. Such positioning may lead to loss of airplane control or may result in an overspeed condition and consequent loss of engine power.

(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, Standardization Branch, ANM–113, 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, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(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) This amendment becomes effective on July 6, 1998.

Issued in Renton, Washington, on May 22, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–14212 Filed 5–28–98; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release Nos. IC–23201; IS–1136; File No. S7–23–95]

RIN 3235–AE98

Custody of Investment Company Assets Outside the United States

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; extension of compliance date.

SUMMARY: The Commission is extending the compliance date for certain amendments to the rule that governs the custody of investment company assets outside the United States.

DATES: The effective date of the rule amendments published on May 16, 1997 (62 FR 26923) remains June 16, 1997. As of May 29, 1998, the compliance date for the rule amendments, except for the amended definition of an "eligible foreign custodian," is extended to February 1, 1999. The compliance date for the amended definition of an eligible foreign custodian remains June 16, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas M. J. Kerwin, Senior Counsel, or C. Hunter Jones, Assistant Director, Office of Regulatory Policy, at (202) 942–0690, in the Division of Investment Management, Mail Stop 5–6, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is extending the compliance date for certain amendments to rule 17f–5 [17 CFR 270.17f–5] under the Investment Company Act of 1940 [15 U.S.C. 80a] that the Commission adopted in 1997 (the "1997 Amendments").[1] The release that adopted the 1997 Amendments (the "1997 Release") provided that the amendments would become effective on June 16, 1997.[2] The 1997 Release further provided that registered management investment companies ("funds") must bring their foreign custody arrangements into compliance with the amended rule by June 16, 1998 (*i.e.*, the fund's board must make the findings required by the amended rule or appoint a delegate to do so by that date).

After the Commission adopted the 1997 Amendments, representatives of mutual funds and ten U.S. bank custodians asked the Commission's Division of Investment Management to clarify whether the 1997 Amendments permit a fund board to delegate authority to a foreign custody manager to select a securities depository that a fund must use if it maintains assets in a particular country (a "compulsory depository"). In a letter dated February 19, 1998, the Division of Investment Management answered that, in its view, under the rule, fund boards can delegate this authority.[3]

In a letter dated March 24, 1998, mutual fund representatives stated that certain requirements of the 1997 Amendments may present unanticipated problems when a foreign custody arrangement involves the selection of a compulsory depository.[4] They asserted that, because most depositories are governmental or quasi-governmental organizations, it may not be possible for funds (or their foreign custody managers) to obtain necessary information to make the findings contemplated by the rule, to negotiate terms or conditions in custody agreements, or to assure U.S. jurisdiction over foreign custodians. The fund representatives stated that they and representatives of custodian banks will soon submit to the Commission proposed revisions to the 1997 Amendments that would address these problems. In the interim, the fund representatives requested that the Commission suspend the compliance date for the 1997 Amendments to facilitate consideration of this submission.

The fund representatives state that a suspension is necessary because many funds have been unable to establish new custodial arrangements under the 1997 Amendments.[5] Fund representatives also state that funds did not become fully aware of potential difficulties in applying the 1997 Amendments to compulsory depositories until recently, when they began to revise their foreign custody arrangements to attempt to comply with the amendments. Because of the difficulties in applying the rule, the fund representatives assert that many funds may not be prepared to comply with the 1997 Amendments as of June 16, 1998. Some fund groups reportedly have considered withdrawing their assets from foreign custodians altogether, despite the burdens of alternative holding arrangements.[6]

The Commission is extending until February 1, 1999, the compliance date for the 1997 Amendments, except for the amended definition of an "eligible foreign custodian," the compliance date for which will remain June 16, 1998.[7]

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[1] *See* Custody of Investment Company Assets Outside the United States, Investment Company Act Release No. 22658 (May 12, 1997) [62 FR 26923 (May 16, 1997)].

[2] *Id.*, 62 FR at 26931.

[3] Letter to Dorothy M. Donohue, Associate Counsel, Investment Company Institute, and Daniel L. Goelzer, Baker & McKenzie, from Robert E. Plaze, Associate Director, Division of Investment Management (Feb. 19, 1998) (the 1997 Amendments do not exclude compulsory depositories from rule 17f–5's selection process, and do not preclude fund boards from delegating to a foreign custody manager the selection of a compulsory depository).

[4] *See* Letter to Barry P. Barbash, Director, Division of Investment Management, from Dorothy M. Donohue, Associate Counsel, Investment Company Institute (Mar. 24, 1998) (placed in File No. S7–23–95).

[5] *Id.*

[6] *See* Custody of Investment Company Assets Outside the United States, Investment Company Act Release No. 21259 (July 27, 1995) [60 FR 39592 (Aug. 2, 1995)] at n.3 (a fund may incur significant costs in maintaining securities outside the primary market for the securities).

[7] *See* rule 17f–5(a)(1) [17 CFR 270.17f–5(a)(1)]. This provision of the amended rule generally expands the class of eligible foreign custodians that may hold custody of fund assets. The amended definition of eligible foreign custodian also includes the definitions of "qualified foreign bank" and

Continued

The extension of the compliance date for the other amendments will give the Commission time to review the proposal to be submitted by representatives of funds and banks, and to evaluate whether refinements to the 1997 Amendments are needed.[8]

Until February 1, 1999, a fund may maintain its foreign custody arrangements under either of two regulatory frameworks. First, the fund may continue to comply with rule 17f–5 as it existed prior to the 1997 Amendments ("old rule 17f–5"). Because the compliance date for the amended definition of eligible foreign custodian will remain June 16, 1998, a fund may comply with old rule 17f–5 while also selecting a custodian that is an eligible foreign custodian under the amended definition. Second, in the alternative, a fund may comply entirely with rule 17f–5 as amended by the 1997 Amendments (the "amended rule").

The fund may apply either of these alternative frameworks separately to each foreign custodian it uses. The fund's arrangement with a particular foreign custodian or subcustodian, however, should comply in its entirety either with old rule 17f–5 (subject to the amended definition of eligible foreign custodian), or with the amended rule.[9]

The Commission for good cause finds that, based on the reasons cited above, notice and solicitation of comment regarding the extension of the compliance date for certain of the 1997 Amendments is impracticable, unnecessary, and contrary to the public interest.[10] The Commission notes that the original compliance date is imminent, that many funds reportedly are not in a position to comply with the 1997 Amendments, that funds need prompt guidance concerning the regulatory requirements that will apply to their foreign custody arrangements, and that a limited extension will aid funds, bank custodians, and the Commission in considering whether additional amendments are necessary. Fund representatives have stated that, without a suspension of the compliance date, some funds may withdraw assets from foreign custodians, which could increase costs for investors or otherwise harm investors.[11] The Commission also notes that the 1997 Amendments were themselves submitted for public notice and comment, and that any amendments that may be considered in the future will be submitted for notice and comment.[12]

In analyzing the costs and benefits of this action, the Commission believes that the extension of the compliance date for certain of the 1997 Amendments will not impose costs on funds, but will enable funds to avoid the costs of attempting to comply with provisions of the rule that they assert may be unworkable for some funds. The Commission believes that the extension will produce potential benefits for funds by allowing funds the option to comply with the amended rule or the old rule, and by permitting funds and bank custodians to present a proposal to refine the 1997 Amendments.

Dated: May 21, 1998.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–14187 Filed 5–28–98; 8:45 am]

BILLING CODE 8010–01–P

"U.S. bank," which also will remain subject to the June 16, 1998 compliance date. *See* rule 17f–5(a)(4) and (7) [17 CFR 270.17f–5(a)(4) and (7)]. Retaining the original compliance date for this definition will enable funds to rely upon a provision of the 1997 Amendments that appears not to have presented difficulties, and avoid the necessity of seeking exemptive relief from the Commission to permit the use of a custodian that would qualify as an eligible foreign custodian under the amended definition.

[8] The extension of the compliance date is effective upon publication of this release in the **Federal Register** because the extension "grants or recognizes an exemption or relieves a restriction." 5 U.S.C. 553(d)(1).

[9] A fund may not seek to comply with the rule by meeting certain requirements of the old rule and certain requirements of the amended rule (other than the amended definition of eligible foreign custodian).

[10] *See* section 553(b)(3)(B) of the Administrative Procedure Act [5 U.S.C. 553(b)(3)(B)] (an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are "impracticable, unnecessary, or contrary to the public interest").

[11] *See supra* note .

[12] The extension generally preserves the status quo that has existed since the adoption of the 1997 Amendments. Funds have been permitted to comply with either the old rule or the amended rule since June 16, 1997, the effective date of the 1997 Amendments. Retaining the original compliance date for the amended definition of eligible foreign custodian will allow funds to rely on a provision of the amended rule that appears not to have presented difficulties.

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201 and 205

Revision of Public Notice, Freedom of Information Act, Initiation of Investigation, and Privacy Act Regulations, and Implementation of Electronic Freedom of Information Act Amendments of 1996, and Technical Corrections to Rules Concerning Probable Economic Effect Investigations

AGENCY: International Trade Commission.

ACTION: Final rulemaking.

SUMMARY: The United States International Trade Commission (Commission) is amending its rules of practice and procedure to make certain changes to rules relating to public notices, availability of information under the Freedom of Information Act (FOIA), initiation of investigations, and safeguarding of individual privacy under the Privacy Act of 1974 (Privacy Act). The intended effect of the changes is to implement the Electronic Freedom of Information Act Amendments of 1996 and otherwise to bring the rules into conformity with current Commission practices and procedures, and with current costs of providing services.

DATES: The final rules will become effective June 29, 1998.

FOR FURTHER INFORMATION CONTACT: William W. Gearhart, telephone 202–205–3091. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205–1810. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov).

SUPPLEMENTARY INFORMATION: Section 335 of the Tariff Act of 1930 (19 U.S.C. 1335) authorizes the Commission to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties.

The Commission published a notice of proposed rulemaking at 62 FR 61252 (November 17, 1997), proposing to amend the Commission's Rules of Practice and Procedure to make certain changes to rules relating to public notices, availability of information under the Freedom of Information Act (FOIA), and safeguarding of individual privacy under the Privacy Act of 1974 (Privacy Act). The Commission requested public comment on the proposed rules, but no comments were received. Accordingly, the Commission

has determined to adopt, as final rules, without change, the proposed FOIA and Privacy Act rules, which are republished below. The Commission made additional minor editorial changes to the proposed rule relating to public notices, which is republished below. In addition, the Commission identified several references in section 201.7 and in part 205 of the rules that refer to the United States Trade Representative by the former name of that office, Special Representative for Trade Negotiations; the Commission has made the appropriate nomenclature change in these rules.

The Commission believes that, as a general matter, the analysis of the rules in the notice of proposed rulemaking should be sufficient to explain why and how the rules are being amended. The Commission believes that a comment on one aspect of the FOIA rules would be useful to avoid confusion. Revised section 201.17(a)(3) provides that normally "requests will be processed in the order in which they are filed." The phrase "will be processed" refers to the start of processing, not necessarily to every phase of the processing. Thus, on occasion, a later-filed request will be simpler to answer than an earlier-filed request, and the Secretary will issue a response to the later request before she can finish processing the earlier one. The Secretary will make every effort to respond to each request in a timely manner.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission hereby certifies pursuant to 5 U.S.C. 605(b) that the rules set forth in this notice will not significantly affect any business or other entities, and thus are not likely to have a significant economic impact on a substantial number of small entities.

Executive Order 12866

The Commission has determined that the rules do not meet the criteria described in section 3(f) of Executive Order 12866 (58 FR 51735, October 4, 1993) (EO) and thus do not constitute a significant regulatory action for purposes of the EO, since the revisions will not result in (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. Accordingly, no regulatory impact assessment is required.

Unfunded Mandates Reform Act of 1995

The rules will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (P.L. 104–4).

Small Business Regulatory Enforcement Fairness Act of 1996

The rules are not major rules as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (P.L. 104–121). The rules will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Contract With America Advancement Act of 1996

The rules are exempt from the reporting requirements of the Contract With America Advancement Act of 1996 (P.L. 104–121) because they concern rules "of agency organization, procedure, or practice" that do not substantially affect the rights or obligations of non-agency parties. See Contract With America Advancement Act, section 804(3)(c).

Paperwork Reduction Act

The rules are not subject to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501), since they do not contain any new information collection requirements.

List of Subjects in 19 CFR Parts 201 and 205

Administrative practice and procedure, Freedom of information, Investigations, Privacy.

For the reasons set out in the preamble, the Commission is amending 19 CFR part 201 as follows:

PART 201—RULES OF GENERAL APPLICATION

1. The authority citation for part 201 continues to read as follows:

Authority: Sec. 335 of The Tariff Act of 1930 (19 U.S.C. 1335), and sec. 603 of the Trade Act of 1974 (19 U.S.C. 2482), unless otherwise noted.

2. Section 201.10 is revised to read as follows:

§ 201.10 Public notices.

As appropriate, notice of the receipt of documents properly filed, of the institution of investigations, of public hearings, and of other formal actions of the Commission will be given by publication in the **Federal Register**. In addition to such publication, a copy of each notice will be posted at the Office of the Secretary to the Commission in Washington, D.C., and, as appropriate, copies will be sent to press associations, trade and similar organizations of producers and importers, and others known to have an interest in the subject matter.

3. Section 201.17 is revised to read as follows:

§ 201.17 Procedures for requesting access to records.

(a) *Requests for records.* (1) A request for any information or record shall be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436 and shall indicate clearly both on the envelope and in the letter that it is a "Freedom of Information Act Request."

(2) Any request shall reasonably describe the requested record to facilitate location of the record. If the request pertains to a record that is part of the Commission's file in an investigation, the request should identify the investigation by number and name. A clear description of the requested record(s) should reduce the time required by the Commission to locate and disclose releasable responsive record(s) and minimize any applicable search and copying charges.

(3) Except as provided in paragraph (b) of this section, requests will be processed in the order in which they are filed.

(4) Requests for transcripts of hearings should be addressed to the official hearing reporter, the name and address of which can be obtained from the Secretary. A copy of such request shall at the same time be forwarded to the Secretary.

(5) Copies of public Commission reports and other publications can be requested by calling or writing the Publications Office in the Office of the Secretary. Generally, such publications can be obtained more quickly from this office. Certain Commission publications are sold by the Superintendent of Documents, U.S. Government Printing

Office, and are available from that agency at the price set by that agency.

(6) A day-to-day, composite record will be kept by the Secretary of each request with the disposition thereof.

(b) *Expedited processing.* (1) Requests for records under paragraph (a)(1) of this section will be taken out of order and given expedited treatment whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information;

(iii) The loss of substantial due process rights; or

(iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

(2) A request for expedited processing may be made at the time of the initial request for records or at any later time.

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. For example, a requester within paragraph (b)(1)(ii) of this section, if not a full-time member of the news media, must establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his or her sole occupation. A requester within paragraph (b)(1)(ii) of this section also must establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally. The formality of certification may be waived as a matter of administrative discretion.

(4) Within ten calendar days of receipt of a request for expedited processing, the Secretary will decide whether to grant it and will notify the requester of the decision. If a request for expedited treatment is granted, the request will be given priority and will be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision will be acted on expeditiously.

(c) *Public reading room.* The Commission maintains a public reading room in the Office of the Secretary for access to the records that the FOIA requires to be made regularly available for public inspection and copying. Reading room records created by the Commission on or after November 1, 1996, are available electronically. This includes a current subject-matter index of reading room records, which will indicate which records are available electronically.

4. Paragraphs (b) and (c) of § 201.18 are revised to read as follows:

§ 201.18 Denial of requests, appeals from denial.

* * * * *

(b) An appeal from a denial of a request must be received within sixty days of the date of the letter of denial and shall be made to the Commission and addressed to the Chairman, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. Any such appeal shall be in writing, and shall clearly indicate both on the envelope and in the letter that it is a "Freedom of Information Act Appeal."

(c) Except when expedited treatment is requested and granted, appeals will be decided in the order in which they are filed, but in any case within twenty days (excepting Saturdays, Sundays, and legal holidays) unless an extension, noticed in writing with the reasons therefor, has been provided to the person making the request. Notice of the decision on appeal and the reasons therefor will be made promptly after a decision. Requests for expedited treatment should conform with the requirements in § 201.17(c) of this part.

5. Paragraphs (b)(1) (ii) and (iii) and (b)(3)(i) of § 201.20 are revised to read as follows:

§ 201.20 Fees.

* * * * *

(b) *Charges.* * * *

(1) *Search.* * * *

(ii) For each quarter hour spent by agency personnel in salary grades GS–2 through GS–10 in searching for and retrieving a requested record, the fee shall be $4.00. When the time of agency personnel in salary grades GS–11 and above is required, the fee shall be $6.50 for each quarter hour of search and retrieval time spent by such personnel.

(iii) For computer searches of records, which may be undertaken through the use of existing programming, requester shall be charged the actual direct costs of conducting the search, although certain requesters (as defined in paragraph (c)(2) of this section) shall be entitled to the cost equivalent of two hours of manual search time without charge. These direct costs shall include the cost of operating a central processing unit for that portion of operating time that is directly attributable to searching for records responsive to a request, as well as the costs of operator/programmer salary apportionable to the search (at no more than $6.50 per quarter hour of time so spent).

* * * * *

(3) *Review.* (i) Review fees shall be assessed with respect to only those requesters who seek records for a commercial use, as defined in paragraph (j)(5) of this section. For each quarter hour spent by agency personnel in reviewing a requested record for possible disclosure, the fee shall be $6.50.

* * * * *

6. The authority citation for subpart D of part 201 continues to read as follows:

Authority: 5 U.S.C. 552a.

7. Subpart D of part 201 is revised to read as follows:

Subpart D—Safeguarding Individual Privacy Pursuant to 5 U.S.C. 552a

Sec.

Subpart D—Safeguarding Individual Privacy Pursuant to 5 U.S.C. 552a

§ 201.22 Purpose and scope.

This subpart contains the rules that the Commission follows under the Privacy Act of 1974, 5 U.S.C. 552a. The rules in this subpart apply to all records in systems of records maintained by the Commission that are retrieved by an individual's name or other personal identifier. They describe the procedures by which individuals may request access to records about themselves, request amendment or correction of those records, and request an accounting of disclosures of those records by the Commission.

§ 201.23 Definitions.

For the purpose of these regulations:

(a) The term individual means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term maintain includes maintain, collect, use, or disseminate;

(c) The term record means any item, collection, or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(d) The term system of records means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual;

(e) The term Privacy Act Officer refers to the Director, Office of Administration, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, or his or her designee.

§ 201.24 Procedures for requests pertaining to individual records in a records system.

(a) A request by an individual to gain access to his or her record(s) or to any information pertaining to him or her which is contained in a system of records maintained by the Commission shall be addressed to the Privacy Act Officer, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, and shall indicate clearly both on the envelope and in the letter that it is a Privacy Act request.

(b) In order to facilitate location of requested records, whenever possible, the request of the individual shall name the system(s) of records maintained by the Commission which he or she believes contain records pertaining to him or her, shall reasonably describe the requested records, and identify the time period in which the records were compiled.

(c) The Privacy Act Officer shall acknowledge receipt of a request within ten days (excluding Saturdays, Sundays, and legal public holidays), and wherever practicable, indicate whether or not access can be granted. If access is not to be granted, the requestor shall be notified of the reason in writing.

(d) The Privacy Act Officer, or, the Inspector General, if such records are maintained by the Inspector General, shall ascertain whether the systems of records maintained by the Commission contain records pertaining to the individual, and whether access will be granted. Thereupon the Privacy Act Officer shall:

(1) Notify the individual whether or not the requested record is contained in any system of records maintained by the Commission; and

(2) Notify the individual of the procedures as prescribed in Secs. 201.25 and 201.26 of this part by which the individual may gain access to those records maintained by the Commission which pertain to him or her. Access to the records will be provided within 30 days (excluding Saturdays, Sundays, and legal public holidays).

§ 201.25 Times, places, and requirements for identification of individuals making requests.

(a) If an individual wishes to examine his or her records in person, it shall be the responsibility of the individual requester to arrange an appointment with the Privacy Act Officer for the purpose of inspecting individual records. The time of inspection shall be during the regular office hours of the Commission, 8:45 a.m. to 5:15 p.m., Monday through Friday. The time arranged should be mutually convenient to the requester and to the Commission.

(b) The place where an individual may gain access to records maintained by the Commission which pertain to him or her shall be at the United States International Trade Commission Building, 500 E Street SW., Washington, DC 20436. The Privacy Act Officer shall inform the individual requester of the specific room wherein inspection will take place.

(c) An individual may also request the Privacy Act Officer to provide the individual with a copy of his or her records by certified mail.

(d) An individual who requests to gain access to those records maintained by the Commission which pertain to him or her shall not be granted access to those records without first presenting adequate identification to the Privacy Act Officer. Adequate identification may include, but is not limited to, a government identification card, a driver's license, Medicare card, a birth certificate, or a passport. If requesting records by mail, an individual must provide full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under 28 U.S.C. 1746, which permits statements to be made under penalty of perjury as a substitute for notarization. In order to help the identification and location of requested records, a requestor may also, at his or her option, include the individual's social security number.

§ 201.26 Disclosure of requested information to individuals.

(a) Once the Privacy Act Officer has made a determination to grant a request for access to individual records, in whole or in part, the Privacy Act Officer shall inform the requesting individual in writing and permit the individual to review the pertinent records and to have a copy made of all or any portion of them. Where redactions due to exemptions pursuant to § 201.32 would render such records or portions thereof incomprehensible, the Privacy Act Officer shall furnish an abstract in addition to an actual copy.

(b) An individual has the right to have a person of his or her own choosing accompany him or her to review his or her records. The Privacy Act Officer shall permit a person of the individual requester's choosing to accompany the individual during inspection.

(c) When the individual requests the Privacy Act Officer to permit a person of the individual's choosing to accompany him or her during the inspection of his or her records, the Privacy Act Officer shall require the individual requester to furnish a written statement authorizing discussion of the records in the accompanying person's presence.

(d) The Privacy Act Officer shall take all necessary steps to insure that individual privacy is protected while the individual requester is inspecting his or her records or while those records are being discussed. Only the Privacy Act Officer shall accompany the individual as representative of the Commission during the inspection of the individual's records. The Privacy Act Officer shall be authorized to discuss the pertinent records with the individual.

§ 201.27 Special procedures: Medical records.

(a) While an individual has an unqualified right of access to the records in systems of records maintained by the Commission which pertain to him or her, medical and psychological records merit special treatment because of the possibility that disclosure will have an adverse physical or psychological effect upon the requesting individual. Accordingly, in those instances where an individual is requesting the medical and/or psychological records which pertain to him or her, he or she shall, in his or her Privacy Act request to the Privacy Act Officer as called for in § 201.24(a) of this part, specify a

physician to whom the medical and/or psychological records may be released.

(b) It shall be the responsibility of the individual requesting medical or psychological records to specify a physician to whom the requested records may be released. If an individual refuses to name a physician and insists on inspecting his or her medical or psychological records in the absence of a doctor's discussion and advice, the individual shall so state in his or her Privacy Act request to the Privacy Act Officer as called for in § 201.24(a) of this part and the Privacy Act Officer shall provide access to or transmit such records directly to the individual.

§ 201.28 Requests for correction or amendment of records.

(a) If, upon viewing his or her records, an individual disagrees with a portion thereof or feels sections thereof to be erroneous, the individual may request amendment[s] of the records pertaining to him or her. The individual should request such an amendment in writing and should identify each particular record in question, the system[s] of records wherein the records are located, specify the amendment requested, and specify the reasons why the records are not correct, relevant timely or complete. The individual may submit any documentation that would be helpful. The request for amendment of records shall be addressed to the Privacy Act Officer, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, and shall clearly indicate both on the envelope and in the letter that it is a Privacy Act request for amendment of records.

(b) Not later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of a Privacy Act request for amendment of records, the Privacy Act Officer shall acknowledge such receipt in writing. Such a request for amendment will be granted or denied by the Privacy Act Officer or, for records maintained by the Inspector General. If the request is granted, the Privacy Act Officer, or the Inspector General for records maintained by the Inspector General, shall promptly make any correction of any portion of the record which the individual believes is not accurate, relevant, timely, or complete. If, however, the request is denied, the Privacy Act Officer shall inform the individual of the refusal to amend the record in accordance with the individual's request and give the reason(s) for the refusal. In cases where the Privacy Act Officer or the Inspector General has refused to amend in accordance with an individual's request, he or she also shall advise the individual of the procedures under § 201.30 of this part for the individual to request a review of that refusal by the full Commission or by an officer designated by the Commission.

§ 201.29 Commission disclosure of individual records, accounting of record disclosures, and requests for accounting of record disclosures.

(a) It is the policy of the Commission not to disclose, except as permitted under 5 U.S.C. 552a(b), any record which is contained in any system of records maintained by the Commission to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

(b) Except for disclosures either to officers and employees of the Commission, or to contractor employees who, in the Inspector General's or the Privacy Act Officer's judgment, as appropriate, are acting as federal employees, who have a need for the record in the performance of their duties, and any disclosure required by 5 U.S.C. 552, the Privacy Act Officer shall keep an accurate accounting of:

(1) The date, nature, and purpose of each disclosure of a record to any person or to another agency under paragraph (a) of this section; and

(2) The name or address of the person or agency to whom the disclosure is made.

(c) The Privacy Act Officer shall retain the accounting required by paragraph (b) of this section for at least five years or the life of the record, whichever is longer, after such disclosure.

(d) Except for disclosures made to other agencies for civil or criminal law enforcement purposes pursuant to 5 U.S.C. 552a(b)(7), the Privacy Act Officer shall make any accounting made under paragraph (b) of this section available to the individual named in the record at the individual's request.

(e) An individual requesting an accounting of disclosure of his or her records should make the request in writing to the Privacy Act Officer, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The request should identify each particular record in question and, whenever possible, the system[s] of records wherein the requested records are located, and clearly indicate both on the envelope and in the letter that it is a Privacy Act request for an accounting of disclosure of records.

(f) Where the Commission has provided any person or other agency with an individual record and such accounting as required by paragraph (b) of this section has been made, the Privacy Act Officer shall inform all such persons or other agencies of any correction, amendment, or notation of dispute concerning said record.

§ 201.30 Commission review of requests for access to records, for correction or amendment to records, and for accounting of record disclosures.

(a) The individual who disagrees with the refusal of the Privacy Act Officer or the Inspector General for access to a record, to amend a record, or to obtain an accounting of any record disclosure, may request a review of such refusal by the Commission within 60 days of receipt of the denial of his or her request. A request for review of such a refusal should be addressed to the Chairman, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436, and shall clearly indicate both on the envelope and in the letter that it is a Privacy Act review request.

(b) Not later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the Commission receives a request for review of the Privacy Act Officer's or the Inspector General's refusal to grant access to a record, to amend a record, or to provide an accounting of a record disclosure, the Commission shall complete such a review and make a final determination thereof unless, for good cause shown, the Commission extends the 30-day period.

(c) After the individual's request has been reviewed by the Commission, if the Commission agrees with the Privacy Act Officer's or the Inspector General's refusal to grant access to a record, to amend a record, or to provide an accounting of a record disclosure, in accordance with the individual's request, the Commission shall:

(1) Notify the individual in writing of the Commission's decision;

(2) For requests to amend or correct records, advise the individual that he or she has the right to file a concise statement of disagreement with the Commission which sets forth his or her reasons for disagreement with the refusal of the Commission to grant the individual's request; and

(3) Notify the individual of his or her legal right, if any, to judicial review of the Commission's final determination.

(d) In any disclosure, containing information about which the individual has filed a statement of disagreement regarding an amendment of an

individual's record, the Privacy Act Officer, or, for records maintained by the Inspector General, the Inspector General, shall clearly note any portion of the record which is disputed and shall provide copies of the statement and, if the Commission deems it appropriate, copies of a concise statement of the reasons of the Commission for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed.

§ 201.31 Fees.

(a) The Commission shall not charge any fee for the cost of searching for and reviewing an individual's records.

(b) Reproduction, duplication or copying of records by the Commission shall be at the rate of $0.10 per page. There shall be no charge, however, when the total amount does not exceed $25.00.

§ 201.32 Specific exemptions.

(a) Pursuant to 5 U.S.C. 552a(k)(2), and in order to protect the effectiveness of Inspector General investigations by preventing individuals who may be the subject of an investigation from obtaining access to the records and thus obtaining the opportunity to conceal or destroy evidence or to intimidate witnesses, records contained in the system titled Office of Inspector General Investigative Files (General), insofar as they include investigatory material compiled for law enforcement purposes, shall be exempt from this subpart and from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Privacy Act. However, if any individual is denied any right, privilege, or benefit to which he is otherwise entitled to under Federal law due to the maintenance of this material, such material shall be provided to such individual except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to government investigators under an express promise that the identity of the source would be held in confidence.

(b) Pursuant to 5 U.S.C. 552a(j)(2), and in order to protect the confidentiality and integrity of Inspector General investigations by preventing individuals who may be the subject of an investigation from obtaining access to the records and thus obtaining the opportunity to conceal or destroy evidence or to intimidate witnesses, records maintained in the Office of Inspector General Investigative Files (Criminal), insofar as they contain information pertaining to the enforcement of criminal laws, shall be exempt from this subpart and from the Privacy Act, except that subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11) and (i) shall still apply to these records.

(c) Pursuant to 5 U.S.C. 552a(k)(1), (5) and (6), records contained in the system entitled "Personnel Security Investigative Files" have been exempted from subsections (c)(3), (d), (e)(1), (e)(1)(G) through (I) and (f) of the Privacy Act. Pursuant to section 552a(k)(1) of the Privacy Act, the Commission exempts records that contain properly classified information that pertains to national defense or foreign policy and is obtained from other systems of records or another Federal agency. Application of exemption (k)(1) may be necessary to preclude the data subject's access to and amendment of such classified information under 5 U.S.C. 552a(d). All information about individuals in these records that meets the criteria stated in 5 U.S.C. 552a(k)(5) is also exempted because this system contains investigatory material compiled solely for determining suitability, eligibility, and qualifications for Federal civilian employment, Federal contracts or access to classified information. To the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, the application of exemption (k)(5) will be required to honor such a promise should an individual request access to the accounting of disclosure, or access to or amendment of the record, that would reveal the identity of a confidential source. All information in these records that meets the criteria stated in 5 U.S.C. 552a(k)(6) is also exempt because portions of a case file record may relate to testing and examining material used solely to determine individual qualifications for appointment or promotion in the Federal service. Access to or amendment of this information by the data subject would compromise the objectivity and fairness of the testing or examining process.

§ 201.33 Employee conduct.

The Privacy Act Officer shall establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and periodically instruct each such person with respect to such rules and the requirements of the Privacy Act including the penalties for noncompliance.

PARTS 201 AND 205—[AMENDED]

8. In addition to the amendments set forth above, in 19 CFR parts 201 and 205 remove the words "Special Representative for Trade Negotiations" and add, in their place, the words "United States Trade Representative" in the following places:

a. Section 201.7(b); and

b. Section 205.3(a)(1), (a)(2), (b) and (d).

By order of the Commission.

Issued: May 22, 1998.

Donna R. Koehnke,

Secretary.

[FR Doc. 98–14140 Filed 5–28–98; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Milbemycin Oxime Tablet

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Novartis Animal Health US, Inc. The supplemental NADA provides for expanding the indications to include separate dosage and labeling for use of milbemycin oxime in cats.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1612.

SUPPLEMENTARY INFORMATION: Novartis Animal Health US, Inc., P.O. Box 26402, Greensboro, NC 27404–6402, filed supplemental NADA 140–915 that provides for oral administration of Interceptor® Flavor Tabs® (milbemycin oxime) tablets to cats 6 weeks of age or greater and 1.5 pounds of body weight or greater. The product is currently approved for the prevention of heartworm disease in both dogs and puppies 4 weeks of age or greater. The supplemental NADA provides for expanding the indications to include separate dosage and labeling for use of

the product in cats 6 weeks of age or greater and 1.5 pounds of body weight or greater. This supplemental NADA approval provides for 5.75, 11.5, and 23.0 milligram tablets, given orally, once a month, for the prevention of heartworm disease caused by *Dirofilaria immitis* and the removal of adult *Toxocara cati* (roundworm) and *Ancylostoma tubaeforme* (hookworm) infections in cats 6 weeks of age or greater and 1.5 pounds body weight or greater. The supplemental NADA is approved as of April 13, 1998, and the regulations are amended in 21 CFR 520.1445 by revising paragraph (a) and the heading of paragraph (c) and by adding paragraph (d) to reflect the approval for cats. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for 3 years of marketing exclusivity beginning April 13, 1998, because the application contains substantial evidence of effectiveness of the drug involved and studies of animal safety required for approval and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 520.1445 is amended by revising paragraph (a) and the heading of paragraph (c) and by adding paragraph (d) to read as follows:

§ 520.1445 Milbemycin oxime tablets.

(a) *Specifications*—(1) *Dogs.* Each tablet contains 2.3, 5.75, 11.5, or 23.0 milligrams of milbemycin oxime.

(2) *Cats.* Each tablet contains 5.75, 11.5, or 23.0 milligrams of milbemycin oxime.

* * * * *

(c) *Conditions of use in dogs.* * * *

(d) *Conditions of use in cats*—(1) *Amount.* 0.91 milligram per pound of body weight (2.0 milligrams per kilogram).

(2) *Indications for use.* For prevention of heartworm disease caused by *Dirofilaria immitis* and the removal of adult *Toxocara cati* (roundworm) and *Ancylostoma tubaeforme* (hookworm) infections in cats 6 weeks of age or greater and 1.5 pounds body weight or greater.

(3) *Limitations.* Do not use in kittens less than 6 weeks of age or 1.5 pounds body weight. Administer once a month. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: May 11, 1998.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 98–14182 Filed 5–28–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Guaifenesin Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The ANADA provides for intravenous use of guaifenesin injection in horses as a skeletal muscle relaxant.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center For Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Place, Rockville, MD 20855, 301–827–0209.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th St. Terrace, P.O. Box 6457, St. Joseph, MO 64506–0457, filed ANADA 200–230 that provides for intravenous use of guaifenesin injection in horses as a skeletal muscle relaxant.

Approval of Phoenix Scientific, Inc.'s, ANADA 200–230 for guaifenesin injection is as a generic copy of Summit Hill Laboratories' NADA 48–854 for Gecolate (guaifenesin) Injection. The ANADA is approved as of April 8, 1998, and the regulations are amended in 21 CFR 522.1086(b) to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In addition, paragraph (c) is redesignated as paragraph (d) and paragraph (c) is reserved.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.1086 [Amended]

2. Section 522.1086 *Guaifenesin injection* is amended in paragraph (b) by removing "No. 037990" and adding in its place "Nos. 037990 and 059130", by redesignating paragraph (c) as paragraph (d), and by reserving paragraph (c).

Dated: May 12, 1998.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 98–14183 Filed 5–28–98; 8:45 am]

BILLING CODE 4160–01–F

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022, 4041, 4050

RIN: 1212–AA87

PBGC Recoupment and Reimbursement of Benefit Overpayments and Underpayments

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation is amending its regulation governing recoupment of benefit overpayments in trusteed plans to stop the reduction of monthly benefits under its actuarial recoupment method once the amount of the benefit overpayment is repaid. The amendment also makes other related changes.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or James L. Beller, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY/TTD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: On December 18, 1997, the PBGC published a proposed rule in the **Federal Register** (62 FR 66319) amending its benefit payments regulation to provide that recoupment will cease when the amount of the overpayment is repaid. The amendment also gives the PBGC flexibility to waive recoupment of *de minimis* amounts and to accept repayment ahead of the recoupment schedule, and modifies the rules governing calculation of net overpayments and underpayments.

The PBGC received comments on the proposed rule from two commenters: the American Association of Retired Persons ("AARP") and the Association of Former Pan Am Employees, Inc. ("AFPAE"). AARP supported the proposed regulation and commended the PBGC for its action. AFPAE, which also commended the PBGC for proposing changes, recommended a number of revisions.

The final regulation follows the proposed regulation with the following modifications:

- As requested by AFPAE, the final rule clarifies that in determining whether the net overpayment has been fully repaid, interest on the net overpayment is disregarded.
- In response to an inquiry in a pending case in which participants received both underpayments and overpayments, the final regulation provides that the PBGC will always pay interest on underpayments to the extent they exceed overpayments. In addition, for months beginning after May 29, 1998, the PBGC will pay interest at the applicable federal mid-term rate. For earlier months, the PBGC will continue to pay interest using the immediate annuity rate established for lump sum valuations.
- Consistent with an AFPAE suggestion, the final regulation provides that the PBGC generally will not seek recovery from the estate of a participant who dies post-termination. (The existing regulation precludes recovery from the estate only for a participant who dies after the PBGC initiates recoupment.)
- For administrative convenience, the final regulation provides that the PBGC will not collect any final partial monthly installment.
- AFPAE expressed concerns about the provision allowing repayment ahead of the recoupment schedule, arguing that, because the PBGC charges no interest under the recoupment schedule, early repayment will never be advantageous to the participant. The PBGC will discontinue its current practice of routinely offering a lump sum repayment option as part of its recoupment notice. However, the PBGC will retain the early repayment option for those participants who, for whatever reason, want to eliminate debt. As suggested by AFPAE, the PBGC intends to explain to those participants who ask about the early repayment option that there may be financial disadvantages to early repayment.

The PBGC has carefully considered AFPAE's other comments and has decided not to adopt them.

- AFPAE suggested that the PBGC not seek recoupment from a surviving beneficiary unless recoupment has been initiated before the participant's death. AFPAE offered no reason why the PBGC's recoupment rules should distinguish in this manner between a survivorship benefit and the underlying benefit from which the survivorship benefit derives. The regulation minimizes hardship in the case of recoupment from a survivorship benefit because the monthly recoupment amount is reduced in proportion to any other applicable reduction in the deceased participant's benefit (*e.g.*, a 50% reduction under a joint and survivor annuity) and is generally capped at 10% of the survivorship payment.
- AFPAE suggested that the PBGC eliminate its discretion to recover overpayments by methods other than recoupment. The regulation provides that the PBGC will normally exercise its discretion only where net benefits paid exceed plan entitlements (*e.g.*, where a participant entitled to $1,200 per month as the full plan benefit and $1,000 per month under Title IV has received clearly erroneous payments of $5,000 per month). Any further limitation on the PBGC's discretion could result in unacceptably large losses in particular cases.
- AFPAE suggested that recoupment be permitted only if (1) the participant is notified of the possibility of recoupment no later than 30 days after the PBGC makes a final decision to seek an involuntary termination, and (2) recoupment begins no more than one year after the termination date. This suggestion is impracticable. The PBGC often encounters significant delays in obtaining the participant information needed to provide notice and the benefit and asset information needed to complete the complex and time-consuming process of determining final benefit entitlements. The PBGC will continue to provide notice to participants, and to initiate recoupments, as soon as possible.
- In response to the provision in the proposed rule giving the PBGC discretion to waive *de minimis* amounts, AFPAE suggested that the regulation specify a dollar threshold under which recoupment is automatically waived. The PBGC has decided to retain the discretion provided in the proposed rule in order to allow maximum flexibility. After gaining experience under the *de minimis* waiver provision, the PBGC may decide to specify a fixed dollar threshold in the regulation.
- AFPAE suggested broadening the scope of the recoupment and reimbursement regulation to cover underpayments made before the plan termination date. The Title IV single-employer insurance program does not cover pre-termination underpayments. These underpayments represent a claim on plan assets that are satisfied before those assets are used to satisfy Title IV benefits under the allocation rules of ERISA section 4044 and 29 CFR Part 4044. Thus, to the extent assets are available, pre-termination underpayments are fully reimbursed.

AFPAE made several other comments suggesting revisions to the benefit

determination and appeals process. These comments are beyond the scope of this rulemaking proceeding.

Applicability of New Rules

The new rules will apply to all initial determinations that become effective on or after May 29, 1998. For earlier initial determinations, if a participant (or beneficiary) is subject to recoupment under the actuarial reduction method, the new rules will apply except that the PBGC will not redetermine the amount of the net overpayment or the amount of the monthly reduction. Thus, for these cases, the PBGC will stop recoupment once the amount of the net overpayment (as previously determined) is repaid. If the amount of that net overpayment has been fully repaid prior to May 29, 1998, the PBGC will stop recoupment effective as of May 29, 1998.

Example 1. Ms. X is entitled to a monthly benefit of $500 under Title IV. For the last 11 years the PBGC has been recouping $25 each month to repay a series of overpayments totaling $3,000. Recoupment will cease as of May 29, 1998 because as of that date Ms. X will have repaid the overpayments. No amounts recouped prior to May 29, 1998 will be refunded.

Example 2. Same facts as example 1, except recoupment began nine years ago. Recoupment will cease in one year, *i.e.*, when the full $3,000 is repaid.

Rulemaking Requirements

The PBGC has determined that good cause exists to make this final rule effective immediately because the changes impose requirements only on the PBGC. *See* 5 U.S.C. § 553(d)(3).

E.O. 12866 and the Regulatory Flexibility Act

The Office of Management and Budget has determined that this final rule is a "significant regulatory action" under the criteria set forth in Executive Order 12866 and has completed its review of the final rule under that order.

This rule affects only individuals. Therefore, the PBGC certifies that, if adopted, the amendment will not have a significant economic effect on a substantial number of small entities. Accordingly, as provided in section 605(b) of the Regulatory Flexibility Act, sections 603 and 604 do not apply.

List of Subjects

29 CFR Part 4022, 4041

Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4050

Pensions, Reporting and recordkeeping requirements.

For the reasons set forth above, the PBGC amends parts 4022, 4041, and 4050 of 29 CFR chapter XL as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE EMPLOYER PLANS

1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D) and 1344.

2. Section 4022.81 is revised to read as follows:

§ 4022.81 General rules.

(a) *Recoupment of benefit overpayments.* If at any time the PBGC determines that net benefits paid with respect to any participant in a PBGC-trusteed plan exceed the total amount to which the participant (and any beneficiary) is entitled up to that time under title IV of ERISA, and the participant (or beneficiary) is, as of the termination date, entitled to receive future benefit payments, the PBGC will recoup the net overpayment in accordance with paragraph (c) of this section and § 4022.82. Notwithstanding the previous sentence, the PBGC may, in its discretion, recover overpayments by methods other than recouping in accordance with the rules in this subpart. The PBGC will not normally do so unless net benefits paid after the termination date exceed those to which a participant (and any beneficiary) is entitled under the terms of the plan before any reductions under subpart D.

(b) *Reimbursement of benefit underpayments.* If at any time the PBGC determines that net benefits paid with respect to a participant in a PBGC-trusteed plan are less than the amount to which the participant (and any beneficiary) is entitled up to that time under title IV of ERISA, the PBGC will reimburse the participant or beneficiary for the net underpayment in accordance with paragraph (c) of this section and § 4022.83.

(c) *Amount to be recouped or reimbursed.* In order to determine the amount to be recouped from, or reimbursed to, a participant (or beneficiary), the PBGC will calculate a monthly account balance for each month ending after the termination date. The PBGC will start with a balance of zero as of the end of the calendar month ending immediately prior to the termination date and determine the account balance as of the end of each month thereafter as follows:

(1) *Debit for overpayments.* The PBGC will subtract from the account balance the amount of overpayments made in that month. Only overpayments made on or after the latest of the proposed termination date, the termination date, or, if no notice of intent to terminate was issued, the date on which proceedings to terminate the plan are instituted pursuant to section 4042 of ERISA will be included.

(2) *Credit for underpayments.* The PBGC will add to the account balance the amount of underpayments made in that month. Only underpayments made on or after the termination date will be included.

(3) *Credit for interest on net underpayments.* If at the end of a month there is a positive account balance (a net underpayment), the PBGC will add to the account balance interest thereon for that month using—

(i) For months after May 1998, the applicable federal mid-term rate (as determined by the Secretary of the Treasury pursuant to section 1274(d)(1)(C)(ii) of the Code) for that month (or, where the rate for a month is not available at the time the PBGC calculates the amount to be recouped or reimbursed, the most recent month for which the rate is available) based on monthly compounding; and

(ii) For May 1998 and earlier months, the immediate annuity rate established for lump sum valuations as set forth in Table II of Appendix B of part 4044 of this chapter.

(4) *No interest on net overpayments.* If at the end of a month, there is a negative account balance (a net overpayment), there will be no interest adjustment for that month.

3. Section 4022.82 is revised to read as follows:

§ 4022.82 Method of recoupment.

(a) *Future benefit reduction.* The PBGC will recoup net overpayments of benefits by reducing the amount of each future benefit payment to which the participant or any beneficiary is entitled by the fraction determined under paragraphs (a)(1) and (a)(2) of this section, except that benefit reduction will cease when the amount (without interest) of the net overpayment is recouped. Notwithstanding the preceding sentence, the PBGC may accept repayment ahead of the recoupment schedule.

(1) *Computation.* The PBGC will determine the fractional multiplier by dividing the amount of the net overpayment by the present value of the benefit payable with respect to the participant under title IV of ERISA. The PBGC will determine the present value

of the benefit to which a participant or beneficiary is entitled under title IV of ERISA as of the termination date, using the PBGC interest rates and factors in effect on that date. The PBGC may, however, utilize a different date of determination if warranted by the facts and circumstances of a particular case.

(2) *Limitation on benefit reduction.* Except as provided in paragraph (a)(1) of this section, the PBGC will reduce benefits with respect to a participant or beneficiary by no more than the greater of—

(i) Ten percent per month; or

(ii) The amount of benefit per month in excess of the maximum guaranteeable benefit payable under section 4022(b)(3)(B) of ERISA, determined without adjustment for age and benefit form.

(3) *PBGC notice to participant or beneficiary.* Before effecting a benefit reduction pursuant to this paragraph, the PBGC will notify the participant or beneficiary in writing of the amount of the net overpayment and of the amount of the reduced benefit computed under this section.

(4) *Waiver of de minimis amounts.* The PBGC may, in its discretion, decide not to recoup net overpayments that it determines to be de minimis.

(5) *Final installment.* The PBGC will cease recoupment one month early if the amount remaining to be recouped in the final month is less than the amount of the monthly reduction.

(b) *Full repayment through recoupment.* Recoupment under this section constitutes full repayment of the net overpayment.

§ 4022.83. [Amended]

4. Section 4022.83 is amended by removing the reference to § 4022.81(d) and adding, in its place, a reference to § 4022.81(c).

PART 4041—TERMINATION OF SINGLE-EMPLOYER PLANS

5. The authority citation for part 4041 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1341, 1344, 1350.

§ 4041.42 [Amended]

6. Section 4041.42(d)(2) is amended by removing the reference to § 4022.81(d) and adding, in its place, a reference to § 4022.81(c)(3).

PART 4050—MISSING PARTICIPANTS

7. The authority citation for part 4050 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1350.

§ 4050.2 [Amended]

8. The definition of "Designated benefit interest rate" in Section 4050.2, is amended by removing the reference to § 4022.81(d) and adding, in its place, a reference to § 4022.81(c).

Issued in Washington, DC, this 27th day of May, 1998.

Alexis M. Herman

Chairman, Board of Directors Pension Benefit Guaranty Corporation.

Issued on the date set forth above pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this final rule.

James J. Keightley

Secretary, Board of Directors Pension Benefit Guaranty Corporation.

[FR Doc. 98–14448 Filed 5–28–98; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980415098–5098–8098–01; I.D. 031998A]

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Vessel Monitoring System; Harvest Guideline; Closed Season; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects a rule published in the **Federal Register** on April 27, 1998. The regulations implemented three management measures governing the crustacean fisheries in the exclusive economic zone around Hawaii.

DATES: Effective May 27, 1998.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, NMFS, 808–973–2985.

SUPPLEMENTARY INFORMATION: In the classification section of the final rule published on April 27, 1998 (63 FR 20539),

NMFS inadvertently omitted a word at the end of the third paragraph. Also, when NMFS revised the definition for Crustacean Permit Area I VMS Subarea in § 660.12, NMFS inadvertently put a comma at the end of the definition.

Correction of Publication

The publication on April 27, 1998 (63 FR 20539) [I.D. 031998A], FR Doc. 98–11017, is corrected as follows:

On page 20540 in the second column, in the third paragraph under **Classification,** the word "not" should be inserted before the word "applicable".

§ 660.12 [Corrected]

On page 20540, in § 660.12, in the definition of "Crustaceans Permit Area I VMS Subarea", in the third column, on the last line, the comma at the end of the definition should be removed and replaced with a period.

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

Dated: May 22, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–14249 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 678

[I.D. 051998A]

Atlantic Shark Fisheries; Quota Adjustment

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

ACTION: Quota adjustment.

SUMMARY: NMFS announces that the landings of large coastal sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea totaled 684.8 metric tons (mt) during the first semiannual 1998 season. Because this constitutes an overharvest of 42 mt, the second semiannual 1998 quota is reduced accordingly.

DATES: Effective May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Margo Schulze or Karyl Brewster-Geisz at 301–713–2347; or Buck Sutter at 813–570–5324.

SUPPLEMENTARY INFORMATION: The Atlantic Ocean, Gulf of Mexico, and Caribbean Sea shark fisheries are managed by NMFS according to the Fishery Management Plan (FMP) for Atlantic Sharks prepared by NMFS under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR part 678.

Section 678.24(b) of the regulations provides for two semi-annual quotas of 642 mt of large coastal sharks to be harvested from the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea waters by

commercial fishermen. The first semiannual quota was available for harvest from January 1 through June 30, 1998.

The Assistant Administrator for Fisheries, NOAA, is authorized under § 678.24(c) to adjust the semiannual quota to reflect actual catches during the preceding semiannual period. Harvest data submitted to NMFS indicate that the landings of large coastal sharks from January through March 31, 1998, totaled 684.8 mt, which is 42.8 mt more than the established quota. Therefore, the adjusted quota for large coastal sharks for the second 1998 semiannual period is decreased from 642 mt to 600 mt. The adjusted quota of 600 mt is available for the period July 1 through December 31, 1998.

Classification

This rule is exempt from review under E.O. 12866.

Dated: May 22, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–14248 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 103
Friday, May 29, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50 and 70

Criticality Accident Requirements; Public Meeting

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of public meeting.

SUMMARY: The Nuclear Regulatory Commission (NRC) has initiated a rulemaking to provide light-water nuclear power reactor licensees with greater flexibility in meeting the requirement that licensees authorized to possess more than a small amount of special nuclear material (SNM), maintain a criticality monitoring system in each area where the material is handled, used, or stored. This action is taken as a result of the experience gained in processing and evaluating a number of exemption requests from power reactor licensees and NRC's safety assessments in response to these requests that concluded that the likelihood of criticality was negligible.

On December 3, 1997 (62 FR 63825), the Nuclear Regulatory Commission published in the **Federal Register** a direct final rule amending its regulations that would have provided persons licensed to construct or operate light-water nuclear power reactors with the option of either meeting the criticality accident requirements of paragraph (a) of 10 CFR 70.24 in handling and storage areas for SNM, or electing to comply with requirements that would be incorporated into 10 CFR. part 50 at § 50.68. The direct final rule would have become effective on February 17, 1998. Significant adverse comments were received from the public, resulting in the staff withdrawing the rule. In an attempt to better understand the focus of the public comments, the staff is conducting a public meeting.

DATES: The meeting will be held on Monday, June 8, 1998.

ADDRESSES: The meeting will be held at the NRC Headquarters, 11555 Rockville Pike, Rockville, MD 20852, in room O–10B–11, starting at 1:00 pm.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to provide persons licensed to construct or operate light-water nuclear power reactors with the option of either meeting the criticality accident requirements of paragraph (a) of 10 CFR 70.24 in handling and storage areas for SNM, or electing to comply with certain requirements that would be incorporated into 10 CFR part 50. These are generally the requirements that the NRC has used to grant specific exemptions to the requirements of 10 CFR 70.24. In addition, the NRC is proposing to revise the current text of the section relating to seeking specific exemptions from regulations in 10 CFR 70.24(d) which provided that a licensee could seek an exemption to all or part of 10 CFR 70.24 for good cause because it is redundant to 10 CFR 70.14(a). A new section, 10 CFR 70.24 (d) may be added to clarify that the requirements in paragraph (a) through (c) of 10 CFR 70.24 do not apply to holders of a construction permit or operating license for a nuclear power reactor issued pursuant to 10 CFR part 50, or combined licenses issued under 10 CFR part 52, if the holders comply with the requirements of 10 CFR 50.68 (b). It is proposed that exemptions acquired under 10 CFR 70.24 after the issuance of the operating license will still be valid if the option selected is 10 CFR 70.24 or if the 10 CFR 70.24 exemptions were explicitly renewed when the 10 CFR part 50 operating license was issued.

The meeting will be open to the public, on a space available basis. The agenda for the workshop will focus on a discussion of the public comments received and the above regulatory issues. Members of the public who are unable to attend the workshop can obtain copies of the papers developed by the staff through NRC's Public Document Room (U.S. Nuclear Regulatory Commission, Attention: NRC Public Document Room, Washington, DC 20555–0001) or on the Internet via NRC's Technical Conference Forum (http://techconf.llnl.gov/noframe.html).

Dated at Rockville, Maryland this 21st day of May, 1998.

For the Nuclear Regulatory Commission.

Thomas H. Essig,

Acting Chief, Generic Issues and Environmental Projects Branch, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 98–14099 Filed 5–28–98; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE–RM/STD–98–440]

RIN 1904–AA77

Energy Conservation Program for Consumer Products: Notice of Public Workshop on Central Air Conditioner Energy Efficiency Standards Rulemaking

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of Public Workshop.

SUMMARY: The Department of Energy (the Department or DOE) today gives notice that it will convene a public workshop to discuss the proposed analytical framework and tools for evaluating possible revisions to the central air conditioner and heat pump energy efficiency standards.

DATES: The public workshop will be held on Tuesday, June 30, 1998, from 9 a.m. to 4 p.m.

ADDRESSES: The workshop will be held at the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–43, Room 1E–245, 1000 Independence Avenue, SW, Washington, DC 20585–0121.

Written comments are welcome, especially following the workshop. Please submit 10 copies (no faxes) and a computer diskette (WordPerfect 6.1) to: Ms. Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Energy Conservation Program for Consumer Products: Notice of Public Workshop on Central Air Conditioner Energy Efficiency Standards Rulemaking, Docket No. EE–RM/STD–98–440, EE–43, 1000 Independence Avenue, SW, Washington, DC 20585–0121. Telephone: (202) 586–2945.

Copies of the transcript of the public workshop, public comments received, and this notice may be read at the DOE Freedom of Information Reading Room, U.S. DOE, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–3142, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Edward Pollock , U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–43, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–5778.

Ms. Brenda Edwards-Jones, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, Mail Station EE–43, 1000 Independence Avenue, SW, Washington, DC 20585–0121, (202) 586–2945.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585–0103, (202) 586–9526.

SUPPLEMENTARY INFORMATION: In continuing the work on possible revisions to energy efficiency standards on central air conditioners, the Department is convening a workshop to present and receive public comments on the proposed analytical approach for evaluating the central air conditioner standards. At this workshop the following will be discussed:

Review of the Rulemaking Framework: The Department will seek comment on the draft analytical framework for the central air conditioner rulemaking. Copies of the draft framework document will be available beginning the week of May 25, 1998, on the Office of Codes and Standards web site. The web site address is as follows: http://www.eren.doe.gov/buildings/codes_standards/index.htm.

Identification of Analytical Methods and Tools: The Department seeks input into the selection of engineering and economic analytical tools to be used during the rulemaking:

Engineering Analysis/Data Collection: The Department plans to collect data for the engineering analysis using one or more of the following methods: the energy efficiency approach to derive a cost efficiency curve within a range, the design option approach, and the market price (or reverse engineering) approach. The Department will review the key issues surrounding: (1) The pros and cons of each approach, and (2) data collection and the reporting of costs for incorporation into the engineering analysis.

Price of Air Conditioners: The Department will lead a discussion on possible approaches to generating retail prices to be used in the consumer life-cycle-cost analysis.

Life-Cycle-Cost: The Department plans to demonstrate a new life-cycle-cost spreadsheet model which can account for variability of key criteria, such as utility rates and climate.

Electricity Price: The Department will lead a discussion on possible approaches for accounting for variations in electricity price, and the effects of these variations on different consumers.

Refrigerant: The refrigerant used in air conditioners will be banned by the Environmental Protection Agency in 2010. The Department will lead a discussion on the effects of this ban on the timing of the revision to central air conditioner standards.

Energy Savings Forecasts: The Department will present an example of energy savings forecasting results using a simple spreadsheet to show how the growth in efficiency can be accounted for over time.

Background on the approach to be followed in evaluating central air conditioner standards is found in Section 325 of the Energy Policy and Conservation Act, as amended, and appendix A of subpart C of 10 CFR part 430, 61 FR 36974 (July 15, 1996). Appendix A outlines the planning and prioritization process, data collection and analysis, and decision making criteria. Previously published information pertaining to this rulemaking includes the following: An Advance Notice of Proposed Rulemaking Regarding Energy Conservation Standards for Three Types of Consumer Products, published on September 8, 1993 (58 FR 47326), and comments thereon. Copies may be read at the DOE Freedom of Information Reading Room.

Please notify Brenda Edwards-Jones or Edward Pollock at the above listed address if you intend to attend the workshop, if you wish to receive material prepared for the workshop (including the draft analytical framework), or if you wish to be added to the DOE mailing list for receipt of future notices and information concerning central air conditioner matters relating to energy efficiency.

Issued in Washington, DC, on May 22, 1998.

Dan W. Reicher,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 98–14258 Filed 5–28–98; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL ELECTION COMMISSION

[Notice 1998—10]

11 CFR Part 114

Qualified Nonprofit Corporations

AGENCY: Federal Election Commission.

ACTION: Notice of Disposition of Petition for Rulemaking.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking filed on November 17, 1997 by James Bopp, Jr., on behalf of the James Madison Center for Free Speech. The petition urges the Commission to revise its regulations regarding qualified nonprofit corporations to conform them to a decision of the United States Court of Appeals for the Eighth Circuit. The Commission has decided not to initiate a rulemaking in response to this petition.

DATES: May 21, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Paul Sanford, Staff Attorney, 999 E Street, NW, Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On November 17, 1997, the Commission received a Petition for Rulemaking from the James Madison Center for Free Speech requesting that the Commission institute a rulemaking proceeding to conform its regulations at 11 CFR 114.10 to the decision of the United States Court of Appeals for the Eighth Circuit in *Minnesota Citizens Concerned for Life* v. *Federal Election Commission,* 113 F.3d 129 (8th Cir. 1997) ["*Minnesota*"]. In that decision, the court of appeals held that section 114.10 is unconstitutional because it infringes upon the First Amendment rights of certain nonprofit corporations. The petition urges the Commission to revise its regulations in accordance with this decision. For the reasons set out below, the Commission has decided not to revise its regulations, and is therefore denying the petition.

Section 441b of the Federal Election Campaign Act, 2 U.S.C. 431 *et seq.* ["FECA" or "the Act"], broadly prohibits corporations from making independent expenditures. However,

the United States Supreme Court created a narrow exception to this prohibition in *FEC* v. *Massachusetts Citizens for Life*, 479 U.S. 238 (1986) ["*MCFL*"]. The Court held that the prohibition on corporate independent expenditures could not constitutionally be applied to nonprofit organizations like Massachusetts Citizens For Life ["Massachusetts Citizens"] that have certain "essential" features: (1) they are formed for the express purpose of promoting political ideas and cannot engage in business activities; (2) they have no shareholders or other persons affiliated so as to have a claim on their assets or earnings; and (3) they were not established by a business corporation or labor union and have a policy against accepting contributions from these entities. *Id.* at 263–64.

In 1995, after an extended rulemaking proceeding, the Commission promulgated new regulations to implement the *MCFL* decision. Section 114.10 of the regulations describes those corporations that are exempt from the prohibition on independent expenditures, and refers to them as qualified nonprofit corporations. Under section 114.10(c), a qualified nonprofit corporation is a corporation (1) whose only express purpose is the promotion of political ideas; (2) that cannot engage in business activities; (3) that (a) has no shareholders or other persons (other than employees and creditors) affiliated in a way that could allow them to make a claim on the corporation's assets or earnings; and (b) offers no benefits that are a disincentive to disassociate with the corporation on the basis of a political issue; (4) that was not established by a business corporation or labor organization, and does not accept donations from such entities; and (5) that is described in 26 U.S.C. 501(c)(4) of the Internal Revenue Code. These rules went into effect on October 5, 1995. *Express Advocacy; Independent Expenditures; Corporate and Labor Organization Expenditures; Final Rule*, 60 FR 52069 (Oct. 5, 1995).

The petition submitted by the Madison Center urges the Commission to revise these regulations to conform to the *Minnesota* decision. In *Minnesota*, the plaintiffs, a nonprofit organization called Minnesota Citizens Concerned for Life ["Minnesota Citizens"], argued that the Commission's regulations violate the First Amendment and the Administrative Procedure Act, 5 U.S.C. 551 *et seq.* Minnesota Citizens relied on a prior decision of the Eighth Circuit, *Day* v. *Holohan*, 34 F.3d 1356 (8th Cir. 1994), *cert. denied*, 513 U.S. 1127 (1995) ["*Day*"], in which the Eighth Circuit considered the constitutionality of a state statutory scheme that was similar to section 114.10. In *Day*, the Eighth Circuit concluded that the state statute was unconstitutional for two reasons. First, the court held that a nonprofit organization could engage in "insignificant" business activity and still be exempt from the prohibition on corporate independent expenditures. Second, the court concluded that a nonprofit organization could accept an insignificant amount of contributions from corporations and still qualify for an exemption from the independent expenditure prohibition. *See also Federal Election Commission* v. *Survival Education Fund*, 65 F.3d 285 (2d Cir. 1995).

When faced with a challenge to section 114.10 of the Commission's regulations, the district court in *Minnesota* concluded that the *Day* decision was controlling, and invalidated the regulation. The Eighth Circuit affirmed the district court's decision. 113 F.3d 129, 133 (8th Cir. 1997). The Madison Center now asks the Commission to revise its regulations in accordance with the Eighth Circuit's decisions.

Pursuant to its usual procedures, the Commission published a Notice of Availability in the December 10, 1997 edition of the **Federal Register** announcing that it had received the petition and inviting the public to submit comments on it. 62 FR 65040 (Dec. 10, 1997). The comment period closed on January 23, 1998. The Commission received three comments in response to the Notice of Availability. One of the comments was endorsed by nine organizations. All three comments supported the petition.

After reviewing the petition, comments, and court decisions, the Commission has decided not to revise its regulations. Under the rule of *stare decisis*, a decision by a circuit court of appeals is only binding within the circuit in which it is issued. Section 114.10 reflects the Commission's interpretation of the *MCFL* opinion, a Supreme Court decision that is binding nationwide. Thus, if the Commission's interpretation of *MCFL* is correct, section 114.10 is controlling law outside the Eighth Circuit, and the Commission is entitled to implement it throughout the rest of the country.

Since government agencies typically operate nationwide, it is not unusual for an agency to find that different courts have interpreted its statutes or rules in different ways. The Supreme Court has recognized that, when confronted with this situation, an agency is free to adhere to its preferred interpretation in all circuits that have not rejected that interpretation. It is collaterally estopped only from raising the same claim against the same party in any location, or from continuing to pursue the issue against any party in a circuit that has already rejected the agency's interpretation. *United States* v. *Mendoza*, 464 U.S. 154 (1984). Indeed, the *Mendoza* Court encouraged agencies to seek reviews in other circuits if they disagree with one circuit's view of the law, since to allow "only one final adjudication would deprive this Court of the benefit it receives from permitting several courts of appeals to explore a difficult question before this Court grants *certiorari*." *Id.* at 160 (citations omitted).

The Commission intends to follow the *MCFL* decision for the additional reason that it believes that the Eighth Circuit erroneously interpreted that decision in *Day* and *Minnesota*. In the Eighth Circuit's view, the *MCFL* decision allows corporations to make independent expenditures, even if they engage in business activities and accept donations from business corporations. However, the *MCFL* Court said that when a corporation engages in both business activity and political activity, it creates "the potential for unfair deployment of wealth for political purposes." 479 U.S. at 259 (footnote omitted). Similarly, the Court said that groups that accept donations from business corporations "serv[e] as conduits for the type of direct spending that creates a threat to the political marketplace." *Id.* at 264. This threat of corruption of the political marketplace justifies the application of the independent expenditure prohibition in section 441b.

In contrast, groups like Massachusetts Citizens that "cannot engage in business activities" and "[were] not established by a business corporation or labor union, and [have a] policy not to accept contributions from such entities," *id.*, "do not pose that danger of corruption." *Id.* at 259. Thus, there is no justification for the application of the independent expenditure prohibition in section 441b to these corporations. The Court emphasized that these characteristics were "essential to [its] holding that [Massachusetts Citizens] may not constitutionally be bound by § 441b's restriction on independent spending." *Id.* 263–64. Consequently, the Commission believes it has ample justification for subjecting groups that do not possess these characteristics to the full requirements of section 441b.

It is also difficult to reconcile the Eighth Circuit's conclusion with the Supreme Court's decision in *Austin* v. *Michigan Chamber of Commerce*, 494 U.S. 652 (1990). In *Austin*, the Court

reviewed the application of a state statute that was similar to section 441b to a nonprofit state chamber of commerce. The chamber did not itself engage in traditional business activities. However, its bylaws set forth "varied purposes * * * several of which [were] not inherently political." 494 U.S. at 662. For example, it distributed information related to social, civic and economic conditions, trained and educated its members, and promoted ethical business practices. The Court noted that "[m]any of its seminars, conventions, and publications [were] politically neutral and focus[ed] on business and economic issues," that were "not expressly tied to political goals." *Id.* Thus, even though it was not engaged in a business for profit, "[t]he Chamber's nonpolitical activities * * * suffice[d] to distinguish it from [Massachusetts Citizens] in the context of this characteristic." *Id.* at 663.

With regard to the acceptance of corporate contributions, the Court was even more emphatic, saying that "[o]n this score, the Chamber differs most greatly from [Massachusetts Citizens]." *Id.* at 664. The Court said that, under *MCFL*, nonprofit organizations that accept contributions from business corporations are not entitled to any exemption from section 441b, and pointed out that if the rule were otherwise, "[b]usiness corporations * * * could circumvent the Act's restriction by funneling money through [a nonprofit organization's] general treasury." *Id.* The Court concluded that, under this standard, the Chamber was not entitled to any exemption from the state's version of section 441b. "Because the Chamber accepts money from for-profit corporations, it could, absent application of [the state corporate expenditure prohibition], serve as a conduit for corporate political spending." *Id.*

The Commission continues to believe that section 114.10 accurately interprets these two Supreme Court cases, and the decisions of several other courts support this conclusion. In *Clifton* v. *FEC*, 114 F.3d 1309 (1st Cir. 1997), *cert. denied*, 118 S. Ct. 1306 (1998), the First Circuit said the *MCFL* Court "stressed as 'essential' the fact that the anti-abortion group there involved did not accept contributions from business corporations or unions * * *. This was important to the Court because it had previously sustained the right of Congress to limit the election influence of massed economic power in corporate or union form." *Id.* at 1312. Since the nonprofit corporation involved in that case accepted contributions from other corporations, the Court concluded that it was not entitled to the *MCFL* exemption, saying that it fell "somewhere between the entity protected in [*MCFL*] and that held unprotected in *Austin*." *Id.* at 1312–13. The First Circuit also said a *de minimis* rule regarding the acceptance of corporate contributions would be inconsistent with the *Austin* decision. *Id.* at 1313.

In dictum, the D.C. Circuit has also expressed support for the Commission's interpretation of this aspect of the *MCFL* decision. "[T]he *MCFL* constitutional exemption * * * requires that the organization * * * not accept contributions from labor unions or corporations." *Akins* v. *FEC*, 101 F.3d 731, 742 n.10 (D.C. Cir. 1996) (*en banc*) (dictum), *cert. granted*, 117 S. Ct. 2451 (1997).

Two district courts have also supported the Commission's interpretation. In *FEC* v. *NRA Political Victory Fund*, 778 F. Supp. 62 (D.D.C. 1991), *rev'd on other grounds*, 6 F.3d 821 (D.C. Cir.), *cert. dismissed for want of jurisdiction*, 513 U.S. 88 (1994), the court concluded that unless a corporation can show that it does not in fact accept contributions from business corporations or unions or has a policy "equivalent to that of MCFL" of not accepting such contributions, it does "not fit in the group of organizations affected by the *MCFL* holding, a group which the Court acknowledged * * * would be "small,'" 778 F. Supp. at 64 (quoting *MCFL*, 479 U.S. at 264).

The district court in *Faucher* v. *FEC*, 743 F. Supp. 64 (D. Me. 1990), *aff'd*, 928 F.2d 468 (1st Cir.), *cert. denied*, 502 U.S. 820 (1991), reached a similar conclusion.

> In [*MCFL*], the Supreme Court made clear that one of the "essential" factors for its holding was that the nonprofit corporation there did not receive, *and had a policy of not receiving*, any corporate funds. * * * [A]lthough the amounts received by [the plaintiff nonprofit organization] from corporations have been comparatively modest, they are obviously not subject to any control. Without an explicit policy against contributions from corporations, the risk remains that an organization like [the plaintiff] could "serv[e] as [a conduit] for the type of direct spending that creates a threat to the political marketplace." * * * It is this potential for influence that supports the restrictions on corporate funding.
>
> 743 F. Supp. at 69–70 (emphasis in original; quoting *MCFL*, 479 U.S. at 264).

In sum, both because it is well settled that a decision by one circuit court of appeals is not binding in other circuits, and because the Commission believes the challenged regulation reflects a correct reading of controlling Supreme Court precedent and is therefore constitutional, the Commission has decided not to open a rulemaking in response to this Petition.

Therefore, at its open meeting of May 21, 1998, the Commission voted not to initiate a rulemaking to revise its regulations regarding qualified nonprofit corporations, found at 11 CFR 114.10. Copies of the General Counsel's recommendation on which the Commission's decision is based are available for public inspection and copying in the Commission's Public Records Office, 999 E Street, NW, Washington, DC 20463, (202) 694–1120 or toll-free (800) 424–9530. Interested persons may also obtain a copy by dialing the Commission's FAXLINE service at (202) 501–3413 and following its instructions. Request document #233.

Dated: May 22, 1998.

Joan D. Aikens,

Chairman, Federal Election Commission.

[FR Doc. 98–14193 Filed 5–28–98; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–30–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Pilatus Aircraft Ltd. Model PC–7 airplanes. The proposed AD would require replacing the seal unit on both main landing gear (MLG) legs and the nose landing gear (NLG) leg. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by the proposed AD are intended to prevent MLG or NLG failure caused by deterioration of a MLG or NLG leg seal unit, which could result in damage to the airplane or airplane controllability problems during takeoff, landing, or taxi operations.

DATES: Comments must be received on or before July 3, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–30–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6509; facsimile: +41 41 610 3351. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roman T. Gabrys, Aerospace Engineer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications 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, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98–CE–30–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–30–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified the FAA that an unsafe condition may exist on certain Pilatus Model PC–7 airplanes. The FOCA of Switzerland reports two cases of improper landing gear extension after take-off. These incidents are attributed to deterioration of the MLG or NLG seal unit.

These conditions, if not corrected in a timely manner, could result in MLG or NLG failure and cause airplane damage or airplane controllability problems during takeoff, landing, or taxi operations.

Relevant Service Information

Pilatus has issued Service Bulletin No. 32–018, dated March 6, 1998, which specifies procedures for replacing the seal unit, on both MLG legs and the NLG leg, with improved design seal units.

The FOCA of Switzerland classified this service bulletin as mandatory and issued Swiss AD HB 98–069, dated March 23, 1998, in order to assure the continued airworthiness of these airplanes in Switzerland.

The FAA's Determination

This airplane model is manufactured in Switzerland 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 FOCA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the FOCA; reviewed all available information, including the service information referenced above; 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 the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Pilatus PC–7 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require replacing the seal unit on both MLG legs and the NLG leg. Accomplishment of the proposed installation would be in accordance with Pilatus Service Bulletin No. 32–018, dated March 6, 1998.

Cost Impact

The FAA estimates that 5 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 8 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $932 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $7,060, or $1,412 per airplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this 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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Pilatus Aircraft LTD.: Docket No. 98–CE–30–AD.

Applicability: Model PC–7 airplanes, serial numbers MSN 001 through MSN 609, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent main landing gear (MLG) or nose landing gear (NLG) failure caused by deterioration of a MLG or NLG leg seal unit, which could result in damage to the airplane or airplane controllability problems during takeoff, landing, or taxi operations, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD, replace the seal unit on both MLG legs and the NLG leg in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 32–018, dated March 6, 1998.

(b) As of the effective date of this AD, no person may install a MLG leg or NLG leg that does not have an improved seal unit installed in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 32–018, dated March 6, 1998.

(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 2: 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 Pilatus Service Bulletin No. 32–018, dated March 6, 1998, should be directed to Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6509; facsimile: +41 41 610 3351. 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 64106.

Note 3: The subject of this AD is addressed in Swiss AD HB 98–069, dated March 23, 1998.

Issued in Kansas City, Missouri, on May 21, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–14192 Filed 5–28–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–03–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model B.121 Series 1, 2, and 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This document proposes to revise an earlier proposed airworthiness directive (AD) that would have required the following on certain British Aerospace Model B.121 Series 1, 2, and 3 airplanes: installing an inspection opening in the area of the main spar web, repetitively inspecting the area at the main spar web for cracks and the area of the wing to fuselage attach bolt holes for corrosion, and repairing or replacing any cracked or corroded part. The proposed AD was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. Since issuing the NPRM, British Aerospace has developed additional service information to that referenced in the previous proposal to include the installation of nuts of improved design at the wing to fuselage main-spar attachment fittings and the deletion of the inspection of the area of the wing to fuselage attach bolt holes for corrosion. The improved design nuts provide better torque retention than the nuts originally installed. The Federal Aviation Administration (FAA) has determined that the above-referenced changes in the revised service information should be incorporated into the NPRM, and that the comment period for the proposal should be reopened and the public should have additional time to comment. The actions specified by the proposed AD are intended to prevent structural failure of the main spar web area caused by fatigue cracking or separation of the wing caused by loose nuts at the wing to fuselage main-spar attachment fittings, which could result in loss of control of the airplane.

DATES: Comments must be received on or before July 3, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–03–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from British Aerospace (Operations) Limited, British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Chudy, 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:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications 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, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this

proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98–CE–03–AD." The postcard will be date stamped and returned to the commenter.

Availability of Supplemental NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–03–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain British Aerospace Model B.121 Series 1, 2, and 3 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on March 16, 1998 (63 FR 12708). The NPRM proposed to require installing an inspection opening in the area of the main spar web, repetitively inspecting the area at the main spar web for cracks and the area of the wing to fuselage attach bolt holes for corrosion, and repairing or replacing any cracked or corroded part. Accomplishment of the proposed inspections would be required in accordance with British Aerospace PUP Mandatory Service Bulletin No. B121/102, Revision No. 1, Issued April 16, 1997. If necessary, the proposed repair or replacement would be required in accordance with a scheme obtained from the manufacturer through the FAA, Small Airplane Directorate.

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

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.

Events Since Issuance of the NPRM

Since issuance of the NPRM, British Aerospace has developed additional service information to that referenced in the previous proposal to include the installation of nuts of improved design at the wing to fuselage main-spar attachment fittings and the deletion of the inspection at the area of the wing to fuselage attach bolt holes for corrosion. The improved design nuts provide better torque retention than the ones originally installed.

In addition, British Aerospace has re-examined the service history and evaluated reports from the field and has changed the compliance time (that is referenced in the service information) for the inspection opening installation and the initial eddy current inspection to upon the accumulation of 2,000 flying hours.

To incorporate the above changes, British Aerospace has issued the following service bulletins, which supersede British Aerospace PUP Mandatory Service Bulletin No. B121/102, Revision No. 1, Issued April 16, 1997:

—British Aerospace PUP Mandatory Service Bulletin No. B121/106, dated January 12, 1998, which specifies procedures for replacing the nuts (with improved design nuts) at the wing to fuselage main-spar attachment fittings; and

—British Aerospace PUP Mandatory Service Bulletin No. B121/105, dated January 12, 1998, which specifies procedures for installing an inspection opening in the area of the main spar web, and inspecting the area at the main spar web for cracks. These procedures are basically the same as contained in British Aerospace PUP Mandatory Service Bulletin No. B121/102, Revision No. 1, Issued April 16, 1997.

The FAA's Determination

After examining all information related to the subject described in this document, the FAA has determined that:

—Improved design nuts should be installed at the wing to fuselage main-spar attachment fittings;

—The improved service information should be incorporated into the proposed AD;

—The compliance time of the proposed inspection opening installation and initial eddy current inspection should be changed to coincide with the service information referenced above; and

—AD action should be taken to incorporate these changes to prevent structural failure of the main spar web area caused by fatigue cracking or separation of the wing caused by loose nuts at the wing to fuselage main-spar attachment fittings, which could result in loss of control of the airplane.

The Supplemental NPRM

Since installing improved design nuts at the wing to fuselage main-spar attachment fittings proposes actions that go beyond the scope of what was already proposed, the FAA is reopening the comment period to allow the public additional time to comment on this proposed action.

Cost Impact

The FAA estimates that 2 airplanes in the U.S. registry would be affected by the proposed AD; that it would take approximately 37 workhours per airplane to accomplish the proposed initial inspection, inspection opening installation, and improved design nut installations; that the average labor rate is approximately $60 an hour. There is no cost for the parts to accomplish the proposed replacements. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,440, or $2,220 per airplane. These figures only take into account the cost of the proposed initial inspections, inspection opening installation, and improved design nut installations; and do not take into account the cost of repetitive inspections. The FAA has no way of determining the number of repetitive inspections each owner/operator of the affected airplanes will incur.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this 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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

British Aerospace (Operations) Limited: Docket No. 98–CE–03–AD.

Applicability: Model B.121 Series 1, 2, and 3 airplanes, all serial numbers, 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 (f) 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 in the body of this AD, unless already accomplished.

To prevent structural failure of the main spar web area caused by fatigue cracking or separation of the wing caused by loose nuts at the wing to fuselage main-spar attachment fittings, which could result in loss of control of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, replace the nuts (with improved design nuts) at the wing to fuselage main-spar attachment fittings in accordance with British Aerospace PUP Mandatory Service Bulletin No. B121/106, dated January 12, 1998.

(b) Upon accumulating 2,000 hours TIS on the main spar or within the next 50 hours TIS, whichever occurs later, install an inspection opening and inspect, using eddy current methods, the area at the main spar web for cracks in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of British Aerospace PUP Mandatory Service Bulletin No. B121/105, dated January 12, 1998.

Note 2: Accomplishing the installation inspection opening and initial eddy current inspection required by this AD in accordance with British Aerospace PUP Mandatory Service Bulletin No. B121/102, Revision No. 1, Issued April 16, 1997, is considered "already accomplished" for the requirements of paragraph (b) of this AD.

(c) Within 800 hours TIS after the initial inspection required by paragraph (b) of this AD, and thereafter at intervals not to exceed 800 hours TIS, reinspect the area of the main spar web as specified in paragraph (b) of this AD.

(d) If any cracks are found during any inspection required by this AD, prior to further flight, accomplish the following:

(1) Obtain a repair or replacement scheme from the manufacturer through the FAA, Small Airplane Directorate, at the address specified in paragraph (e) of this AD; and

(2) Incorporate this scheme and continue to repetitively inspect as required by paragraph (c) of this AD, unless specified differently in the instructions to the repair or replacement scheme.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times 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 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(g) Questions or technical information related to the service information referenced in this document should be directed to British Aerospace (Operations) Limited, British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. 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 64106.

Note 4: The subject of this AD is addressed in British AD 005–01–98, not dated.

Issued in Kansas City, Missouri, on May 21, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–14189 Filed 5–28–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 820

Quality System Inspection Technique Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following public meeting: "Quality System Inspection Technique." The goal of the meeting is to obtain views and opinions from interested parties concerning a proposed new technique for conducting quality system inspections. This proposed technique could eventually replace the technique presently used when FDA conducts quality systems (good manufacturing practices) inspections of medical device manufacturers. The proposed "Quality System Inspection Technique" was developed by a group composed of the Center for Devices and Radiological Health (CDRH) and Office of Regulatory Affairs staff, familiar with the Quality Systems Regulation and present inspectional processes, with input from the medical device industry. This meeting is part of the CDRH's ongoing reengineering effort to develop an inspection program covering the Quality System Regulation that results in more focused and efficient inspections.

DATES: The public meeting will be held on Thursday, June 18, 1998, from 8:30 a.m. to 5 p.m.

ADDRESSES: The public meeting will be held at 5600 Fishers Lane, conference rooms D and E, third floor, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

For information regarding the meeting: Timothy R. Wells, Center for Devices and Radiological Health (HFZ–332), 2094 Gaither Rd., Rockville, MD 20859, 301–594–4616, FAX 301–594–4638, e-mail trw@cdrh.fda.gov.

For information regarding registration or requests for oral presentations: Georgia A. Layloff, Food and Drug Administration, St. Louis Branch Office, 12 Sunnen Dr., suite 122, St. Louis, MO 63143, 314–645–1167, ext. 121, FAX 314–645–2969, e-mail glayloff@ora.fda.gov.

SUPPLEMENTARY INFORMATION: The draft entitled "Quality System Inspection Technique" is posted for comment on the CDRH's World Wide Web (www) home page. The draft document may be

accessed at http://www.fda.gov/cdrh/gmp/gmp.html.

Send registration information (including name, title, firm name, address, telephone, and fax number), and written material and requests to make oral presentations, to the contact person by June 11, 1998. No telephone requests will be accepted. You will be notified by fax to tell whether your presentation will be included and your time limitation. If you cannot be reached by fax, please note that in your request.

Due to space limitations, interested parties are encouraged to register early. Depending on the number of requests, registration may be limited to one representative per firm or organization. If special accommodations are needed due to a disability, please contact Timothy R. Wells, at least 7 days in advance.

Dated: May 19, 1998.

Linda S. Kahan,

Acting Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 98–14049 Filed 5–28–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SPATS No. IN–144–FOR]

Indiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Indiana regulatory program (hereinafter the "Indiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to and additions of statutes pertaining to definitions, permit conditions, and permit revisions. The amendment is intended to revise the Indiana program to improve operational efficiency.

This document sets forth the times and locations that the Indiana program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., e.s.t., June 29, 1998. If requested, a public hearing on the proposed amendment will be held on June 23, 1998. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t. on June 15, 1998.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Andrew R. Gilmore, Director, Indianapolis Field Office, at the address listed below

Copies of the Indiana program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Indianapolis Field Office.

Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204, Telephone: (317) 226–6700.

Indiana Department of Natural Resources, 402 West Washington Street, Room C256, Indianapolis, Indiana 46204, Telephone: (317) 232–1547.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office, Telephone: (317) 226–6700.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 194.15, and 194.15.

II. Description of the Proposed Amendment

By letter dated May 14, 1998 (Administrative Record No. IND–1606), Indiana submitted a proposed amendment to its program pursuant to SMCRA. Indiana submitted the proposed amendment at its own initiative. The amendment pertains to revisions of and additions to the Indiana Code (IC) made by House Enrolled Act (HEA) No. 1074. HEA No. 1074 was passed through the Indiana Legislature and signed by the Governor of Indiana on March 12, 1998. Only those portions of HEA No. 1074 that pertain to Articles 14–8 and 14–34 are being considered in this document. The full text of the proposed program amendment submitted by Indiana is available for public inspection at the locations listed above under **ADDRESSES**. A discussion of the proposed amendment is presented below.

1. IC 14–8–2–117.3, Definition for "Governmental Entity"

Indiana proposes the following definition: "Governmental entity, for the purposes of IC 14–22–10–2 and IC 14–22–10.2.5, has the meaning set forth in IC 14–22–10–2(a)."

2. IC 14–34–4–18, Permit Conditions

Indiana identified the existing provision as subsection (a) and added the following new provision at subsection (b):

The director may issue a permit subject to the condition that the permittee obtain or maintain in force other licenses or permits required for the surface coal mining and reclamation operation. However, the imposition of a condition under this subsection does not authorize or require the director to administer or enforce the requirements of any federal law or of any state law other than this article.

3. IC 14–34–5–7, Permit Revisions

The existing provisions in subsections (a) and (b) were removed and the following new provisions were added:

(a) A change in mining or reclamation operations from the approved mining and reclamation plans that would adversely affect the permittee's compliance with this article is a permit revision subject to review and approval as provided in this section and sections 8 through 8.4 of this chapter.

(b) A permit revision is either: (1) A significant revision subject to sections 8 and 8.1 of this chapter; (2) a nonsignificant revision subject to sections 8.2 and 8.3 of this chapter; or (3) a minor field revision subject to section 8.4 of this chapter.

(c) Permit revisions may be approved by: (1) The director; or (2) the director's designated representative.

(d) A permit revision may not be approved unless the permittee demonstrates and the director or the director's designated representative finds the following:

(1) That reclamation as required by this article and by the rules adopted by the commission under IC 14–34–2–1 can be accomplished.

(2) That applicable requirements of IC 14–34–4–7 that are pertinent to the permit revision are met.

(3) That the permit revision complies with all applicable requirements of this article and the rules adopted by the commission under IC 14–34–2–1.

4. IC 14–34–5–8, Permit Revisions

Indiana proposes to remove the language "as defined in the rules adopted under section 6 of this chapter" and to add the language "or minor field revisions" after the phrase "based only on nonsignificant revisions."

5. IC 14–34–5–8.1, Significant Permit Revisions

Indiana proposes to add a new section that defines significant permit revisions. A proposed revision of a permit is significant if any of eight conditions exists. The conditions include: adverse impacts affecting cultural resources, blasting operations, water supply, handling of toxic forming or acid forming materials, and fish and wildlife; the addition of a coal processing facility or a permanent support facility; the changes will cause a new or an updated probable hydrologic consequences determination or cumulative hydrologic impact analysis; or a postmining land use will be changed to a residential land use, a commercial or industrial land use, a recreational land use, or developed water resources.

6. IC 14–34–5–8.2, Nonsignificant Permit Revisions

Indiana proposes to add a new section that defines nonsignificant permit revisions. A proposed revision of a permit is nonsignificant if any of five conditions exist. The conditions include: (1) For surface mines, changes in the direction of mining or location of mining equipment; (2) substitution of mining equipment designed for the same purpose; (3) for underground mines, any change in the direction or location of mining within the permit area or shadow area in response to unanticipated events; (4) a postmining land use other than a change described in section 8.1; or (5) any other change in the mining or reclamation plan that will not have a significant effect on achievement of final reclamation plans, on subsidence control plans, and on the surrounding area, that does not involve significant delay in achieving final reclamation or significant change in the land use, or that is necessitated by unanticipated and unusually adverse weather conditions, other acts of God, strikes, or other cause beyond the reasonable control of the permittee.

7. IC–14–34–5–8.3, Nonsignificant Permit Revisions

Indiana proposes to require that a nonsignificant revision in a mining or reclamation plan must be reviewed and approved in writing by the director before it may be implemented.

8. IC 14–34–5–8.4, Minor Field Revisions

Indiana's proposed new section adds provisions for approval of minor field revisions by an inspector in the field. Subsection (a) defines minor field revisions as those that do not require technical review or design analysis and are capable of being evaluated in the field by the director's designated delegate for compliance with section 14–34–5–7(d). Subsection (b) allows a minor field revision to be approved by a field inspector in an inspection report or on a form signed in the field. Subsection (c) provides examples of the types of minor field revisions allowed, including soil stockpile location and configuration, as-built pond certifications, minor transportation facility changes, pond depth, shape, and orientation, an area for temporary drainage control or temporary water storage, equipment changes, explosive storage areas, minor mine management or support facility locations, adding United States Natural Resources Conservation Service conservation practices, methods of erosion protection on diversions, temporary cessation of mining, and minor diversion location changes.

9. IC 14–34–5–8.5, Permit Area Extensions

Indiana's proposed statute provides that an extension of the area covered by a permit, except for an incidental boundary revision, must be made by applying for a new permit.

10. IC–14–34–5–8.6, Incidental Boundary Revisions

This proposed statute addresses the requirements for incidental boundary revisions. Subsection (a) provides that five conditions must apply before an extension is considered an incidental boundary revision: (1) The extension may not constitute a significant revision to the method of conduct of mining or reclamation operations; (2) the extension must be required for the orderly and continuous mining and reclamation operation; (3) the extension must adjoin the permit or shadow area acreage; (4) the extended area must be mined and reclaimed in conformity with the approved permit plans; and (5) the area of the extension may not exceed the lesser of 10 percent of the area originally covered by the permit or 20 acres.

Subsection (b) requires that the aggregate of all incidental boundary revisions of a permit may not exceed the area originally covered by the permit by more than 15 percent, unless the director finds that all other provisions of this section are met and the interests of the public are not adversely affected.

Subsection (c) provides that the aggregate of all incidental boundary revisions of a permit that involve coal removal may not exceed the area originally covered by the permit by more than 10 percent.

Subsection (d) specifies the application requirements for incidental boundary revisions, including size of the area, pre- and post-mining land uses, maps, proof of the permittee's legal right to enter and conduct surface coal mining and reclamation operations on the area, necessary plans, and a statement pertaining to areas unsuitable for mining.

Subsection (e) provides that an application for an incidental boundary revision may not be approved unless the applicant demonstrates and the director finds that reclamation of the area can be accomplished and that the application complies with all requirements of Article 34.

Subsection (f) requires the director to approve or deny an incidental boundary revision of a permit within 30 days, unless the director finds that more than 30 days are needed to adequately review the application and make the findings required by subsection (e).

Subsection (g) specifies that section 14–34–5–8.6 does not alter the requirements for the submission of fees and bonds.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Indiana program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t. on June 15, 1998. The location and time of the hearing will be arranged with those persons requesting the hearing. Any

disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.** If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the location listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

IV. 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 counterpart 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 counterpart 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 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 22, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98–14272 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

RIN 1018–AE83

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearings and Reopening of Comment Period on Proposed Reclassification From Endangered to Threatened Status for the Mariana Fruit Bat From Guam, and Proposed Threatened Status for the Mariana Fruit Bat From the Commonwealth of the Northern Mariana Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing and reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of two public hearings on the proposed reclassification from endangered to threatened status for the Mariana fruit bat from Guam, and on proposed threatened status for the Mariana fruit bat from the Commonwealth of the Northern Mariana Islands. In addition, the Service has reopened the comment period. All parties are invited to submit comments on this proposal.

DATES: The comment period now closes on July 10, 1998. There will be two public hearings, one each on the islands of Saipan and Rota. The public hearing on Saipan will be held from 7:30 p.m. to 9:00 p.m. on Wednesday, June 24, 1998. The public hearing on Rota will be held from 7:30 p.m. to 9:00 p.m. on Thursday, June 25, 1998. Prior to each of the public hearings, the Service will be available from 5:00 to 6:30 p.m. to provide information and to answer questions.

ADDRESSES: On Saipan, the public hearing will be held at the Pacific Gardenia Hotel, Chalan Kanoa Beach Road. On Rota, the public hearing will be held at the Rota Resort and Country Club. Written comments and materials concerning this proposal may be submitted at the hearings or sent directly to Mr. Brooks Harper, Field

Supervisor, Ecological Services, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service, 300 Ala Moana Blvd., Room 3–122 Box 50088, Honolulu, HI 96850. Comments and materials will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David Worthington or Christa Russell at 808/541–3441 (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION:

Background

The Mariana fruit bat is a medium-sized fruit bat that is restricted to the Mariana archipelago, comprised of the Territory of Guam and the Commonwealth of the Northern Mariana Islands (CNMI), where it is known from all islands.

The movement of bats among the Mariana Islands is an aspect of their biology that is critical to conservation. The 1984 Federal listing (49 FR 33881) of fruit bats resident on Guam was based on the assumption that these bats formed a separate population segment distinct from the bats found in the CNMI. Recently, biologists in the Mariana Islands have gathered evidence indicating that movement of bats among the Mariana Islands links these colonies as a single population. Thus, the Service believes that the Mariana fruit bats in the CNMI and Guam represent one population, but recognizes that the bats on Guam are not recovering and that survival of bats on Guam continues to be threatened by a variety of factors. However, when viewed in the context of representing a portion of the entire Mariana fruit bat population in the Mariana Islands, rather than as a distinct population as previously thought, reclassification from endangered to threatened is appropriate and biologically justified. Therefore, proposing to list the entire population of *Pteropus mariannus mariannus* as threatened throughout its range, including bats in both the CNMI and Guam, retains an appropriate level of protection for this bat on Guam while increasing overall protection to the Mariana fruit bat throughout the Mariana Islands.

The fruit bats of Guam and the CNMI are threatened by degradation or loss of habitat through the development of forested areas, illegal hunting, the possible introduction of alien species such as the brown tree snake (*Boiga irregularis*) to the CNMI, and the potential impacts of typhoons that can disrupt small populations. Most of the known Mariana fruit bat roost sites in the Mariana Islands are on public land.

On August 27, 1984, the Service listed the Guam population of Mariana fruit bats as endangered (49 FR 33881). Fruit bats found on Aguijan, Tinian, and Saipan are currently identified as candidates for listing (62 FR 49401). On March 26, 1998, the Service published a rule proposing reclassification from endangered to threatened status for the Mariana fruit bat from Guam, and proposing threatened status for the Mariana fruit bat from the Commonwealth of the Northern Mariana Islands (63 FR 14641–14650).

Section 4(b)(5)(E) of the Act (16 U.S.C. 1531 *et seq.*) requires that a public hearing be held if it is requested within 45 days of the publication of the proposed rule. Public hearing requests by the CNMI Governor, the CNMI Department of Lands and Natural Resources, the CNMI Division of Fish and Wildlife, and CNMI Representatives Heinz S. Hofschneider and Diego T. Benavente, were received within the allotted time period. The Service has scheduled public hearings for Saipan and Rota. The public hearing on Saipan is on Wednesday, June 24, 1998, at the Pacific Gardenia Hotel from 7:30 p.m. to 9:00 p.m. On Rota, the hearing will be on Thursday, June 25, 1998, at the Rota Resort and Country Club from 7:30 p.m. to 9:00 p.m. Public hearings are an opportunity for the public to provide oral comments for the official record, which does not allow for questions and responses to questions; therefore, prior to each public hearing, the Service will be available to provide information and answer questions from 5:00 p.m. until 6:30 p.m.

Oral and written comments will be accepted and treated equally. Parties wishing to make statements for the record should bring a copy of their statements to the hearings. Oral statements may be limited in length, if the number of parties present at the hearings necessitates such a limitation. There are no limits to the length of written comments or materials presented at the hearings or mailed to the Service. Written comments carry the same weight as oral comments. Legal notices announcing the date, time, and location of the hearings are being published in newspapers concurrently with this **Federal Register** notice.

The comment period on the proposal was initially closed on May 26, 1998. To accommodate the hearings, the public comment period is reopened upon publication of this notice. Written comments may now be submitted until July 10, 1998, to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is David Worthington (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

William F. Shake,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98–14233 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 63, No. 103
Friday, May 29, 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

Animal and Plant Health Inspection Service

[Docket No. 98–009–2]

Pioneer Hi-Bred International, Inc.; Availability of Determination of Nonregulated Status for Corn Genetically Engineered for Male Sterility and Glufosinate Herbicide Tolerance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that the Pioneer Hi-Bred International, Inc., corn lines designated as 676, 678, and 680, which have been genetically engineered for male sterility and tolerance to the herbicide glufosinate as a marker, are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by Pioneer Hi-Bred International, Inc., in its petition for a determination of nonregulated status and an analysis of other scientific data. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

EFFECTIVE DATE: May 14, 1998.

ADDRESSES: The determination, an environmental assessment and finding of no significant impact, and the petition may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are asked to call in advance of visiting at (202) 690–2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Subhash Gupta, Biotechnology and Biological Analysis, PPQ, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–8761. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–4885; e-mail: mkpeterson@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1997, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 97–342–01p) from Pioneer Hi-Bred International, Inc. (Pioneer), of Johnston, IA, seeking a determination that corn lines designated as 676, 678, and 680, which have been genetically engineered for male sterility and tolerance to the herbicide glufosinate as a marker, do not present a plant pest risk and, therefore, are not regulated articles under APHIS regulations in 7 CFR part 340.

On February 18, 1998, APHIS published a notice in the **Federal Register** (63 FR 8161–8162, Docket No. 98–009–1) announcing that the Pioneer petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating corn lines 676, 678, and 680 and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether these corn lines posed a plant pest risk. The comments were to have been received by APHIS on or before April 20, 1998. APHIS received no comments on the subject petition during the designated 60-day comment period.

Analysis

Corn lines 676, 678, and 680 have been genetically engineered to contain a *dam* gene derived from *Escherichia coli*. The *dam* gene expresses a DNA adenine methylase enzyme in specific plant tissue, which results in the inability of the transformed plants to produce anthers or pollen. The subject corn lines also contain the *pat* selectable marker gene isolated from the bacterium *Streptomyces viridochromogenes*. The *pat* gene encodes a phosphinothricin acetyltransferase (PAT) enzyme, which, when introduced into a plant cell, inactivates glufosinate. Linkage of the *dam* gene, which induces male sterility, with the *pat* gene, a glufosinate tolerance gene used as a marker, enables identification of the male sterile line for the production of hybrid seed. The subject corn lines were transformed by the particle gun process, and expression of the introduced genes is controlled in part by gene sequences derived from the plant pathogen cauliflower mosaic virus.

Corn lines 676, 678, and 680 have been considered regulated articles under APHIS regulations in 7 CFR part 340 because they contain regulatory gene sequences derived from a plant pathogen. However, evaluation of field data reports from field tests of the subject corn lines conducted under APHIS notifications since 1995 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the environmental release of these corn lines.

Determination

Based on its analysis of the data submitted by Pioneer and a review of other scientific data and field tests of the subject corn lines, APHIS has determined that corn lines 676, 678, and 680: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become a weed than corn lines developed by traditional breeding techniques; (3) are unlikely to increase the weediness potential for any other cultivated or wild species with which they can interbreed; (4) will not cause damage to raw or processed agricultural commodities; and (5) will not harm threatened or endangered species or other organisms, such as bees, that are beneficial to agriculture. Therefore, APHIS has concluded that corn lines 676, 678, and 680 and any progeny derived from hybrid crosses with other corn varieties will not exhibit new plant pest properties, i.e., properties substantially different from any observed for the subject corn lines already field tested, or those observed for corn in traditional breeding programs.

The effect of this determination is that Pioneer's corn lines designated as 676, 678, and 680 are no longer considered regulated articles under APHIS'

regulations in 7 CFR part 340. Therefore, the requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of Pioneer's corn lines 676, 678, or 680 or their progeny. However, the importation of the subject corn lines or seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that Pioneer's corn lines 676, 678, and 680 and lines developed from them are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 22nd day of May 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–14260 Filed 5–28–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

Office of the Inspector General

Application for Funding Assistance

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce (DOC), 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 July 28, 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 and instructions should be directed to Barbara A. Bynum, Department of Commerce, Office of Inspector General, 14th and Constitution Avenue, NW, Room 7089, Washington, DC 20230. She may be reached at (202) 482–5348.

SUPPLEMENTARY INFORMATION:

I. Abstract

DOC, through the Economic Development Administration (EDA), the Minority Business Development Agency (MBDA), the International Trade Administration (ITA), the National Oceanic and Atmospheric Administration (NOAA), the National Telecommunications and Information Agency (NTIA), and the National Institute of Standards and Technology (NTIS), and other programs, assists reliable, capable individuals and firms in the pursuit of various business development, business enterprise development and other forms of economic development. The CD–346 form is used to establish the good character of principal officers and employees of organizations, firms, or recipients or beneficiaries of grants, loans, or loan guarantee programs, through the organizations cited above. This requirement is derived from 42 USC 3211(12); 44 USC 3101; and 15 USC 1519, as well as the responsibilities cited in the Inspector General Act of 1978, Sec. 4(a)(3) and Departmental Orders (DAO) 207–10 and 203–26.

II. Method of Collection

The information is collected in written form.

III. Data

OMB Number: 0605–0001.

Form Number: None.

Type of Review: Regular Submission.

Affected Public: Individual, businesses or other for-profit organizations, not-for-profit institutions.

Estimated Number of Respondents: 2,000.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 500.

Estimated Total Annual Cost to Public: $0 (no capital expenditures 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: May 22, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–14211 Filed 5–28–98; 8:45 am]

BILLING CODE: 3510–65–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews and requests for revocations in part.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with April anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department of Commerce also received a request to revoke one antidumping duty order in part.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration,

U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests in accordance with 19 CFR 351.213(b)(1997), for administrative reviews of various antidumping and countervailing duty orders and findings with April anniversary dates. The Department also received timely requests to revoke in part the antidumping duty order on Roller Chain, Other Than Bicycle from Japan:

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than April 30, 1999.

Antidumping duty proceedings	Period to be reviewed
GREECE: Electrolytic Manganese Dioxide:	
A–484–801	4/1/97–3/31/98
Tosoh Hellas A.I.C.	
Eveready Battery Company (EBC)	
JAPAN: Roller Chain, Other Than Bicycle:	
A–588–028	4/1/97–3/31/98
Daido Kogyo Co., Ltd.	
Enuma Chain Mfg. Co. Ltd. HKK Chain Corp./Hitachi Metals Techno, Ltd.	
Izumi Chain Mfg. Co.	
Kaga Kogyo/Kaga Industries/KCM	
Oriental Chain Manufacturing Co., Ltd.	
Pulton Chain Co., Inc.	
RK Excel	
Sugiyama Chain Co., Ltd.	
Tsubakimoto Chain Co., Ltd.	
NORWAY: Salmon:	
A–403–801	4/1/97–3/31/98
Nornir Group A/S	
REPUBLIC OF KOREA: Televisions:	
A–580–008	4/1/97–3/31/98
Daewoo Electronics Co., Ltd.	
LG Electronics Inc.	
Samsung Electronics Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Brake Rotors:*	
A–570–846	10/10/96–3/31/98
Yantai Import & Export Co.	
Southwest Technical Import & Export Co.	
Yangtze Machinery Co.	
MMB International, Inc.	
Hebei Metals and Minerals Import & Export Co.	
Jilin Provincial Machinery & Equipment Import & Export Co.	
Shandong Jiuyang Enterprise Co.	
Longjing Walking Tractor Works Foreign Trade Import & Export Co.	
Qingdao Metals, Minerals & Machinery Import & Exports Co.	
Shanxi Machinery and Equipment Import & Export Co.	
Xianghe Zichen Casting Co.	
Yenhere Co.	
China Non Market Economy Entity	
China National Automotive Industry Import & Export Co. (only as to merchandise produced by a firm other than Shandong Laizhou CAPCO Industry)	
Shandong Laizhou CAPCO Industry (only as to merchandise produced by a firm other than Shandong Laizhou CAPCO Industry)	
Shenyang Honbase Machinery Co. Ltd. (Only as to merchandise produced by a firm other than either Shenyang Honbase Machinery Co. Ltd. or Lai Zhou Luyuan Automobile Fitting Co., Ltd.	
Lai Zhou Luyuan Automobile Fitting Co., Ltd. (only as to merchandise produced by a firm other than either Shenyang Honbase Machinery Co., Ltd. or Lai Zhou Luyuan Automobile Fitting Co., Ltd.)	
China National Machinery and Equipment Import & Export (Xinjiang) Corporation, Ltd. (only as to merchandise produced by a firm other than Zibo Botai Manufacturing Co., Ltd.)	
*If one of the named companies does not qualify for a separate rate, all other exports of brake rotors from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.	
TURKEY: Certain Steel Concrete Reinforcing Bars:	
A–489–807	10.10.96–03/31/98
Ekinciler Holding A.S./Ekinciler Demir Celik A.S.	
Ferromin International Trade Corp.	
Countervailing Duty Proceedings	
None.	
Suspension Agreements	
None.	

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 315.211 or a determination under section 351.218(d) (sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For transition orders defined in section 751(c)(6) of the Act, the Secretary will apply paragraph (j)(1) of this section to any administrative review initiated in 1996 or 1998 (19 CFR 351.213(j)(1–2)).

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b) and 355.34(b).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 29 CFR 351.221(c)(1)(i).

Dated: May 22, 1998.

Maria Harris Tildon,

Acting Deputy Assistant Secretary Import Administration.

[FR Doc. 98–14273 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–807]

Certain Steel Concrete Reinforcing Bars from Turkey: Initiation of New Shipper Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce has received a request to conduct a new shipper administrative review of the antidumping duty order on certain steel concrete reinforcing bars from Turkey. In accordance with 19 CFR 351.214(d), we are initiating this administrative review.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or Irina Itkin, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–1776 or 482–0656, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations are to the provisions codified at 19 CFR Part 351 (62 FR 27295, May 19, 1997).

SUPPLEMENTARY INFORMATION:

Background

The Department has received a timely request from Istanbul Celik ve Demir Izabe Sanayii A.S. (ICDAS), in accordance with 19 CFR 351.214(d), for a new shipper review of the antidumping duty order on certain steel concrete reinforcing bars (rebar) from Turkey, which has an April anniversary date. ICDAS (the respondent) has certified that it did not export rebar to the United States during the period of investigation (POI) and that it is not affiliated with any exporter or producer which did export rebar during the POI.

In accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and based on information on the record, we are initiating the new shipper review as requested.

Initiation of Review

In accordance with section 751(a)(2)(B)(ii) of the Act and 19 CFR 351.214(d)(1), we are initiating a new shipper review of the antidumping duty order on rebar from Turkey. On May 18, 1998, ICDAS agreed to waive the time limits of 19 CFR 351.214(i), in order that the Department, pursuant to 19 CFR 351.214(j)(3), may conduct this review concurrent with the first annual administrative review of this order for the period 10/10/96–03/31/98, as requested pursuant to section 751(a) of the Act. See Antidumping Duties; Countervailing Duties; Final rule (62 FR 27295, 27396, May 19, 1997). Therefore, we intend to issue the preliminary results of this review not later than 245 days after the last day of the anniversary month. In accordance with our practice, all other provisions of section 351.214 will apply to ICDAS throughout the duration of this new shipper review.

Antidumping duty proceeding	Period to be reviewed
Turkey: Certain Steel Concrete Reinforcing Bars, A–489–807 Istanbul Celik ve Demir Izabe Sanayaii A.S.	10/10/96–03/31/98

We will instruct the U.S. Customs Service to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the above-listed company. This action is in accordance with 19 CFR 351.214(e) and (j)(3).

Interested parties that need access to the proprietary information in this new shipper review should submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b).

This initiation and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214(d).

Dated: May 22, 1998.

Maria Harris Tildon,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 98–14274 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Transition Orders; Final Schedule and Grouping of Five-Year Reviews

Editorial Note: Notice document FR Doc 98–12887 was originally published at page 26779 in the issue of Thursday, May 14, 1998. Due to typesetting errors, the document is being republished in its entirety.

AGENCY: Import Administration, International Trade Administration, Department of Commerce

ACTION: Notice of final schedule and grouping of five-year reviews of transition orders.

SUMMARY: The Department of Commerce ("the Department") hereby publishes its final schedule for the conduct of the initial five-year reviews of transition orders and the International Trade Commission's ("the Commission") final grouping of reviews.

FOR FURTHER INFORMATION CONTACT: Melissa G. Skinner, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, at (202) 482–1560, or Vera Libeau, Office of Investigations, U.S. International Trade Commission, at (202) 205–3176.

SUPPLEMENTARY INFORMATION:

Background

On October 9, 1997, the Department published its proposed schedule for the conduct of the initial five-year reviews of transition orders and the Commission's proposal for grouping reviews (Transition Orders; Schedule and Grouping of Five-year Reviews, 62 FR 52686), as amended on November 17, 1997 (Transition Orders; Schedule and Grouping of Five-year Reviews, 62 FR 61294). We invited comments from interested parties on the proposed schedule and grouping of reviews. On December 8, 1997, the Department and the Commission received comments. On January 6, 1998, the Department and the Commission received rebuttal comments.

Comments on Schedule

We received comments from 22 parties, 11 of which addressed the proposed schedule. Five commenters requested that the proposed schedule be amended. After consideration of these comments, and following consultations with the Commission, the Department has decided to continue to apply the methodology described in the notice of proposed schedule and leave the schedule intact, with the exceptions caused by changes to specific groupings and revocations that have taken place since the publication of the proposed schedule. In addition, because of the embargo on imports from Iran, the Department has not scheduled the sunset review of the antidumping duty order on pistachios from Iran at this time.

Counsel for petitioners with respect to the antidumping duty order on stainless steel plate from Sweden requested that initiation of the sunset review of that order be rescheduled at a later time. Counsel suggests that an affirmative duty absorption determination is possible in the administrative review that the Department may initiate in July 1998. Counsel stated that the 1998 review offers the first opportunity to examine the issue of duty absorption because there was a zero margin on imports from respondent Avesta Sheffield AB ("Avesta") at the time of the administrative review initiated in 1996 and, thus, there was no duty absorption to be found. Counsel for Avesta objected to any delay stating that an affirmative duty absorption determination is highly speculative and the Commission is not required to consider a duty absorption determination unless one exists.

The Department is not delaying the sunset review of stainless steel plate from Sweden. If we were to adopt the position of petitioners, we would need to delay the initiation of the sunset review of any order for which there is a theoretical potential for an affirmative duty absorption determination in the fourth review. Such a step would not be practical in light of the deadlines imposed by the statute and the need to begin sunset reviews of transition order in July 1998. In addition, we note that a duty absorption finding was possible in the second review (because dumping margins were found); however, petitioners did not request that the Department examine this issue.

Counsel for Roquette Frères requested that the initiation of the sunset review of the order on sorbitol from France be accelerated from October 1998 to July 1998. Among the reasons cited in support, counsel noted that: imports should have ceased altogether; there is no likelihood of resumption of imports; no interested party is expected to request that the order remain in effect; given Roquette Frères' investment in U.S. production facilities, no comment suggesting continuation of the order is expected from interested parties other than competing producers; and given the order is not grouped with any others, it is administratively convenient and will contribute to an expeditious sunsetting of the order. The Department is not accelerating the schedule for review of the order on sorbitol from France. Consideration of case specific facts such as the level of imports, their likelihood of resumption, and the willingness of domestic producers to participate in a sunset review is more appropriately done in the course of the sunset review itself. It is inappropriate for us to consider many of these substantive issues which may be relevant to the sunset determination itself in the context of scheduling the sunset reviews. The Department, instead, has elected to stay with its objective criteria described in its October 9, 1997 notice.

Counsel for domestic producers of circular welded non-alloy steel pipe, light-walled rectangular pipe and tube, and oil country tubular goods requested that these products be considered as three separate groupings and that a staggered schedule of March, May, and July be established for initiation of sunset reviews on these three groups because simultaneous initiation would impose a burden on counsel and the domestic producers it represents. Similarly, counsel for interested parties in cases covering industrial belts, V belts, drafting machines, small business telephone systems, and mechanical transfer presses requested separation of initiations of sunset reviews on these orders by at least a few months in order to allow adequate representation of clients in each of these cases that the proposed schedule would make almost impossible. While we are sympathetic to the administrative burden imposed on counsel, we do not consider that this schedule denies adequate representation to any parties desiring to participate in sunset reviews. Additionally, we do not find these reasons sufficient to depart from the methodology used to develop the proposed schedule. Therefore, we have not adopted these suggested changes to the schedule.

Counsel for Norsk Hydro Canada Inc., a producer and exporter from Canada of pure magnesium and alloy magnesium objected to the proposed schedule for initiation of reviews on the antidumping order on pure magnesium and the countervailing duty orders on pure and alloy magnesium. Counsel stated that the proposed schedule results in the Department, prior to initiating sunset reviews on the magnesium orders, initiating sunset reviews of fifteen orders issued subsequent to the issuance of the magnesium orders. In support of its request, counsel stated that: the SAA requires that, to the maximum extent practical, older orders be reviewed first; the Department provided no reason for reviewing the newer orders out of chronological sequence; the Department did not identify any special problem that would justify the out-of-sequence review; the proposed groupings by the Commission, which group orders covering products that are not identical, do not support the out-of-sequence review for the majority of the fifteen orders; given that subsequent reviews are to follow the same time frame as initial reviews, companies following non-sequential reviews are penalized forever; and the proposed schedule for review of the fifteen orders favors trade with other countries over trade with

Canada. For these reasons, counsel requested that the Department and Commission reconsider the proposed schedule and groupings.

We continue to believe that the methodology used to develop the proposed schedule results in the creation of a schedule that permits the Department and the Commission to conduct sunset reviews of over 300 transition orders consistent with the provisions of the statute and, at the same time, provides the most rational and equitable schedule for interested parties. As explained in the Methodology section of the notice of proposed schedule and groupings (62 FR at 52686), the groups were created by combining orders involving the same domestic product or related like products. The schedule placed the groups in chronological sequence based on the average date of the group. Each of the fifteen orders cited by counsel was grouped with older orders such that the average date of the group pre-dated the orders on pure and alloy magnesium. This is the type of "special problem" that may arise where reviews of transition orders are grouped and which has been addressed through the use of the average date of the orders in the group. We continue to believe that the proposed groupings are appropriate and have not revised the schedule.

Comments on Grouping

Commenters objected to five specific groupings proposed in the notice.[1] The Commission has decided to modify one of these groups and leave the remaining three intact.

The Ad Hoc Committee of Domestic Nitrogen Producers and Mississippi Potash Corp. objected to the proposed grouping of 17 antidumping orders concerning solid urea with a suspension agreement concerning an antidumping investigation relating to potassium chloride (potash) from Canada. The Commission has concluded that consolidating reviews of urea and potash would not enhance administrative efficiency because urea and potash are chemically distinct, do not serve as practical or functional substitutes, and the only two U.S. producers that produce both urea and potash do so through distinct production facilities and entities. Accordingly, the Commission has not included the suspension agreement concerning potash from Canada within the group of urea orders.

The Cookware Manufacturers Association and counsel for three U.S. cookware manufacturers, objected to the proposed grouping of four antidumping and countervailing duty orders concerning porcelain-on-steel cookware, on the one hand, with four antidumping and countervailing duty orders on top-of-the-stove stainless steel cookware, on the other. Although these commenters are correct in asserting that the Commission has not previously determined that porcelain-on-steel and stainless steel cookware are within the same domestic like product, the legislative history of the Uruguay Round Agreements Act does not limit the Commission's ability to group reviews to those reviews involving identical like products. Instead, the legislative history indicates that the Commission may group reviews involving related products when such consolidation will promote administrative efficiency in conducting the review. Although the Commission is not defining domestic like products at this time, it has concluded that porcelain-on-steel and stainless steel cookware are sufficiently similar that consolidating reviews of all orders concerning these products into a single group will promote administrative efficiency.

Counsel for eight U.S. producers of circular welded non-alloy steel pipe, six U.S. producers of light-walled rectangular pipe and tube, and four U.S. producers of oil country tubular goods, objected to the grouping of 18 antidumping and countervailing duty orders involving various types of carbon steel pipe and tube products. The Commission has concluded that there is sufficient similarity among the products and overlap among the producers that a grouped review of these orders would promote administrative efficiency. The Commission has consequently decided not to modify this group.

The Japan Bearing Industrial Association objected to the proposed "bearings" group encompassing 22 antidumping and countervailing duty orders. It requested that the Commission group orders involving tapered roller bearings separately from orders involving other antifriction bearings. By contrast, Timken Co. and Torrington Co., respectively the petitioners in the original tapered roller bearings and antifriction bearings investigations, stated in comments that they did not object to the proposed "bearings" grouping. Because of the overall similarity of the products and the existence of some overlap among producers, the Commission has concluded that including all bearings in a single group will promote administrative efficiency. Accordingly, it has not modified the "bearings" group.

Final Schedule and Grouping

After considering the comments received, the Department and the Commission have developed, in consultation, the final schedule and grouping provided in the Appendix to this notice.

Dated: May 8, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

FINAL SCHEDULE AND GROUPING

Initiation month/year	Group average date month/year	Effective date (mm.dd.yy)	DOC Case No.	ITC Case No.	Country	Product
July 98	9. 66	09. 13. 66	A–122–006	AA–49	Canada	Steel Jacks.
	6. 72	06. 9. 72	A–588–029	AA–85	Japan	Fish Netting of Manmade Fiber.
	6. 72	06. 14. 72	A–427–030	AA–86	France	Large Power Transformers.
	6. 72	06. 14. 72	A–475–031	AA–87	Italy	Large Power Transformers.
	6. 72	06. 14. 72	A–588–032	AA–88	Japan	Large Power Transformers.
	9. 72	08. 28. 68	A–843–803	AA–51	Kazakstan	Titanium Sponge.
	9. 72	08. 28. 68	A–821–803	AA–51	Russia	Titanium Sponge.
	9. 72	08. 28. 68	A–823–803	AA–51	Ukraine	Titanium Sponge.

[1] U.S. producers of gray portland cement calcium aluminate flux objected to the proposed cement/flux grouping. The Commission agreed that these products should not be grouped. However, on April 7, 1998, the Department revoked the antidumping duty order on flux; therefore this issue is moot.

FINAL SCHEDULE AND GROUPING—Continued

Initiation month/year	Group average date month/year	Effective date (mm.dd.yy)	DOC Case No.	ITC Case No.	Country	Product
	9. 72	11. 30. 84	A–588–020	A–161	Japan	Titanium Sponge.
	11. 72	11. 22. 72	A–588–038	AA–98	Japan	Bicycle Speedometers.
	3. 73	03. 23. 73	A–602–039	AA–110	Australia	Canned Bartlett Pears.
	4. 73	04. 12. 73	A–588–028	AA–111	Japan	Roller Chain.
Aug. 93	6. 73	06. 08. 73	A–401–040	AA–114	Sweden	Stainless Steel Plate.
	7. 73	07. 10. 73	A–588–041	AA–115	Japan	Synthetic Methionine.
	12. 73	12. 06. 73	A–588–046	AA–129	Japan	Polychloroprene Rubber.
	12. 73	12. 17. 73	A–122–047	AA–127	Canada	Elemental Sulphur.
	2. 74	02. 27. 74	A–122–050	AA–137	Canada	Racing Plates.
	8. 76	08. 30. 76	A–588–055	AA–154	Japan	Acrylic Sheet.
	2. 77	02. 02. 77	A–588–056	AA–162	Japan	Melamine.
Sep. 98	3. 77	03. 15. 77	C–351–037	C4–21	Brazil	Cotton Yarn.
	10. 77	10. 21. 77	A–475–059	AA–167	Italy	Pressure Sensitive Tape.
	12. 77	12. 22. 77	A–428–062	AA–172	Germany	Animal Glue.
	2. 78	02. 17. 78	A–433–064	AA–173	Austria	Railway Track Equipment.
	5. 78	05. 25. 78	A–588–066	AA–176	Japan	Impression Fabric.
	12. 78	12. 08. 78	A–588–068	AA–188	Japan	Steel Wire Strand.
	4. 79	03. 21. 79	A–405–071	AA–191	Finland	Rayon Staple Fiber.
	4. 79	05. 15. 79	C–401–056	C4–13	Sweden	Rayon Staple Fiber.
Oct. 98	6. 79	07. 31. 78	C–408–046	C4–7	EC	Sugar.
	6. 79	06. 13. 79	A–423–077	AA–198	Belgium	Sugar.
	6. 79	06. 13. 79	A–427–078	AA–199	France	Sugar.
	6. 79	06. 13. 79	A–428–082	AA–200	Germany	Sugar.
	6. 79	04. 09. 80	A–122–085	A–3	Canada	Sugar and Syrups.
	12. 79	03. 10. 71	A–588–015	AA–66	Japan	Television Receivers.
	12. 79	04. 30. 84	A–580–008	A–134	Korea (South)	Color Television Receivers.
	12. 79	04. 30. 84	A–583–009	A–135	Taiwan	Color Television Receivers.
	11. 80	11. 06. 80	A–588–090	A–7	Japan	Small Electric Motors (SA).
	1. 81	01. 07. 81	A–427–098	A–25	France	Anhydrous Sodium Metasilicate.
	4. 82	04. 09. 82	A–427–001	A–44	France	Sorbitol.
	7. 82	07. 20. 82	A–588–005	A–48	Japan	High Power Microwave Amplifiers.
	2. 83	06. 25. 81	A–428–061	A–31	Germany	Barium Carbonate.
	2. 83	10. 17. 84	A–570–007	A–149	China, PR	Barium Chloride.
Nov. 98	9. 83	09. 16. 83	A–570–101	A–101	China, PR	Griege Polyester Cotton Print Cloth.
	10. 83	09. 27. 82	C–357–004	C-None	Argentina	Carbon Steel Wire Rod (SA).
	10. 83	11. 23. 84	A–357–007	A–157	Argentina	Carbon Steel Wire Rod.
	11. 83	11. 07. 83	C–559–001	C-None	Singapore	Refrigeration Compressors (SA).
	1. 84	01. 19. 84	A–469–007	A–126	Spain	Potassium Permanganate.
	1. 84	01. 31. 84	A–570–001	A–125	China, PR	Potassium Permanganate.
	3. 84	03. 22. 84	A–570–002	A–130	China, PR	Chloropicrin.
	3. 85	10. 16. 80	C–533–063	C3–13	India	Iron Metal Castings.
	3. 85	03. 05. 86	A–122–503	A–263	Canada	Iron Construction Castings.
	3. 85	05. 09. 86	A–351–503	A–262	Brazil	Iron Construction Castings.
	3. 85	05. 09. 86	A–570–502	A–265	China, PR	Iron Construction Castings.

FINAL SCHEDULE AND GROUPING—Continued

Initiation month/year	Group average date month/year	Effective date (mm.dd.yy)	DOC Case No.	ITC Case No.	Country	Product
	3. 85	05. 15. 86	C–351–504	C–249	Brazil	Heavy Iron Construction Castings.
	3. 85	03. 01. 85	A–475–401	A–165	Italy	Brass Fire Protection Equipment.
Dec. 98	3. 85	3. 12. 85	C–301–401	C-None	Colombia	Textiles & Textile Products (SA).
	3. 85	3. 12. 85	C–549–401	C-None	Thailand	Certain Textile Mill Products (SA).
	4. 85	03. 02. 83	C–351–005	C–184	Brazil	Frozen Concentrated Orange Juice (SA).
	4. 85	05. 05. 87	A–351–605	A–326	Brazil	Frozen Concentrated Orange Juice.
	4. 85	04. 18. 85	A–588–401	A–189	Japan	Calcium Hypochlorite.
	5. 85	03. 16. 76	C–351–029	C4–20	Brazil	Castor Oil.
	5. 85	07. 14. 94	A–570–825	A–653	China, PR	Sebacic Acid.
	6. 85	06. 24. 85	A–122–401	A–196	Canada	Red Raspberries.
	8. 85	08. 15. 85	C–122–404	C–224	Canada	Live Swine.
	10. 85	10. 22. 85	C–351–406	C–223	Brazil	Tillage Tools.
	11. 85	11. 13. 85	A–357–405	A–208	Argentina	Barbed Wire.
Jan. 99	12. 85	12. 04. 85	A–614–502	A–246	New Zealand	Brazing Copper Wire & Rod.
	12. 85	01. 29. 86	A–791–502	A–247	South Africa	Brazing Copper Wire & Rod.
	12. 85	12. 19. 85	A–588–405	A–207	Japan	Cellular Mobile Phones.
	2. 86	02. 14. 86	A–570–501	A–244	China, PR	Paint Brushes.
	3. 86	10. 04. 83	A–570–003	A–103	China, PR	Shop Towels
	3. 86	03. 09. 84	C–535–001	C–202	Pakistan	Shop Towels.
	3. 86	09. 12. 84	C–333–401	C-None	Peru	Cotton Shop Towels (SA).
	3. 86	03. 20. 92	A–538–802	A–514	Bangladesh	Shop Towels.
	8. 86	08. 28. 86	A–570–504	A–282	China, PR	Candles.
	9. 86	10. 15. 73	A–588–045	AA–124	Japan	Steel Wire Rope.
	9. 86	03. 25. 93	A–201–806	A–547	Mexico	Steel Wire Rope.
	9. 86	03. 26. 93	A–580–811	A–546	Korea (South)	Steel Wire Rope.
	11. 86	05. 21. 86	A–351–505	A–278	Brazil	Malleable Cast Iron Pipe Fittings.
	11. 86	05. 23. 86	A–580–507	A–279	Korea (South)	Malleable Cast Iron Pipe Fittings.
	11. 86	05. 23. 86	A–583–507	A–280	Taiwan	Malleable Cast Iron Pipe Fittings.
	11. 86	07. 06. 87	A–588–605	A–347	Japan	Malleable Cast Iron Pipe Fittings.
	11. 86	08. 20. 87	A–549–601	A–348	Thailand	Malleable Cast Iron Pipe Fittings.
Feb. 99	1. 87	12. 02. 86	A–570–506	A–298	China, PR	Porcelain-on-Steel Cooking Ware.
	1. 87	12. 02. 86	A–201–504	A–297	Mexico	Porcelain-on-Steel Cooking Ware.
	1. 87	12. 02. 86	A–583–508	A–299	Taiwan	Porcelain-on-Steel Cooking Ware.
	1. 87	12. 12. 86	C–201–505	C–265	Mexico	Porcelain-on-Steel Cooking Ware.
	1. 87	01. 20. 87	A–580–601	A–304	Korea (South)	Top-of-the-Stove Stainless Steel Cooking Ware.
	1. 87	01. 20. 87	C–580–602	C–267	Korea (South)	Top-of-the-Stove Stainless Steel Cooking Ware.
	1. 87	01. 20. 87	C–583–604	C–268	Taiwan	Top-of-the-Stove Stainless Steel Cooking Ware.

FINAL SCHEDULE AND GROUPING—Continued

Initiation month/year	Group average date month/year	Effective date (mm.dd.yy)	DOC Case No.	ITC Case No.	Country	Product
	1.87	01. 20. 87	A–583–603	A–305	Taiwan	Top-of-the-Stove Stainless Steel Cooking Ware.
	3. 87	03. 12. 87	C–421–601	C–278	Netherlands	Standard Chrysanthemums.
	3. 87	03. 18. 87	A–301–602	A–329	Colombia	Fresh Cut Flowers.
	3. 87	03. 18. 87	A–331–602	A–331	Ecuador	Fresh Cut Flowers.
	3. 87	03. 19. 87	C–337–601	C–276	Chile	Standard Carnations.
	3. 87	03. 20. 87	A–337–602	A–328	Chile	Standard Carnations.
	3. 87	04. 23. 87	A–779–602	A–332	Kenya	Standard Carnations.
	3. 87	04. 23. 87	A–201–601	A–333	Mexico	Fresh Cut Flowers.
	3. 87	04. 23. 87	C–333–601	C3–18	Peru	Pompon Chrysanthemums.
	5. 87	01. 08. 87	C–351–604	C–269	Brazil	Brass Sheet & Strip.
	5. 87	01. 12. 87	A–351–603	A–311	Brazil	Brass Sheet & Strip.
	5. 87	01. 12. 87	A–122–601	A–312	Canada	Brass Sheet & Strip.
	5. 87	01. 12. 87	A–580–603	A–315	Korea (South)	Brass Sheet & Strip.
	5. 87	03. 06. 87	C–427–603	C–270	France	Brass Sheet & Strip.
	5. 87	03. 06. 87	A–427–602	A–313	France	Brass Sheet & Strip.
	5. 87	03. 06. 87	A–428–602	A–317	Germany	Brass Sheet & Strip.
	5. 87	03. 06. 87	A–475–601	A–314	Italy	Brass Sheet & Strip.
	5. 87	03. 06. 87	A–401–601	A–316	Sweden	Brass Sheet & Strip.
	5. 87	08. 12. 88	A–588–704	A–379	Japan	Brass Sheet & Strip.
	5. 87	08. 12. 88	A–421–701	A–380	Netherlands	Brass Sheet & Strip.
Mar. 99	7. 87	07. 14. 87	A–831–801	A–340	Armenia	Solid Urea.
	7. 87	07. 14. 87	A–832–801	A–340	Azerbaijan	Solid Urea.
	7. 87	07. 14. 87	A–822–801	A–340	Belarus	Solid Urea.
	7. 87	07. 14. 87	A–447–801	A–340	Estonia	Solid Urea.
	7. 87	07. 14. 87	A–833–801	A–340	Georgia	Solid Urea.
	7. 87	07. 14. 87	A–843–801	A–340	Kazakstan	Solid Urea.
	7. 87	07. 14. 87	A–835–801	A–340	Kyrgyzstan	Solid Urea.
	7. 87	07. 14. 87	A–449–801	A–340	Latvia	Solid Urea.
	7. 87	07. 14. 87	A–451–801	A–340	Lithuania	Solid Urea.
	7. 87	07. 14. 87	A–841–801	A–340	Moldova	Solid Urea.
	7. 87	07. 14. 87	A–485–601	A–339	Romania	Solid Urea.
	7. 87	07. 14. 87	A–821–801	A–340	Russia	Solid Urea.
	7. 87	07. 14. 87	A–842–801	A–340	Tajikistan	Solid Urea.
	7. 87	07. 14. 87	A–843–801	A–340	Turkmenistan	Solid Urea.
	7. 87	07. 14. 87	A–823–801	A–340	Ukraine	Solid Urea.
	7. 87	07. 14. 87	A–844–801	A–340	Uzbekistan	Solid Urea.
	8. 87	08. 19. 87	C–508–605	C–286	Israel	Industrial Phosphoric Acid.
	8. 87	08. 19. 87	A–508–604	A–366	Israel	Industrial Phosphoric Acid.
	8. 87	08. 20. 87	A–423–602	A–365	Bèlgium	Industrial Phosphoric Acid.
	8. 87	08. 25. 87	A–489–602	A–364	Turkey	Aspirin.
	1. 88	01. 07. 88	A–122–605	A–367	Canada	Color Picture Tubes.
	1. 88	01. 07. 88	A–588–609	A–368	Japan	Color Picture Tubes.
	1. 88	01. 07. 88	A–580–605	A–369	Korea (South)	Color Picture Tubes.
	1. 88	01. 07. 88	A–559–601	A–370	Singapore	Color Picture Tubes.
Apr. 99	1. 88	01. 19. 88	A–122–701	A–374	Canada	Potassium Chloride (Potash) (SA).
	6. 88	08. 08. 76	A–588–054	AA–143	Japan	Tapered Roller Bearings, 4 Inches and Under.
	6. 88	06. 15. 87	A–570–601	A–344	China, PR	Tapered Roller Bearings.
	6. 88	06. 19. 87	A–437–601	A–341	Hungary	Tapered Roller Bearings.
	6. 88	06. 19. 87	A–485–602	A–345	Romania	Tapered Roller Bearings.
	6. 88	10. 06. 87	A–588–604	A–343	Japan	Tapered Roller Bearings, Over 4 Inches.
	6. 88	05. 15. 89	A–427–801	A–392	France	Cylindrical Roller Bearings.
	6. 88	05. 15. 89	A–427–801	A–392	France	Ball Bearings.
	6. 88	05. 15. 89	A–427–801	A–392	France	Spherical Plain Bearings.
	6. 88	05. 15. 89	A–428–801	A–391	Germany	Spherical Plain Bearings.
	6. 88	05. 15. 89	A–428–801	A–391	Germany	Cylindrical Roller Bearings.
	6. 88	05. 15. 89	A–428–801	A–391	Germany	Ball Bearings.
	6. 88	05. 15. 89	A–475–801	A–393	Italy	Ball Bearings.
	6. 88	05. 15. 89	A–475–801	A–393	Italy	Cylindrical Roller Bearings.
	6. 88	05. 15. 89	A–588–804	A–394	Japan	Cylindrical Roller Bearings.
	6. 88	05. 15. 89	A–588–804	A–394	Japan	Spherical Plain Bearings.

FINAL SCHEDULE AND GROUPING—Continued

Initiation month/year	Group average date month/year	Effective date (mm.dd.yy)	DOC Case No.	ITC Case No.	Country	Product
	6. 88	05. 15. 89	A–588–804	A–394	Japan	Ball Bearings.
	6. 88	05. 15. 89	A–485–801	A–395	Romania	Ball Bearings.
	6. 88	05. 15. 89	A–559–801	A–396	Singapore	Ball Bearings.
	6. 88	05. 15. 89	A–401–801	A–397	Sweden	Ball Bearings.
	6. 88	05. 15. 89	A–401–801	A–397	Sweden	Cylindrical Roller Bearings.
	6. 88	05. 15. 89	A–412–801	A–399	United Kingdom	Cylindrical Roller Bearings.
	6. 88	05. 15. 89	A–412–801	A–399	United Kingdom	Ball Bearings.
	6. 88	06. 07. 88	A–588–703	A–377	Japan	Forklift Trucks.
	6. 88	06. 16. 88	A–588–706	A–384	Japan	Nitrile Rubber.
May 99	8. 88	05. 07. 84	A–583–008	A–132	Taiwan	Small Diameter Carbon Steel Pipe and Tube.
	8. 88	03. 07. 86	C–489–502	C–253	Turkey	Welded Carbon Steel Pipes and Tubes.
	8. 88	03. 07. 86	C–489–502	C–253	Turkey	Welded Carbon Steel Line Pipe.
	8. 88	03. 11. 86	A–549–502	A–252	Thailand	Welded Carbon Steel Pipes and Tubes.
	8. 88	05. 12. 86	A–533–502	A–271	India	Welded Carbon Steel Pipes and Tubes.
	8. 88	05. 15. 86	A–489–501	A–273	Turkey	Welded Carbon Steel Pipes and Tubes.
	8. 88	06. 16. 86	A–122–506	A–276	Canada	Oil Country Tubular Goods.
	8. 88	06. 18. 86	A–583–505	A–277	Taiwan	Oil Country Tubular Goods.
	8. 88	11. 13. 86	A–559–502	A–296	Singapore	Small Diameter Standard & Rectangular Pipe & Tube.
	8. 88	03. 06. 87	A–508–602	A–318	Israel	Oil Country Tubular Goods.
	8. 88	03. 06. 87	C–508–601	C–271	Israel	Oil Country Tubular Goods.
	8. 88	03. 27. 89	A–583–803	A–410	Taiwan	Light Walled Rectangular Tubing.
	8. 88	05. 26. 89	A–357–802	A–409	Argentina	Light Walled Rectangular Tubing.
	8. 88	11. 02. 92	A–351–809	A–532	Brazil	Circular-Welded Non-Alloy Steel Pipe.
	8. 88	11. 02. 92	A–580–809	A–533	Korea (South)	Circular-Welded Non-Alloy Steel Pipe.
	8. 88	11. 02. 92	A–201–805	A–534	Mexico	Circular-Welded Non-Alloy Steel Pipe.
	8. 88	11. 02. 92	A–583–814	A–536	Taiwan	Circular-Welded Non-Alloy Steel Pipe.
	8. 88	11. 02. 92	A–307–805	A–537	Venezuela	Circular-Welded Non-Alloy Steel Pipe.
	8. 88	08. 24. 88	A–588–707	A–386	Japan	Granular Polytetrafluoroetheylene Resin.
	8. 88	08. 30. 88	A–475–703	A–385	Italy	Granular Polytetraflouroetheylene Resin.
	3. 89	12. 17. 86	A–351–602	A–308	Brazil	Carbon Steel Butt-Weld Pipe Fittings.
	3. 89	12. 17. 86	A–583–605	A–310	Taiwan	Carbon Steel Butt-Weld Pipe Fittings.
	3. 89	02. 10. 87	A–588–602	A–309	Japan	Carbon Steel Butt-Weld Pipe Fittings.
	3. 89	07. 06. 92	A–570–814	A–520	China, PR	Carbon Steel Butt-Weld Pipe Fittings.
	3. 89	07. 06. 92	A–549–807	A–521	Thailand	Carbon Steel Butt-Weld Pipe Fittings.
	4. 89	04. 03. 89	A–588–802	A–389	Japan	Micro Disks.
	4. 89	04. 17. 89	A–484–801	A–406	Greece	Electrolytic Manganese Dioxide.
	4. 89	04. 17. 89	A–588–806	A–408	Japan	Electrolytic Manganese Dioxide.

FINAL SCHEDULE AND GROUPING—Continued

Initiation month/year	Group average date month/year	Effective date (mm.dd.yy)	DOC Case No.	ITC Case No.	Country	Product
Jun. 99	6. 89	06. 14. 89	A–428–802	A–419	Germany	Industrial Belts Except Synchronous & V Belts.
	6. 89	06. 14. 89	A–475–802	A–413	Italy	Synchronous and V-Belts.
	6. 89	06. 14. 89	A–588–807	A–414	Japan	Industrial Belts.
	6. 89	06. 14. 89	A–559–802	A–415	Singapore	V-Belts.
	9. 89	08. 10. 83	A–427–009	A–96	France	Industrial Nitrocellulose.
	9. 89	07. 10. 90	A–351–804	A–439	Brazil	Industrial Nitrocellulose.
	9. 89	07. 10. 90	A–570–802	A–441	China, PR	Industrial Nitrocellulose.
	9. 89	07. 10. 90	A–428–803	A–444	Germany	Industrial Nitrocellulose.
	9. 89	07. 10. 90	A–588–812	A–440	Japan	Industrial Nitrocellulose.
	9. 89	07. 10. 90	A–580–805	A–442	Korea (South)	Industrial Nitrocellulose.
	9. 89	07. 10. 90	A–412–803	A–443	United Kingdom	Industrial Nitrocellulose.
	9. 89	10. 16. 90	A–479–801	A–445	Yugoslavia	Industrial Nitrocellulose.
	9. 89	09. 15. 89	A–122–804	A–422	Canada	Steel Rail.
	9. 89	09. 22. 89	C–122–805	C–297	Canada	Steel Rail.
	12. 89	12. 29. 89	A–588–811	A–432	Japan	Drafting Machines.
	1. 90	12. 11. 89	A–588–809	A–426	Japan	Small Business Telephone Systems.
	1. 90	12. 11. 89	A–583–806	A–428	Taiwan	Small Business Telephone Systems.
	1. 90	02. 07. 90	A–580–803	A–427	Korea (South)	Small Business Telephone Systems.
	2. 90	02. 16. 90	A–588–810	A–429	Japan	Mechanical Transfer Presses.
	11. 90	11. 19. 90	A–588–813	A–455	Japan	Multiangle Laser Light Scattering Instruments.
	2. 91	02. 13. 91	A–588–816	A–462	Japan	Benzyl Paraben.
Jul. 99	2. 91	02. 19. 91	A–570–803	A–457	China, PR	Bars, Wedges.
	2. 91	02. 19. 91	A–570–803	A–457	China, PR	Axes, Adzes.
	2. 91	02. 19. 91	A–570–803	A–457	China, PR	Picks, Mattocks.
	2. 91	02. 19. 91	A–570–803	A–457	China, PR	Hammers, Sledges.
	2. 91	02. 19. 91	A–570–805	A–466	China, PR	Sulfur Chemicals (Sodium Thiosulfate).
	2. 91	02. 19. 91	A–428–807	A–465	Germany	Sulfur Chemicals (Sodium Thiosulfate).
	2. 91	02. 19. 91	A–412–805	A–468	United Kingdom	Sulfur Chemicals (Sodium Thiosulfate).
	4. 91	01. 03. 83	C–469–004	C–178	Spain	Stainless Steel Wire Rods.
	4. 91	12. 01. 93	A–533–808	A–638	India	Stainless Steel Wire Rods.
	4. 91	01. 28. 94	A–351–819	A–636	Brazil	Stainless Steel Wire Rods.
	4. 91	01. 28. 94	A–427–811	A–637	France	Stainless Steel Wire Rods.
	4. 91	12. 03. 87	A–401–603	A–354	Sweden	Seamless Stainless Steel Hollow Products.
	4. 91	12. 30. 92	A–580–810	A–540	Korea (South)	Welded Stainless Steel Pipes.
	4. 91	12. 30. 92	A–583–815	A–541	Taiwan	Welded Stainless Steel Pipes.
	4. 91	04. 12. 91	A–403–801	A–454	Norway	Fresh & Chilled Atlantic Salmon.
	4. 91	04. 12. 91	C–403–802	C–302	Norway	Fresh & Chilled Atlantic Salmon.
	6. 91	06. 05. 91	A–580–807	A–459	Korea (South)	Polyethylene Terephthalate Film.
	6. 91	06. 18. 91	A–570–804	A–464	China, PR	Sparklers.
	8. 91	03. 25. 88	A–588–702	A–376	Japan	Stainless Steel Butt-Weld Pipe Fittings.
	8. 91	02. 23. 93	A–580–813	A–563	Korea (South)	Stainless Steel Butt-Weld Pipe Fittings.

FINAL SCHEDULE AND GROUPING—Continued

Initiation month/year	Group average date month/year	Effective date (mm.dd.yy)	DOC Case No.	ITC Case No.	Country	Product
	8. 91	06. 16. 93	A–583–816	A–564	Taiwan	Stainless Steel Butt-Weld Pipe Fittings.
Aug. 99	8. 91	08. 30. 90	A–201–802	A–451	Mexico	Grey Portland Cement and Cement Clinker.
	8. 91	05. 10. 91	A–588–815	A–461	Japan	Grey Portland Cement and Cement Clinker.
	8. 91	02. 27. 92	A–307–803	A–519	Venezuela	Grey Portland Cement and Cement Clinker (SA).
	8. 91	03. 17. 92	C–307–804	C3–21	Venezuela	Grey Portland Cement and Cement Clinker (SA).
	9. 91	09. 04. 91	A–588–817	A–469	Japan	Flat Panel Displays (Electroluminescent).
	9. 91	09. 20. 91	A–570–808	A–474	China, PR	Chrome-Plated Lug Nuts.
	9. 91	09. 20. 91	A–583–810	A–475	Taiwan	Chrome-Plated Lug Nuts.
	11.91	11.21.91	A–570–811	A–497	China, PR	Tungsten Ore Concentrates.
	6.92	06.02.92	A–614–801	A–516	New Zealand	Kiwifruit.
	8.92	08.31.92	C–122–815	C–309	Canada	Pure Magnesium.
	8.92	08.31.92	C–122–815	C–309	Canada	Alloy Magnesium.
	8.92	08.31.92	A–122–814	A–528	Canada	Pure Magnesium.
	10.92	10.07.92	A–557–805	A–527	Malaysia	Extruded Rubber Thread.
	12.92	10.16.92	A–843–802	A–539	Kazakstan	Uranium (SA).
	12.92	10.16.92	A–835–802	A–539	Kyrgyzstan	Uranium (SA).
	12.92	10.16.92	A–821–802	A–539	Russia	Uranium (SA).
	12.92	10.16.92	A–844–802	A–539	Uzbekistan	Uranium (SA).
	12.92	08.30.93	A–823–802	A–539	Ukraine	Uranium.
Sep. 99	1.93	06.13.79	A–583–080	AA–197	Taiwan	Carbon Steel Plate.
	1.93	10.11.85	C–401–401	C–231	Sweden	Carbon Steel Products.
	1.93	08.17.93	C–423–806	C–319	Belgium	Cut-to-Length Carbon Steel Plate.
	1.93	08.17.93	C–351–818	C–320	Brazil	Cut-to-Length Carbon Steel Plate.
	1.93	08.17.93	C–427–810	C–348	France	Corrosion-Resistant Carbon Steel Flat Products.
	1.93	08.17.93	C–428–817	C–322	Germany	Cut-to-Length Carbon Steel Plate.
	1.93	08.17.93	C–428–817	C–349	Germany	Corrosion-Resistant Carbon Steel Flat Products.
	1.93	08.17.93	C–428–817	C–340	Germany	Cold-Rolled Carbon Steel Flat Products.
	1.93	08.17.93	C–580–818	C–342	Korea (South)	Cold-Rolled Carbon Steel Flat Products.
	1.93	08.17.93	C–580–818	C–350	Korea (South)	Corrosion-Resistant Carbon Steel Flat Products.
	1.93	08.17.93	C–201–810	C–325	Mexico	Cut-to-Length Carbon Steel Plate.
	1.93	08.17.93	C–469–804	C–326	Spain	Cut-to-Length Carbon Steel Plate.
	1.93	08.17.93	C–401–804	C–327	Sweden	Cut-to-Length Carbon Steel Plate.
	1.93	08.17.93	C–412–815	C–328	United Kingdom	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–602–803	A–612	Australia	Corrosion-Resistant Carbon Steel Flat Products.
	1.93	08.19.93	A–423–805	A–573	Belgium	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–351–817	A–574	Brazil	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–122–822	A–614	Canada	Corrosion-Resistant Carbon Steel Flat Products.
	1.93	08.19.93	A–122–823	A–575	Canada	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–405–802	A–576	Finland	Cut-to-Length Carbon Steel Plate.

FINAL SCHEDULE AND GROUPING—Continued

Initiation month/year	Group average date month/year	Effective date (mm.dd.yy)	DOC Case No.	ITC Case No.	Country	Product
	1.93	08.19.93	A–427–808	A–615	France	Corrosion-Resistant Carbon Steel Flat Products.
	1.93	08.19.93	A–428–815	A–616	Germany	Corrosion-Resistant Carbon Steel Flat Products.
	1.93	08.19.93	A–428–814	A–604	Germany	Cold-Rolled Carbon Steel Flat Products.
	1.93	08.19.93	A–428–816	A–578	Germany	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–588–826	A–617	Japan	Corrosion-Resistant Carbon Steel Flat Products.
	1.93	08.19.93	A–580–816	A–618	Korea (South)	Corrosion-Resistant Carbon Steel Flat Products.
	1.93	08.19.93	A–580–815	A–607	Korea (South)	Cold-Rolled Carbon Steel Flat Products.
	1.93	08.19.93	A–201–809	A–582	Mexico	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–421–804	A–608	Netherlands	Cold-Rolled Carbon Steel Flat Products.
	1.93	08.19.93	A–455–802	A–583	Poland	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–485–803	A–584	Romania	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–469–803	A–585	Spain	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–401–805	A–586	Sweden	Cut-to-Length Carbon Steel Plate.
	1.93	08.19.93	A–412–814	A–587	United Kingdom	Cut-to-Length Carbon Steel Plate.
Oct. 99	1. 93	08. 19. 92	A–570–815	A–538	China, PR	Sulfanilic Acid.
	1. 93	03. 02. 93	C–533–807	C–318	India	Sulfanilic Acid.
	1. 93	03. 02. 93	A–533–806	A–561	India	Sulfanilic Acid.
	3. 93	03. 22. 93	C–351–812	C–314	Brazil	Hot-Rolled Lead & Bismuth Carbon Steel Products.
	3. 93	03. 22. 93	A–351–811	A–552	Brazil	Hot-Rolled Lead & Bismuth Carbon Steel Products.
	3. 93	03. 22. 93	A–427–804	A–553	France	Hot-Rolled Lead & Bismuth Carbon Steel Products.
	3. 93	03. 22. 93	C–427–805	C–315	France	Hot-Rolled Lead & Bismuth Carbon Steel Products.
	3. 93	03. 22. 93	C–428–812	C–316	Germany	Hot-Rolled Lead & Bismuth Carbon Steel Products.
	3. 93	03. 22. 93	A–428–811	A–554	Germany	Hot-Rolled Lead & Bismuth Carbon Steel Products.
	3. 93	03. 22. 93	C–412–811	C–317	United Kingdom	Hot-Rolled Lead & Bismuth Carbon Steel Products.
	3. 93	03. 22. 93	A–412–810	A–555	United Kingdom	Hot-Rolled Lead & Bismuth Carbon Steel Products.
Nov. 99	5. 93	06. 10. 91	A–570–806	A–472	China, PR	Silicon Metal.
	5. 93	07. 31. 91	A–351–806	A–471	Brazil	Silicon Metal.
	5. 93	09. 26. 91	A–357–804	A–470	Argentina	Silicon Metal.
	5. 93	03. 11. 93	A–570–819	A–567	China, PR	Ferrosilicon.
	5. 93	04. 07. 93	A–843–804	A–566	Kazakstan	Ferrosilicon.
	5. 93	04. 07. 93	A–823–804	A–569	Ukraine	Ferrosilicon.
	5. 93	05. 10. 93	C–307–808	C3–23	Venezuela	Ferrosilicon.
	5. 93	06. 24. 93	A–821–804	A–568	Russia	Ferrosilicon.
	5. 93	06. 24. 93	A–307–807	A–570	Venezuela	Ferrosilicon.
	5. 93	03. 14. 94	A–351–820	A–641	Brazil	Ferrosilicon.
	5. 93	10. 31. 94	A–823–805	A–673	Ukraine	Silicomanganese (SA).
	5. 93	12. 22. 94	A–351–824	A–671	Brazil	Silicomanganese.
	5. 93	12. 22. 94	A–570–828	A–672	China, PR	Silicomanganese.
	5. 93	05. 10. 93	A–580–812	A–556	Korea (South)	DRAMS of 1 Megabit and Above.
	7. 93	07. 12. 93	A–588–823	A–571	Japan	Electric Cutting Tools.
	8. 93	06. 28. 93	A–583–820	A–625	Taiwan	Helical Spring Lock Washers.

FINAL SCHEDULE AND GROUPING—Continued

Initiation month/year	Group average date month/year	Effective date (mm.dd.yy)	DOC Case No.	ITC Case No.	Country	Product
	8. 93	10. 19. 93	A–570–822	A–624	China, PR	Helical Spring Lock Washers.
	9. 93	09. 07. 93	A–570–820	A–621	China, PR	Compact Ductile Iron Waterworks Fittings and Glands.
Dec. 99	2. 94	02. 09. 94	A–533–809	A–639	India	Forged Stainless Steel Flanges.
	2. 94	02. 09. 94	A–583–821	A–640	Taiwan	Forged Stainless Steel Flanges.
	3. 94	03. 02. 94	A–588–829	A–643	Japan	Defrost Timers.
	6. 94	06. 24. 94	A–421–805	A–652	Netherlands	Aramid Fiber.
	7. 94	06. 07. 94	C–475–812	C–355	Italy	Grain-Oriented Electrical Steel.
	7. 94	06. 10. 94	A–588–831	A–660	Japan	Grain-Oriented Electrical Steel.
	7. 94	08. 12. 94	A–475–811	A–659	Italy	Grain-Oriented Electrical Steel.
	8. 94	08. 12. 94	A–588–832	A–661	Japan	Color Negative Photo Paper & Chemical Components (SA).
	8. 94	08. 12. 94	A–421–806	A–662	Netherlands	Color Negative Photo Paper & Chemical Components (SA).
	11. 94	11. 16. 94	A–570–831	A–683	China, PR	Garlic.
	11. 94	11. 25. 94	A–570–826	A–663	China, PR	Paper Clips.
	12. 94	12. 28. 94	A–570–827	A–669	China, PR	Cased Pencils.

Editorial Note: Notice document FR Doc 98–12887 was originally published at page 26779 in the issue of Thursday, May 14, 1998. Due to typesetting errors, the document is being republished in its entirety. Also, the **Federal Register** document number is corrected below.

[FR Doc 98–12887 Filed 5–13–98; 8:45 am]

BILLING CODE 1505–01–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Modernization Transition Committee (MTC)

ACTION: Notice of Public Meeting.

TIME AND DATE: June 17 and 18, 1998 beginning at 8:00 a.m.

PLACE: This meeting will take place at the Victoria Holiday Inn, 2705 E. Houston Highway, Victoria, Texas.

STATUS: The meeting will be open to the public. The time between 8:30 a.m. and noon on Wednesday, June 17 will be set aside for public comments on he proposed certifications of the Victoria Weather Service Office. The time from 9:45 a.m. to 10:15 a.m. on Thursday, June 18 will be set aside for public comments on the proposed certifications for Astoria, Chattanooga, Honolulu, Huntington, and Syracuse. Approximately 200 seats will be available on a first-come first-served basis each day.

MATTERS TO BE CONSIDERED: This meeting will include MTC consultation on the proposed Consolidation, Automation and Closure Certifications for Victoria, Texas, Chattanooga, Tennessee, and Syracuse, New York; MTC consultation on the proposed Automation and Closure certifications for Astoria, Oregon, Honolulu, Hawaii, and Huntington, West Virginia; and a report on the NWS Modernization status.

CONTACT PERSON FOR MORE INFORMATION: Mr. Nicholas Scheller, National Weather Service, Modernization Staff, 1325 East-West Highway, SSMC2, Silver Spring, Maryland 20910. Telephone: (301) 713–0454.

Dated: May 22, 1998.

Nicholas R. Scheller,

Manager, National Implementation Staff.

[FR Doc. 98–14184 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–12–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052298A]

Endangered Species; Permits

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

ACTION: Receipt of applications for scientific research permits (1142, 1152, 1154) and for modifications to scientific research permits (900, 946, 964, 994, 996); Issuance of scientific research permits (1050, 1060, 1071, 1074, 1091, 1097, 1105), modifications to scientific research permits (900, 1030, 1035, 1036, 1079, 1104) and an amendment to a scientific research permit (844).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received permit applications from: Fish Ecology Division of the Northwest Fisheries Science Center, NMFS at

Seattle, WA (NWFSC) (1142), the Oregon Department of Fish and Wildlife at La Grande, OR (ODFW) (1152) and NWFSC (1154); NMFS has received applications for modifications to existing permits from: NWFSC (900, 946, 964), the Idaho Cooperative Fish and Wildlife Research Unit at Moscow, ID (ICFWRU) (994), and the U.S. Army Corps of Engineers at Walla Walla, WA (Corps) (996); NMFS has issued permits subject to certain conditions set forth therein, to: ENTRIX, Inc. (1050), Simpson Timber Company (STC) (1060), U.S.D.A., Forest Service (USFS) (1071), Pacific Lumber Company (PLC) (1074), Santa Ynez River Technical Advisory Committee (SYRTAC) (1091), Resource Management International (RMI) (1097), and Hagar Environmental Science (HES) (1105); NMFS has issued modifications to scientific research permits to: NWFSC (900), Sarah V. Mitchell, of Gray's Reef National Marine Sanctuary (1030), the U.S. Geological Survey at Cook, WA (USGS) (1035, 1036), Pacific Coast Federation of Fishermen's Associations (PCFFA) (1075), Georgia-Pacific West Inc. (GPWI) (1079), and Louisiana-Pacific Corporation (LPC) (1104); and NMFS has issued an amendment to a scientific research permit to the Idaho Department of Fish and Game at Boise, ID (IDFG) (844).

DATES: Written comments or requests for a public hearing on any of the applications must be received on or before June 28, 1998.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

For permits 844, 900, 946, 964, 994, 996, 1035, 1036, 1142, and 1152: Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

For permits 1050, 1060, 1071, 1074, 1079, 1091, 1097, 1104, 1105, and 1154: Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404–6528 (707–575–6066).

For permit 1030: Director, Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, St. Petersburg, FL 33702–2432 (813–893–3141).

All documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401).

FOR FURTHER INFORMATION CONTACT: For permits 844, 900, 946, 964, 994, 996, 1035, 1036, 1124, 1127, 1142, and 1152: Robert Koch, Portland, OR (503–230–5424).

For permits 1050, 1060, 1071, 1074, 1079, 1091, 1097, 1104, 1105, and 1154: Thomas Hablett, Protected Resources Division, (707–575–6066).

For permit 1030: Michelle Rogers, Endangered Species Division, Silver Spring, MD (301–713–1401).

SUPPLEMENTARY INFORMATION:

Authority

Permits are requested under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227).

Those individuals requesting a hearing on these requests for permits should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the below application summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Issuance of these permits, modifications, and amendments, as required by the ESA, was based on a finding that such permits, modifications, and amendments: (1) Were applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. These permits, modifications, and amendments were also issued in accordance with and are subject to parts 217-222 of Title 50 CFR, the NMFS regulations governing listed species permits.

Species Covered in This Notice

The following species are covered in this notice: chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), Loggerhead sea turtle (*Caretta caretta*), sockeye salmon (*Oncorhynchus nerka*), and steelhead trout (*Oncorhynchus mykiss*).

To date, protective regulations for threatened Snake River steelhead and threatened lower Columbia River steelhead under section 4(d) of the ESA have not been promulgated by NMFS. This notice of receipt of applications requesting takes of these species is issued as a precaution in the event that NMFS issues protective regulations that prohibit takes of Snake River steelhead and lower Columbia River steelhead. The initiation of a 30-day public comment period on the applications, including their proposed takes of Snake River steelhead and lower Columbia River (LCR) steelhead, does not presuppose the contents of the eventual protective regulations.

New Applications Received

NWFSC (1142) requests a one-year permit that would authorize takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; adult and juvenile, endangered, naturally produced and artificially propagated, upper Columbia River (UCR) steelhead; and adult and juvenile, threatened, Snake River steelhead associated with a study designed to evaluate the effects of the new juvenile bypass/sampling facility at John Day Dam (located on the lower Columbia River) on migrating salmonids. The information will be used to identify and correct any problem areas associated with the bypass system with the ultimate goal of increasing juvenile salmonid survival at the dam. ESA-listed juvenile fish are proposed to be captured, handled, and released while obtaining non-listed fish for the study. A lethal take of ESA-listed juvenile fish is requested to determine how the facility affects fish physiology. In addition, ESA-listed adult steelhead fallbacks are proposed to be captured, marked with a visible external identifier, released above the dam, recaptured at or below the dam, examined, and released to evaluate the facility for adult salmonid passage. ESA-listed juvenile fish indirect mortalities associated with the scientific research activities are also requested.

ODFW (1152) requests a five-year permit that would authorize takes of adult and juvenile, threatened, naturally produced, Snake River spring/summer chinook salmon and adult and juvenile, threatened, Snake River steelhead associated with scientific research conducted in the Grande Ronde and Imnaha River Basins in the state of OR. ODFW proposes to conduct ten research tasks: (1) Spring chinook salmon spawning ground surveys, (2) spring chinook salmon early life history, (3) habitat and fish inventory surveys, (4) passage and irrigation screening, (5) steelhead kelt rejuvenation, (6) steelhead straying study, (7) anadromous versus resident life history strategy in steelhead, (8) monitoring of residual hatchery steelhead, (9) steelhead spawning ground surveys, and (10) Lookingglass Creek spring chinook salmon reintroduction study. ODFW proposes to observe/harass ESA-listed fish during surveys and redd counts and to employ seines, traps, and electrofishing to capture ESA-listed fish

to acquire biological information or to apply passive integrated transponders, jaw tags, opercular marks, or other marks for migration studies. A lethal take of ESA-listed adult steelhead is requested. ESA-listed fish indirect mortalities associated with the scientific research activities are also requested.

NWFSC (1154) requests a five-year permit for takes of juvenile, threatened, southern Oregon/northern California coast (SONCC) coho salmon associated with the National Wild Fish Health Survey in the Klamath River, within the California portion of the Evolutionarily Significant Unit (ESU). The study consists of the capture and intentional killing of ESA-listed juveniles for a tissues analysis of bacterial and parasitic pathogens in the species. Direct mortalities of 50 juvenile coho salmon annually are requested.

Modification Requests Received

NWFSC requests modification 6 to permit 900. Permit 900 authorizes NWFSC annual takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; juvenile, threatened, Snake River fall chinook salmon ; and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with three studies designed to determine the relative survival of migrating juvenile salmonids at hydropower dams and reservoirs on the Snake and Columbia Rivers in the Pacific Northwest. For modification 6, NWFSC requests an increase in the takes of ESA-listed juvenile fish associated with The Dalles Dam survival study. Actual field conditions to date in 1998 indicate that NWFSC underestimated the amount of ESA-listed fish takes needed to validate the study. ESA-listed juvenile fish are proposed to be captured at Bonneville Dam on the Columbia River, handled, and released while collecting non-listed fish for the study or captured at Bonneville Dam, tagged with passive integrated transponders (PIT), transported to The Dalles Dam, and released above the dam. ESA-listed juvenile fish that are PIT-tagged are subsequently proposed to be automatically detected in the juvenile fish bypass systems of Bonneville Dam without further handling. An associated increase in ESA-listed juvenile fish indirect mortalities are requested. Modification 6 is requested to be valid for the duration of the permit. Permit 900 expires on December 31, 1999.

NWFSC requests modification 5 to permit 946. Permit 946 authorizes NWFSC annual takes of juvenile, endangered, Snake River sockeye salmon; adult and juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; juvenile, threatened, Snake River fall chinook salmon; and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with two scientific research studies. The studies are designed to assess the migration timing and relative survival of chinook salmon smolts transported by barge to below Bonneville Dam with the survival to adulthood of smolts migrating volitionally inriver to Bonneville Dam and to the mouth of the Columbia River. For modification 5, NWFSC requests an increase in the takes of ESA-listed juvenile fish associated with both studies. Actual field conditions to date in 1998 indicate that NWFSC underestimated the amount of ESA-listed fish takes needed to complete the studies. An associated increase in ESA-listed juvenile fish indirect mortalities are requested. Modification 5 is requested to be valid for the duration of the permit. Permit 946 expires on December 31, 1999.

NWFSC requests modification 1 to permit 964. Permit 964 authorizes NWFSC annual takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, Snake River fall chinook salmon; and juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon associated with a study designed to compare the adult recoveries of run-of-the-river subyearling chinook salmon transported around the hydropower dams on the Columbia River versus those migrating inriver. For modification 1, NWFSC requests annual takes of juvenile, endangered, naturally produced and artificially propagated, UCR steelhead and juvenile, threatened, Snake River steelhead associated with the research. ESA-listed juvenile steelhead are proposed to be captured at McNary Dam on the Columbia River, handled, and released while collecting subyearling chinook salmon for the study. ESA-listed juvenile steelhead indirect mortalities are requested. Modification 1 is requested to be valid for the duration of the permit. Permit 964 expires on December 31, 1999.

ICFWRU requests modification 4 to scientific research permit 994. Permit 994 authorizes ICFWRU annual takes of adult, ESA-listed, Snake River salmon associated with a study designed to assess the passage success of migrating adult salmonids at the four dams and reservoirs in the lower Columbia River, evaluate adult fish responses to specific flow and spill conditions, and evaluate measures to improve adult fish passage. For modification 4, ICFWRU requests annual takes of adult, endangered, UCR steelhead; adult, threatened, Snake River steelhead; and adult, threatened, LCR steelhead associated with a new study designed to determine the effects of transporting steelhead smolts on the homing of returning adults. ESA-listed adult steelhead are proposed to be captured at Bonneville Dam on the Columbia River, fitted with radio transmitters and identifier tags, and released. Once returned to the river, ESA-listed adult fish will be tracked electronically to hatcheries and spawning grounds. Modification 4 is requested to be valid for the duration of the permit. Permit 994 expires on December 31, 2000.

The Corps requests modification 1 to scientific research permit 996. Permit 996 authorizes the Corps annual takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; and juvenile, threatened, Snake River fall chinook salmon associated with a study designed to monitor the operation of the juvenile fish bypass system at Ice Harbor Dam on the Snake River in WA. For modification 1, the Corps requests authorization for a take of juvenile, threatened, Snake River steelhead associated with the research. ESA-listed juvenile steelhead are proposed to be captured, examined, and released. ESA-listed juvenile steelhead indirect mortalities associated with the research are requested. Modification 1 is requested to be valid for the duration of the permit. Permit 996 expires on December 31, 2000.

Permits, Modifications, and Amendment Issued

On April 30, 1998, NMFS issued an amendment of IDFG's incidental take permit 844. The amendment provides an extension of the duration of the permit through December 31, 1998. The permit was due to expire on April 30, 1998. Permit 844 authorizes IDFG an incidental take of adult and juvenile, threatened, Snake River spring/summer chinook salmon and adult, threatened, Snake River fall chinook salmon associated with the state of Idaho's sport-fishing program. An extension of permit 844 will allow IDFG to manage sport-fishing activities in Idaho in 1998 while NMFS processes IDFG's application for a new permit. NMFS determined that the current permit adequately addresses the incidental take

of ESA-listed species associated with recreational fisheries in the state.

Notice was published on March 24, 1998 (63 FR 14069) that an application had been filed by NWFSC for modification 5 to scientific research permit 900. Modification 5 to permit 900 was issued to NWFSC on May 8, 1998. Permit 900 authorizes NWFSC annual takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; and juvenile, threatened, Snake River fall chinook salmon associated with three studies designed to determine the relative survival of migrating juvenile salmonids at hydropower dams and reservoirs on the Snake and Columbia Rivers in the Pacific Northwest. For modification 5, NWFSC is authorized an increase in the takes of ESA-listed juvenile fish associated with one of the studies. Also for modification 5, NWFSC is authorized an annual take of juvenile, endangered, naturally produced and artificially propagated, upper Columbia River steelhead associated with the research. Modification 5 is valid for the duration of the permit. Permit 900 expires on December 31, 1999.

On March 18, 1998, Sarah V. Mitchell of Gray's Reef National Marine Sanctuary, applied for a modification to permit 1030 to take listed loggerhead sea turtles for examination, tagging, observation, collection of morphometric measurements, and release. The purpose of the authorized research, as stated in the permit application, is to investigate population trends, migrations, habitat, and diving behavior of loggerhead turtles in the waters of the Gray's Reef National Marine Sanctuary. Ms. Mitchell requested a modification to permit 1030 to allow for the attachment of radio and sonic tags to turtles captured pursuant to her research permit. Notice is hereby given that on May 21, 1998, NMFS issued modification 2 to permit 1030 as requested.

Notice was published on March 6, 1998 (63 FR 11222) that an application had been filed by USGS for modification 1 to scientific research permit 1035. Modification 1 to permit 1035 was issued to USGS on May 8, 1998. Permit 1035 authorizes USGS an annual take of juvenile, threatened, artificially propagated, Snake River spring/summer chinook salmon associated with a study designed to monitor total dissolved gas symptoms on juvenile salmonids. For modification 1, USGS is authorized an annual take of juvenile, endangered, artificially propagated, UCR steelhead and an increase in the annual take of juvenile, ESA-listed, artificially propagated, Snake River spring/summer chinook salmon associated with the study. Modification 1 is valid for the duration of the permit. Permit 1035 expires on December 31, 1999.

Notice was published on March 6, 1998 (63 FR 11222) that an application had been filed by USGS for modification 1 to scientific research permit 1036. Modification 1 to permit 1036 was issued to USGS on May 8, 1998. Permit 1036 authorizes USGS an annual take of adult and juvenile, threatened, Snake River fall chinook salmon and juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon associated with a study designed to determine the post-release attributes and survival of hatchery and natural fall chinook salmon in the Snake River. For modification 1, USGS is authorized an increase in the takes of ESA-listed salmon juveniles and an annual take of juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with the research. Modification 1 is valid for the duration of the permit. Permit 1036 expires on December 31, 2001.

Notice was published on September 24, 1997 (62 FR 49961) that an application had been filed by ENTRIX for a modification to a scientific research permit. Modification 1 to permit 1050 was issued to ENTRIX on March 12, 1998. Permit 1050 authorizes takes of of adult and juvenile, threatened, central California coast (CCC) coho salmon associated with fish population and habitat studies throughout the ESU. ESA-listed fish may be captured, handled, and released. Indirect mortalities are also authorized. The modification authorizes takes of adult and juvenile, threatened, SONCC coho salmon associated with fish population and habitat studies throughout the California portion of the ESU. ESA-listed fish may be observed or captured, handled, and released. Indirect mortalities are also authorized. The modification authorizes takes of adult and juvenile, endangered, southern California steelhead associated with fish population and habitat studies throughout the ESU. ESA-listed fish may be captured, handled, and released. Indirect mortalities are also authorized. Modification 1 is valid for the duration of the permit. Permit 1050 expires on June 30, 2002.

Notice was published on December 17, 1997 (62 FR 66053) that an application had been filed by STC for a scientific research permit. Permit 1060 was issued to STC on March 23, 1998. Permit 1060 authorizes takes of adult and juvenile, threatened, SONCC coho salmon associated with fish population and habitat studies within the California portion of the ESU. ESA-listed fish will be captured, handled, and released. Indirect mortalities associated with the research are also authorized. Permit 1060 expires on June 30, 2003.

Notice was published on November 28, 1997 (62 FR 63317) that an application had been filed by USFS for a scientific research permit. Permit 1071 was issued to USFS on May 18, 1998. Permit 1071 authorizes takes of juvenile, threatened, SONCC coho salmon associated with fish population and habitat studies within the California portion of the ESU. ESA-listed fish will be captured, handled, and released. Indirect mortalities associated with the research are also authorized. Permit 1071 expires on June 30, 2003.

Notice was published on January 13, 1998 (63 FR 2364) that an application had been filed by PLC for a scientific research permit. Permit 1074 was issued to PLC on May 13, 1998. Permit 1074 authorizes takes of adult and juvenile, threatened, SONCC coho salmon associated with fish population and habitat studies within the California portion of the ESU. ESA-listed fish will be captured, handled, and released. Indirect mortalities associated with the research are also authorized. Permit 1074 expires on June 30, 2003.

Notice was published on January 13, 1998 (63 FR 2364) that an application had been filed by PCFFA for a scientific research permit. Permit 1075 was issued to PCFFA on May 19, 1998. Permit 1075 authorizes takes of adult and juvenile, threatened, SONCC coho salmon associated with fish population and habitat studies within the California portion of the ESU. ESA-listed fish will be captured, handled, and released. Indirect mortalities associated with the research are also authorized. Permit 1075 expires on June 30, 2003.

Notice was published on November 5, 1997 (62 FR 59848) that an application had been filed by GPWI for a modification to a scientific research permit. Modification 1 to permit 1079 was issued to GPWI on May 12, 1998. Permit 1079 authorizes takes of of juvenile, threatened, CCC coho salmon associated with fish population and habitat studies throughout the ESU. ESA-listed fish may be captured, handled, and released. Indirect mortalities are also authorized. The modification authorizes takes of juvenile, threatened, SONCC coho salmon associated with fish population and habitat studies throughout the

California portion of the ESU. ESA-listed fish may be observed or captured, handled, and released. Indirect mortalities are also authorized. Modification 1 is valid for the duration of the permit. Permit 1079 expires on June 30, 2002.

Notice was published on November 17, 1997 (62 FR 61295) that an application had been filed by SYRTAC for a scientific research permit. Permit 1091 was issued to SYRTAC on March 23, 1998. Permit 1091 authorizes takes of adult and juvenile, endangered, southern California steelhead associated with fish population and habitat studies within the ESU. ESA-listed fish will be captured, handled, and released. Indirect mortalities associated with the research are also authorized. Permit 1091 expires on June 30, 2003.

Notice was published on November 17, 1997 (62 FR 61295) that an application had been filed by RMI for a scientific research permit. Permit 1097 was issued to RMI on May 11, 1998. Permit 1097 authorizes takes of adult and juvenile, threatened, CCC coho salmon, adult and juvenile, threatened, SONCC (in California only) coho salmon, and adult and juvenile, endangered, southern California steelhead associated with fish population and habitat studies throughout the ESUs. ESA-listed fish will be captured, handled, and released. Indirect mortalities associated with the research are also authorized. Permit 1097 expires on June 30, 2003.

Notice was published on November 17, 1997 (62 FR 61295) that an application had been filed by LPC for a modification to a scientific research permit. Modification 1 to permit 1104 was issued to LPC on May 11, 1998. Permit 1104 authorizes takes of of adult and juvenile, threatened, CCC coho salmon associated with fish population and habitat studies throughout the ESU. ESA-listed fish may be captured, handled, and released. Indirect mortalities are also authorized. The modification authorizes takes of adult and juvenile, threatened, SONCC coho salmon associated with fish population and habitat studies throughout the California portion of the ESU. ESA-listed fish may be observed or captured, handled, and released. Indirect mortalities are also authorized. Modification 1 is valid for the duration of the permit. Permit 1104 expires on June 30, 2002.

Notice was published on November 17, 1997 (62 FR 61295) that an application had been filed by HES for a scientific research permit. Permit 1105 was issued to HES on May 11, 1998. Permit 1105 authorizes takes of adult and juvenile, threatened, CCC coho salmon, adult and juvenile, threatened, SONCC (in California only) coho salmon, and adult and juvenile, endangered, southern California steelhead associated with fish population and habitat studies throughout the ESUs. ESA-listed fish will be captured, handled, and released. Indirect mortalities associated with the research are also authorized. Permit 1105 expires on June 30, 2003.

Dated: May 22, 1998.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–14247 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

May 22, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 1, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 67622, published on December 29, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 22, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period beginning on January 1, 1998 and extending through December 31, 1998.

Effective on June 1, 1998, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
338/638	1,050,926 dozen.
339/639	1,040,418 dozen.
342/642	425,753 dozen.
347/348/647/648	2,308,228 dozen of which not more than 1,148,820 dozen shall be in Categories 647/648.
433	25,653 dozen.
443	151,706 numbers.
444	60,293 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1997.

The guaranteed access levels for the foregoing categories remain unchanged.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–14216 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Egypt

May 21, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Categories 338/339 is being increased for swing and carryforward. The Fabric Group limit and sublimit for Category 227 are being reduced to account for the swing being applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 67829, published on December 30, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 21, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 22, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Arab Republic of Egypt and exported during the period January 1, 1998 through December 31, 1998.

Effective on May 29, 1998, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted limit [1]
Fabric Group 218–220, 224–227, 313–O [2], 314–O [3], 315–O [4], 317–O [5], and 326–O [6], as a group.	107,042,017 square meters.
Sublevel within Fabric Group	
227	24,397,978 square meters.
Level not in a group	
338/339	3,043,663 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1997.

[2] Category 313–O: all HTS numbers except 5208.52.3035, 5208.52.4035 and 5209.51.6032.

[3] Category 314–O: all HTS numbers except 5209.51.6015.

[4] Category 315–O: all HTS numbers except 5208.52.4055.

[5] Category 317–O: all HTS numbers except 5208.59.2085.

[6] Category 326–O: all HTS numbers except 5208.59.2015, 5209.59.0015 and 5211.59.0015.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–14214 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Singapore

May 22, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for swing, carryover, and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 67628, published on December 29, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 22, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1998 and extends through December 31, 1998.

Effective on May 29, 1998, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
331	563,512 dozen pairs.
338/339	1,566,506 dozen of which not more than 915,481 dozen shall be in Category 338 and not more than 1,017,901 dozen shall be in Category 339.
604	1,033,922 kilograms.
639	3,898,682 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1997.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–14215 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Visa Requirements for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

May 27, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending visa requirements.

EFFECTIVE DATE: May 31, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

Effective on May 31, 1998, textile products in Categories 342/642, produced or manufactured in Guatemala and exported on or after May 31, 1998, will no longer require a visa. In addition, products in Categories 342/642 will no longer be subject to the Special Access Program.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 55 FR 3079, published on January 30, 1990.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 27, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 24, 1990, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directs you to prohibit entry of certain cotton and man-made fiber textile products, produced or manufactured in Guatemala which were not properly visaed by the Government of Guatemala.

Effective on May 31, 1998, you are directed to no longer require a visa for shipments of textile products in Categories 342/642 which are produced or manufactured in Guatemala and exported on or after May 31, 1998. In addition, products in Categories 342/642 will no longer be subject to the Special Access Program.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–14399 Filed 5–28–98; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 247, Transportation, and the clauses at 252.247–7000, 252.247–7001, 252.247–7002, 252.247–7007, 252.247–7022, 252.247–7023, and 252.247–7024; OMB Number 0704–0245.

Type of Request: Revision.

Number of Respondents: 102,624.

Responses per Respondent: 2.9.

Annual Responses: 302,625.

Average Burden per Response: 0.5 hours.

Annual Burden Hours: 152,320.

Needs and Uses: This information collection is used by contracting officers in applying transportation and traffic management considerations in the acquisition of supplies, and in acquiring transportation or transportation-related services. This revision reflects a transfer of reporting requirements currently approved under OMB Control Number 0704–0187 that more appropriately belong under this clearance. The information collection includes requirements relating to DFARS Part 247, Transportation. DFARS 252.247.7000(a) requires contractors for stevedoring services to notify the contracting officer of unusual conditions associated with loading or unloading a particular cargo for potential adjustment of the contract labor rates. DFARS 252.247–7001 requires contractors for stevedoring services, under contracts awarded using sealed bidding procedures, to notify the contracting officer of certain changes in the wage rates or benefits that apply to its direct labor employees, for potential adjustment to the existing contract commodity, activity, or work-hour prices. DFARS 252.247–7002 permits contractors for stevedoring services, under contracts awarded using negotiation procedures, to deliver a written demand that the parties negotiate to revise the prices under the contract, DFARS 252.247–7007(f) requires contractors for stevedoring services to furnish the contracting officer with satisfactory evidence of insurance before performance of any work under the contract. DFARS 252.247–7022 requires the offeror to represent whether it anticipates that supplies will be transported by sea in the performance of any resulting contract or subcontract. DFARS 252.247–7023(c) requires the contractor to submit a written request to the contracting officer for use of other than U.S. flag vessels in the performance of the contract. DFARS 252.247–7023(d) requires the contractor to submit to the contracting officer, one copy of the rated on board vessel operating carrier's ocean bill of lading. DFARS 252.247–7023(e) requires the contractor to provide, with its final invoice, a representation that: (1) no ocean transportation was used in the performance of the contract; (2) only U.S. flag vessels were used for all ocean shipments under the contract; (3) the contractor had the written consent of the contracting officer for all non-U.S.-flag ocean transportation; or (4) shipments were made on non-U.S.-flag vessels without the written consent of the contracting officer. DFARS 252.247–7024(a) requires the contractor to notify the contracting officer when the contractor learns that supplies are to be transported by sea and the contractor indicated, in response to the solicitation, that it did not anticipate transporting any supplies by sea.

Affected Public: Business or Other For-Profit, Not-For-Profit Institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR,

1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: May 22, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–14178 Filed 5–28–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 237.70, Mortuary Services, and the associated clause at DFARS 252.237–7011; OMB Number 0704–0231.

Type of Request: Extension.

Number of Respondents: 800.

Responses Per Respondent: 1.

Annual Response: 800.

Average Burden Per Response: 30 minutes.

Annual Burden Hours: 400.

Needs and Uses: This requirement provides for the collection of necessary information from contractors regarding the results of the embalming process under contracts for mortuary services. The information is used to ensure proper preparation of the body for shipment and burial. The clause at DFARS 252.237–7011, Preparation History, requires that the contractor submit information describing the results of the embalming process on each body prepared for burial under a DoD contract.

Affected Public: Business or Other For-Profit.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Peter N.Weiss.

Written comments and recommendations on the proposed information collection should sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: May 22, 1998.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–14179 Filed 5–28–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: United States Air Force Academy (USAFA).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the United States Air Force Academy, Office of the USAF Academy Admissions Liaison, Karen E. Parker, Chief of Admissions Liaison, Room 5E152, 1040 Air Force Pentagon, announces the proposed reinstatement of a public information collection and seeks public comment on provisions thereof. 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 information collection; (c) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received July 28, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Karen E. Parker, Chief, Admissions Liaison, United States Air Force Academy Liaison Office, USAFA/RRA, Room 5E152, 1040 Air Force Pentagon, Washington, DC 20330–1040.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection of information, please write to above address.

Title, Associated form, and OMB Number: DD Form 1870, "Nomination for Appointment to the United States Military Academy, Naval Academy and Air Force Academy," OMB Number 0701–0026.

Needs and uses: The information collection requirement is necessary in order to receive nominations from all Members of Congress, Vice President, Delegates to Congress, and the Governor and Resident Commissioner of Puerto Rico annually to each of the three service academies as legal nominating authorities. This information collection which results in appointments made to the academies is in compliance with 10 USC 4362, 6953, 9342 and 32 CFR 901.

Affected Public: Individuals and households.

Annual Burden Hours: 7,713.

Number of Respondents: 15,425.

Responses per Respondent: 1.

Average Burden per Response: 5 hour.

Frequency: One time annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The DD Form 1870, Nomination for Appointment to the United States Military Academy, Naval Academy, and Air Force Academy, is used solely by legal nominating authorities who by federal law are entitled to make appointments to the three service academies. The form is used by all three service academies. The nomination form allows for legal nominating authorities to select by checking one box as to which academy is being provided with the name of a nominee. The form provides the required information in order for a nomination to be processed. Eligibility information concerning the nominees is also satisfied via the data requested. The legal nominating authority identifies himself and must date and sign the form to make it a legally acceptable form. The form provides three addresses for the form to be returned. Addresses are provided at the bottom of the form for each of the service academies in order that the appropriate academy may receive the form which has been so designated to be sent to them.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–14227 Filed 5–28–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–560–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

May 22, 1998.

Take notice that on May 18, 1998, Columbia Gas Transmission Corporation

(Columbia), 12801 Fair Lake Parkway, Fairfax, Virginia 22030–1046, filed in Docket No. CP98–560–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon by retirement approximately 0.04 mile of 2-inch pipeline and one delivery point to Columbia Gas of Pennsylvania, Inc. (CPA), located in Fulton County, Pennsylvania, under Columbia's blanket certificate issued in Docket No. CP83–76–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Columbia proposes to abandon transmission line 10033, consisting of 0.04 mile of 2-inch pipeline and appurtenances and one point of delivery to CPA, all located in Fulton County, Pennsylvania. Columbia declares the section of Line 10033 for which abandonment authority is requested is a 2-inch transmission pipeline that has provided service to CPA, thereby enabling CPA to serve the Kirk Motel, that now has been converted to residential sites and is served by CPA. Columbia states that CPA has recently constructed approximately 1,100 feet of 2-inch plastic pipeline to serve this point of delivery (POD) and thereby eliminated the need for Columbia's Line 10033 and the associated Kirk Motel POD.

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 pursaunt to Section 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–14201 Filed 5–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–548–000]

Koch Gateway Pipeline Company; Notice of Request Under Blanket Authorization

May 22, 1998.

Take notice that on May 14, 1998, as amended May 20, 1998, Koch Gateway Pipeline Company (Koch Gateway), Post Office Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP98–548–000, a request pursuant to Sections 157.205 and 157.216(b) for authorization to abandon by sale a lateral line located in East Baton Rouge Parish, Louisiana, under Koch Gateway's blanket certificate issued in docket No. CP82–430–000 pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Koch Gateway proposes to abandon by sale to Mid Louisiana Gas Transmission (Midla Transmission) a lateral transmission line designated as Index 270–80. This lateral line includes approximately 8 miles of 12–inch pipeline and 2 miles of 6–inch pipeline.

Koch Gateway states that it serves only one local distribution customer, Entex, Inc. It is stated that Koch Gateway and Midla Transmission have reached agreement with Entex for continuing service to the Entex delivery point.

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 Section 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–14203 Filed 5–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–559–000]

Northwest Pipeline Corporation; Notice of Request Under Blanket Authorization

May 22, 1998.

Take notice that on May 18, 1998, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP98–559–000 a request pursuant to Sections 157.205, 157.211 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, and 157.216) for authorization to abandon, construct, and operate certain facilities in Bannock County, Idaho under Northwest's blanket certificate issued in Docket No. CP82–433–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest specifically proposes to (1) abandon its Idaho Falls Meter Station by removal, (2) abandon its Idaho Falls Lateral by sale to Intermountain Gas Company (Intermountain), (3) construct and operate a relocated and upgraded Idaho Falls Meter Station, and (4) maintain the existing Idaho Falls Lateral mainline tap for emergency delivery of natural gas to Intermountain.

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 Section 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–14202 Filed 5–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2870–000]

UNITIL Power Corp.; Notice of Filing

May 22, 1998.

Take notice that on May 1, 1998, UNITIL Power Corp. tendered for filing pursuant to Schedule II Section H of Supplement No. 1 to Rate Schedule FERC Number 1, the UNITIL System Agreement, the following material:

1. Statement of all sales and billing transactions for the period January 1, 1997 through December 31, 1997 along with the actual costs incurred by UNITIL Power Corp. by FERC account.

2. UNITIL Power Corp. Rates billed from January 1, 1997 to December 1997 and supporting rate development.

Any person desiring to be heard or to protest such 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 385.214). All such motions and protests should be filed on or before May 29, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–14204 Filed 5–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–1907–001, et al.]

Entergy Service, Inc., et al.; Electric Rate and Corporate Regulation Filings

May 20, 1998.

Take notice that the following filings have been made with the Commission:

1. Entergy Services, Inc.

[Docket No. ER97–1907–001]

Take notice that on May 15, 1998, Entergy Services, Inc., submitted a refund report in the above referenced docket.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power Corporation

[Docket Nos. ER89–627–002 and ER91–252–002]

Take notice that on May 5, 1998, Florida Power Corporation (Florida Power), filed a refund report related to Rate Limitation Refunds for calendar year 1997, applicable to four of Florida Power's full requirements' customers in accordance with provisions in Exhibit B of their contracts limiting the total bills for service to them to the amount that would be produced by applying the applicable Florida Municipal Power Agency rate to that service.

Comment date: June 2, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Florida Power Corporation

[Docket No. ER98–374–001]

Take notice that on May 15, 1998, Florida Power Corporation (FPC), filed a revised tariff sheet for its Cost-Based Wholesale Power Sales Tariff (CR–1), in response to the Commission's April 20, 1998, letter order issued in Docket No. ER98–374–000.

FPC requests an effective date of October 29, 1997, the effective date of the Cost-Based Wholesale Power Sales Tariff, and accordingly, seeks waiver of the Commission's notice requirements.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Nicole Energy Services

[Docket No. ER98–2683–000]

Take notice that on May 14, 1998, Nicole Energy Services (NES), filed an amendment to its application for market-based rates as power marketer. The supplemental information pertains to additional support documentation on company ownership, subsidiaries and a clarification on business activity.

Comment date: June 3, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Entergy Services, Inc.

[Docket No. ER98–2910–000]

Take notice that on May 15, 1998, Entergy Services, Inc. (Entergy Services), as agent for Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing an amendment to its 1998 rate redetermination update (Corrected Update) in accordance with the Open Access Transmission Tariff filed in compliance with FERC Order No. 888 in Docket No. OA96–158–000. Entergy Services states that the Corrected Update redetermines the formula rate in accordance with the annual rate redetermination provisions of Appendix 1 to Attachment H and Appendix A to Schedule 7.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Rainbow Power USA LLC

[Docket No. ER98–3012–000]

Take notice that on May 12, 1998, Rainbow Power USA LLC (Rainbow), petitioned the Commission for acceptance of Rainbow's FERC Rate Schedule 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.

Rainbow intends to engage in wholesale and retail electric power and energy transactions as a power marketer. Rainbow is not in the business of generating or transmitting electric power. Rainbow is not a subsidiary of any other organization, nor does it have any affiliates.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Central Power and Light Company, West Texas Utilities Company, Public Service Company of Oklahoma, and Southwestern Electric Power Company

[Docket No. ER98–3013–000]

Take notice that on May 15, 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 service agreements under which the CSW Operating Companies will provide firm point-to-point transmission service to Electric Clearinghouse, Inc. (ECI), and Southwestern Public Service Company (SPS) in accordance with the CSW Operating Companies' open access transmission service tariff. The CSW Operating Companies also submitted notices of cancellation for each of the firm point-to-point transmission service agreements.

The CSW Operating Companies state that a copy of the filing has been served on ECI and SPS.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. PJM Interconnection, L.L.C.

[Docket No. ER98–3014–000]

Take notice that on May 15, 1998, PJM Interconnection, L.L.C. (PJM), tendered for filing amendments to the Operating Agreement of the PJM Interconnection, L.L.C., and the PJM Open Access Transmission Tariff.

The amendments provide that firm point-to-point transmission customers will have the right to specify that they do not wish to receive fixed transmission rights (FTRs) relating to their transmission reservations or wish to receive less than their full entitlement to FTRs.

PJM requests an effective date of August 1, 1998, for the amendments to the Operating Agreement and PJM Tariff.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Boston Edison Company

[Docket No. ER98–3015–000]

Take notice that on May 15, 1998, Boston Edison Company (Boston Edison), made a filing to supplement its Interconnection and Operation Agreement between Boston Edison and Sithe Energies, Inc., (Sithe). The supplement clarifies the obligations of Boston Edison, Sithe, and Sithe's subsidiaries, including Sithe Mystic, L.L.C., Sithe Edgar, L.L.C., Sithe New Boston, L.L.C., Sithe West Medway, L.L.C., Sithe Framingham, L.L.C., and Sithe Wyman, L.L.C.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Peco Energy Company

[Docket No. ER98–3016–000]

Take notice that on May 15, 1998, PECO Energy Company (PECO), filed a Service Agreement dated April 27, 1998 with Amoco Energy Trading Corporation (AMOCO) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds AMOCO as a customer under the Tariff.

PECO requests an effective date of April 27, 1998, for the Service Agreement.

PECO states that copies of this filing have been supplied to AMOCO and to the Pennsylvania Public Utility Commission.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. California Independent System Operator Corporation

[Docket No. ER98–3017–000]

Take notice that on May 15, 1998, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and Duke Energy Oakland LLC (Duke Energy Oakland), for acceptance by the Commission.

The ISO states that this filing has been served on Duke Energy Oakland and the California Public Utilities Commission.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. California Independent System Operator Corporation

[Docket No. ER98–3018–000]

Take notice that on May 15, 1998, the California Independent System Operator Corporation (ISO), tendered for filing a Participating Generator Agreement between Duke Energy Morro Bay LLC (Duke Energy Morro Bay) and the ISO for acceptance by the Commission.

The ISO states that this filing has been served on Duke Energy Morro Bay and the California Public Utilities Commission.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. California Independent System Operator Corporation

[Docket No. ER98–3019–000]

Take notice that on May 15, 1998, the California Independent System Operator Corporation (ISO), tendered for filing a Participating Generator Agreement between Duke Energy Moss Landing LLC (Duke Energy Moss Landing) and the ISO for acceptance by the Commission.

The ISO states that this filing has been served on Duke Energy Moss Landing and the California Public Utilities Commission.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. California Independent System Operator Corporation

[Docket No. ER98–3020–000]

Take notice that on May 15, 1998, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and Duke Energy Morro Bay LLC (Duke Energy Morro Bay) for acceptance by the Commission.

The ISO states that this filing has been served on Duke Energy Morro Bay and the California Public Utilities Commission.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. California Independent System Operator Corporation

[Docket No. ER98–3021–000]

Take notice that on May 15, 1998, the California Independent System Operator Corporation (ISO) tendered for filing a Participating Generator Agreement between Duke Energy Oakland LLC (Duke Energy Oakland) and the ISO for acceptance by the Commission.

The ISO states that this filing has been served on Duke Energy Oakland and the California Public Utilities Commission.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. California Independent System Operator Corporation

[Docket No. ER98–3022–000]

Take notice that on May 15, 1998, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and Duke Energy Moss Landing LLC (Duke Energy Moss Landing) for acceptance by the Commission.

The ISO states that this filing has been served on Duke Energy Moss Landing and the California Public Utilities Commission.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Indeck Pepperell Power Associates Inc.

[Docket No. ER98–3023–000]

Take notice that on May 15, 1998, Indeck Pepperell Power Associates, Inc. (Indeck Pepperell), tendered for filing with the Federal Energy Regulatory Commission a Power Purchase and Sale Agreement (Service Agreement) between Indeck Pepperell and Northeast Utilities Company (NUSCO), dated April 30, 1998, for service under Indeck Pepperell's Rate Schedule FERC No. 1. Indeck Pepperell requests that the Service Agreement be made effective as of April 30, 1998.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Long Island Lighting Company

[Docket No. ER98–3024–000]

Take notice that on May 15, 1998, Long Island Lighting Company (LILCO), filed an Electric Power Service Agreement between LILCO and NGE

Generation, Inc., entered into on May 12, 1998.

The Electric Power Service Agreement listed above was entered into under LILCO's Power Sales Umbrella Tariff as reflected in LILCO's amended filing on February 6, 1998 with the Commission in Docket No. OA98–5–000. The February 6, 1998, filing essentially brings LILCO's Power Sales Umbrella Tariff in compliance with the unbundling requirements of the Commission's Order No. 888.

LILCO requests waiver of the Commission's sixty (60) day notice requirements and an effective date of May 12, 1998, for the Electric Power Service Agreement listed above because in accordance with the policy announced in Prior Notice and Filing Requirements Under Part II of the Federal Power Act, 64 FERC ¶ 61,139, *clarified and reh'g granted in part and denied in part*, 65 FERC ¶ 61,081 (1993), service will be provided under an umbrella tariff and the Electric Power Service Agreement is being filed either prior to or within thirty (30) days of the commencement of service.

LILCO has served copies of this filing on the customer which is a party to the Electric Power Service Agreement and on the New York State Public Service Commission.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Portland General Electric Company

[Docket No. ER98–3025–000]

Take notice that on May 15, 1998, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff (FERC Electric Tariff Original Volume No. 8, Docket No. OA96–137–000), an executed Service Agreement for Short-Term Firm Point-to-Point Transmission Service with Enron Energy Services, Inc.

Pursuant to 18 CFR Section 35.11, and the Commission's Order in Docket No. PL93–2–002, issued July 30, 1993, PGE respectfully requests that the Commission grant a waiver of the notice requirements of 18 CFR Section 35.3 to allow the Service Agreements to become effective May 11, 1998.

A copy of this filing was caused to be served upon Enron Energy Services, Inc., as noted in the filing letter.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. DTE Edison America, Inc.

[Docket No. ER98–3026–000]

Take notice that on May 15, 1998, DTE Edison America, Inc., submitted for filing an Application for Order Accepting Initial Rate Schedule, Approving Rates, Waiving Regulations and Granting Blanket Approval (Application) to permit DTE Edison America to sell capacity and energy at market-based rates.

DTE Edison America requests an immediate effective date and, accordingly, seeks waiver of the Commission's notice requirements.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Alliant Service, Inc.

[Docket No. ER98–3027–000]

Take notice that on May 15, 1998, Alliant Services, Inc., tendered for filing executed Service Agreements for Firm and Non-firm Point-to-Point Transmission Service, establishing Southern Company Energy Marketing L.P., as a point-to-point Transmission Customer under the terms of the Alliant Services, Inc. transmission tariff. Alliant also requests the cancellation of Service Agreements with Southern Energy Trading and Marketing, Inc.

Alliant Services, Inc., requests an effective date of April 17, 1998, and accordingly, seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. Southern California Edison Company

[Docket No. ER98–3028–000]

Take notice that on May 15, 1998, Southern California Edison Company (Edison), tendered for filing Loss Accounting Procedures for Existing Contracts (Procedures), between Edison and the City of Colton (Colton), California.

The Procedures allow Edison and Colton to account for differences between losses pursuant to the Independent System Operator's (ISO), applicable loss methodology and losses pursuant to existing transmission contracts, as required in the Edison-Colton 1997 Restructuring Agreement (Restructuring Agreement). Edison is requesting that the Procedures become effective on April 1, 1998, the date the ISO assumed operational control of Edison's transmission facilities, which is concurrent with the effective date of the Restructuring Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

23. Westchester Resco Company, L.P.

[Docket No. ER98–3030–000]

Take notice that on May 15, 1998, Westchester Resco Company, L.P. (Westchester), petitioned the Commission for: (1) acceptance of Westchester's Rate Schedule FERC No. 2, providing for the sale of electricity at market-based rates; (2) waiver of the 60-day notice requirement and certain requirements under Subparts B and C of Part 35 of the regulations; and (3) confirmation of the continuing applicability of the blanket approvals and waivers previously granted. Westchester is an indirect subsidiary of Wheelabrator Technologies Inc.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

24. Arizona Public Service Company

[Docket No. ER98–3032–000]

Take notice that on May 15, 1998, Arizona Public Service Company (APS), tendered for filing a revised Contract Demand Exhibit for Southern California Edison applicable under the APS–FERC Rate Schedule No. 120.

Current rate levels are unaffected, revenue levels are unchanged from those currently on file with the Commission, and no other significant change in service to these or any other customer results from the revisions proposed herein. No new or modifications to existing facilities are required as a result of these revisions.

Copies of this filing have been served on SCE, the California Public Utilities Commission and the Arizona Corporation Commission.

Comment date: June 4, 1998, in accordance with Standard Paragraph E at the end of this notice.

25. Orange and Rockland Utilities, Inc.

[Docket No. ER98–3049–000]

Take notice that on May 14, 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 35, a service agreement under which O&R will provide capacity and/or energy to Wheeled Electric Power Company (Wheeled Electric).

O&R requests waiver of the notice requirement so that the service agreement with Wheeled Electric becomes effective as of May 15, 1998.

O&R has served copies of the filing on The New York State Public Service Commission and Wheeled Electric.

Comment date: June 3, 1998, in accordance with Standard Paragraph E at the end of this notice.

26. Orange and Rockland Utilities, Inc.

[Docket No. ER98–3050–000]

Take notice that on May 14, 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 35, a service agreement under which O&R will provide capacity and/or energy to Cinergy Services, Inc. (Cinergy Services).

O&R requests waiver of the notice requirement so that the service agreement with Cinergy Services becomes effective as of May 12, 1998.

O&R has served copies of the filing on The New York State Public Service Commission and Cinergy Services.

Comment date: June 3, 1998, in accordance with Standard Paragraph E at the end of this notice.

27. Kandiyohi Cooperative Electric Power Association

[Docket No. OA98–11–000]

Take notice on May 6, 1998, Kandiyohi Cooperative Electric Power Association (Kandiyohi Cooperative), filed a request for waiver of the requirements of Order No. 888 and Order No. 889 pursuant to 18 CFR 35.28(d) of the Federal Energy Regulatory Commission's Regulation. Kandiyohi Cooperative's filing is available for public inspection at its offices in Willmar, Minnesota.

Comment date: June 3, 1998, in accordance with Standard Paragraph E at the end of this notice.

28. City Utilities of Springfield Missouri

[Docket No. OA98–13–000]

Take notice that on May 14, 1998, the City Utilities of Springfield, Missouri, has filed a request for waiver of separation of functions requirements under Order Nos. 888 and 888–A and under Orders Nos. 889 and 889–A.

Comment date: June 5, 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. 98–14276 Filed 5–28–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2076–001, et al.]

Hawkeye Power Partners, L.L.C., et al.; Electric Rate and Corporate Regulation Filings

May 21, 1998.

Take notice that the following filings have been made with the Commission:

1. Hawkeye Power Partners, L.L.C.

[Docket No. ER98–2076–001]

Take notice that on May 18, 1998, Hawkeye Power Partners, L.L.C. (Hawkeye), in compliance with the Commission's order issued on April 30, 1998, submitted a Code of Conduct with Respect to the Relationship between Hawkeye Power Partners L.L.C. and its affiliates. Hawkeye seeks leave to file the Code of Conduct one day out of time.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. MidAmerican Energy Company

[Docket No. ER98–2700–000]

Take notice that on May 18, 1998, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, filed with the Commission a Network Integration Transmission Service Agreement and a Network Operating Agreement, both dated April 2, 1998, and entered into by MidAmerican and the City of Denver, Iowa (Denver) in accordance with MidAmerican's Open Access Transmission Tariff. MidAmerican has submitted an amendment to the filing requesting an effective date of April 1, 1998, for the Agreements.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Cleco Corporation

[Docket No. ER98–3031–000]

Take notice that on May 18, 1998, Cleco Corporation, (Cleco), tendered for filing a Notice of Succession whereby Central Louisiana Electric Company, Inc., has changed its name to Cleco Corporation.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. PECO Energy Company

[Docket No. ER98–3033–000]

Take notice that on May 18, 1998, PECO Energy Company (PECO), filed an executed Installed Capacity Obligation Allocation Agreement between PECO and Penn Power Energy, Inc., (hereinafter Supplier). The terms and conditions contained within this Agreement are identical to the terms and conditions contained with the Form of Installed Capacity Allocation Agreement filed by PECO with the Commission on October 3, 1997 at Docket No. ER98–28–000. This filing merely submits an individual executed copy of the Installed Capacity Obligation Allocation Agreement between PECO and an alternate suppliers participating in PECO's Pilot.

Copies of the filing were served on the Supplier and the Pennsylvania Public Utility Commission.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. PECO Energy Company

[Docket No. ER98–3034–000]

Take notice that on May 18, 1998, PECO Energy Company (PECO), filed an executed Transmission Agency Agreement between PECO and Penn Power Energy, Inc., (hereinafter Supplier). The terms and conditions contained within this Agreement are identical to the terms and conditions contained with the Form of Transmission Agency Agreement submitted to the Commission on October 3, 1997, as part of the joint filing by the Pennsylvania Public Utility Commission and the Pennsylvania PJM Utilities at Docket No. ER98–64–000. This filing merely submits an individual executed copy of the Transmission Agency Agreement between PECO and an alternative supplier participating in PECO's Retail Access Pilot Program.

Copies of the filing were served on the Supplier and the Pennsylvania Public Utility Commission.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Ameren Services Company

[Docket No. ER98–3035–000]

Take notice that on May 18, 1998, Ameren Services Company (ASC), tendered for filing Service Agreements for Firm Point-to-Point Transmission Services between ASC and Southern Illinois Power Cooperative, Vitol Gas and Electric LLC, and Wabash Valley Power Association. ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff filed in Docket No. ER96–677–004.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Ameren Services Company

[Docket No. ER98–3036–000]

Take notice that on May 18, 1998, Ameren Services Company (ASC), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between ASC and Southern Illinois Power Cooperative (SIPC). ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to SIPC pursuant to Ameren's Open Access Transmission Tariff filed in Docket No. ER96–677–004.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. MidAmerican Energy Company

[Docket No. ER98–3037–000]

Take notice that on May 18, 1998, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, filed with the Commission a Network Integration Transmission Service Agreement and a Network Operating Agreement, both dated April 28, 1998, and entered into by MidAmerican and the Montezuma Municipal Light and Power (Montezuma) in accordance with MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of May 1, 1998, for the Agreements with Montezuma, and accordingly seeks a waiver of the Commission's notice requirement.

MidAmerican has served a copy of the filing on Montezuma, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Minnesota Power & Light Company

[Docket No. ER98–3038–000]

Take notice that on May 18, 1998, Minnesota Power & Light Company, submitted for filing a Service Agreement between Minnesota Power & Light Company and Minnkota Power Cooperative.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Arizona Public Service Company

[Docket No. ER98–3039–000]

Take notice that on May 18, 1998, Arizona Public Service Company tendered for filing Notice of Cancellation of FERC Rate Schedule No. 226, effective date June 1, 1995 by FERC order dated April 6, 1995 and filed with the Federal Energy Regulatory Commission by Arizona Public Service Company is to be canceled effective at midnight the 30th day of September 1997.

Copies of the notice of the proposed cancellation has been served upon Nevada Power Company.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Public Service Electric and Gas Company

[Docket No. ER98–3040–000]

Take notice that on May 18, 1998, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey tendered for filing an agreement for the sale of capacity and energy to PP&L, Inc. (PP&L), pursuant to the PSE&G Wholesale Power Market Based Sales Tariff, presently on file with the Commission.

PSE&G further requests waiver of the Commission's Regulations such that the agreement can be made effective as of April 20, 1998.

Copies of the filing have been served upon PP&L and the New Jersey Board of Public Utilities.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Public Service Electric and Gas Company

[Docket No. ER98–3041–000]

Take notice that on May 18, 1998, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey tendered for filing an agreement for the sale of capacity and energy to Sempra Energy Trading Corp. (Sempra), pursuant to the PSE&G Wholesale Power Market Based Sales Tariff, presently on file with the Commission.

PSE&G further requests waiver of the Commission's Regulations such that the agreement can be made effective as of April 20, 1998.

Copies of the filing have been served upon Sempra and the New Jersey Board of Public Utilities.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Florida Power & Light Company

[Docket No. ER98–3042–000]

Take notice that on May 18, 1998, Florida Power & Light Company (FPL), filed a Service Agreement with Tractebel Energy Marketing, Inc., for service pursuant to Tariff No. 1, for Sales of Power and Energy by Florida Power & Light Company. FPL requests that the Service Agreement be made effective on April 27, 1998.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Public Service Electric and Gas Company

[Docket No. ER98–3043–000]

Take notice that on May 18, 1998, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey tendered for filing an agreement for the sale of capacity and energy to South Carolina Electric & Gas Company (SCE&G), pursuant to the PSE&G Wholesale Power Market Based Sales Tariff, presently on file with the Commission.

PSE&G further requests waiver of the Commission's Regulations such that the agreement can be made effective as of April 20, 1998.

Copies of the filing have been served upon SCE&G and the New Jersey Board of Public Utilities.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Niagara Mohawk Power Corporation

[Docket No. ER98–3044–000]

Take notice that on May 18, 1998, Niagara Mohawk Power Corporation (ANMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Transmission Service Agreement between NMPC and DTE Energy Trading. This Transmission Service Agreement specifies that DTE Energy Trading 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 DTE Energy Trading to enter into separately

scheduled transactions under which NMPC will provide transmission service for DTE Energy Trading as the parties may mutually agree.

NMPC requests an effective date of May 8, 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 DTE Energy Trading.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. Central Illinois Light Company

[Docket No. ER98–3045–000]

Take notice that on May 18, 1998, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61202, tendered for filing with the Commission a substitute Index of Customers under its Coordination Sales Tariff and three service agreements for three new customers, Amoco Energy Trading Corporation, Constellation Power Source, Inc., and Cargill-Alliant, LLC.

CILCO requested an effective date of May 8, 1998.

Copies of the filing were served on the affected customers and the Illinois Commerce Commission.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Alabama Power Company

[Docket No. ER98–3046–000]

Take notice that on May 18, 1998, Alabama Power Company tendered for filing Amendment No. 2 to the Amended and Restated Agreement for Partial Requirements Service and Complementary Services with the Alabama Municipal Electric Authority (FERC Rate Schedule No. 168). Under this amendment, the parties have agreed to a series of future reductions in the demand rate for PR service. The amendment also reflects the parties' agreement and understanding concerning other issues, such as the operation of certain notice provisions under the contract.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Peco Energy Company

[Docket No. ER98–3047–000]

Take notice that on May 18, 1998, PECO Energy Company (PECO), filed a Service Agreement dated February 23, 1998, with Sunoco Power Marketing, L.L.C. (SPM), under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds SPM as a customer under the Tariff.

PECO requests an effective date of April 19, 1998, for the Service Agreement.

PECO states that copies of this filing have been supplied to SPM and to the Pennsylvania Public Utility Commission.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Northeast Electricity Inc.

[Docket No. ER98–3048–000]

Take notice that on May 18, 1998, Northeast Electricity Inc. (NEI), petitioned the Commission for acceptance of NEI 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.

NEI intends to engage in wholesale electric power and energy purchases and sales as a marketer. NEI is not in the business of generating or transmitting electric power. NEI is a wholly owned and privately held company, with no affiliates.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Commonwealth Edison Company

[Docket No. ER98–3051–000]

Take notice that on May 18, 1998, Commonwealth Edison Company (ComEd), tendered for filing revised tariff sheets under ComEd's Open Access Transmission Service Tariff (ComEd OATT). ComEd seeks authority to waive, under certain circumstances and on a non-discriminatory basis, the deposit required to accompany applications for Network Integration transmission service.

ComEd requests an effective date of May 19, 1998, and therefore requests waiver of the Commission's notice requirements. ComEd has served copies of the filing on the Illinois Commerce Commission and all customers served under the ComEd OATT.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. PowerSource, Corp.

[Docket No. ER98–3052–000]

Take notice that on May 18, 1998, PowerSource, Corp. (PSC), tendered for filing with the Commission an application for acceptance of PSC 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.

PSC intends to engage in wholesale electric power and energy purchases and sales as a marketer.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. Illinova Energy Partners, Inc.

[Docket No. ER98–3053–000]

Take notice that on May 18, 1998, Illinova Energy Partners, Inc. (IEP), tendered for filing an updated generation market power analysis as required by the Commission's order issued May 18, 1995, granting IEP the right to sell wholesale power at market-based rates.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

23. East Kentucky Power Cooperative Inc., New York Power Authority, Omaha Public Power District, Orlando Utilities Commission, and South Carolina Public Service Authority

[Docket Nos. NJ97–14–001, NJ97–10–001, NJ97–2–003, NJ97–13–002, NJ97–8–002]

Take notice that between April 24–27, 1998, the above-named companies submitted revised standards of conduct in response to the Commission's March 26, 1998, Order on Standards of Conduct (82 FERC ¶ 61,297 (1998)).

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

24. AES Alamitos, L.L.C., AES Huntington Beach, L.L.C., and AES Redondo Beach, L.L.C.

[Docket No. EC98–43–000]

Take notice that on May 11, 1998, AES Alamitos, L.L.C., AES Huntington Beach, L.L.C., and AES Redondo Beach, L.L.C., tendered for filing pursuant to Part 33 of the Commission's Regulations an application to assign must-run electric service agreements with the California Independent System Operator designated as AES Alamitos, L.L.C., Supplement No. 5 to Rate Schedule FERC No. 10; AES Huntington Beach, L.L.C., Supplement No. 5 to Rate Schedule FERC No. 13; and AES Redondo Beach, L.L.C., Supplement No. 5 to Rate Schedule FERC No. 15.

Comment date: June 5, 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. 98–14278 Filed 5–28–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1297–000, et al.]

TransCurrent, LLC., et al.; Electric Rate and Corporate Regulation Filings

May 22, 1998.

Take notice that the following filings have been made with the Commission:

1. TransCurrent, LLC.

[Docket No. ER98–1297–000]

Take notice that on May 19, 1998, TransCurrent, LLC. (TransCurrent) amended its petition to the Commission for acceptance of TransCurrent 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.

TransCurrent intends to engage in wholesale electric power and energy purchases and sales as a marketer (trading). In addition to power marketing TransCurrent is offering consulting and portfolio management services. TransCurrent is not in the business of generating or transmitting electric power. TransCurrent is owned by:

- Kraftholding USA AS (50%), a Norwegian company owned by private investors.
- California Polar Power Brokers, LLC (Calpol) (50%) whose business activity is to act as a Scheduling Coordinator and to offer brokering services in standardized physical electricity contracts. The ownership of Calpol is as follows:

	Percent of shares
A. Voting shares:	
Scandinavian Power Brokers	30.6
Mr Bjornar Otterstad	5.4
B. Non-voting shares:	
Skandinavian Power Brokers AS	23.9
Mr. Bjornar Otterstad	0.02
Mr. Angel Stoyanof	5.0
Mr. Alan Sagatelyan	5.0
Elinex, LLC	3.3
Kraftholding USA AS	14.2
Mr. Morten Helle	1.0
Employees shares	12.4

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Carolina Power & Light Company

[Docket No. ER98–3054–000]

Take notice that on May 19, 1998, Carolina Power & Light Company (Carolina) tendered for filing an executed Service Agreement between Carolina and the following Eligible Entity: FirstEnergy Trading and Power Marketing Inc. Service to the Eligible Entity will be in accordance with the terms and conditions of Carolina's Tariff No. 1 for Sales of Capacity and Energy.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Northern States Power Company (Minnesota Company) and Northern States Power Company (Wisconsin Company)

[Docket No. ER98–3055–000]

Take notice that on May 19, 1998, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin), collectively known as NSP, tendered for filing an Electric Service Agreement between NSP and Commonwealth Edison Company (Customer). This Electric Service Agreement is an enabling agreement under which NSP may provide to Customer the electric services identified in NSP Operating Companies Electric Services Tariff original Volume No. 4. NSP requests that this Electric Service Agreement be made effective on April 22, 1998.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Northern States Power Company

[Docket No. ER98–3056–000]

Take notice that on May 19, 1998, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin), collectively known as NSP, tendered for filing an Electric Service Agreement between NSP and Illinois Power (Customer). This Electric Service Agreement is an enabling agreement under which NSP may provide to Customer the electric services identified in NSP Operating Companies Electric Services tariff original Volume No. 4. NSP requests that this Electric Service Agreement be made effective on April 22, 1998.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Ameren Services Company

[Docket No. ER98–3061–000]

Take notice that on May 19, 1998, Ameren Services Company (ASC) tendered for filing Service Agreements for Long-Term Firm Point-to-Point Transmission Services between ASC and Public Service Company of Oklahoma (PSCO). ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to PSCO pursuant to Ameren's Open Access Transmission Tariff filed in Docket No. ER 96–677–004.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, et al.

[Docket No. ER98–3062–000]

Take notice that on May 19, 1998, Allegheny Power Service Corporation, on behalf of Monongahela Power Company, the Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 42 to add four (4) new customers to the Standard Generation Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a waiver of notice requirements to make service available as of May 18, 1998, to AYP Energy, Inc., American Municipal Power-Ohio, Inc., Entergy Power Marketing Corp., and South Jersey Energy Company.

Copies of this filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, et al.

[Docket No. ER98–3063–000]

Take notice that on May 19, 1998, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 30 to add PP&L, Inc. to Allegheny Power Open Access Transmission Service Tariff which has been submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96–18–000. The proposed effective date under the Service Agreement is May 18, 1998.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Central Vermont Public Service Corporation

[Docket No. ER98–3064–000]

Take notice that on May 19, 1998, Central Vermont Public Service Corporation (CVPS) tendered for filing the Actual 1997 Cost Report required under Article 2.4 on Second Revised Sheet No. 18 of FERC Electric Tariff, Original Volume No. 3, of Central Vermont under which Central Vermont provides transmission and distribution service to the following Customers:

Vermont Electric Cooperative, Inc.
Lyndonville Electric Department
Village of Ludlow Electric Light Department
Village of Johnson Water and Light Department
Village of Hyde Park Water and Light Department
Rochester Electric Light and Power Company
Woodsville Fire District Water and Light Department

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Central Vermont Public Service Corporation

[Docket No. ER98–3065–000]

Take notice that on May 19, 1998, Central Vermont Public Service Corporation (CVPS) tendered for filing the Actual 1997 Cost Report required under Paragraph Q–1 on Original Sheet No. 18 of the Rate Schedule FERC No. 135 (RS–2 rate schedule) under which Central Vermont Public Service Corporation (Company) sells electric power to Connecticut Valley Electric Company Inc. (Customer). The Company states that the Cost Report reflects changes to the RS–2 rate schedule which were approved by the Commission's June 6, 1989 order in Docket No. ER88–456–000.

Comment date: June 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Two Elk Power Company, et al. Limited Partnership

[Docket No. QF95–197–001]

On May 12, 1998, Two Elk Power Company, on behalf of Two Elk Generation Partners, Limited Partnership, c/o North American Power Group, Ltd., 8480 East Orchard Road, Suite 4000, Greenwood Village, Colorado 80111, submitted for filing an application for Commission recertification as a small power production facility pursuant to Section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the 250 MW, coal-fired single-turbine power production facility is located in Campbell County, Wyoming. Commercial operations are scheduled to commence in 2001, whereupon the facility will sell a majority of its electric energy output into the public power grid at market based rates with the remainder of its output to be sold to the Black Thunder Mine. The facility was originally self-certified as a QF by a notice of qualification submitted on December 30, 1994, in Docket No. QF95–197–000. According to the applicant, the instant recertification is requested in contemplation of changes in the facility's name, size, ownership structure, and location.

Comment date: 30 days after the date of publication of this notice in the **Federal Register**, 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, 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 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. 98–14280 Filed 5–28–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent to File Application For New License

May 22, 1998.

a. *Type of filing:* Notice of Intent to File Application for New License.

b. *Project No.:* 344.

c. *Date filed:* April 27, 1998.

d. *Submitted By:* Southern California Edison Company.

3. *Name of Project:* San Gorgonio Nos. 1 & 2.

f. *Location:* On the San Gorgonio River in San Bernardino County, California, within the San Bernardino National Forest.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. *Effective date of original license:* May 1, 1983.

i. *Expiration date of original license:* April 26, 2003.

j. The project consists of two diversion dams, concrete-lined canals, two water tanks, two forebays, two penstocks, two powerhouses with a total installed capacity of 2,440 kilowatts, two switchyards, and a transmission line.

k. Pursuant to 18 CFR 16.7, information on the project is available by contacting: Bryant C. Danner, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, CA 91770, (626) 302–8937.

1. *FERC contact*: Héctor M. Pérez (202) 219–2843.

m. Pursuant to 18 CFR 16.9(b)(1), each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for

license for this project must be filed by April 26, 2001.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–14200 Filed 5–28–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6103–1]

1998 Chesapeake Bay and Atlantic Coast Tautog Fishery Management Plan (FMP)

Public Review (June 4, 1998 to July 3, 1998)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A draft of the 1998 Chesapeake Bay and Atlantic Coast Tautog Fisheries Management Plan (FMP) is available for public comment June 4, 1998 to July 3, 1998. Although an active fishery exists in the Federal Exclusive Economic Zone (3–200 miles offshore), the Chesapeake Bay serves as an important nursery and feeding ground for young tautog. Concerns of localized overfishing and a shift toward increasing commercial fishing pressure since the early 1990s have led to the development of a federal fishery management plan for the species under the Atlantic States Marine Fisheries Commission (ASMFC). Chesapeake Bay jurisdictions will promulgate several fishery management measures for tautog that will begin immediate reduction in exploitation levels, rebuild the spawning stock and promote uniform management between federal and state agencies. The Bay jurisdictions will reduce exploitation and improve protection of the spawning stock in the Chesapeake Bay and Atlantic by complying with federal ASMFC recommendations. Chesapeake Bay fishery management plans (FMPs) are prepared under the direction of the 1987 Chesapeake Bay Agreement and serve as a framework for conserving and wisely using fishery resources. The goal of the Chesapeake Bay and Atlantic Coast Tautog Fishery Management Plan (FMP) is to "enhance and perpetuate tautog stocks and their habitat in the Chesapeake Bay and its tributaries, and throughout its Atlantic coast range, so as to generate optimum long-term ecological, social, and economic benefits from their recreational and commercial harvest and utilization over time."

A draft of the Plan is available by calling the Chesapeake Bay Program Office at 1–800–YOUR BAY. Comments should be returned to Mike Barnette, Virginia Marine Resources Commission, 2600 Washington Ave., P.O. Box 756, Newport News, VA 23607.

William Matuszeski,

Director, Chesapeake Bay Program Office.

[FR Doc. 98–14279 Filed 5–28–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5492–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed May 19, 1998 Through May 22, 1998 Pursuant to 40 CFR 1506.9.

EIS No. 980190, Draft EIS, BLM, NV, Caliente Management Framework Plan Amendment, Implementation, Management of Desert Tortoise Habitat (Gopherus agassizii), Northeastern Mojave Recovery Unit, Lincoln County, NV, Due: August 14, 1998, Contact: Gene Drais (702) 289–1880.

EIS No. 980191, Final EIS, NPS, OR, Crater Lake National Park, New Concession Contract for Visitor Services Plan, Implementation, OR, Due: July 13, 1998, Contact: Al Kendricks.

EIS No. 980192, Draft EIS, FAA, CT, Sikorsky Memorial Airport, Proposed Runway 6–24 Improvements, Construction, Stratford, CT, Due: July 13, 1998, Contact: John Silva (781) 238–7602.

EIS No. 980193, Draft EIS, FHW, MD, MD–331—Dover Bridge, Construction, Right-of-Way Grant, US Coast Guard Bridge Permit and COE Section 404 Permit, Easton; Talbot and Caroline County, MD, Due: July 06, 1998, Contact: George Frick, Jr. (410) 962–4342.

This EIS was inadvertently omitted from the 05–22–98 **Federal Register**. The Officical 45 days NEPA review period is calculated from 05–22–98.

EIS No. 980194, Final EIS, ICC, Conrail Acquisition (Finance Docket No. 33388) by CSX Corporation and CSX Transportation Inc., and Norfolk Southern Corporation and Norfolk Southern Railway Company (NS), Control and Operating Leases and Agreements, To serve portion of eastern United States, Due: June 29, 1998, Contact: Michael Dalton (888) 869–1997.

EIS No. 980195, Draft EIS, AFS, OR, Young'n Timber Sales, Implementation, Willamette National Forest Land and Resource Management Plan, Middle Fork Ranger District, Lane County, OR, Due: July 13, 1998, Contact: John Agar (541) 782–2283.

EIS No. 980196, Final EIS, COE, CA, Oakland Harbor Inner and Outer Deep Navigation (−50 Foot) Improvement Project, Implementation, Feasibility Study, Port of Oakland, Alameda and San Francisco Counties, CA, Due: June 29, 1998, Contact: Eric Jolliffe (415) 977–8543.

EIS No. 980197, Final EIS, MMS, TX, LA, Western Planning Area, Proposed Western Gulf of Mexico 1997–2002 (5-Year Program) Outer Continental Shelf Oil and Gas Sales 171, 174, 177 and 180, Lease Offering, Offshore Marine Environmental and Coastal Counties/Parishes of Texas and Louisiana, Due: June 29, 1998, Contact: Archie P. Melancon (703) 787–5471.

Amended Notices

EIS No. 980159, Final EIS, UAF, FL, CA, Evolved Expendable Launch Vehicle (EELV) Program, Development, Operation and Deployment, Proposed Launch Locations are Cape Canaveral Air Station (AS), Florida and Vandenberg Air Force Base (AFB), California, Federal Permits and Licenses, FL and CA, Due: June 08, 1998, Contact: Jonathan D. Farthing (210) 536–3668. Published FR—05–08–98—Correction to Contact Person Name and Telephone Number.

EIS No. 980171, Draft EIS, COE, TX, Dallas Floodway Extension, Implementation, Trinity River Basin, Flood Damage Reduction and Environmental Restoration, Dallas County, TX , Due: June 29, 1998, Contact: Gene T. Rice, Jr. (817) 978–2110. Published FR 05–15–98—Review Period extended.

EIS No. 980177, Draft EIS, DOE, NM, Los Alamos National Laboratory Continued Operation Site-Wide, Implementation, Los Alamos County, NM, Due: July 15, 1998, Contact: Corey Cruz (800) 898–6623. Published FR—05–15–98—Due Date correction.

Dated: May 26, 1998.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–14283 Filed 5–28–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00464A; FRL–5790–9]

Second Annual Antimicrobials National Workshop

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Antimicrobials Division of the U.S. EPA's Office of Pesticide Programs is hosting the Second Annual National Antimicrobials Workshop on June 15 and 16, 1998, at the Renaissance Washington, DC Hotel. The theme for this year's workshop is "Building Bridges and Maintaining Open Communications."

DATES: The Workshop will take place on June 15 and 16, 1998, starting at 8:30 a.m each day.

ADDRESSES: The Workshop will be held at the Renaissance Washington, DC Hotel, 999 Ninth St., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Cleo Pizana, Antimicrobials Division, (7510W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–6431; e-mail: pizana.cleo@epa.gov.

Registration information may be obtained by contacting: By mail, Deborah Jones, TASCON, Inc., 1803 Research Blvd., Suite 3305, Rockville, MD 20850; telephone number: (301) 315–9000; fax: (301) 738–9786; e-mail: djones@tascon.com. Direct registration is available by accessing the Internet address: http://ace.orst.edu/info/nain/antimicrobial.html.

SUPPLEMENTARY INFORMATION: EPA would like to make this an opportunity for building partnerships, learning other perspectives, and generating ideas on the best ways to protect the public health and the environment while addressing difficult issues by bringing representatives of Federal agencies, registrants, regions, States, and public health/environmental organizations together. The workshop covers a wide range of topics from treated articles, to clarification of roles in jurisdiction and in preventing food-borne illness, to discussions on 40 CFR parts 152, 156, and 158 regulations.

List of Subjects

Environmental protection, Antimicrobials, Treated articles, Disinfectants efficacy, International harmonization, Agency jurisdictions in preventing food borne illness.

Dated: May 14, 1998.

Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 98–14159 Filed 5–28–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30409B; FRL–5791–3]

Bayer Corp.; Approval of Pesticide Product Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of applications submitted by Bayer Corporation to conditionally register the pesticide products FOE 5043 Technical Herbicide, FOE 5043 DF Herbicide, and Axiom DF Herbicide containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By mail: James Tompkins, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 257, CM #2, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202, 703–305–7391; e-mail: tompkins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability: Electronic copies of this document and the Fact Sheet are available from the EPA home page at the **Federal Register** Environmental Sub-Set entry for this document under "Laws and Regulations" (http://www.epa.gov/fedrgstr/).

EPA issued a notice, published the **Federal Register** of May 1, 1996 (61 FR 19279)(FRL–5365–5), which announced that Bayer Corporation, 8400 Hawthorn Road, P.O. Box 4913, Kansas City MO 64120-0013, had submitted applications to conditionally register the herbicide products FOE 5043 Technical Herbicide, FOE 5043 DF Herbicide, and Axiom DF (EPA File Symbols 3125–UIA, 3125–UIT, and 3125–UII) containing the active ingredient *N*-(4-fluorophenyl)-*N*-(1-methylethyl)-2-[[5-(trifluoromethyl)-1,3,4-thiadiazol-2-yl]oxy]acetamide at 95, 60, and 54.4 percent respectively. The product Axiom DF also contains 13.6% of the active ingredient metribuzin 1-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one, an active ingredient in currently registered pesticide products.

The applications were approved on April 8, 1998, for one Technical and two end-use products listed below:

1. FOE 5043 Technical Herbicide for use only in the manufacturing of herbicides (EPA Registration Number 3125–486).

2. FOE 5043 DF Herbicide for control of certain grass and broadleaf weeds in corn and soybeans (EPA File Registration Number 3125–487).

3. Axiom DF Herbicide for control of certain grass and broadleaf weeds in corn and soybeans (EPA Registration Number 3125–488).

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest. The Agency has considered the available data on the risks associated with the proposed use of *N*-(4-fluorophenyl)-*N*-(1-methylethyl)-2-[[5-(trifluoromethyl)-1,3,4-thiadiazol-2-yl]oxy]acetamide, and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of *N*-(4-fluorophenyl)-*N*-(1-methylethyl)-2-[[5-(trifluoromethyl)-1,3,4-thiadiazol-2-yl]oxy]acetamide during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C), the Agency has determined that these conditional registrations are in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

More detailed information on these conditional registrations is contained in an EPA Pesticide Fact Sheet on *N*-(4-fluorophenyl)-*N*-(1-methylethyl)-2-[[5-

(trifluoromethyl)-1,3,4-thiadiazol-2-yl]oxy]acetamide.

A paper copy of this fact sheet, which provides a summary description of the chemical, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Information and Records Intregrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, CM #2, Arlington, VA 22202 (703–305–5805). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: May 13, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 98–14161 Filed 5–28–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–806; FRL–5791–2]

Monsanto Company; Pesticide Tolerance Petitions Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by the docket control number PF–806, must be received on or before June 29, 1998.

ADDRESSES: By mail submit written comments to: Information and Records Integrity Branch, Public Information and Services Divison (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under "SUPPLEMENTARY INFORMATION." No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: James A. Tompkins, Registration Support Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 239, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305–5697; e-mail: tompkins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice of filing, as well as the public version, has been established for this notice of filing under docket control number [PF–806] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number (insert docket number) and appropriate petition number. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 14, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

1. Monsanto Company

PP 8F4937

EPA has received a pesticide petition (PP 8F4937) from Monsanto Company, 700 14th St., NW., Suite 1100, Washington, DC 20005. proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of

halosulfuron-methyl: methyl 5-[(4,6-dimethoxy-2-pyrimidinyl)amino] carbonyl aminosulfonyl-3-chloro-1-methyl-1H-pyrazole-4-carboxylate in or on the raw agricultural commodity undelinted cotton seed & cotton gin by-products at 0.05 parts per million (ppm), rice grain at 0.05 ppm, rice straw at 0.20 ppm, tree nut group (Group 14) nutmeat at 0.05 ppm and hulls at 0.20 ppm, pistachio, nutmeat at 0.05 ppm, pistachio, hulls at 0.2 ppm.

In addition, Monsanto proposes the establishment of tolerances for halosulfuron methyl (as parent only) in or on the following raw agricultural commodities:

Corn, field: grain at 0.05 ppm, forage at 0.2 ppm, and fodder at 0.8 ppm.

Grain, sorghum (milo): grain at 0.05 ppm, forage at 0.05 ppm, and fodder/stover at 0.10 ppm.

Monsanto also proposes removing 40 CFR 180.479 (b) which reads as follows:

Indirect or inadvertent tolerances. Tolerances are established for indirect or inadvertent residues of the herbicide halosulfuron-methyl and its metabolites determined as 3-chloro-1-methyl-5-sulfamoylpyrazole-4-carboxylic acid and expressed as parent equivalents, in or on the following raw agricultural commodities when present therein as a result of the application of halosulfuron-methyl to growing crops.

Soybean, forage at 0.5 ppm, soybean, hay at 0.5 ppm, soybean, seed at 0.5 ppm, wheat, forage at 0.1 ppm, wheat, grain at 0.1 ppm. and wheat, straw at 0.2 ppm.

EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The metabolism of halosulfuron-methyl as well as the nature of the residues in plants is adequately understood for purposes of these tolerances. Metabolism studies were conducted in three crops, viz.; field corn, sugarcane and soybeans. Metabolism depends on the mode of application. Preemergent applications result in rapid soil degradation of halosulfuron-methyl followed by crop uptake of the resulting pyrazole moiety. The pyrimidine ring binds tightly to soil and is eventually converted to carbon dioxide by microbial degradation. In postemergent applications, little metabolism and translocation take place resulting in unmetabolized parent compound as the major residue on the directly treated foliar surfaces. Very low residue levels of the metabolite 3-chloro-1-methyl-5-sulfamoylpyrazole-4-carboxylic acid (3-CSA) are found in the grain.

2. *Analytical method.* A practical analytical method, gas chromatography with an electron- capture detector which detects and measures total residues (halosulfuron-methyl and metabolites) is available for enforcement purposes with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances. This enforcement method has been submitted to the Food and Drug Administration for publication in the Pesticide Analytical Manual, Vol. II (PAM II). It has undergone independent laboratory validation and validation at the Beltsville laboratory. The Analytical Chemistry section of the EPA concluded that the method is adequate for enforcement. Analytical method is also available for analyzing meat by-products which also underwent successful independent laboratory and Beltsville laboratory validations.

3. *Magnitude of residues.* In the tree nut residue study, there were no quantifiable residues found in nut meats using an analytical method with limit of quantitation (LOQ) of 0.05 ppm. Residues ranging from <0.05 to 0.154 ppm were found in almond hulls when treated at 1.4 times the recommended rate. There were no detectable residues found in cotton undelinted seed as well as from the resulting processed commodities even at treatment rates of more than 5 times the maximum recommended rate per season. No quantifiable residues were found in cotton gin byproducts. The residues in the rice grain and rice processed fractions were below the limit of detection of 0.02 ppm at all locations. 5 of the 18 sites showed residues in rice straw ranging from 0.06 to 0.17 ppm while 13 sites had non-quantifiable residues (<0.05 ppm). Results of the aquatic sediment dissipation study showed that the parent and major metabolite residues dissipated rapidly in both soil and water phases with DT_{50} values of 1.3 and 1.87 days and DT_{90} of 6.48 and 12 days from 2 sites, respectively. The half-life of halosulfuron-methyl in the paddy water phase is calculated to be 0.87 days following direct application to water. The vertical mobility is not a major route of dissipation. The residues (parent and metabolites that are hydrolyzable to 3-CSA) dissipated rapidly in the upper soil layer but showed no indication of significant downward movement into the lower soil layers.

B. Toxicological Profile

1. *Acute toxicity.* Acute toxicological studies placing the technical-grade halosulfuron-methyl in Toxicity Category III. A 90-day feeding study in rats resulted in a lowest-observed-effect-level (LOEL) of 497 milligrams/kilograms/day (mg/kg/day) in males and 640 mg/kg/day in females, and a no-observed-effect-level (NOEL) of 116 mg/kg/day in males and 147 mg/kg/day in females.

2. *Genotoxicty.* Bacterial/mammalian microsomal mutagenicity assays were performed and found not to be mutagenic. Two mutagenicity studies were performed to test gene mutation and found to produce no chromosomal aberrations or gene mutations in cultured Chinese hamster ovary cells. An in *vivo* mouse micronucleus assay did not cause a significant increase in the frequency of micronucleated polychromatic erythrocytes in bone marrow cells. A mutagenicity study was performed on rats and found not to induce unscheduled DNA synthesis in primary rat hepatocytes.

3. *Reproductive and developmental toxicity.* A developmental toxicity study in rats resulted in a developmental LOEL of 750 mg/kg/day, based on decreases in mean litter size and fetal body weight, and increases in resorptions, resorptions/dam, post-implantation loss and in fetal and litter incidences of soft tissue and skeletal variations, and a developmental NOEL of 250 mg/kg/day. Maternal LOEL was 750 mg/kg/day based on increased incidence of clinical observations, reduced body weight gains, and reduced food consumption and food efficiency. The maternal NOEL was 250 mg/kg/day.

A developmental toxicity study in rabbits resulted in a developmental LOEL of 150 mg/kg/day, based on decreased mean litter size and increases in resorptions, resorptions/dam and post-implantation loss, and a developmental NOEL of 50 mg/kg/day. The maternal LOEL was 150 mg/kg/day based on reduced body weight gain and reduced food consumption and food efficiency. The maternal NOEL was 50 mg/kg/day.

A dietary 2-generation reproduction study in rats resulted in parental toxicity at 223.2 mg/kg/day in males and 261.4 mg/kg/day in females in the form of decreased body weights, decreased body weight gains, and reduced food consumption during the premating period. Very slight effects were noted in body weight of the offspring at this dose. This effect was

considered to be developmental toxicity (developmental delay) rather than a reproductive effect. No effects were noted on reproductive or other developmental toxicity parameters. The systemic/ developmental toxicity LOEL was 223.2 mg/kg/day in males and 261.4 mg/kg/day in females; the systemic/ developmental toxicity NOEL was 50.4 mg/kg/day in males and 58.7 mg/kg/day in females. The reproductive LOEL was greater than 223.2 mg/kg/day in males and 261.4 mg/kg/day in females; the reproductive NOEL was equal to or greater than 223.2 mg/kg/day in males and 261.4 mg/kg/day in females.

4. *Subchronic toxicity.* A 21-day dermal toxicity study in rats resulted in a NOEL of 100 mg/kg/day in males and greater than 1,000 mg/kg/day in females. The only treatment-related effect was a decrease in body weight gain of the 1,000 mg/kg/day group in males.

5. *Chronic toxicity.* A 1-year chronic oral study in dogs resulted in a LOEL of 40 mg/kg/day based on decreased weight gain and a NOEL of 10 mg/kg/day for systemic toxicity. A 78-week carcinogenicity study was performed on mice. Males in the 971.6 mg/kg/day group had decreased body weight gains and an increased incidence of microconcretion/mineralization in the testis and epididymis. No treatment-related effects were noted in females. Based on these results, a LOEL of 971.9 mg/kg/day was established in males and NOELs of 410 mg/kg/day in males and 1,214.6 mg/kg/day in females were established. The study showed no evidence of carcinogenicity. A combined chronic toxicity/ carcinogenicity study in rats resulted in a LOEL of 225.2 mg/kg/day in males and 138.6 mg/kg/day in females based on decreased body weight gains, and a NOEL of 108.3 mg/kg/day in males and 56.3 mg/kg/day in females. The study showed no evidence of carcinogenicity.

6. *Animal metabolism.* EPA stated that the nature of the residue in ruminants was determined to be adequately understood. In the tissues and milk of goats, the major extractable residue was the unmetabolized parent compound. Based on the low residues of the parent compound in corn grain and the low transfer of residues in the metabolism study, tolerances on poultry products were not required. In the rat metabolism study, parent compound was absorbed rapidly but incompletely. Excretion was relatively rapid at all doses tested with majority of radioactivity eliminated in the urine and feces by 72 hours. Fecal elimination of parent was apparently the result of unabsorbed parent.

7. *Metabolite toxicology.* The toxicology studies listed below were conducted with the 3-CSA metabolite. Based on the toxicological data of the 3-CSA metabolite, EPA concluded that it has lower toxicity compared to the parent compound and that it should not be included in the tolerance expression. The residue of concern is the parent compound only.

i. A 90-day rat feeding study resulted in a LOEL in males of >20,000 ppm and a NOEL of 20,000 ppm (1,400 mg/kg/day). In females, the LEL is 10,000 ppm (772.8 mg/kg/day) based on decreased body weight gains and a NOEL of 1,000 ppm (75.8 mg/kg/day).

ii. A developmental toxicity resulted in a LOEL for maternal toxicity of >1,000 mg/kg/day based on the absence of systemic toxicity, a NOEL of 1,000 mg/kg/day. The developmental LOEL is >1,000 mg/kg/day and the NOEL is 1,000 mg/kg/day.

iii. The microbial reverse gene mutation did not produce any mutagenic effect while the mammalian cell gene mutation/chinese hamster ovary cells did not show a clear evidence of mutagenic effect in the Chinese hamster ovary cells.

iv. The mouse micronucleus assay did not show any clastogenic or aneugenic effect.

8. *Endocrine disruption.* No specific tests have been conducted with halosulfuron-methyl to determine whether the chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects. However, there were no significant findings in other relevant toxicity tests, i.e., teratology and multi-generation reproduction studies, which would suggest that halosulfuron-methyl produces effects characteristic of the disruption of the estrogenic hormone.

C. Aggregate Exposure

1. *Dietary exposure*— i. *Food.* For purposes of assessing the potential dietary exposure from food under existing tolerances, aggregate exposure based on the Theoretical Maximum Residue Contribution (TMRC) which is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. The calculated TMRC value was 0.0005 mg/kg body weight/day for the general US population which will utilize only 0.51% of the Reference Dose (RfD) for established tolerances for halosulfuron-methyl and its metabolites in/on raw agricultural commodities of field corn, grain sorghum (milo) and secondary tolerances in meat and meat byproducts (cattle, goats, hogs, horses, and sheep). TMRC is obtained by multiplying the tolerance levels for each commodity by the average daily consumption of the food forms of that commodity eaten by the U.S. population and various population subgroups. In conducting this exposure assessment, conservative assumptions were made, e.g., 100% of all commodities will contain halosulfuron-methyl residues and those residues would be at the level of their respective tolerances. This results in a large overestimate of human exposure. Monsanto conducted another dietary exposure analysis to include food from crops in subsequent petitions including this petition. This analysis added dietary exposure from the following raw agricultural commodities using the proposed tolerance levels of each commodity, viz.; sweet corn (kernel + cobs with husks removed at 0.05 ppm, forage at 0.2 ppm, fodder/stover at 0.8 ppm), pop corn (grain at 0.05 ppm, fodder/stover at 0.8 ppm), sugarcane (cane at 0.05 ppm), tree nut crop grouping (nut meat at 0.05 ppm, hulls at 0.2 ppm), pistachio nuts (nutmeat at 0.05 ppm, hulls at 0.2 ppm), cotton (undelinted seed at 0.05 ppm, gin byproduct at 0.2 ppm) and rice (grain at 0.05 ppm and straw at 0.2 ppm). Food consumption data from the USDA Nationwide Food consumption survey for 1989-1992 and the EXPOSURE-1 software by TAS, Inc. were used in the calculation. Even with the same conservative assumptions, the potential dietary exposure to halosulfuron-methyl from consumption of products for which it is currently labeled and proposed resulted in a TMRC of 0.00064 mg/kg body weight/day and represents only 0.6% of the RfD for the general U.S. population. Field corn and sorghum forage and fodder are fed to animals, thus exposure of humans to residues from these commodities might result if such residues are transferred to meat, milk, poultry or eggs. However, based on the results of animal metabolism and the amount of halosulfuron-methyl expected in animal feeds, Monsanto concludes that there is no reasonable expectation that residues of halosulfuron-methyl will exceed existing tolerances in meat. The regulation of animal commodities and poultry products are not required.

ii. *Drinking water.* There is no Maximum Contaminant Level (MCL) established for residues of halosulfuron-methyl. It is not listed for MCL development or drinking water monitoring under the Safe Drinking Water Act nor is it a target of EPA's National Survey of Wells for Pesticides.

Monsanto is not aware of any halosulfuron-methyl detections in any wells, ponds, lakes or streams resulting from its use in the United States. A Lifetime Health Advisory Level (HAL), calculated using EPA procedures, may be used as a preliminary acceptable level in drinking water. The calculated level is 700 ppb which assumes a 20% relative contribution from water and which is sufficient to provide ample margins of safety. In addition, EPA has concluded that potential levels of halosulfuron-methyl or metabolites in soil and water do not appear to have significant toxicological effects on humans or animals and presents a negligible risk.

The EPA has expressed concern regarding potential groundwater contamination by the sulfonylurea (SU) class of chemistry in general and has required generic label warnings for halosulfuron-methyl; however, results of the field dissipation and lysimeter studies and a recently completed aquatic sediment study with halosulfuron-methyl should mitigate the concern for this chemical in particular.

Based on the very low level of mammalian toxicity, lack of other toxicological concerns and low use rates, Monsanto believes that there is reasonable certainty that no harm will result from exposure to halosulfuron-methyl via drinking water sources.

iii. *Non-dietary exposure.* Halosulfuron-methyl is labeled for use on commercial and residential turf and other non-crop sites which could have minimal opportunity for exposure. The agricultural uses including the proposed uses in tree nut crop group, pistachio nuts, cotton and rice will not increase the non-occupational exposure appreciably, if at all. Any exposure to halosulfuron-methyl resulting from turf use will result from dermal exposure during application and will be limited because of low use rates. In the 21-day dermal study, no treatment related adverse effects were observed and the NOAEL was determined to be greater than the highest dose tested, >1,000 mg/kg. Halosulfuron-methyl is non-volatile with a vapor pressure of $<1 \times 10^{-7}$ mm Hg, hence, inhalation exposure during and after application will not add significantly to aggregate exposure. Based on the physical and chemical characteristics, low use rates, low acute toxicity and lack of other toxicological concerns, Monsanto believes that the risk posed by non-occupational exposure to halosulfuron-methyl is minimal.

D. Cumulative Effects

Halosulfuron-methyl belongs to the sulfonyl urea class of chemistry. The mode of action of halosulfuron-methyl is the inhibition of the plant enzyme aceto lactase synthetase (ALS), which is essential for the production of required amino acid in plants. Although other registered sulfonyl ureas may have similar herbicidal mode of action, there is no information available to suggest that these compounds exhibit a similar toxicity profile in the mammalian system that would be cumulative with halosulfuron-methyl. Thus, consideration of a common mechanism of toxicity is not appropriate at this time. Monsanto is considering only the potential risks of halosulfuron-methyl in its aggregate exposure assessment.

E. Safety Determination

1. *U.S. population—Chronic dietary exposure.* As stated above, the EPA's calculated aggregate chronic exposure to halosulfuron-methyl from the established tolerances for field corn and grain sorghum raw agricultural commodities utilizes only 0.51% of the RfD using very conservative assumptions. Monsanto's subsequent calculation to include the proposed tolerances on sweet corn, pop corn, sugarcane, tree nut crop grouping, pistachio nuts, rice and cotton estimates that it will utilize only 0.6% of the RfD for the entire U.S. population. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Toxicology data indicating low potential for mammalian toxicity and lack of other toxicity concerns plus the conservative assumptions used in this calculation support the conclusion that there is a "reasonable certainty of no harm" to the U.S. population in general from aggregate exposure to halosulfuron-methyl residues from all anticipated dietary exposures and all other non-occupational exposures.

2. *Acute dietary exposure.* The detailed DRES acute exposure analysis evaluates individual food consumption and estimates the distribution of single day exposures through the diet for the US population and certain subgroups. Since the toxicological effect to which high end exposure is compared is developmental toxicity, EPA determined that the DRES subgroup of concern is females (13+ years) which approximates women of child-bearing age. The appropriate NOEL to use to assess safety in acute exposure is 50 mg/kg body weight/day from a developmental toxicity study in rabbits.

For shorter term risk, the Margin of Exposure (MOE), a measure of how closely the high end exposure comes to the NOEL and is calculated as a ratio of the NOEL to the exposure (NOEL/exposure = MOE). For toxicological endpoints established based upon animal studies ,the agency is generally not concerned unless the MOE is below 100. In this analysis, tolerance levels were used to calculate the exposure of the highest exposed individual (females, 13+ year subgroup). High end exposure for this subgroup resulted in an MOE in excess of 30,000. Therefore, the acute dietary exposure to halosulfuron-methyl does not represent a risk concern. Monsanto has calculated the MOE for all tolerances (established and proposed) which resulted in an MOE of 31,623 for the entire U.S. population. Monsanto's calculation used the individual food consumption data from the 1989-1992 USDA Food Consumption Surveys and the EXPOSURE-4 software by TAS, Inc. Therefore, Monsanto concludes that there is a reasonable certainty that no harm will result from acute aggregate exposure to halosulfuron-methyl residues.

3. *Infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of halosulfuron-methyl, Monsanto considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate the potential for adverse effects on the developing organism resulting from exposure during prenatal development to the female parent. Reproduction studies provide information relating to effects from exposure to the chemical on the reproductive capability of both (mating) parents and on off spring from pre-natal and post-natal exposure to the pesticide as well as systemic toxicity.

In a developmental toxicity study in the rat, the NOEL for both maternal and developmental toxicity was considered to be 250 mg/kg/day. In a developmental toxicity study in rabbits, a NOEL for both developmental and maternal toxicity was considered to be 50 mg/kg/day. A dietary 2-generation reproduction study in rats resulted in parental toxicity at 223.2 mg/kg/day in males and 261.4 mg/kg/day in females in the form of decreased body weights, decreased body weight gains, and reduced food consumption during the premating period. Very slight effects were noted in body weight of the offspring at this dose. This effect was

considered to be developmental toxicity (developmental delay) rather than a reproductive effect. No effects were noted on reproductive or other developmental toxicity parameters. The systemic/developmental toxicity NOEL was 50.4 mg/kg/day in males and 58.7 mg/kg/day in females. The reproductive NOEL was equal to or greater than 223.2 mg/kg/day in males and 261.4 mg/kg/day in females. In all cases, the reproductive and developmental NOELs were greater than the NOEL on which the RfD was based, thus allowing for an additional margin of safety and indicating that halosulfuron-methyl does not pose any increased risk to infants or children.

4. *Chronic analysis.* Using the conservative dietary exposure assumptions described above, the TMRC for the most exposed subgroups is 0.00117 mg/kg body weight/day for nonnursing infants (less than 1-year old) and 0.001008 mg/kg body weight/day for children (1 to 6 years old), and that this aggregate exposure to residues of halosulfuron-methyl utilizes only 1.170 and 1.008% of the RfD, respectively when existing tolerances are considered. Monsanto's subsequent analysis included contribution from the proposed tolerances in sugarcane, sweet corn/popcorn, tree nut crop grouping, pistachio nuts, rice and cotton. The TMRC utilized only 1.7 and 1.3% of the RfD, respectively.

FFDCA section 408 provides that EPA may apply an additional safety factor (up to 10) in the case of threshold effects for infants and children to account for pre- and post-natal toxicity and the completeness of the data base. Based on current toxicological data requirements, the data base relative to pre- and post-natal effects in children is complete. Further, the NOEL of 10 mg/kg/day from the 1-year feeding study in dogs, which was used to calculate the RfD (discussed above), is already lower than the NOELs from the reproductive and developmental studies with halosulfuron-methyl by a factor of at least 25- and 5-fold, respectively. An additional safety factor is not warranted and the RfD of 0.1 mg/kg/day is appropriate for assessing aggregate risk to infants and children.

Therefore, based on complete and reliable toxicity data and the conservative exposure assessment, Monsanto concludes that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to halosulfuron-methyl residues.

F. International Tolerances

Maximum residue levels have not been established for residues of halosulfuron-methyl on corn, sorghum, sugarcane, sweet corn, pop corn, tree nuts, pistachio nuts, rice or cotton or any other food or feed crop by the Codex Alimentarius Commission.

2. Norvartis Crop Protection Inc.

PP 3F4225

EPA has received a pesticide petition (PP 3F4225) from Norvartis Crop Protection INC., P.O. Box 18300, Greensboro, NC 27419, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 extending time limited tolerances for residues of Triasulfuron in or on the raw agricultural commodity grass, forage at 7.0 ppm, grass, hay at 2.0 ppm and kidney of cattle, goats, hogs, horses, and sheep at 0.5 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The nature of the residue in plants is understood. The metabolism of triasulfuron in wheat proceeds by hydroxylation of the phenyl ring and hydrolytic cleavage of the urea bridge. The residue of regulatory concern is parent triasulfuron. Because the metabolism work in wheat can be translated to grasses, parent compound is the residue of regulatory concern for grasses.

2. *Analytical method.* Triasulfuron in grass was analyzed by Analytical Method AG-500B which the validated tolerance enforcement method. According to Method AG-500B, triasulfuron is extracted with a mixture of methanol and phosphoric acid. The extract is diluted with water. Triasulfuron residues are partitioned into dichloromethane and cleaned up on a BondElut CN solid phase extraction column. Residues are determined by column-switching HPLC utilizing a Lichrosorb CN column followed by a Zorbax ODS column, with UV detection at 232 nm.

3. *Magnitude of residues.* A total of 16 field trials have been conducted in 16 States. Seven sites tested bromegrass or fescue, 5 used bluegrass, and 4 used bermudagrass. A total of 69.6% of U.S. pastureland was represented by these trials. Two post broadcast spray applications were made 60-days apart at a rate of 12 grams active ingredient/A/application. Time-limited tolerances were previously established at 7 ppm in grass, forage and 2 ppm in grass, hay pending the submission of additional residue trials. These additional field trials which are included in the numbers above did not show residues exceeding the current tolerances in either grass, forage (0-day PHI) or grass, hay (30-days PHI). The feeding of either substrate to beef or dairy cattle will not result in existing tolerances in animal commodities being exceeded.

B. Toxicological Profile

1. *Acute toxicity.* Triasulfuron has a low order of acute toxicity. The rat oral LD_{50} is > 5,000 milligrams/kilogram (mg/kg), the acute rabbit dermal LD_{50} is > 2,000 mg/kg and the rat inhalation LC_{50} is > 5.2 mg/L. Triasulfuron is slightly irritating to the eye but not irritating to skin. It is not a skin sensitizer in guinea pigs. The commercial formulation of triasulfuron (75WP) has a similar acute toxicity profile. Both the technical material and the 75WP formulation require a Category III CAUTION Signal Word on the label.

2. *Genotoxicty.* Assays for genotoxicity were comprised of tests evaluating the potential of triasulfuron to induce point mutations (*Salmonella typhimurium*, *Saccharomyces cerevisiae* and mouse lymphoma L5178Y/TK/+/- cells), chromosome aberrations (micronucleus test in Chinese hamsters) and the ability to induce either unscheduled DNA synthesis in rat hepatocytes and human fibroblasts. The results indicate that triasulfuron is not mutagenic or clastogenic and does not induce unscheduled DNA synthesis.

3. *Reproductive and developmental toxicity.* The developmental and teratogenic potential of triasulfuron was investigated in rats and rabbits. The results indicate that triasulfuron was maternally toxic in the rat at doses of > 300 mg/kg/day. Developmental toxicity in the form of delayed skeletal maturation was observed only at the highest dose tested (HDT) of 900 mg/kg/day. The corresponding maternal and developmental NOELs were established at doses of 100 and 300 mg/kg/day, respectively in the rat. In the rabbit, maternal toxicity was observed at the HDT of 240 mg/kg/day; no evidence of developmental toxicity was present at 240 mg/kg/day. The maternal developmental NOELs were 120 and 240 mg/kg/day, respectively. No evidence of teratogenicity was observed at the HDT in either the rat or rabbit.

There was no effect of triasulfuron on reproductive performance in a 2 generation rat reproduction study conducted at doses of 1, 50 and 250 mg/kg/day. Maternal and fetal toxicity as indicated by decreased body weight gain was noted at the HDT of 250 mg/kg/day. The maternal and developmental NOEL was 50 mg/kg/day.

4. *Subchronic toxicity.* The subchronic toxicity of triasulfuron was evaluated in the rat and dog at high doses. Triasulfuron was poorly tolerated in the rat at doses of > 516 mg/kg/day as indicated by increased mortality, decreased body weight gain and kidney damage due to the presence of triasulfuron-containing calculi present in the urogenital tract. The NOEL in the rat was 10 mg/kg/day. Triasulfuron was not well tolerated by the dog at doses of 10,000 ppm (250 mg/kg/day) as indicated by body weight reduction, anemia, and effects on the spleen, liver and kidney. The NOEL was 1,000 ppm (33 mg/kg/day).

5. *Chronic toxicity.* The chronic toxicity of triasulfuron was investigated in long term studies in the rat, mouse and dog. Target organs included the liver, kidney and blood. NOELs were established at dose levels of 32.1, 1.2, and 129 mg/kg/day, respectively. The mouse is the most sensitive species with a NOEL = 1.2 mg/kg/day. The carcinogenicity studies on triasulfuron showed no evidence of an oncogenic response in either mouse or rat. The chemical is classified in category E.

6. *Animal metabolism.* The metabolism of triasulfuron has been well characterized in standard FIFRA rat, goat and poultry metabolism studies. Parent triasulfuron accounts for the majority of the excreted dose in these species. Cleavage of the sulfonylurea bridge occurs at a low rate but it is more prevalent in goats and hens than in rats. Hydroxylation of the phenyl ring, which constitutes the major metabolic pathway elucidated in wheat, also was found in the rat. None of the metabolites identified in these studies are considered to be toxicologically different than parent.

7. *Metabolite toxicology.* The metabolism of triasulfuron has been well characterized in rat, goat and poultry metabolism studies. None of the metabolites identified in these studies are considered to be toxicologically different than parent.

8. *Endocrine disruption.* Triasulfuron does not belong to a class of chemicals known or suspected of having adverse effects on the endocrine system. There was no effect of triasulfuron on reproductive performance in a 2-generation rat reproduction study conducted at doses of 1, 50 and 250 mg/kg/day. Although residues of triasulfuron have been found in raw agricultural commodities, there is no evidence that triasulfuron bioaccumulates in the environment.

C. Aggregate Exposure

1. *Food.* Novartis has estimated the aggregate exposure to triasulfuron based on the established and time-limited tolerances for triasulfuron (40 CFR 180.459). The theoretical maximum residue contribution to diet is obtained by multiplying the tolerance level residue for all these raw agricultural commodities by the consumption data which estimates the amount of these products consumed by various population subgroups. Because some of these raw agricultural commodities (e.g. wheat and barley forage and fodder, grass forage and hay) are fed to animals, the transfer of residues to animal commodities has been calculated based on a conservatively constructed cattle diet. In addition, Novartis has conservatively assumed that 100% of the raw agricultural commodities contain residues of triasulfuron at tolerance levels.

2. *Drinking water.* Another potential source of exposure of the general population to residues of pesticides are residues in drinking water. The potential for triasulfuron to enter surface or groundwater sources of drinking water is limited because of the low use rate. The Maximum Contaminant Level Guideline (MCLG) calculated for triasulfuron according to EPA's procedures is 84 ppb, a value that is substantially greater than levels that are likely to be found in the environment under proposed conditions of use.

3. *Non-dietary exposure.* Novartis has evaluated the estimated non-occupational exposure to triasulfuron and concludes that the potential for non-occupational exposure to the general population is unlikely since triasulfuron is not planned to be used in or around the home, including home lawns.

D. Cumulative Effects

Novartis also has considered the potential for cumulative effects of triasulfuron and other chemicals belonging to this class that may have a common mechanism of toxicity. Novartis concluded that consideration of a common mechanism of toxicity is not appropriate at this time since there is no data to establish whether a common mechanism exists.

E. Safety Determination

1. *U.S. population.* Using the conservative exposure assumptions described above, based on the completeness and reliability of the toxicity data, Novartis has concluded that aggregate exposure to triasulfuron will utilize a maximum of 4.63% of the RfD for the U.S. population based on chronic toxicity endpoints. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Therefore, Novartis concludes that there is a reasonable certainty that no harm will result from aggregate exposure to triasulfuron or residues of triasulfuron that may appear in raw agricultural commodities.

2. *Infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of triasulfuron, Novartis has considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat on triasulfuron. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from chemical exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to a chemical on the reproductive capability of mating animals and data on systemic toxicity.

Developmental toxicity in the form of delayed skeletal maturation was observed in the rat only at the HDT of 900 mg/kg/day. The corresponding maternal and developmental NOELs were established at doses of 100 and 300 mg/kg/day, respectively in the rat. In the rabbit, maternal toxicity was observed at the HDT of 240 mg/kg/day; no evidence of developmental toxicity was present at 240 mg/kg/day.

There was no effect of triasulfuron on reproductive performance in a 2 generation rat reproduction study conducted at doses of 1, 50 and 250 mg/kg/day. Maternal and fetal toxicity as indicated by decreased body weight gain was noted at the HDT 250 mg/kg/day. The maternal and developmental NOELs were 50 mg/kg/day.

Section 408 of the FFDCA provides that EPA may apply an additional safety factor for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database. Based on the current toxicological data requirements, the database relative to pre- and post-natal effects for children is complete. Further, for triasulfuron,

the NOEL of 1.2 mg/kg/day from the mouse oncogenicity study, which was used to calculate the RfD of 0.01 mg/kg/day, was approximately 50 times lower than the developmental NOEL level from the rat multigeneration reproduction study. There is no evidence to suggest that developing organisms are more sensitive to the effects of triasulfuron than are adults.

Using the conservative exposure assumptions described above and the chronic toxicity NOEL of 1.2 mg/kg/day (RfD of 0.01 mg/kg/day), Novartis has determined that the % of the RfD that will be utilized by aggregate exposure to residues of triasulfuron is 3.98% for nursing infants less than 1-year old, 15.43% for non-nursing infants, 10.91% for children 1 to 6-years old and 7.34% for children 7 to 12-years old. Therefore, based on the completeness and reliability of the toxicity data and the conservative exposure assessment, Novartis concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to triasulfuron residues.

F. International Tolerances

There are no Codex Alimentarius Commission (CODEX) maximum residue levels (MRL's) established for residues of triasulfuron in or on raw agricultural commodities.

3. Zeneca Ag Products

PP 8F4954

EPA has received a pesticide petition (PP 8F4954) from Zeneca Ag Products, 1800 Concord Pike, Wilmington, DE 19850-5458 proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of the herbicide, 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione, in or on the raw agricultural commodities field corn, field corn fodder and field corn forage at 0.01 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The nature of the residue of 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione, (hereafter referred to by the trade name ZA1296) in plants is adequately understood. ZA1296 is rapidly and completely metabolized in corn. No single extract or component accounted for greater than 0.01 ppm in grain. Numerous components were characterised in forage and fodder, including the metabolite 2-amino-4-methylsulfonyl benzoic acid (AMBA) and its conjugates and 4-methylsulfonyl-2-nitrobenzoic acid (MNBA). In addition to ZA1296, MNBA was included in crop residue analysis.

2. *Analytical method.* The proposed analytical method involves extraction, partition, clean-up and separation of ZA1296 and MNBA, oxidation of ZA1296, reduction, clean-up and detection of residues by reversed-phase HPLC using fluorescence detection. The limit of quantitation for ZA1296 and the metabolite MNBA is 0.01 ppm.

3. *Magnitude of residues.* Twenty residue trials were conducted in the US (EPA regions I, II, V and VI). The proposed use of ZA1296 does not result in residues (LOQ of 0.01 ppm) of ZA1296 or the metabolite MNBA in field corn grain, forage or fodder.

B. Toxicological Profile

1. *Acute toxicity.* A battery of acute toxicity tests were conducted which place ZA1296 in acute oral toxicity category IV, acute dermal toxicity category III, acute inhalation toxicity category IV, primary eye irritation category III, and primary dermal irritation category IV. ZA1296 is not a skin sensitizer. ZA1296 is not a neurotoxin in males and females at 2,000 mg/kg (limit test).

2. *Genotoxicty.* ZA296 was found to be negative for mutagenicity in a battery of mutagenicity tests (*in vitro*) Ames Testing, Mouse Lymphoma, Human Lymphocytes and *in vivo* Mouse Micronucleus).

3. *Reproductive and developmental toxicity*—i. *Developmental toxicity (rabbit).* New Zealand white rabbits were dosed orally by gavage with 0, 100, 250 or 500 mg/kg/day ZA1296 on days 8-20 of gestation. The top dose level in this study was set on the basis of significant maternal toxicity seen at higher dose levels in a preliminary study. At dose levels of 250 and 500 mg/kg/day there was a low incidence of whole litter losses. ZA1296 was not associated with significant maternal toxicity or evidence of teratogenicity. Dose levels of 100 mg/kg/day or more were associated with changes in the ossification of the fetal skeleton but not with structural malformation. The changes in ossification are transient in nature and considered not to be of toxicological significance in terms of post natal development. A developmental NOAEL of 100 mg/kg/day was established in this study.

ii. *Developmental toxicity (rat).* Rats were dosed orally by gavage with 0, 100, 300 or 1,000 mg/kg/day ZA1296 on days 7-16 of gestation. Maternal toxicity, as evidenced by reductions in body weight and food consumption, was seen at dose levels of 100, 300 or 1,000 mg/kg/day ZA1296. Administration of ZA1296 at dose levels of up to 1,000 mg/kg/day produced no evidence of teratogenicity. An increased incidence of minor skeletal defects and skeletal variants and increases in mean manus and pes scores were seen at all dose levels and were indicative of reduced ossification or a disturbance in the normal pattern of ossification. The changes in ossification are transient in nature and are considered not to be of toxicological significance in terms of post-natal development. Fetal weight was reduced at 1,000 mg/kg/day. A developmental NOAEL of 300 mg/kg/day was established in this study.

iii. *Reproductive toxicity (rat).* In a 3-generation study rats were fed diets containing 0, 2.5, 10 or 2500 ppm ZA1296. Dietary administration of ZA1296 had no effect on mating performance but was found to result in reduced pup survival at a dose of 2,500 ppm in all 3-generations and at 100 ppm in the second generation only. These findings were not present in recovery subgroups removed from treated diet in the third generation. There was also a reduction in the number of pups per litter, and effects on body weights and in the eye and kidney. In the third generation, there were no effects in the eyes or kidneys of offspring from animals which were returned to control diet 4 weeks prior to mating and effects on litter size were less marked than in the continuous treatment group. A NOEL of 2.5 ppm ZA1296 (0.3 mg/kg/day) was established in this study. In light of the mechanism of toxicity, investigations into the effects seen in this study in pups are considered not to be relevant to human risk assessment.

iv. *Reproductive toxicity (mouse).* In a 2-generation study mice were fed diets containing 0, 10, 50, 350, 1,500 or 7.000 ppm ZA1296. There were no adverse effect of ZA1296 on the reproductive performance of the mouse, on fertility and fecundity of the F0 and F1 adult animals or on survival of their offspring. The body weights of the offspring were reduced at 1,500 and 7,000 ppm ZA1296. A NOEL of 350 ppm ZA1296 (71 mg/kg/day) was established in this study.

4. *Subchronic toxicity*—i. *21-day dermal (rabbits).* Rabbits were repeatedly dosed with ZA1296 at 0, 10,

500 or 1,000 mg/kg/day for 21 days. The NOEL for sub-acute dermal toxicity was >1,000 mg/kg/day (limit dose).

ii. *90-day rodent (rat).* In a first study male and female rats were dosed with 0, 1, 125, 1,250 or 12,500 ppm ZA1296 in the diet for 90-days. The NOEL was determined to be 1ppm for males and females (0.09 and 0.1 mg/kg/day, respectively) based on reduced bodyweight and increased liver weight in males and females at 125 ppm and increased kidney weight and ocular keratitis in males at 125 ppm. 125 ppm (13 mg/kg/day) was a NOEL for the ocular keratitis in females. In a second study in male rats dosed with ZA1296 at 0, 10, 20 or 150 ppm ZA1296 in the diet for 90-days, a NOEL of 20 ppm (1.7 mg/kg/day) was determined for reduced bodyweight. At the 10 ppm dose level ocular keratitis and increased liver and kidney weights were observed. In a third study in male and female rats dosed with ZA1296 at 0, 2.5, 5.0, 7.5 or 150 ppm in the diet for 90-days, NOELs of 5 ppm (0.41 mg/kg/day) for ocular keratitis and increased kidney weight and 7.5 ppm (0.63 mg/kg/day) for reduced bodyweight were determined in males. NOELs of 7.5 ppm (0.71 mg/kg/day) for reduced bodyweight and increased liver weight and 150 ppm (14 mg/kg/day) for increased kidney weight were determined in females. At 2.5 ppm in males increased liver weight was observed. In light of investigations into the mechanism of toxicity, these changes are all considered not to be relevant to human risk assessment.

iii. *90-day rodent (mouse).* Mice were dosed 0, 50, 350 or 7,000 ppm in the diet for 90-days. In females no clear toxic effects were observed at 7,000 ppm (1,500 mg/kg/day). In males 7,000 ppm (1,200 mg/kg/day) was associated with a reduced growth rate and food utilization. In males and females 350 ppm (62 and 80 mg/kg/day, respectively) produced no effects which were considered to be toxicologically significant.

iv. *90-day non-rodent (dog).* Beagle dogs were dosed with ZA1296 at 0, 100, 600 or 1,000 mg/kg/day as a daily oral dose by capsule, for a period of 90-days. The NOEL in the dog over 90-days was 100 mg/kg/day. Minimal toxicity was observed at 600 and 1,000 mg/kg/day, evident as reduced bodyweights in males and a microcytic polycythemia in both sexes. Mesothelial proliferation of the atrium of the heart was evident in 2 male dogs at 1,000 mg/kg/day.

v. *90-day neurotoxicity (rat).* Rats were dosed with ZA1296 at 0, 2.5, 100 or 5,000 ppm in the diet for 90-days. The NOAEL for subchronic neurotoxicity was determined to be 5,000 ppm (400 and 460 mg/kg/day for males and females, respectively) based on the absence of changes indicative of neurotoxicity.

5. *Chronic toxicity*—i. *1-year non-rodent (dog).* Beagle dogs were dosed with ZA1296 at 0, 10, 100 or 600 mg/kg/day as a daily oral dose by capsule, for a period of 1-year. The NOEL in this study was 100 mg/kg/day. At 600 mg/kg/day males showed a significant reduction in bodyweight and both sexes showed a slight microcytic polycythemia, indicating that a maximum tolerated dose had been achieved. Minimal ocular keratitis was observed in 1 male and 1 female at 600 mg/kg/day.

ii. *1-year rodent (mouse).* Mice were dosed with ZA1296 at 0, 10, 50, 350 or 7,000 ppm in the diet for 1 year. The NOEL in males and females was 350 ppm (56 and 72 mg/kg/day, respectively). At 7,000 ppm (limit dose) bodyweight was reduced in males, and there was an increased incidence of eosinophilic change in the gall bladder of females.

iii. *Combined rodent chronic toxicity/oncogenicity (rat).* Rats were dosed with ZA1296 at 0, 7.5, 100 or 2,500 ppm in the diet for up to 2 years. In addition rats were fed diet containing 1 or 2.5 ppm ZA1296 for up to 2-years to determine the chronic ocular toxicity. Oral administration of 7.5, 100 or 2,500 ppm ZA1296 for at least 2-years caused ocular keratitis, reduced bodyweights, increased liver and kidney weights, and an increased incidence of common spontaneous lesions in the Alderley Park rat. In light of investigations into the mechanism of toxicity, these changes are all considered not to be related to human risk assessment. Satellite groups of rats fed 1 and 2.5 ppm ZA1296 showed that dietary levels of 2.5 ppm in males and 7.5 ppm in females were without ocular effect. ZA1296 was considered not to be carcinogenic in the rat in this study. A NOEL of 7.5 ppm ZA1296 was established for females.

iv. *Oncogenicity in the rodent (mouse).* Mice were fed diets containing 0, 10, 350 or 7,000 ppm ZA1296 for up to 80-weeks. Oral administration of 7,000 ppm (900-1,100 mg/kg/day) ZA1296 (limit dose) for at least 80-weeks produced no evidence of carcinogenicity in male or female mice.

6. *Animal metabolism.* The absorption, distribution, metabolism and excretion of ZA1296 has been thoroughly investigated in rats and studied in mice. In both species ZA1296 is well absorbed following an oral dose. Elimination of ZA1296 is rapid in both species, with most of the ZA1296 eliminated, in the urine, unchanged with only minor amounts of the urinary and fecal metabolites, including MNBA and AMBA, detected. In poultry ZA1296 is excreted generally unchanged. In ruminants ZA1296 is extensively metabolised and excreted. AMBA dosed to ruminants is readily absorbed and excreted, generally unchanged. AMBA is not accumulated in edible tissues or milk.

7. *Metabolite toxicology.* In acute oral toxicity studies in male and female rats both MNBA and AMBA had an oral LD_{50} of >5,000 mg/kg. In the Ames assay, both MNBA and AMBA were found to be negative for mutagenicity in the absence and presence of metabolic activation.

8. *Endocrine disruption.* EPA is required to develop a screening program to determine whether certain substances (including all pesticides and inerts) "may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect." EPA is currently working with interested shareholders, including other government agencies, public interest groups, industry, and research scientists, to develop a screening and testing program and a priority setting scheme to implement this program. Congress has allowed 3-years from the passage of FQPA (August 3, 1999) to implement this program. When this program is implemented, EPA may require further testing of ZA1296 and end-use product formulations for endocrine disrupter effects.

9. *Reference dose.* As required by the Food Quality and Protection Act of 1996, the mechanism of toxicity of ZA1296 has been thoroughly investigated in studies (FQPA) in the rat, mouse and man. These data clearly demonstrate that the response to ZA1296 administration in man is very similar to that seen in the mouse which should therefore, be used in preference to the rat when assessing the safety of ZA1296 to humans. The proposed reference dose (RfD) for use in the assessment of risk from chronic exposure is 0.56 mg/kg/day and is derived from the 1 year chronic toxicity study in the mouse with a NOEL of 56 mg/kg/day and a 100-fold uncertainty factor.

C. Aggregate Exposure

1. *Dietary exposure.* The potential dietary exposure to ZA1296 was estimated from tolerance levels and 100% crop treated. No tolerances are proposed for meat, milk and eggs. The total dietary exposure for the U.S. population and the most highly exposed

subgroup in the population, non-nursing infants, is 0.000011 mg/kg/day and 0.000027 mg/kg/day, respectively.

2. *Drinking water.* Drinking water estimated concentrations (DWEC) were calculated using EPA models for groundwater and surface water - SCI-GROW, GENEEC and PRZM/EXAMS. Chronic Drinking Water Levels of Concern (DWLOC) were calculated according to the EPA SOP and compared to the DWEC. Estimated average contributions of ZA1296 in surface and groundwater are less than the levels of concern for ZA1296 in drinking water as a contribution to chronic aggregate exposure.

3. *Non-dietary exposure.* Zeneca has not estimated non-occupational exposure for ZA1296 since the only pending registration for ZA1296 is limited to commercial crop production use. ZA1296 products are not labelled for any residential uses therefore, eliminating the potential for residential exposure. The potential for non-occupational exposure to the general population is considered to be insignificant.

D. Cumulative Effects

Zeneca also considered the potential for cumulative effects of ZA1296 and other substances that have a common mechanism of toxicity. Zeneca has concluded that consideration of a common mechanism of toxicity is not appropriate at this time since there is no indication that toxic effects produced by ZA1296 would be cumulative with those of any other chemical compounds. Triketone chemistry is new and ZA1296 has a novel mode of action compared to currently registered active ingredients.

E. Safety Determination

1. *U.S. population.* Dietary and occupational exposure will be the major routes of exposure to the U.S. population and ample margins of safety have been demonstrated for both situations. The total dietary exposure for the U.S. population is 0.000011 mg/kg/day. This utilizes only 0.002% of the RfD. The MOE for occupational exposure is >5,500. Based on the completeness and reliability of the toxicity data and the conservative exposure assessments, there is reasonable certainty that no harm will result from the aggregate exposure of residues of ZA1296 including all anticipated dietary exposure.

2. *Infants and children.* The total dietary exposure for the most highly exposed subgroup in the population, non-nursing infants, is 0.000027 mg/kg/day. This utilizes only 0.0048% of the RfD. There are no residential uses of ZA1296 and the estimated average contributions of ZA1296 in surface and groundwater are less than the levels of concern for ZA1296 in drinking water as a contribution to chronic aggregate exposure. Based on the completeness and reliability of the toxicity data and the conservative exposure assessments, there is reasonable certainty that no harm will result from the aggregate exposure of residues of ZA1296 including all anticipated dietary exposure.

F. International Tolerances

A maximum residue level has not been established for ZA1296 by the Codex Alimentarius Commission.

[FR Doc. 98–14160 Filed 5–28–98; 8:45 am]
BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 91–141; DA 98–839]

Local Competition Survey

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On May 8, 1998, the Common Carrier Bureau issued a Public Notice to solicit comment on how the Commission can collect sufficient information about local competition to achieve the regulatory flexibility, pro-competition, and universal service objectives of the Telecommunications Act of 1996 (1996 Act) while minimizing filing burdens on respondents. The Public Notice seeks comment on what information should be collected as well as on such issues as whether periodic data collection should be mandatory and which telecommunications carriers should provide information.

DATES: Comments to the Public Notice are due on or before June 7, 1998. Reply comments are due on or before June 22, 1998.

ADDRESSES: Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Suite 222, Washington, D.C. 20554, with a copy to Ms. Terry Conway of the Common Carrier Bureau, Federal Communications Commission, 2033 M Street, N.W., Suite 500, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc. (ITS), 1231 20th St., NW, Washington, DC 20036, (202) 857–3800.

FOR FURTHER INFORMATION CONTACT: Thomas J. Beers, Deputy Chief of the Industry Analysis Division, Common Carrier Bureau, at (202) 418–0952, or Ellen Burton, Industry Analysis Division, Common Carrier Bureau, at (202) 418–0958. Users of TTY equipment may call (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's Public Notice released May 8, 1998 (DA 98–839). The full text of this Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, Washington, D.C. 20554. The complete text also may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th St., NW, Washington, DC 20036.

Summary of the Public Notice

The Commission requires timely and reliable information on the pace and extent of development of competition for local telecommunications services in different geographic markets to evaluate the effectiveness of decisions taken to implement the pro-competition provisions and to achieve the universal service goals of the Telecommunication Act of 1996 (47 U.S.C. Section 151 *et seq.*). The Commission also requires such information to identify services and geographic markets where local competition has developed sufficiently to allow the Commission to exercise its regulatory forbearance authority (47 U.S.C. Section 160(a)).

The Commission has previously concluded (*Expanded Interconnection with Local Telephone Company Facilities*, Memorandum Opinion and Order, 59 FR 38922 (August 1, 1994), CC Docket No. 91–141, 9 FCC Rcd 5154, 5177 (1994)) that an information collection program is necessary to monitor the state of local competition in diverse areas of the country so that the Commission might make its regulatory requirements more flexible as competition develops in particular areas. The Commission delegated authority to the Chief, Common Carrier Bureau, to formulate the detailed elements of a reporting program, to decide which service providers must provide information, and to specify the format and timing of reports.

I. Background

3. Only a limited amount of information on the state of local competition can be derived from sources currently reported to the

Commission. These data are nationwide local service revenues reported by calendar year. Although these data are filed by all carriers, including new competitive local exchange carriers, the data are not available for analysis by Commission staff until several months after filing; consist only of nationwide aggregates; and are generally given confidential treatment. A summary of this information is published, a few months thereafter, in a form that maintains the confidentiality of revenues of individual companies. Additional data on the state of local competition in selected states, and in particular cities and regions within those states, have been submitted to the Commission in various proceedings, e.g., in the course of regional Bell company applications for authorization to provide in-region interLATA services. These data provide significant information related to local competition in the state for which, and at the time, an interLATA services petition is filed. Because they are submitted only by the petitioner, however, these data do not constitute a comprehensive survey of local competition in that state. Nor do they describe the extent of development of local competition across the country at any point in time.

II. Discussion

4. The Public Notice seeks comment on adopting a local competition survey similar to a survey completed—on a voluntary basis—by nine large incumbent local exchange carriers in March, 1998, and seeks comment on applying such a survey to all types of local exchange carriers, both incumbent carriers and competitive carriers. We propose to make any survey that we adopt mandatory for most carriers because we believe that an accurate and timely picture of the development of local competition and the achievement of universal service goals requires a limited set of information from substantially all local exchange carriers.

5. We also seek comment on whether there are authoritative data sources other than a periodic survey that could provide information necessary to evaluate the development of local competition and the achievement of universal service goals on a timely basis. We invite parties to identify publicly available alternative sources of any or all of the data discussed in the Public Notice. We ask parties proposing alternative data sources to identify those sources precisely and to explain in detail how those sources provide information that is accurate, sufficient, and timely to describe and understand the state of local competition in diverse areas of the country.

6. We invite comment on the definition of reporting areas and propose that the states should be the geographic reporting areas for local competition surveys. We also invite comment on whether the following items are both necessary and sufficient to describe and understand the state of local competition in diverse areas of the nation: number of local service lines sold directly to end users by the reporting carrier; number of local service lines sold to competing local carriers for resale; number of unbundled loops and unbundled switch ports for local access lines provided by the reporting carrier to an unaffiliated carrier; number of unaffiliated, competing local exchange carriers purchasing unbundled network elements and resold lines; number of wire centers where competitors have physical or virtual collocation arrangements, and number and type of customer lines served; switched minutes originated with end users, terminated with end users, and exchanged with other carriers; number of telephone numbers ported by interim or long-term portability methods; and names of competitive local exchange carriers active in the reporting area.

7. We seek comment on whether each incumbent local exchange carrier should file a local competition survey for each area in which it is an incumbent local exchange carrier. Because it is our objective to minimize reporting burdens, while collecting information sufficient to understand developing local exchange and exchange access competition in diverse areas of the country, we also seek comment on whether some subset of incumbent local exchange carriers should file local competition surveys, and, if so, on the appropriate basis for determining the composition of that subset of incumbent local exchange carriers.

8. To the extent that a competitor provides service to customers using its own loops and switches, these lines will not be included in any data collected by incumbents. Whether a competitive local exchange carrier serves customers over its own facilities, by means of unbundled network elements, or through resale, moreover, data provided directly by competitive local exchange carriers about their own customers would be extremely valuable as a cross-check to data provided by incumbent local exchange carriers, and should provide a much more specific snapshot of local competition. We therefore seek comment on whether carriers other than incumbent local exchange carriers should file local competition surveys if such carriers propose to provide—or are providing—local exchange or exchange access service as duly authorized competitive local exchange carriers. Consistent with this need for adequate information, we propose not to distinguish among local exchange carriers on the basis of the technology used to provide local exchange or exchange access service to the public.

9. We also seek comment on whether local exchange carriers other than incumbent local exchange carriers should report the same data, in the same form, that incumbent local exchange carriers report. Competitive local exchange carriers need not develop their business plans, conduct their operations, design their networks, or select geographic areas to serve in the same manner as incumbent local exchange carriers have done. Also, the 1996 Act places less extensive responsibilities on local exchange carriers other than incumbent local exchange carriers.

10. We propose that carriers file the survey quarterly, 30 days after the end of the calendar year quarter, through the first quarter of 2001, which will mark a date five years after the enactment of the 1996 Act. Prior to that date, we propose to undertake a review of the efficacy and burden imposed of this data collection to determine the need and form for any data collection efforts after that date.

III. Procedural Issues

11. *Procedures for Filing.* Interested parties may file comments in CC Docket No. 91–141 on or before June 7, 1998. Reply comments may be filed on or before June 22, 1998. All filings should refer to the pleadings as Local Competition Survey, CC Docket No. 91–141, CCB-IAD File No. 98–102. One original and four copies of all comments must be sent to Magalie Roman Salas, Secretary, Federal Communications Commission, 1919 M Street, N.W., Suite 222, Washington, D.C. 20554. Three copies should also be sent to Ms. Terry Conway, Industry Analysis Division, Common Carrier Bureau, 2033 M Street, N.W., Suite 500, Washington, D.C. 20554. Copies of documents filed with the Commission may be obtained from the International Transcription Service (ITS), 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857–3800. Documents are also available for review and copying at the Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C., Monday, from 9:45 a.m. to 4:30 p.m., and Tuesday through Friday from 9:00 a.m. to 4:30 p.m., (202) 418–0270.

12. This proceeding is a non-restricted proceeding. *See* 47 CFR 1.1200(a), 1.1206. Accordingly, *ex parte* presentations are permitted, provided that they are disclosed in conformance with the Commission's *ex parte* rules.

13. *Paperwork Reduction Act.* We note that this Public Notice contains either a proposed or modified information collection, and we invite the general public to take this opportunity to comment on those information collections, pursuant to the Paperwork Reduction Act of 1995, Public Law No. 104–13. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's initial burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Federal Communications Commission.

Peyton L. Wynns,

Chief, Industry Analysis Division.

[FR Doc. 98–14408 Filed 5–28–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:02 a.m. on Tuesday, May 26, 1998, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and enforcement activities.

In calling the meeting, the Board determined, on motion of Director Ellen S. Seidman (Director, Office of Thrift Supervision), seconded by Director Joseph H. Neely (Appointive), concurred in by Director Julie L. Williams (Acting Comptroller of the Currency) and Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Dated: May 26, 1998.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 98–14359 Filed 5–26–98; 4:57 pm]

BILLING CODE 6714–01–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 June 22, 1998.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. RVB Bancshares, Inc., Russellville, Arkansas; to become a bank holding company by acquiring 100 percent of the votings shares of River Valley Bank, Russellville, Arkansas.

Board of Governors of the Federal Reserve System, May 26, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–14282 Filed 5–28–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, June 3, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: May 27, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–14371 Filed 5–27–98; 11:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m. (EDT), June 8, 1998.

PLACE: 4th Floor, Conference Room 4506, 1250 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Approval of the minutes of the May 11, 1998, Board member meeting.

2. Thrift Savings Plan activity report by the Executive Director.

3. Review of KPMG Peat Marwick audit reports:

(a) "Pension and Welfare Benefits Administration Review of the Thrift Savings Plan Withdrawal and Loan Operations at the United States Department of Agriculture, National Finance Center."

(b) "Pension and Welfare Benefits Administration Review of the Thrift Savings Plan Systems Enhancements and Software Change Controls at the United States Department of Agriculture, National Finance Center."

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs (202) 942–1640.

Dated: May 26, 1998.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 98–14357 Filed 5–26–98; 4:50 pm]

BILLING CODE 6760–01–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0027]

Submission for OMB Review; Comment Request Entitled Contract Administration and Quality Assurance

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for public comments regarding extension to an existing OMB clearance (3090–0027).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Contract Administration and Quality Assurance.

DATES: Comment Due Date: July 28, 1998.

FOR FURTHER INFORMATION CONTACT: Al Matera, Office of GSA Acquisition Policy (202) 501–1224.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW, Washington, DC 20405.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to review and approve information collection 3090–0027, Contract Administration and Quality Assurance. This information is used by various contract administration and other support offices for quality assurance, acceptance of supplies and services, shipments, and to justify payments.

B. Annual Reporting Burden

Respondents: 2,800; annual responses: 33,600; average hours per response: .05; burden hours: 2,800.

Copy of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW, Washington, DC 20405, or by telephoning (202) 501–3822, or by faxing your request to (202) 501–3341.

Dated: May 21, 1998.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 98–14228 Filed 5–28–98; 8:45 am]

BILLING CODE 6820–61–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0198]

Submission for OMB Review; Comment Request Entitled Foreign Acquisition

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for an extension to an existing OMB clearance (3090–0198).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Foreign Acquisition.

DATES: Comment Due Date: July 28, 1998.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Al Matera, Office of GSA Acquisition Policy (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to review and approve information collection, 3090–0198, concerning Foreign Acquisition. Offerors are required to identify whether items are foreign source end products and the dollar amount of import duty for each product.

B. Annual Reporting Burden

Respondents: 9; annual responses: 9; average hours per response: .10; burden hours: 1.5.

Copy of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW, Washington, DC 20405, or by telephoning (202) 501–3822, or by faxing your request to (202) 501–3341.

Dated: May 22, 1998.

Ida M. Ustad,

Deputy Associate Administrator, Office of Acquisition Policy.

[FR Doc. 98–14229 Filed 5–28–98; 8:45 am]

BILLING CODE 6820–61–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0057]

Submission for OMB Review; Comment Request Entitled Deposit Bond Individual-Sale of Government Personal Property

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of request for public comments regarding a previously approved OMB clearance (3090–0057).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve a previously approved information collection requirement concerning Deposit Bond Individual-Sale of Government Personal Property. A request for public comments was published at 63 FR 3749, January 26, 1998. No comments were received.

DATES: Comment Due Date: June 29, 1998.

ADDRESSES: Comments regarding this burden estimate or any other aspect of

this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Andrea Dingle, Federal Supply Service (703) 305–6190.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to approve information collection, 3090–0057 concerning Deposit Bond Individual-Sale of Government Personal Property. This form is used by a bidder participating in sales of Government personal property whenever the sales invitation permits an individual type of deposit bond in lieu of cash or other form of bid deposit.

B. Annual Reporting Burden

Respondents: 500; annual responses: 1; average hours per response: .25; burden hours: 125.

Copy Of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW, Washington, DC 20405, or by telephoning (202) 501–3822, or by faxing your request to (202) 501–3341.

Dated: May 22, 1998.

Ida M. Ustad,

Deputy Associate Administrator, Office of Acquisition Policy.

[FR Doc. 98–14230 Filed 5–28–98; 8:45 am]

BILLING CODE 6820–61–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0058]

Submission for OMB Review; Comment Request Entitled Deposit Bond-Annual Sale of Government Personal Property

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of request for public comments regarding a previously approved OMB clearance (3090–0058).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve a previously approved information collection requirement concerning Deposit Bond-Annual Sale of Government Personal Property. A request for public comments was published at 63 FR 3748, January 26, 1998. No comments were received.

DATES: Comment Due Date: June 29, 1998.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Andrea Dingle, Federal Supply Service (703) 305–6190.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to approve information collection, 3090–0058, concerning Deposit Bond-Annual Sale of Government Personal Property. This form is used by a bidder participating in sales of Government personal property whenever the sales invitation permits an annual type of deposit bond in lieu of cash or other form of bid deposit.

B. Annual Reporting Burden

Respondents: 1,000; annual responses: 1; average hours per response: .25; burden hours: 250.

Copy of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW, Washington, DC 20405, or by telephoning (202) 501–3822, or by faxing your request to (202) 501–3341.

Dated: May 22, 1998.

Ida M. Ustad,

Deputy Associate Administrator, Office of Acquisition Policy.

[FR Doc. 98–14231 Filed 5–28–98; 8:45 am]

BILLING CODE 6820–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Vaccine Advisory Committees Meeting

The National Vaccine Program Office, Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: National Vaccine Advisory Committee (NVAC) Immunization Registries Workgroup on Privacy and Confidentiality.

Time and Date: 8:30 a.m.–12:30 p.m., June 18, 1998.

Name: NVAC Immunization Registries Workgroup on Technical and Operational Challenges.

Time and Date: 1:30 p.m.–5:30 p.m., June 18, 1998.

Name: NVAC Immunization Registries Workgroup on Resource Issues.

Time and Date: 8:30 a.m.–12:30 p.m., June 19, 1998.

Name: NVAC Immunization Registries Workgroup on Ensuring Provider Participation.

Time and Date: 1:30 p.m.–5:30 p.m., June 19, 1998.

Place: Ramada Plaza Hotel, 1231 Market Street, San Francisco, California 94103, telephone (415) 626–8000.

Status: Open to the public, limited only by space availability. The meeting room accommodates approximately 200 people.

Purpose: During a White House Ceremony on July 23, 1997, the President directed the Secretary of Health and Human Services (HHS) to work with the States on integrated immunization registries. As a result, NVAC has formed a workgroup, staffed by the National Immunization Program (NIP), that will gather information for development of a National Immunization Registry Plan of Action.

To assist in the formulation of a work plan, a series of public meetings relating to (1) privacy and confidentiality; (2) resource issues; (3) technical and operational challenges; and (4) ensuring provider participation, will be held throughout the Nation. These meetings will provide an opportunity for input from all partners which include state and local public health agencies, professional organizations of private health agencies, managed care organizations (MCOs), employer-funded health care plans, vaccine manufacturers and developers, vendors and developers of medical information systems, information standards development organizations, parents, social welfare agencies, law enforcement agencies, legislators, privacy and consumer interest groups, and other representatives of the public at large.

For each meeting, the Workgroup is inviting experts to address the four specific issues outlined above. Expert speakers are being asked to respond to the questions outlined below in writing, make brief oral presentations, and to respond to additional questions from the Workgroup.

Members of the public who wish to provide comments may do so in the form of written statements, to be received by the completion of the last meeting, addressed as follows: NIP/CDC, Data Management Division, 1600 Clifton Road, NE, M/S E–62, Atlanta, Georgia 30333.

There will be a period of time during the agenda for members of the public to make oral statements, not exceeding 3 minutes in length, on the issues being considered by the

Workgroup. Members of the public who wish to speak are asked to place their names on a list at the registration table on the day of the meeting. The number of speakers will be limited by the time available and speakers will be heard once in the order in which they place their names on the list. Written comments are encouraged; please provide 20 copies.

Based on the outcome of these meetings, a National Immunization Registry Plan of Action will be developed and proposed to NVAC for their deliberation and approval. This plan will identify registry barriers and solutions, strategies to build a registry network, resource requirements and commitments, and a target date for network completion.

Matters to be Discussed: Agenda items will include an overview of the Initiative on Immunization Registries and current immunization registry efforts and testimonies by organizational representatives on the following issues relevant to immunization registries: Privacy and confidentiality, resource issues, technical and operational challenges, and ensuring provider participation.

Agenda items are subject to change as priorities dictate.

Resource Issues Questions to be Considered:

1. What approaches have been successful in securing funding to support registries?
2. What approaches to secure funding have been tried but failed?
3. What cost-sharing arrangements would your organization view as reasonable and fair to ensure long-term sustainability of a registry?
4. Would you be willing to share costs through a fee-for-service arrangement and how much would you be willing to pay?
5. Would you be willing to support a vaccine surcharge and at what rate?
6. What types of resources and/or in-kind support do you receive and from whom?
7. What types of resources and/or in-kind support do you provide?
8. What types of resources are you willing and able to provide over the short-term and/or long-term to ensure registry sustainability?
9. Are you willing to provide resources or in-kind support toward linking your existing registries with state and local registries?
10. What are the costs of implementing/operating an immunization registry?
11. What are the costs of not having an immunization registry (e.g., looking up immunization histories, generating school immunization records, etc.)?
12. How should immunization registries be integrated with larger patient information systems and how should their component costs be ascertained?
13. Do you feel there is a need for the Federal Government to provide leadership in developing state and community-based immunization registries? What should the role of the Federal Government be in this effort?

Technical and Operational Questions to be Considered:

1. How can universal, interactive, real-time, secure immunization record exchange between immunization providers be implemented?
2. How does your system implement record exchange?

A. Can a provider get an up-to-date immunization history for a patient sitting in his or her office?

B. How is this function implemented?

3. How can it be assured that the most complete and up-to-date copy of an immunization record is always retrieved by a requesting provider?
4. How does your system identify the definitive record?
5. How can existing practice management systems achieve connectivity with immunization registries efficiently, without dual systems, redundant processes, and multiple interfaces?
6. What software systems can your system interface with?
7. How are connections between your system and existing systems implemented?
8. How can registries be used to measure immunization rates, accurately and routinely, at county, state, and national levels, without counting any individual more than once?
9. How can the functionality of immunization registries be standardized without compromising registries' ability to customize and extend that functionality?
10. What immunization registry functions should be standardized?
11. Who should provide leadership in such a standardization effort?
12. How will/should standards be implemented in immunization registries?
13. How can the cost of operating immunization registries be reduced to a level at which immunization providers themselves would be willing to support them? (crossover with cost issue)
14. What sorts of inter-organizational arrangements and legal structures need to be in place to provide an environment in which immunization registry data can flow as needed? (crossover with privacy & confidentiality issue)
15. Do you feel that there is a need for the Federal Government to provide leadership in developing state and community-based immunization registries? What should the role of the Federal Government be in this effort?
16. How can duplication of records be minimized?
17. How can existing billing/encounter information systems be modified to provide appropriate immunization registry functions?
18. How can immunization registries be broadened to provide other important functions in patient monitoring (e.g., well-child assessments, metabolic/hearing screening, etc.)?
19. What mechanisms are needed to detect and prevent unauthorized access to registry data?
20. What data capture technology (e.g., bar codes, voice recognition, etc.) can minimize the negative impact on workflow?
21. What techniques (e.g., standard knowledge representation such as Arden Syntax) can be used to disseminate vaccination guidelines to individual registries quickly and with a minimum of new programming required to update automated reminder/recall and forecasting based on the guidelines?

Privacy and Confidentiality Questions to be Considered:

Terminology: Privacy—The right of an individual to limit access by others to some aspect of the person. Confidentiality—The treatment of information that an individual has disclosed in a relationship of trust and with the expectation that it will not be divulged to others in ways that are inconsistent with the understanding of the original disclosure. Individually identifiable information—Information that can reasonably be used to identify an individual (by name or by inference).

1. Should immunization data have different privacy requirements than the rest of the medical record?
2. How can the disclosure and re-disclosure of immunization information be controlled through policies, procedures, and legislation?
3. Should consent to participate be implied or required? In what form?
4. Should different levels of disclosure be possible? What levels should be available to what groups?
5. Who should have access to immunization registry data?
6. What information should be disclosed to an immunization registry?
7. What other uses can immunization registry data have?
8. Would ability to produce a legal record be a desirable function for the registry?
9. What fair information practices should be implemented (e.g., ability to correct the record, notice of being put in registry to parent)?
10. How long should information be kept in a registry?
11. How will privacy issues affect the following groups: parents, immigrants, religious groups, HIV-positive and other immunocompromised health conditions, law enforcement, victims of domestic violence, and custodial parents?
12. How should registries ensure that privacy policies are followed?
13. Do you have any comment or recommendation for NVAC/CDC/HHS related to the implementation of the network of state and community-based registries and do you have any concerns?
14. Do you feel there is a need for the Federal Government to provide leadership in developing state and community-based immunization registries? What should the role of the Federal Government be in this effort?
15. Given the mandate of Health Insurance Portability and Accountability Act to create a unique health identifier, how should that goal be achieved while minimizing the probability of inappropriate use of the identifier?
16. What steps can be taken to prevent unauthorized re-disclosure of information already provided to an organization or person?
17. What legal barriers exist which prevent data sharing by MCOs and how can they be obviated?
18. What mechanism should be available to allow parents to opt out of the registry?
19. What agency/organization should be responsible for maintaining registry information?

20. How should consent for inclusion in an immunization registry be obtained? Should it be implicit or explicit?

21. What information should be included in an immunization registry?

22. Should registries include (and release) information on contraindications, adverse events, etc.?

23. Who should have access to immunization registry data and how can restricted access be assured?

24. What information should be available to persons other than the client/patient and the direct health care provider (e.g., schools)?

25. What is the best way to protect privacy and ensure confidentiality within a registry?

26. How should individuals/parents have access to registry information on themselves/their children?

27. Should data maintained in a state and community-based immunization registry be considered public information?

28. Would national privacy and confidentiality standards help ensure that data maintained in an immunization registry is protected?

Ensuring Provider Participation Questions to be Considered:

1. What type of resources (e.g., hardware, staff, etc.) are needed for you (provider/organization) to participate in a computerized registry?

2. What are the cost-related barriers that keep you (provider/organization) from participating in an immunization registry?

3. What cost should providers be responsible for, pertaining to participation in immunization registry systems?

4. What are the cost savings you would anticipate as a result of participating in a computerized registry (e.g., increased return visit form reminders, less personnel paperwork for preschool exams, etc.)?

5. How much time would you be willing to invest per patient visit (e.g., additional 1, 5, 7, 10 minutes) in the overall success of an immunization registry?

6. What type of user support would be needed in order for you (provider/organization) to participate in an immunization registry?

7. How would you (provider/organization) encourage providers and consumers in your community to participate in an immunization registry?

8. What community support would be necessary for you to participate in the immunization registry?

9. What benefits/value (e.g., immunization reminders, quick access to immunization histories, etc.) would a registry provide that would encourage your (provider/organization) participation?

10. What incentives should be offered to providers/organizations to participate in an immunization registry?

11. What barriers have you (provider/organization) encountered that have prevented you from participating in an immunization registry?

12. Is provider liability (e.g, disclosure of sensitive patient information) a barrier to participating in an immunization registry? Why?

13. How would an immunization registry impact your practice/organization?

14. Do you currently share immunization data with other providers electronically? For what purpose (e.g., billing, share group data, etc.)?

15. How (e.g., electronic record, paper record) is medical information maintained in your practice/organization?

16. Who should retain ownership of immunization records as they are distributed throughout an immunization registry?

17. How would you (provider/organization) use the data maintained in an immunization registry?

18. What type of quality control process would you (provider/organization) perform to ensure the accuracy and completeness of the immunization data entered into an immunization registry?

19. What type of security policies and procedures need to be in place for you to be confident that data are secure?

20. What functions should a registry perform in your office in order for you (provider/organization) to participate?

21. Do you have any advice or recommendations for NVAC/CDC/HHS related to the implementation of the network of state and community-based registries and do you have any concerns?

22. Do you feel that there is a need for the Federal Government to provide leadership in developing state and community-based immunization registries? What should the role of the Federal Government be in this effort?

23. Have you received training on the use and maintenance of computerized medical information? Do you feel this training is needed to fully support the development and maintenance of immunization registries?

Contact Person for More Information: Robb Linkins, M.P.H., Ph.D., Chief, Systems Development Branch, Data Management Division, NIP, CDC, 1600 Clifton Road, NE, M/S E–62, Atlanta, Georgia 30333, telephone (404) 639–8728, e-mail rxl3@cdc.gov.

Dated: May 22, 1998.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–14232 Filed 5–28–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–417]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Hospice Request for Certification in the Medicare Program and Supporting Regulations in 42 CFR 418.1–418.405; *Form No.:* HCFA–417 (OMB# 0938–0313); *Use:* The Hospice Request for Certification Form is used for hospice identification, screening, and to initiate the certification process. The information captured on this form is entered into a data base which assists HCFA in determining whether providers have sufficient personnel to participate in the Medicare program. The form summarizes data relative to: type of hospice; types of services provided by the hospice; and number of full time equivalents; *Frequency:* Annually; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, and State, local or tribal government; *Number of Respondents:* 2,286; *Total Annual Responses:* 2,286; *Total Annual Hours:* 572.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: May 19, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–14284 Filed 5–28–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4356–N–03]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: July 28, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name/or OMB Control Number and should be sent to: Wayne Eddins, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Rita Ross, Office of Multifamily Housing, telephone number (202) 708–3555 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Requisition for Disbursement of Section 202 Loan Funds.

OMB Control Number, if applicable: 2502–0187.

Description of the need for the information and proposed use: Form HUD–92403–EH is used by the nonprofit Owner entity to obtain disbursements on its HUD-funded loan under the Section 202 Direct Loan Program for Housing the Elderly or Handicapped. Its use during the construction period and at final loan closing enables the Owner to obtain funds so that he may settle his obligations or be reimbursed in a timely manner.

Agency form numbers, if applicable: HUD–92403–EH.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents are 930, the frequency of responses is 3, and ½ hour per response.

Status of the proposed information collection: Reinstatement without change.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: May 15, 1998.

Art Agnos,

Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 98–14235 Filed 5–28–98; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4356–N–C4]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: July 28, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Debbie Holt, Disbursement and Customer Service Branch, telephone number (202) 755–7570, ext. 149 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Automated Clearinghouse Program Application, Title I Insurance Coverage Payments system—FR 3823.

OMB Control Number, if applicable: 2502–0152.

Description of the need for the information and proposed use: The information is needed for the use of the Automated Clearinghouse System which is used by the Title I Insurance System to collect a debt due the Federal government. The previous approval will expire soon and will need to be reinstated so that the department can continue to use this mechanism.

Agency form numbers, if applicable: Form HUD–56150.

Estimation of the total numbers of hours needed to prepare the information

collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents are 1500, hours per response .25 hours per response, and the frequency of responses is 1.

Status of the proposed information collection: Reinstatement of previously approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: May 20, 1998.

Art Agnos,

Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 98–14236 Filed 5–28–98; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4356–N–05]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: July 28, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Rebecca Holtz, Office of Consumer and Regulatory Affairs, telephone number 202–708–0502 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Land Sales Registration, Purchaser's Revocation Rights, Sale Practices and Standards, and Formal Procedures and Rules of Practice.

OMB Control Number, if applicable: 2502–0243.

Description of the need for the information and proposed use: The Interstate Land Sales Full Disclosure Act, 15 USC 1701, et. seq., requires land developers to register subdivisions of 100 or more non-exempt lots with HUD and to provide each purchaser with a disclosure document called a property report.

The Act protects consumers from fraud and abuse in the sale or lease of land and was enacted in response to a nation-wide proliferation of unimproved subdivision developers who make elaborate, but fraudulent claims about their land to unsuspecting lot purchasers. Information is submitted to HUD to assure compliance with the Act and the implementing regulations.

The registration is subject to an examination to assure compliance with the law and the implementing regulations as set forth at 24 CFR 1700 through 1730.

Consumers are provided the protection of the antifraud provisions of the Act and, in the case of registered sub-divisions, a Property Report which provides them with the information essential to the process of making an informed decision about their possible purchase of a lot.

Agency form numbers, if applicable: None.

Status of the proposed information collection: Extension of currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, 12 amended.

Dated: May 21, 1998.

Art Agnos,

Acting Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 98–14237 Filed 5–28–98; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4356–N–06]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: July 28, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Wendy Carter, Office of Multifamily Housing Programs, telephone number (202) 708–2300 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Eligibility of Non-Profit Corporation.

OMB Control Number, if applicable: 2502–0057.

Description of the need for the information and proposed use: The need for the information is an application for Multifamily Mortgage Insurance programs with a Non-Profit Sponsor. The application is to obtain the information necessary to enable HUD to make a determination that the sponsor is a non-profit corporation or association.

Form HUD–3433 identifies the non-profit qualification to successfully sponsor a multifamily housing project. Forms HUD–3434 and 3435 identify the non-profit's motivation for sponsoring the project and relationships that exist between HUD and the non-profit.

Agency form numbers, if applicable: HUD–3433, 3434, and 3435.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents are 230, hours per response 23.96 hours per response, and the frequency of responses is on occasion when mortgage is made.

Status of the proposed information collection: Reinstatement of previously approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: May 20, 1998.

Art Agnos,

Acting General Deputy Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 98–14238 Filed 5–28–98; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4356–N–07]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: July 28, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Wendy Carter, Office of Multifamily Housing, telephone number (202) 708–2300 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Project Income Analysis and Approval.

OMB Control Number, if applicable: 2502–0331.

Description of the need for the information and proposed use: Contracted delegated processors complete and submit these forms to HUD on multifamily properties to be insured by HUD. These forms recite data that supports the fair market value and budgeted construction cost.

Agency form numbers, if applicable: Forms HUD–92264, 92264A, 92264TE, 92273, 92274, 92325, 92326, 92326A, 92329, 92331, 92485.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents are 230, hours per response 23.96 hours per response, and the frequency of responses is once when mortgage is made.

Status of the proposed information collection: Reinstatement of of previously approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: May 20, 1998.

Art Agnos,

Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 98–14239 Filed 5–28–98; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. FR–4289–N–02]

Funding for Fiscal Year 1997: Capacity Building for Community Development and Affordable Housing; Revision

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding for fiscal year 1997; revision.

SUMMARY: The Department recently published a notice of funding, which provided $30.2 million assistance through The Enterprise Foundation, the Local Initiatives Support Corporation (LISC), Habitat for Humanity, and Youthbuild, USA. The funds are to be used for capacity building for community development and affordable housing. Among other requirements, each dollar of these funds must be matched by three dollars in cash or in-kind contributions to be obtained from private sources.

Today's notice revises policies concerning matching requirements and related administrative requirements. These revisions are intended to limit HUD environmental review to only those projects that are assisted with Federal funds.

FOR FURTHER INFORMATION CONTACT: Penelope G. McCormack, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7216, Washington DC 20410. Telephone Number (202) 708–3176 Ext. 4391, TTY Number: (202) 708–2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On January 30, 1998, at 63 FR 5220, the Department published a notice that set out the requirements for the $30.2 million of funding under the National Community Development Initiative through The Enterprise Foundation, the Local Initiatives Support Corporation (LISC), Habitat for Humanity, and Youthbuild, USA.

This revised policy eliminates the requirement that the grantees specify in their work and funding plans when and how the non-federal matching resources will be used. The revision also makes clear that these non-federal matching resources must still be used for eligible activities and that performance reports must include reports on the commitment and expenditure of private matching resources utilized through the end of the reporting period.

These changes are intended to reduce burdens on the grantees by ensuring that HUD environmental review requirements are triggered only when the project involves the use of Federal funds.

To effect these changes, section 1., Matching Requirements, and section 2., Administrative and Other Requirements, of today's notice apply in place of section 5., Matching Requirements, and section 6., Administrative and Other Requirements, of the January 30, 1998 notice (63 FR 5220). All other provisions of the January 30, 1998 notice continue to apply.

To assist the user, this notice contains the complete sections on matching requirements and on administrative and other requirements rather than just the revised paragraphs.

1. Matching Requirements

As required by section 4 of the 1993 Act, this $30.2 million appropriation is subject to each award dollar being matched by three dollars in cash or in-kind contributions to be obtained from private sources. Each of the organizations receiving these funds will document its proportionate share of matching resources, including resources committed directly or by a third party to a grantee or subgrantee after June 12, 1997 to conduct eligible activities.

In-kind contributions shall conform to the requirements of 24 CFR 84.23.

2. Administrative and Other Requirements

The award will be governed by 24 CFR part 84 (Uniform Administrative Requirements), A–122 (Cost Principles for Nonprofit Organizations), and A–133 (Audits of Institutions of Higher Education and other Nonprofit Institutions) as implemented at 24 CFR part 45.

Other requirements will be detailed in the terms and conditions of the grant agreement provided to grantees, including the following:

(a) Each grantee will submit to HUD a specific work and funding plan for each community showing when and how the federal funds will be used. The work plan must be sufficiently detailed for monitoring purposes and must identify the performance goals and objectives to be achieved. Within 30 days after submission of a specific work plan, HUD will approve the work plan or notify the grantee of matters which need to be addressed prior to approval, or the work plan shall be construed to be approved. Work plans may be developed for less than the full dollar amount and term of the award, but no HUD-funded costs may be incurred for any activity until the work plan is approved by HUD. All activities are also subject to the environmental requirements in paragraph 6.(f) of this notice.

(b) The grantees shall submit to HUD an annual performance report due 90 days after the end of each calendar year, with the first report due on March 31, 1999. Performance reports shall include reports on both performance and financial progress under work plans and shall include reports on the commitment and expenditure of private matching resources utilized through the end of the reporting period. Reports shall conform to the reporting requirements of 24 CFR part 84. Additional information or increased frequency of reporting, not to exceed twice a year, may be required by HUD any time during the grant agreement if HUD finds such reporting to be necessary for monitoring purposes.

To further the consultation process and share the results of progress to date, the Secretary may require grantees to present and discuss their performance reports at annual meetings in Washington, DC during the life of the award.

(c) The performance reports must contain the information required under 24 CFR part 84, including a comparison of actual accomplishments with the objectives and performance goals of the work plans. In the work plans each grantee will identify performance goals and objectives established for each community in which it proposes to work and appropriate measurements under the work plan such as: the number of housing units and facilities each CDC/CHDO produces annually during the grant period and the average cost of these units. Provided, however, that when the activity described in a work plan is not to be undertaken in a single community that a report indicating the areas in which the activity will be undertaken, along with appropriate goals and objectives, will be provided when that information is available. The performance reports will also include a discussion of the reasonableness of the unit costs; the reasons for slippage if established objectives and goals are not met; and additional pertinent information.

(d) A final performance report, in the form described in paragraph (c) above, shall be provided to HUD by each grantee within 90 days after the completion date of the award.

(e) Financial status reports (SF–269A) shall be submitted semiannually.

(f) Environmental review. Individual projects to be funded by these grants may not be known at the time the overall grants are awarded and also may not be known when some of the individual subgrants are made. Therefore, in accordance with 24 CFR 50.3(h), the application and the grant agreement must provide that no commitment or expenditure of HUD or local funds to a HUD-assisted project may be made until HUD has completed an environmental review to the extent required under applicable regulations and has given notification of its approval in accordance with 24 CFR 50.3(h).

Findings and Certifications

(a) *Environmental Impact.* A Finding of No Significant Impact with respect to the environment has been made in accordance with the Department's regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

(b) *Federalism.* The General Counsel, as the Designated Official under section 7(a) of the Executive Order 12612, *Federalism*, has determined that the policies contained in this funding notice will not have substantial direct effects on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government. Specifically, this notice makes funds available through specific entities for specific activities, as required by statute, and does not impinge upon the relationships between the Federal government, and State and local governments.

Authority: Sec. 4 of the HUD Demonstration Act of 1993, Pub. L. 103–120, 42 U.S.C. 9816 note), as amended and Pub. L. 105–18, 111 Stat 198.

Dated: May 22, 1998.

Saul N. Ramirez, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 98–14243 Filed 5–28–98; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4341–N–12]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* versus *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: INTERIOR: Ms. Lola D. Knight, Department of the Interior, 1849 C Street, NW, Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–4080; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–7342; VA: Mr. George L. Szwarcman, Director, Land Management Service, 184A, Department of Veterans Affairs, 811 Vermont Avenue, NW, Room 414, Lafayette Bldg., Washington, DC 20420; (202) 565–5941; (These are not toll-free numbers).

Dated: May 21, 1998.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 05/29/98

Suitable/Available Properties

Buildings (by State)

Indiana

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 979810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 979810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 979810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 979810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 979810005
Status: Underutilized

Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Virginia

Bldg. 128
Naval Medical Center
Portsmouth VA
Landholding Agency: Navy
Property Number: 779820030
Status: Excess
Comment: 1120 sq. ft., brick, presence of asbestos, most recent use—storage, off-site use only

Bldg. 294, Qtrs. 50
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820033
Status: Excess
Comment: 240 sq. ft., needs rehab, presence of lead base paint, most recent use—garage, off-site use only

Bldg. 293, Qtrs. K
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820034
Status: Excess
Comment: 240 sq. ft., needs rehab, presence of lead base paint, most recent use—garage, off-site use only

Bldg. 292, Qtrs. J
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820035
Status: Excess
Comment: 320 sq. ft., needs rehab, presence of lead base paint, most recent use—garage, off-site use only

Bldg. 140, Qtrs. I
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820036
Status: Unutilized
Comment: 460 sq. ft., needs rehab, presence of lead base paint, most recent use—garage, off-site use only

Bldg. 131, Qtrs. G
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820037
Status: Unutilized
Comment: 403 sq. ft., needs rehab, presence of lead base paint, most recent use—garage, off-site use only

Bldg. 291, Qtrs. F
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820038
Status: Excess
Comment: 240 sq. ft., needs rehab, presence of lead base paint, most recent use—garage, off-site use only

Bldg. 290, Qtrs. B
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820039
Status: Excess
Comment: 336 sq. ft., needs rehab, presence of lead base paint, most recent use—garage, off-site use only

Bldg. 107, Qtrs. A
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820040
Status: Excess
Comment: 570 sq. ft., needs rehab, presence of lead base paint, most recent use—garage, off-site use only

Bldg. 50, Qtrs. 50
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820041
Status: Excess
Comment: 1434 sq. ft., needs rehab, presence of lead base paint, most recent use—residential, off-site use only

Bldg. K, Qtrs. K
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820042
Status: Excess
Comment: 1113 sq. ft., needs rehab, presence of lead base paint, most recent use—residential, off-site use only

Bldg. J, Qtrs. J
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820043
Status: Excess
Comment: 1173 sq. ft., needs rehab, presence of lead base paint, most recent use—residential, off-site use only

Bldg. I, Qtrs. I
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820044
Status: Excess
Comment: 1380 sq. ft., needs rehab, presence of lead base paint, most recent use—residential, off-site use only

Bldg. G, Qtrs. G
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820045
Status: Excess
Comment: 1195 sq. ft., needs rehab, presence of lead base paint, most recent use—residential, off-site use only

Bldg. F, Qtrs. F
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820046
Status: Excess
Comment: 1180 sq. ft., needs rehab, presence of lead base paint, most recent use—residential, off-site use only

Bldg. A, Qtrs. A
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820047
Status: Excess
Comment: 1250 sq. ft., needs rehab, presence of lead base paint, most recent use—residential, off-site use only

Bldg. B, Qtrs. B
St. Julien's Creek Annex, Naval Base
Portsmouth VA 23702–
Landholding Agency: Navy
Property Number: 779820048
Status: Excess
Comment: 2482 sq. ft., needs rehab, presence of lead base paint, most recent use—residential, off-site use only

Suitable/Unavailable Properties

Buildings (by State)

Indiana

Bldg. No. 122
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 979810006
Status: Unutilized
Comment: 37,135 sq. ft., presence of asbestos, most recent use–former dietetics bldg., National Register of Historic Places

Washington

Tract No. 18242
10328 Highway 2
Coulee Co: Grant WA 99115–
Landholding Agency: Interior
Property Number: 619810012
Status: Unutilized
Comment: gas station on 8.2 acres, site clean-up required

Land (by State)

Arizona

6.478 acres
Salt Gila Aqueduct, Ironwood Road
Apache Junction Co: Pinal AZ 85220–
Landholding Agency: Interior
Property Number: 619820009
Status: Unutilized
Comment: most recent use—aqueduct maintenance, no utilities

Washington

Tract No. 18243
Westshore Drive
Moses Lake Co: Grant WA 98837–
Landholding Agency: Interior
Property Number: 619810011
Status: Unutilized
Comment: 0.20 acres, sand blown depression

Unsuitable Properties

Buildings (by State)

Guam

New Apra Heights Housing
24 Units, Navy Housing Welcome Center
Apra Harbor GU
Landholding Agency: Navy
Property Number: 779820031
Status: Unutilized
Reason: Extensive deterioration

Sumay Family Housing Area
130 Units, Navy Housing Welcome Center
Apra Harbor GU
Landholding Agency: Navy
Property Number: 779820032
Status: Unutilized
Reason: Extensive deterioration

[FR Doc. 98–14015 Filed 5–28–98; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit 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.*):

PRT–842872

Applicant: The North Carolina Arboretum, Asheville, NC

The applicant requests a permit to export 40 leaf samples from artificially propagated spreading avens (*Geum radiatum*) to Acadia University, Wolfville, Nova Scotia, Canada, for scientific research.

PRT–842530

Applicant: Carolynn Crutchley, Manheim, PA

The applicant requests a permit to import 10 wild-caught parma wallabies (*Macropus parma*) from an introduced population on Kawau Island, New Zealand, to enhance the survival of the species through captive-breeding.

PRT–842519

Applicant: L. Renee Irvine, Titusville, FL

The applicant requests a permit to import 2 captive-born golden-headed lion tamarins (*Leontopithecus chrysomelas*) from Ivan Crab, Nagyborszony, Hungary to enhance the survival of the species through captive-breeding.

PRT–842517

Applicant: Nicholas Mundy, University of California San Diego, La Jolla, CA

The applicant requests a permit to re-export hair and DNA samples from Goeldi's marmoset (*Callimico goeldii*) to the Anthropological Institute, Zurich, Switzerland for scientific research.

PRT–842516

Applicant: Nicholas Mundy, University of California San Diego, La Jolla, CA

The applicant requests a permit to re-export hair and DNA samples from white-eared marmosets (*Callithrix aurita*) and buff-headed marmosets (*Callithrix flaviceps*) to the Anthropological Institute, Zurich, Switzerland for scientific research.

PRT–842900

Applicant: Richard Wrangham, Kibale Chimpanzee Project, Harvard University

The applicant requests a permit to import non-invasive biological samples collected from East African chimpanzees (*Pan troglodytes schweinfurthii*) for the purpose of scientific research.

PRT–842998

Applicant: Brenda Bradley, Anthropolgy Department, State University of New York, Stony Brook, NY

The applicant requests a permit to import non-invasively collected biological samples taken from western lowland gorilla (*Gorilla gorilla*) in the Central African Republic for the purpose of scientific research.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 et seq.) and the regulations governing marine mammals (50 CFR 18).

PRT–773494

Applicant: Florida Department of Natural Resources, St. Petersburg, FL

Permit Type: Take for scientific research.

Name of Animals: West Indian manatee (*Trichecus manatus*), Amazonian manatee (*Trichechus inunguis*), West African manatee (*Trichecus senegalensis*), and Dugong (*Dugong dugong*).

Summary of Activity to be Authorized: The applicant requests an amendment to their permit to change the principal officer responsible for the permit; to conduct up to 5 non-harmful, non-invasive behavioral and physiological studies on captive West Indian manatees and up to 10 non-harmful, non-invasive behavioral and physiological studies on free-ranging West Indian manatees; to collect colon temperatures on captive and wild West Indian manatees in order to describe and analyze vascular structures that influence thermal insult to the manatee reproductive system; to do 12 recaptures of West Indian manatees; to implant up to 90 (60 wild and 30 rehabilitated) West Indian manatees with passive integrated transponder tags; and to import biological samples from wild or captive specimens of West Indian manatees, Amazonian manatees, West African manatees, and dugongs.

Source of Marine Mammals: Wild and captive West Indian manatees within their range in the United States and wild and captive salvage specimens of West Indian manatee, Amazonian manatee, West African, dugong where ever found.

Period of Activity: Up to 5 years from issuance date of permit, if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

PRT–842478

Applicant: David Van Collis, San Ysidro, NM

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted prior to April 30, 1994 from the Northern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

PRT–842766

Applicant: Wade Marshall, Rainer, OR

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the McClintock Channel polar bear population, Northwest Territories, Canada for personal use.

PRT–842970

Applicant: Gerald L. Warnoch, Portland, OR

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the McClintock Channel polar bear population, Northwest Territories, Canada for personal use.

PRT–843165

Applicant: Wallace W. Bednarz, Williamsport, PA

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted prior to April 30, 1994 from the Viscount Melville polar bear population, Northwest Territories, Canada for personal use.

Documents and other information submitted with these applications 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, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: May 22, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–14199 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Application Submitted by Gulf States Paper Corporation for an Incidental Take Permit and Safe Harbor Agreement for Red-Cockaded Woodpeckers in Association Timber Harvest and Management Activities

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Gulf States Paper Corporation (Applicant), has submitted an application for an incidental take permit (ITP), including a Safe Harbor/Memorandum of Agreement Conservation Plan (Plan), to the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (Act), as amended. If granted, the ITP would authorize for a period of 50 years, the incidental take of the endangered red-cockaded woodpecker, *Picoides borealis*, (RCW) throughout the Applicant's ownership of approximately 400,000 acres in west-central Alabama. The take of the RCW would be incidental to timber management operations performed by the Applicant. Further, the Applicant approval of a Safe Harbor Agreement for the RCW associated with implementation and administration of the Plan/ITP. The proposed ITP would authorize incidental take of the RCW associated with, where necessary and appropriate, shifting of the Applicant's RCW baseline responsibilities as described below. Mitigation and minimization strategy in the application involves establishing and maintaining a 10,000 acre RCW management area, with the expectation of increasing the extant population of 5 RCW groups to as many as 15 RCW groups (See the **SUPPLEMENTARY INFORMATION** Section below.) By consolidating the RCW population under control of the Applicant, the Applicant will increase the stability of the extant population. Under the Safe Harbor Agreement, no erosion of the current RCW population would occur.

The Service has determined that the Plan qualifies as a "low-effect" Habitat Conservation Plan as defined by the Service's Habitat Conservation Planning Handbook (November 1996). The Service has further determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This notice is provided pursuant to section 10(c) of the Act.

Copies of the application/Plan may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. Further, the Service announces that it has determined that the Applicant's request is eligible for a Categorical Exclusion under the National Environmental Policy Act (see **SUPPLEMENTARY INFORMATION**).

DATES: Requests for the applications and/or written comments on the application should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before June 29, 1998.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or U.S. Fish and Wildlife Service, P.O. Drawer 1190, Daphne, Alabama 36526. Written data or comments concerning the application should be submitted to the Regional Office. Comments must be submitted in writing to be processed. Please reference permit under PRT–842707 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Rick G. Gooch, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679–7110, facsimile: 7081; or Mr. Brett Wehrle, Fish and Wildlife Biologist, Daphne Alabama Field Office, (see **ADDRESSES** above), telephone: 334/441–5181 extension 29, facsimile: 334/694–4222.

SUPPLEMENTARY INFORMATION: Section 9 of the Act and Federal regulation prohibit the "take" of a species listed as endangered or threatened, respectively (take is defined under the Act, in part, as to kill, harm, or harass). However, the Service, under limited circumstances, may issue permits to authorize "incidental take" of listed species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened species are promulgated in 50 CFR 17.32; regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

There are five RCW groups scattered throughout the Applicant's ownership of approximately 400,000 acres. The primary goal of the application will be to create adequate RCW nesting and foraging habitat and to consolidate long-term management of the Applicant's RCW population within a 10,000 RCW Management Area (Area). This will be accomplished by translocation of juvenile RCWs to the Area to establish a larger, more secure population. Incidental take of RCWs may occur as a result of these actions, during performance of land management actions within the Area, and via other activities associated with implementation of the Plan. The Applicant's current baseline responsibility will be adjusted upwards should additional groups be discovered during timber management operations and/or periodic and systematic RCW surveys associated with implementation of this application. RCW foraging habitat management, cluster and cavity management, staff training, administration, and monitoring are also components of the application that will result in conservation benefits to the RCW. The Applicant provides a funding source for the above-mentioned mitigation and minimization measures.

The Service has determined that the Plan qualifies as a "low-effect" Habitat Conservation Plan as defined by the Service's Habitat Conservation Planning Handbook (November 1996).

Low-effect Habitat Conservation Plans are those involving: (1) Minor or negligible effects on federally listed and candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Plan qualifies as a low-effect Habitat Conservation Plan for the following reasons: 1. Approval of the Plan would result in minor or negligible adverse effects on the RCW and its habitat. Further, the Service does not anticipate significant direct or cumulative effects to the RCW resulting from approving the application, Safe Harbor/Memorandum of Agreement Conservation Plan. 2. Approval would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks. 3. Approval of the Plan would not result in any cumulative or growth inducing impacts and, therefore, would not result in significant adverse effects on public health or safety. 4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or

the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment. 5. Approval of the Plan would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service has therefore determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). No further National Environmental Policy Act documentation will therefore be prepared. This notice is provided pursuant to section 10(c) of the Act. The Service will evaluate the permit application, the Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, a permit will be issued for the incidental take of the RCW. The final decision will be made no sooner than 30 days from the date of this notice.

Dated: May 19, 1998.

H. Dale Hall,

Deputy Regional Director.

[FR Doc. 98–14190 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430–01; GP8–0072; OR–51831–WA]

Public Land Order No. 7333; Withdrawal of Lands for the San Juan Archipelago; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 195.59 acres of public lands and 75.82 acres of non-Federal lands proposed for acquisition from surface entry and mining for a period of 5 years to protect the natural and recreational values on 10 tracts of land in the San Juan Archipelago, while the Bureau of Land Management completes land use planning for these areas. The public lands have been and will remain open to mineral leasing. The non-Federal lands will become subject to the withdrawal and will be opened to mineral leasing upon acquisition by the United States.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1994)), but not from leasing under the mineral leasing laws, to protect the natural and recreational values on seven waterfront tracts, one inland tract, and two islands in the San Juan Archipelago:

Willamette Meridian

Tract H (Lopez Island; NW Chadwick Hill and Wetland)

T. 34 N., R.1 W.,

Sec. 17, that portion of the south 200 ft. of the N½SE¼, SE¼SE¼, and SW¼SE¼, excepting therefrom the following described tracts:

Beginning at the southwest corner of the southeast quarter of sec. 17, running due east 9 rods to ditch; Thence following ditch in northeasterly direction 14 rods; Thence run in a northwesterly direction 30 rods; Thence running in a westerly direction 6 rods to County Road; Thence following County Road due south 40 rods to point of beginning. Also beginning at southwest corner of SE¼ of said sec. 17, and running due east 9 rods to ditch; Thence following ditch in a northeasterly direction 300 ft; Thence due east 937 ft; Thence south 208.7 ft; Thence on section line west 1150 feet to place of beginning; EXCEPT County Road along the west line thereof; (83.67 acres) AND

Sec. 17, the north 330 ft. of the south 530 ft. of the NE¼SE¼ and NW¼SE¼ being more particularly described as follows:

A portion of the NE¼SE¼ described as follows:

Commencing at the east quarter corner of said sec. 17 as described by instrument recorded under Auditor's File No. 95675, records of said county, from which the concrete monument described by instrument recorded under Auditor's File No. 120616, records of said county, as marking the northeast corner of said sec. 17 bears north 0°37′51″ east; Thence from said quarter corner along the easterly boundary of said NE¼SE¼ south 0°37′02″ west, 809.69 ft. to the TRUE POINT OF BEGINNING of the parcel to be described; Thence leaving said easterly boundary and along the northerly boundary of the south 530 ft. of the said NE¼SE¼ and parallel with the southerly boundary of the said NE¼SE¼ south 89°49′41″ west, 991.78 ft. to a point on the easterly boundary of the west 330 ft. of the said NE¼SE¼; Thence leaving said northerly boundary and along said easterly boundary south 0°29′00″ west, 330.02 ft. to a point on the northerly boundary of the south 200 ft. of the said NE¼SE¼; Thence along said northerly boundary and parallel with the southerly boundary of the said NE¼SE¼ north 89°49′41″ east, 991.01 ft. to a point on the easterly boundary of the said NE¼SE¼; Thence along said easterly boundary north 0°37′02″ east, 330.03 ft. to the TRUE POINT OF BEGINNING; AND,

Sec. 17, portions of the NE¼SE¼ and NW¼SE¼ described as follows:

Commencing at the east quarter corner of said sec. 17 as described by instrument recorded under Auditor's File No. 95675, records of said county, from which the concrete monument described by instrument recorded under Auditor's File No. 120616, records of said county, bears north 0°37′51″ east; Thence from said quarter corner along the common boundary of the SE¼NE¼ and the NE¼SE¼ of said sec. 17 south 89°40′35″ west, 1323.74 ft. to the westerly corner common to the said SE¼NE¼ and NE¼SE¼; Thence leaving said common boundary and along the westerly boundary of the said NE¼SE¼ south 0°29′00″ west, 806.17 ft. to the TRUE POINT OF BEGINNING of the parcel to be described; Thence leaving said westerly boundary and along the northerly boundary of the south 530 ft. of the said NW¼SE¼ and parallel with the southerly boundary of the said NW¼SE¼ south 89°49′41″ west, 1321.81 ft. to a point on the westerly boundary of the said NW¼SE¼; Thence leaving said northerly boundary and along said westerly boundary south 0°20′56″ west, 330.01 ft.; Thence leaving said westerly boundary and along the northerly boundary of the south 200 ft. of the said NW¼SE¼ and parallel with the southerly boundary of the said NW¼SE¼ north 89°49′41″ east, 1321.03 ft. to a point on the westerly boundary of the said NE¼SE¼; Thence along the northerly boundary of the south 200 ft. of the said NE¼SE¼ and parallel with the southerly boundary of the said NE¼SE¼ north 89°49′41″ east, 330.02 ft. to a point on the easterly boundary of the west 330 ft. of the said NE¼SE¼; Thence along the said easterly boundary and parallel with the westerly boundary of the said NE¼SE¼ north 0°29′00″ east, 330.02 ft. to a point on the northerly boundary of the south 530 ft. of the said NE¼SE¼; Thence along said northerly boundary and parallel with the southerly boundary of the said NE¼SE¼ south 89°49′41″ west, 330.02 ft. to a point on the boundary common to the said NW¼SE¼ and the NE¼SE¼, said point also being the TRUE POINT OF BEGINNING. (20.02 acres)

Tract J: (Lopez Island; Watmough Bay)

T. 34 N., R. 1 W.,

Sec. 21, lot 2 and SW¼NW¼, TOGETHER with tidelands of the second class abutting thereon; EXCEPT the following described portions thereof:

1. A portion of lot 2 described as follows:

Beginning at a point marked by an iron pipe at the approximate high tide line, which point is south 50.1 ft. and east 2197 ft. of an iron pipe marking the northwest corner of the SW¼NW¼ of said sec. 21; Thence from said point of beginning south 66°46′ west, 146.1 ft. to an iron pipe at the edge of a marsh;

Thence continuing south 66°46′ west, 140.5 ft. to a point in the marsh which point is south 163.2 ft. and east 1933.6 ft. of the said northwest corner; Thence north 109.1 ft., more or less, to a point on the edge of said marsh; Thence continuing north 54 ft. to a point on the north line of said lot 2; Thence easterly along the said north boundary 222 ft., more or less, to the approximate line of ordinary high tide; Thence southeasterly to the said point of beginning.

2. That portion of lot 2, lying easterly of the following described line:

Commencing at the center of said sec. 21, which point is also the southeast corner of said lot 2 and is marked by an iron pin; Thence north 652.5 ft. along the east boundary of said lot 2 to an iron pipe; Thence leaving said east boundary south 70°10′ west, 218.6 ft.; Thence south 76°35′ west, 303.2 ft.; Thence south 76°17′ west, 248.0 ft.; Thence north 30°00′ east, 434.36 ft.; Thence north 48°30′ west, 245.09 ft.; Thence north 60°58′ east, 165.0 ft. to the point of beginning of said line; Thence north 30°00′ west to the north line of said lot 2 and the terminus of said line.

3. A portion of lot 2, described as follows:

Commencing at the center of said sec. 21, which point is also the southeast corner of said lot 2 and is marked by an iron pin; Thence north 652.5 ft. along the east boundary of said lot 2 to an iron pipe; Thence leaving said east boundary south 70°10′ west, 218.6 ft.; Thence south 76°35′ west, 303.2 ft.; Thence south 76°17′ west, 386.3 ft.; Thence south 76°12′ west, 13.4 ft. to the point of beginning of said line; Thence continuing south 76°12′ west, 373.2 ft.; Thence north 65°28′ west, 95.3 ft. to a point on the north line of County Road No. 124; Thence north 22°01′ east, 380.8 ft.; Thence north 60°58′ east, 350 ft.; Thence south 474.1 ft. to the point of beginning.

4. A portion of lot 2, described as follows:

Beginning at the center of said sec. 21, which point is also the southeast corner of said lot 2 and is marked by an iron pin; Thence along the easterly boundary of said lot 2 north 583.5 ft.; Thence leaving said easterly boundary south 70°10′ west, 198.8 ft.; Thence south 76°35′ west, 306.7 ft.; Thence south 76°17′ west, 386.1 ft.; Thence south 76°12′ west, 463 ft.; Thence south 46°48′ east, 166.6 ft.; Thence south 50°36′ east, 217.9 ft. to a point on the southerly boundary north 89°27′40″ east, 1020.1 ft. to the point of beginning.

5. A portion of the SW¼NW¼, described as follows:

Beginning at a point on the west boundary of said sec. 21, which point is 830.3 ft. north (N. 0°48′ E.) of the west one-quarter corner of said sec. 21 and which point is also on the north margin of a proposed 60 ft. wide roadway; Thence along said north margin south 83°55′ east, 378 ft.; Thence along said north margin south 64°29′ east, 75 ft.; Thence continuing along said north margin south 64°29′ east, 452.9 ft.; Thence leaving said north margin north 87°28′ east, 223.9 ft.; Thence north 41°49′ west, 51.6 ft.; Thence north 0°48′ east 679.2 ft. to the north boundary of said SW¼NW¼; Thence along said north boundary west 1,044.70 ft. to the northwest corner of said SW¼NW¼; Thence south (S. 0°48′ W.) 459.4 ft., more or less, to the said point of beginning.

6. A portion of the SW¼NW¼, described as follows:

Beginning at a point on the west boundary of said sec. 21, which point is 660 ft. north 0°48′ east of the west one-quarter corner of said sec. 21; Thence continuing north 110.3 ft. to a point on the south margin of a proposed 60 ft. wide roadway; Thence along said south margin south 83°55′ east 363.2 ft.; Thence along said south margin south 64°29′ east 164.1 ft.; Thence along said south margin south 41° west 225 ft.; Thence along said south margin south 62°45′ east 282.5 ft.; Thence along said south margin south 53°18′ east, 136.88 ft.; Thence along said south margin south 76°45′ east, 180.06 ft.; Thence parallel to the west line of said section south 0°48′ west, 238.49 ft. to the south line of the SW¼NW¼ of said section; Thence on the south line of said SW¼NW¼ south 89°55′ west, 1199.74 ft.; Thence north 0°48′ west 660 ft. to the point of beginning.

7. County Road No. 124, as described under Auditor's File No. 75855, Records of San Juan County, Washington, lying in portions of lot 2 and the SW¼NW¼ of sec. 21. (28.76 acres)

Tract K (Lopez Island; Watmough Head and Watmough Bay)

T. 34 N., R. 1 W.,
Sec. 21, portions of lot 2 described as follows:

Commencing at the center of said sec. 21, which point is also the southeast corner of said lot 2 and is marked by an iron pin; Thence north 652.5 ft. along the east boundary of said lot 2 to an iron pipe; Thence leaving said east boundary south 70°10′ west, 218.6 ft.; Thence south 76°35′ west, 303.2 ft.; Thence south 76°17′ west, 386.3 ft.; Thence south 76°12′ west, 13.4 ft. to the point of beginning of said line; Thence continuing south 76°12′ west, 373.2 ft.; Thence north 65°28′ west, 95.3 ft. to a point on the north line of County Road No. 124; Thence north 22°01′ east, 380.8 feet; Thence north 60°58′ east, 350 feet; Thence south 474.1 feet to the point of beginning; (3.75 acres) AND

Sec. 21, portions of lot 2, described as follows:

Beginning at a point marked by an iron pipe at the approximate high tide line, which point is south 50.1 feet and east 2197 feet of an iron pipe marking the northwest corner of the SW¼NW¼ of said sec. 21; Thence from said point of beginning south 66°46′ west, 146.1 ft. to an iron pipe at the edge of a marsh; Thence continuing south 66°46′ west, 140.5 ft. to a point in the marsh which point is south 163.2 ft. and east 1933.6 ft. of the said northwest corner; Thence north 109.1 ft., more or less, to a point on the edge of said marsh; Thence continuing north 54 ft. to a point on the north line of said lot 2; Thence easterly along the said north boundary 222 ft., more or less, to the approximate line of ordinary high tide; Thence southeasterly to the said point of beginning; (0.64 acres) AND

Beginning at the center of said sec. 21, which point is also the southeast corner of said lot 2, and is marked by an iron pin; Thence along the easterly boundary of said lot 2 north 583.5 ft.; Thence leaving said easterly boundary south 70°10′ west, 198.8 ft.; Thence south 76°35′ west, 306.7 ft.; Thence south 76°17′ west, 386.1 ft.; Thence south 76°12′ west 463 ft.; Thence south 46°48′ east, 166.6 ft.; Thence south 50°36′ east, 217.9 ft. to a point on the southerly boundary north 89°27′40″ east, 1020.1 ft. to the point of beginning. (11.85 acres)

Tract L (Lopez Island; Cape St. Mary)

T. 34 N., R. 1 W.,
Sec. 15, lot 1.

Tract M (Lopez Island; Lopez Pass)

T. 35 N., R. 1 W.,
Sec. 33, lot 1.

Tract N (Eliza Island; South End)

T. 36 N., R. 2 E.,
Sec. 5, unsurveyed portion of Eliza Island.

Tract O (Lummi Island; Carter Point)

T. 36 N., R. 2 E.,
Sec. 6, unsurveyed portion of Lummi Island.

Tract P (Lummi Rocks)

T. 37 N., R. 1 E.,
Sec. 27, unsurveyed Lummi Rocks in the NW¼ and SW¼NE¼.

Tract Q (Chuckanut Rock)

T. 37 N., R. 2 E.,
Sec. 24, unsurveyed Chuckanut Rock.

The areas described aggregate approximately 195.59 acres in San Juan and Whatcom Counties.

2. The following described non-Federal lands, if acquired by the United States, will be subject to the terms and conditions of this withdrawal as described in paragraph 1:

Willamette Meridian

Tract I (Lopez Island; Chadwick Hill/ Watmough Bay)

T. 34 N., R. 1 W.,
Sec. 21, lot 1 and NW¼NW¼.

The area described contains 75.82 acres in San Juan County.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal will expire 5 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: May 14, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–14224 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430–01; GP7–0092; OR–19082]

Public Land Order No. 7334; Revocation of the Executive Order Dated October 13, 1916; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes in its entirety an Executive order which withdrew 6,026 acres of public lands for the Bureau of Land Management's Powersite Reserve No. 561. The lands are no longer needed for the purpose for which they were withdrawn. This action will open approximately 1,020 acres to surface entry. Of the remaining lands, 4,806 acres will remain closed to surface entry, and 200 acres will remain closed to mining due to other overlapping withdrawals. All of the lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: August 28, 1998.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/ Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated October 13, 1916, which established Powersite Reserve No. 561, is hereby revoked in its entirety:

Willamette Meridian

T. 2 S., R. 15 E.,
Sec. 13, SW¼ and W½SE¼;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼, NE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 24, NW¼NE¼ and W½NW¼;
Sec. 26, E½W½ and SW¼SW¼;
Sec. 27, S½SW¼ and SW¼SE¼;
Sec. 33, SE¼;
Sec. 34, W½E½ and W½.
T. 3 S., R. 15 E.,
Sec. 3, SW¼NW¼ and W½SW¼;
Sec. 4, lots 1 and 2, S½N½, and S½;
Sec. 7, lot 4, S½NE¼, E½SW¼, and SE¼;
Sec. 8, W½SW¼ and E½SE¼;
Sec. 9, NW¼, N½SW¼, and SW¼SW¼;
Sec. 17, NE¼, NW¼NW¼, S½NW¼, and N½S½;
Sec. 18, lots 1, 2, and 3, E½NE¼, NW¼NE¼, E½NW¼, and NE¼SE¼.
T. 1 S., R. 16 E.,
Sec. 4, lot 3 and SE¼NW¼;
Sec. 5, W½SE¼;
Sec. 8, SE¼NE¼ and E½NW¼;
Sec. 19, SE¼SW¼;
Sec. 20, NW¼SE¼;
Sec. 30, lots 2, 3, and 4, W½NE¼, and E½SW¼;
Sec. 31, lots 1 and 2, SE¼NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 32, SW¼SW¼.
T. 2 S., R. 16 E.,
Sec. 5, lot 4 and SW¼NW¼;
Sec. 6, lots 1, 2, 3, and 7, S½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 7, lots 1 to 4, inclusive, and E½W½;
Sec. 18, lots 1 and 2, and E½W½.

The areas described aggregate 6,026 acres in Sherman and Wasco Counties.

2. The lands described as the S½SW¼ and SW¼SE¼, sec. 13, and the NW¼NE¼ and NW¼NW¼, sec. 24, T. 2 S., R. 15 E., are withdrawn for the Bureau of Land Management's Macks Canyon Recreation Site, and will remain closed to operation of the public land laws, including the mining laws.

3. The lands lying within the boundaries of the Bureau of Land Management Deschutes Wild and Scenic River withdrawal will remain closed to surface entry.

4. At 8:30 a.m. on August 28, 1998, the lands described in paragraph 1, except as provided in paragraphs 2 and 3, will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on August 28, 1998, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

5. The State of Oregon has a preference right for public highway right-of-way or material sites for a period of 90 days from the date of publication of this order and any location, entry, selection, or subsequent patent shall be subject to any rights granted the State as provided by the Act of June 10, 1920, Section 24, as amended, 16 U.S.C. 818 (1994).

Dated: May 14, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–14226 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430–01; GP7–0177; OR–19114]

Public Land Order No. 7327; Revocation of Executive Order Dated December 12, 1917; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes in its entirety an Executive order which withdrew 3,074.15 acres of lands for the Bureau of Land Management's Powersite Reserve No. 660. The lands are no longer needed for the purpose for which they were withdrawn. Due to other overlapping withdrawals, 1,562.63 acres have been and will remain closed to surface entry and 323.40 acres have been and will remain closed to surface entry and mining. The remaining 1,188.12 acres have been conveyed out of Federal ownership and this is a record-clearing action only for these lands. All of the lands that are still in Federal ownership have been and will remain open to mineral leasing.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/ Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated December 12, 1917, which established Powersite Reserve No. 660, is hereby revoked in its entirety:

Willamette Meridian

(a) Revested Oregon and California Railroad Grant Land

T. 1 S., R. 4 E.,
Sec. 11, N½SW¼ and SE¼SW¼;
Sec. 15, NW¼NE¼, S½NE¼, and NE¼NW¼;
Sec. 23, S½NE¼, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 25, SE¼NE¼.
T. 2 S., R. 4 E.,
Sec. 1, E½ of Tract 37.
T. 2 S., R. 5 E.,
Sec. 13, lots 1, 2, 3, and 4, and Tract 38;
Sec. 15, Tract 39.
T. 2 S., R. 6 E.,
Sec. 15, lot 1, SE¼SW¼, and S½SE¼;
Sec. 17, SE¼SW¼ and SE¼SE¼;
Sec. 19, S½NE¼;
Sec. 21, S½NE¼;
Sec. 23, lot 1, SE¼NE¼, and NE¼SE¼;
Sec. 25, SW¼ and S½SE¼;
Sec. 35, NE¼NE¼.
T. 2 S., R. 7 E.,
Sec. 31, lot 4, E½SW¼, and SE¼.

(b) Non-Federal Lands

T. 1 S., R. 4 E.,
Sec. 25, W½NE¼ and NE¼NW¼.
T. 2 S., R. 4 E.,
Sec. 1, lots 1 and 3, and E½SW¼.
T. 2 S., R. 5 E.,
Sec. 13, E½SE¼;
Sec. 15, lots 1, 2, and 3, and W½NE¼.
T. 2 S., R. 6 E.,
Sec. 17, SW¼SE¼;
Sec. 19, lots 2 and 3, SE¼NW¼, and N½SE¼;

Sec. 21, SW¼SW¼ and N½SE¼;
Sec. 23, N½NE¼ and SW¼NE¼;
Sec. 25, NE¼SE¼.
T. 2 S., R. 7 E.,
Sec. 31, lots 1, 2, and 3, and SE¼NW¼.

The areas described aggregate 3,074.15 acres in Clackamas and Multnomah Counties.

2. The lands described in paragraph 1(b) have been conveyed out of Federal ownership. This is a record-clearing action.

3. The following described lands are included in overlapping withdrawals for Power Project No. 477 and the Bureau of Land Management's Wildwood Recreation Area and will remain closed to surface entry and mining. These lands have been and will remain open to mineral leasing:

Willamette Meridian

T. 2 S., R. 4 E.,
Sec. 1, E½ of Tract 37.
T. 2 S., R. 5 E.,
Sec. 13, Tract 38;
Sec. 15, Tract 39.
T. 2 S., R. 7 E.,
Sec. 31, lot 4, E½SW¼, and SE¼.

4. The lands described in paragraph 1(a) are also included in Bureau of Land Management withdrawals for Waterpower Designation No. 14 and the Salmon and Sandy Wild and Scenic Rivers. The lands described in paragraph 1(a), except those described in paragraph 3, have been and will remain closed to surface entry, and have been and will remain open to mining and mineral leasing.

Dated: April 17, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–14261 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–921–1430–01; WYW 88891–03]

Public Land Order No. 7335; Opening of Lands Under Section 24 of the Federal Power Act; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order opens 22.95 acres of National Forest System lands in Powersite Classification No. 433, subject to the provisions of Section 24 of the Federal Power Act. This order will permit consummation of a pending sale and retain the waterpower rights to the United States. The lands have been and will continue to be open to mining under the provisions of the Mining Claims Rights Restoration Act of 1955, and to mineral leasing.

EFFECTIVE DATE: May 29, 1998.

FOR FURTHER INFORMATION CONTACT: Janet Booth, BLM Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307–775–6124.

By virtue of the authority vested in the Secretary of the Interior by the Act of June 10, 1920, Section 24, as amended, 16 U.S.C. 818 (1994), and pursuant to the determination by the Federal Energy Regulatory Commission in DVWY–193–000, it is ordered as follows:

1. At 9 a.m., on (May 29, 1998), the following described National Forest System lands withdrawn by the Geological Survey Order dated August 5, 1955, which established Powersite Classification No. 433, will be opened to such forms of disposition as may by law be made of National Forest System lands subject to the provisions of Section 24 of the Federal Power Act, and subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law:

Sixth Principal Meridian

Bridger-Teton National Forest
T. 37 N., R. 113 W.,
Sec. 3, lot 1;
Sec. 4, lots 1 and 2.

The areas described aggregate 22.95 acres in Sublette County.

2. The lands have been and will remain open to location and entry under the United States mining laws, subject to the provisions of the Act of August 11, 1955, 30 U.S.C. 621 (1994), and to applications and offers under the mineral leasing laws.

Dated: May 14, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–14225 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–930–1430–01; CACA 37272]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; California; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: In notice document 96–23380 beginning on page 48161 in the issue of Thursday, September 12, 1996, make the following corrections:

On page 48161, in the third column, 230 acres, which is contained in the **SUMMARY** section, is corrected to read 210 acres; and

On page 48162, in the first column, (1) sec. 32 in the legal description contained in the **SUPPLEMENTARY INFORMATION** section, is corrected to read sec. 33, and (2) also in the **SUPPLEMENTARY INFORMATION** section, 230 acres is corrected to read 210 acres.

Dated: May 13, 1998.

Mark A. Conley,

Acting Deputy State Director, Natural Resources.

[FR Doc. 98–13892 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430–01; GP8–0183; OR–53979]

Proposed Withdrawal and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture, proposes to withdraw approximately 960 acres of National Forest System lands, lying within the Siskiyou National Forest, to protect the recreation, fisheries, scenic, and water quality values of the Scenic section of the North Fork Smith Wild and Scenic River. This notice closes the lands for up to 2 years from surface entry and mining. The public lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: Comments and requests for a public meeting must be received by August 28, 1998.

ADDRESSES: Comments and meetings requests should be sent to the Oregon/Washington State Director, BLM, P.O. Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: Charles R. Roy, BLM Oregon/Washington State Office, 503–952–6189.

SUPPLEMENTARY INFORMATION: On October 3, 1997, the Forest Service filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not the mineral leasing laws, subject to valid existing rights:

Willamette Meridian

Siskiyou National Forest

All lands lying on the right (west) bank of the river corridor, including the river bed, and extending ¼ mile from the centerline of the North Fork Smith River, from Horse Creek downstream 4.5 miles to the confluence of Baldface Creek, as described in the following:

T. 40 S., R. 11 W., unsurveyed
Sec. 15, SW¼SW¼;
Sec. 16, E½;
Sec. 21, E½E½ and NW¼SE¼;
Sec. 22, W½W½ and SE¼SW¼;
Sec. 27, W½E½, E½W½ and NW¼NW¼;
Sec. 28, NE¼NE¼;
Sec. 34, W½E½ and E½W½.
T. 41 S., R. 11 W.,
Sec. 2, W½;
Sec. 3, NE¼;
Sec. 11, N½NW¼.

AND all lands lying on the left (east) bank of the river corridor, including the river bed, and extending ¼ mile from the centerline of the North Fork Smith River as described in the following:

T. 41 S., R. 11 W.,
Sec. 2, those portions of the E½SW¼ and W½SE¼, lying outside the boundaries of the Kalmiopsis Wilderness Area;
Sec. 11, those portions of the NW¼NE¼ and NE¼NW¼, lying outside the boundaries of the Wild segment of the North Fork Smith Wild and Scenic River.

The areas described aggregate approximately 960 acres in Curry County.

The purpose of the proposed withdrawal is to protect the outstanding recreation, fisheries, scenic, and water quality values for which the North Fork Smith River was designated Wild and Scenic.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director at the address indicated above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director at the address indicated above within 90 days from the publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary land uses which may be permitted during this segregative period include licenses, permits, rights-of-way, and disposal of vegetative resources other than under the mining laws.

Dated: May 19, 1998.

Sherrie L. Reid,

Acting Chief, Branch of Realty and Records Services.

[FR Doc. 98–14234 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–930–4210–06; WYW 142433]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) proposes to withdraw 40 acres of public land in Big Horn County, to protect important paleontological resources associated with the Red Gulch dinosaur track site recently discovered near Shell, Wyoming. This notice closes the land for up to two years from surface entry and mining. The land will remain open to mineral leasing.

EFFECTIVE DATE: (Publication Date). Comments and requests for a public meeting must be received by August 27, 1998.

ADDRESSES: Comments and requests should be sent to the Wyoming State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Janet Booth, BLM Wyoming State Office, 307–775–6124, or Chuck Wilkie, BLM Bighorn Basin Resource Area Manager, P.O. Box 119, 101 South 23rd Street, Worland, Wyoming 82401–0119, 307–347–5100.

SUPPLEMENTARY INFORMATION: On May 14, 1998, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Sixth Principal Meridian, Wyoming

T. 52 N., R. 91 W.,
Sec. 20, NE¼SW¼.

The areas described contains approximately 40 acres in Big Horn County.

The purpose of the proposed withdrawal is to protect important paleontological resources pending further study and development of appropriate, and possibly longer term, actions to protect and manage the resources.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Wyoming State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be proceeded in accordance with the regulations set forth in 43 CFR 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature which would not impact or impair the existing values of the area may be allowed with the approval of an authorized officer of the Bureau of Land Management during the segregative period.

Dated: May 21, 1998.

Alan R. Pierson,

State Director.

[FR Doc. 98–14083 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

National Park Service

Submission of Study Package to Office of Management and Budget; Review Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service; Golden Gate National Recreation Area (Alcatraz Island); Yosemite National Park; Statue of Liberty National Monument (Ellis Island).

ACTION: Notice and request for comments.

ABSTRACT: The University of Vermont and three parks (Golden Gate National Recreation Area (Alcatraz Island) in California, Yosemite National Park in California; Statue of Liberty National Monument (Ellis Island) in New York and New Jersey) propose to conduct visitor surveys to learn about visitor demographics and visitor opinions about services and facilities in these three parks. The results of these studies will be used by park managers to improve the services they provide to visitors while better protecting park natural and cultural resources. Study packages that include the proposed survey questionnaires for these three proposed park studies have been submitted to the Office of Management and Budget for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the NPS invites public comment on these three proposed information collection requests (ICR). Comments are invited on: (1) The need for the information including whether the information has practical utility; (2) the accuracy of the reporting burden estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

The NPS goal in conducting these surveys is to identify characteristics, use patterns, perceptions, preferences, and opinions of visitors about management and services in these parks. In addition, each project will identify indicators and standards of quality for the visitor experience. Results of all of the surveys will be used by NPS managers in their ongoing planning and management activities to improve visitor services, protect park resources, and better serve the park's current and potential future visitors.

There were no public comments received as a result of publishing in the Federal Register a 60 day notice of intention to request clearance of information collection for these three surveys.

DATES: Public comments will be accepted on or before June 29, 1998.

SEND COMMENTS TO: Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for the Interior Department, Office of Management and Budget, Washington, DC 20530; and also to: Dr. Robert E. Manning, Professor, School of Natural Resources, 356 Aiken Center, University of Vermont, Burlington, VT 05405. Phone (802) 656–2684.

The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments on or before June 29, 1998.

FOR FURTHER INFORMATION OR A COPY OF THE STUDY PACKAGES SUBMITTED FOR OMB REVIEW, CONTACT: Dr. Robert E. Manning. Voice (802) 656–2684; Fax (802) 656–2623; Email rmanning@nature.snr.uvm.edu.

SUPPLEMENTARY INFORMATION:

Title: University of Vermont Visitor Surveys at three parks.

Bureau Form Number: Not applicable.

OMB Number: To be assigned.

Expiration Date(s): September 1999.

Type of Request: Request for new clearance.

Description of Need: The National Park Service needs information to identify characteristics, use patterns, perceptions, preferences, and opinions of visitors about management and services in these parks. The proposed information to be collected regarding visitors in these three parks is not available from existing records, sources, or observations.

Automated Data Collection: At the present time, there is no automated way to gather this information, since it includes asking visitors to evaluate services and facilities that they used during their park visit.

Description of Respondents: A sample of visitors to each of these three parks.

Estimated Average Number of Respondents: 400 at Golden Gate National Recreation Area (Alcatraz Island), 1200 at Yosemite National Park, and 640 at Statue of Liberty National Monument (Ellis Island).

Estimated Average Number of Responses: Each respondent will respond only one time, so the number of responses will be the same as the number of respondents.

Estimated Average Burden Hours Per Response: 30 minutes at Golden Gate National Recreation Area (Alcatraz Island), 15 minutes at Yosemite National Park and 30 minutes at the Statue of Liberty National Monument (Ellis Island).

Frequency of Response: One time per respondent.

Estimated Annual Reporting Burden: 200 at Golden Gate National Recreation Area (Alcatraz Island), 300 at Yosemite National Park, and 320 at Statue of Liberty National Monument (Ellis Island).

Diande M. Cooke,

Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 98–14122 Filed 5–28–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of Abbreviated Final Environmental Impact Statement

AGENCY: National Park Service (NPS), U.S. Department of the Interior, designated lead agency; Bureau of Land Management (BLM), designated cooperating agency.

ACTION: Notice of availability of an abbreviated final environmental impact statement for the proposed AT&T Corporation P140 Coaxial Cable Removal Project, Socorro County New Mexico, Clark County Nevada, and Kern and San Bernardino Counties California.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, the National Park Service announces the availability of an abbreviated final environmental impact statement (FEIS) for the P140 Cable Removal Project, Socorro, New Mexico, to Mojave, California. The draft environmental impact statement (DEIS) for the proposal was on public review for more than 60 days from December 29, 1997 to March 27, 1998. The abbreviated final document includes responses to public comments on the DEIS and factual corrections to the DEIS.

In 1996 AT&T approached the U.S. Department of the Interior (DOI) concerning a proposal to remove 220 miles of their P140 cable system that no longer supports their current fiber optic network.

The proposed project involved the removal of portions of a telecommunications system traversing 7.7 miles in New Mexico, 7.4 miles in Nevada, and 205.2 miles in California.

The P140 system includes buried coaxial cable, repeater huts, manholes, marker posts, and an access corridor. In addition, AT&T proposed to relinquish associated rights-of-way easements, in whole or in part, wherever cable and equipment were removed.

As jurisdictional agencies of federal lands crossed by the project, the NPS and the BLM are responsible for determining terms and conditions of any removal activity and rehabilitation actions to promote restoration of the land. In March 1997 DOI determined to prepare a non-delegated environmental impact statement.

The abbreviated FEIS describes and analyzes four alternatives in response to AT&T's request to remove cable and to terminate the associated rights-of-way. The Proposed Action, and two additional action alternatives have been developed to reduce or avoid adverse effects on desert vegetation, wilderness, the desert tortoise and recreational access. The No Action alternative is included as a baseline for comparison of the action alternatives. To varying degrees, all action alternatives include cable and structure removal along with rehabilitation of the access corridor and repeater hut sites.

Alternative A is the Proposed Action and includes the removal of 174.5 miles of cable, repeater huts and manholes along 220 miles of the right-of-way, and marker posts along 174,2 miles. In addition, the proposed action suggests rehabilitation actions to promote revegetation and habitat recovery that include the elimination of 39.8 miles of the access corridor and 4 miles of dual track.

Alternative B was developed to protect critical habitat of the desert tortoise on federal lands. Cable would not be removed from these areas, and more of the access corridor within critical habitat would be eliminated. Cable would be removed along 113.7 miles outside of critical habitat on federal lands, and repeater huts and manholes would be removed along 174.7 miles. Rehabilitation actions include eliminating 51.6 miles of the access corridor and 4 miles of dual track.

Alternative C would minimize construction-related impacts on desert vegetation and the desert tortoise on federal lands. Cable would not be removed from federal lands and the access corridor would be eliminated in wilderness areas only. Cable would be removed along 72.3 miles of primarily state and private lands. Repeater huts and manholes would be removed along 220 miles, and marker posts would be removed along 174.7 miles. The elimination and rehabilitation of 5.4 miles of the access corridor and 4 miles of dual tract also would be included in alternative C.

For all action alternatives, cable removal activities would result in long-term (20–50 years) adverse affects on desert vegetation, animal species of concern, soil productivity, recreation, and visual aesthetics, but to varying degrees. Removal and rehabilitation activities also would result in temporary adverse affects on air quality and noise due to construction-related activities. Rehabilitation actions would have a permanent beneficial impact on desert vegetation and the desert tortoise. Elimination of portions of the access corridor in the Proposed Action would have a significant impact on recreational access to open desert land, but would not eliminate access to any designated recreational site. Due to elimination of additional segments of the access corridor, Alternative B would eliminate access to several designated recreational sites.

FOR FURTHER INFORMATION CONTACT: Joan DeGraff, National Park Service, Denver Service Center, PO. Box 25287, Denver, CO, 80225–0287.

SUPPLEMENTARY INFORMATION: Copies of the DEIS are available on the Internet at the NPS web site http://www.nps.gov/planning/index.html. A limited number of individual copies of the abbreviated FEIS may be obtained from Joan DeGraff at the above address or by calling (303) 969–2464.

A 30-day no action period will begin following release of the abbreviated FEIS. A record of decision will follow the no action period.

Dated: May 22, 1998.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 98–14286 Filed 5–28–98; 8:45 am]

BILLING CODE 2310–67–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of May, 1998.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–34,422; Leedo Furniture, Inc., Corinth, MS

TA–W–34,436; American Powder Coatings, Inc., El Paso, TX

TA–W–34,476; Nuclear Components, Inc., Greenburg, PA

TA–W–34,492; Moog Automotive, Batesville Operation, Batesville, MS

TA–W–34,362; Delphi Interior and Lighting Systems, Inc., Trenton, NJ

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–34,393; Norty's, Inc., New York, NY

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–34,334; Fort James Corp., Camas, WA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–34,488; Delphi Gas Pipeline Corp., Woodward, OK

The investigation revealed that criteria (2) and criteria (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

TA–W–34,396; Rockwell Automation/ Reliance Electric, Athens, GA

TA–W–34,459; Koch Midstream Services Co (Formerly Known as Delhi Gas Pipeline Corp., Oklahoma City, OK

Company officials made a decision to transfer all production to another domestic plant.

TA–W–34,450; Mann Edge Tool Co., Lewistown, PA

The investigation revealed that criteria (1) and criteria (3) have not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations or threat thereof, and the absolute decline in sales or production.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–34,333; Phenix, Inc., Morristown, TN: March 5, 1997.
TA–W–34,300; Frank Ix & Sons, Inc., Lexington, NC: February 23, 1997.
TA–W–34,425; Ludwick Well Service, Sterling, KS: March 26, 1997.
TA–W–34,408; The Budd Co., Philadelphia, PA: March 17, 1997.
TA–W–34,411; Magnecomp Corp., Temecula, CA: March 20, 1997.
TA–W–34,295; Spirax Sarco, Inc., Allentown, PA: February 19, 1997.
TA–W–34,374 & A, B; The Monet Group, Inc., Pawtucket, RI, East Providence, RI and Product Development Dept., New York, NY: March 18, 1997.
TA–W–34,261; General Electric Co., Salem, VA: February 5, 1997.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of May, 1998.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to worker's separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–02283; Dana Corp., Marion Forge Div., Marion, OH
NAFTA–TAA–02310; North American Refractories Co., Curwensville Plant, Curwensville, PA
NAFTA–TAA–02253; Otis Elevator Co., Bloomington, IN
NAFTA–TAA–02209; Pekin Plastics, Pekin, IN
NAFTA–TAA–02331; Ocean Beauty, Astoria, OR
NAFTA–TAA–02314; United Industries, Beloit, WI
NAFTA–TAA–02171; Avery Dennison, Chicopee Binder Div., Chicopee, MA
NAFTA–TAA–02297; Russell-Neuman, Inc., Cisco, TX
NAFTA–TAA–02272; Stevcoknit Fabrics Co., A Div. of Delta Mills, Inc., A Subsidiary of Delta Woodside Industries, Inc., Carter and Holly Plants, Wallace, NC and Operation at The Following Other Locations: A; Mickel Plant, Spartanburg, SC, B; Stevcoknit Administrative Offices, Greer, SC, C; New York Sales Office, New York, NY, D; California Sales Office, Torrance, CA, E; Texas Sales Office, Planos, TX, F; Sales Representative, Duluth, GA, G; Sales Representative, Columbus, GA, and H; Sales Representative, Palm Beach Gardens, FL.
NAFTA–TAA–02267; BHP Copper, Inc., Pinto Valley Operations, Miami, AZ
NAFTA–TAA–02307 & A; Westark Garment Manufacturing, Waldron, AR and Havana, AR
NAFTA–TAA–2336; Springs Industries, Inc., Rock Hill Printing and Finishing Plant, Rock Hill, SC

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

None.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–02352; Federal-Mogul Corp., Powertrain Systems Div., Mooresville, IN: April 13, 1997.
NAFTA–TAA–02224; Frank Ix & Sons, Inc., Lexington, NC: February 24, 1997.
NAFTA–TAA–02348; The Budd Co., Philadelphia; PA: April 16, 1997.
NAFTA–TAA–02290; Golden City Hosiery Mills, Inc.; Villa Rica, GA: March 30, 1997.
NAFTA–TAA–02177; American Garment Finishers Corp., El Paso, TX: January 27, 1997.
NAFTA–TAA–02300; Action West, Don Shapiro Industries, El Paso, TX: March 27, 1997.
NAFTA–TAA–02351; Kodak Polychrome Graphics, Clark, NJ: March 27, 1997.
NAFTA–TAA–02286; Lane Plywood, Eugene, OR: March 27, 1997.
NAFTA–TAA–02320; Eastman Kodak Co., Digital and Applied Imaging, Rochester, NY: February 18, 1997.
NAFTA–TAA–02302; Red Kap Industries, Tompkinsville, KY: March 31, 1997.
NAFTA–TAA–02298; Superior Design Co., Liverpool, NY, Employed At The Global Heavy Absorption Design Center, Carrier Corp., Syracuse, NY: March 27, 1997.
NAFTA–TAA–02251; Lipton, Flemington, NJ: February 26, 1997.
NAFTA–TAA–02296; Vishay Dale Electronics, Yankton, SD: March 20, 1997.
NAFTA–TAA–02325; T.L. Edwards, Inc., Statesville, NC: April 6, 1997.
NAFTA–TAA–02340; NEPECO, Inc., Byron, WY: April 20, 1997.
NAFTA–TAA–02355; Megas Beauty Care, Inc., Div. Of American Safety Razor, Cleveland, OH: March 31, 1997.
NAFTA–TAA–02361; Gateway Sportswear, Inc., Masontown, PA: April 15, 1997.

I hereby certify that the aforementioned determinations were issued during the month of May 1998. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 19, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–14207 Filed 5–28–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34, 507]

CSI Services, Incorporated, Martinsville, VA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 4, 1998, in response to a worker petition which was filed on behalf of workers at CSI Services, Incorporated, Martinsville, Virginia, employed at E.I. du Pont de Nemours & Company, Incorporated, Martinsville, Virginia.

A certification applicable to workers at E.I. du Pont de Nemours & Company, Incorporated, Martinsville, Virginia, was issued on May 12, 1998, and is currently in effect (TA–W–34, 386). That certification included the petitioning group of workers of CSI Services employed at the E.I. du Pont de Nemours & Company facility in Martinsville. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 15th day of May, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–14205 Filed 5–28–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,–483]

Eagle Moulding, Yuba City, California; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on April 27, 1998 in response to a worker petition which was filed on April 27, 1998 on behalf of workers at Eagle Moulding Company, Yuba City, California.

The petitioner has requested that petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 11th day of May, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–14208 Filed 5–28–98; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Acting Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request if filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 8, 1998.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 8, 1998.

The petitions filed in this case are available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210.

Signed at Washington, DC this 11th day of May, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted on 05/11/98]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
34,522	LTV Steel Corp (USWA)	Pittsburgh, PA	04/01/98	Blast Furnace Coke.
34,523	Terre Ann Mfg. Co. (Whrs)	Terre Hill, PA	04/20/98	Sportwear.
34,524	American Lantern Co. (USWA)	Newport, AR	04/17/98	Indoor and Outdoor Light Fixtures.
34,525	Crown Clothing (Wkrs)	Vineland, NJ	04/10/98	Military Uniforms.
34,526	Amory Garment (The) (Wkrs)	Amory, MS	04/28/98	Men's Dress Slacks.
34,527	Gillette Co. (USWA)	Janesville, WI	04/23/98	Pens and Pencils.
34,528	Independent Order (Wkrs)	San Diego, CA	04/16/98	Life Insurance, Real Estate Mgnt.
34,529	OKI Telecom, Inc. (Co.)	Suwaneee, GA	04/29/98	Mobile Phones.
34,530	Marglen Industries (Wkrs)	White, GA	04/17/98	Carpet Yarn.
34,531	Western Reserve Products (Wkrs)	Gallatin, TN	04/27/98	Plastic Window Frames.
34,532	Breed Technologies (Co.)	El Paso, TX	05/01/98	Seatbelts and Air Bags.
34,533	Breed Technologies (Co.)	Brownsville, TX	04/27/98	Seat Belts.
34,534	Breed Technologies (Co.)	Douglas, AZ	04/27/98	Seatbelt Shipping.
34,535	General Electric Co. (Co.)	Fitchburg, MA	04/14/98	Steam Turbines.
34,536	Gerber Baby Foods (UFCW)	Ashville, NC	04/28/98	Baby Food.
34,537	Acme Frame (Wkrs)	Harrisburgh, AR	05/01/98	Picture Frames.

APPENDIX—Continued

[Petitions Instituted on 05/11/98]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
34,538	Oxy USA, Inc (Wkrs)	Logan, KS	04/29/98	Crude and Gas.

[FR Doc. 98–14209 Filed 5–28–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,247]

Most Manufacturing, Incorporated, including Leased Workers of Express Temporary Services, Colorado Springs, CO; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 20, 1998, applicable to workers of Most Manufacturing, Incorporated located in Colorado Springs, Colorado. The notice was published in the Federal Register on April 3, 1998 (63 FR 16574).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the State shows that some workers of Most Manufacturing, Incorporated were leased from Express Temporary Services, Colorado Springs, Colorado. The leased workers produced optical disk drives for Most Manufacturing at the Colorado Springs plant. Based on these findings, the Department is amending the certification to include leased workers from Express Temporary Services, Colorado Springs, Colorado producing optical disk drives at the subject firms' production facility.

The intent of the Department's certification is to include all workers at Most Manufacturing, Incorporated adversely affected by imports.

The amended notice applicable to TA–W–34,247 is hereby issued as follows:

All workers of Most Manufacturing, Incorporated, Colorado Springs, Colorado, engaged in employment related to the production of optical disk drives; and leasked workers of Express Temporary Services, Colorado Springs, Colorado, engaged in employment related to the production of optical disk drives at Most Manufacturing, Incorporated, Colorado Springs, Colorado, who became totally or partially separated from employment on or after January 28, 1997 through March 20, 2000, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of May 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–14210 Filed 5–28–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–34,537]

Newell Company, ACME Frame—a/k/a intercraft, Harrisburg, AR; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 11, 1998 in response to a worker petition which was filed on May 1, 1998 on behalf of workers at the Acme Frame, Harrisburg, Arkansas. The notice will soon be published in the **Federal Register.**

An active certification covering the workers of Newell Company, Acme Frame—a/k/a Intercraft, Harrisburg, Arkansas is already in effect (TA–W–34,378B). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 15th day of May, 1998.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 98–14206 Filed 5–28–98; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal Statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be

impractical and contrary to the to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register,** or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5, The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Massachusetts
MA980001 (Feb. 13, 1998)
MA980002 (Feb. 13, 1998)
MA980003 (Feb. 13, 1998)
MA980005 (Feb. 13, 1998)
MA980007 (Feb. 13, 1998)
MA980008 (Feb. 13, 1998)
MA980013 (Feb. 13, 1998)
MA980017 (Feb. 13, 1998)
MA980018 (Feb. 13, 1998)
MA980019 (Feb. 13, 1998)
MA980020 (Feb. 13, 1998)
MA980021 (Feb. 13, 1998)
New Jersey
NJ980002 (Feb. 13, 1998)

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Pennsylvania
PA980005 (Feb. 13, 1998)
PA980006 (Feb. 13, 1998)
PA980014 (Feb. 13, 1998)
PA980023 (Feb. 13, 1998)
PA980024 (Feb. 13, 1998)

Volume III

Florida
FL980009 (Feb. 13, 1998)
FL980015 (Feb. 13, 1998)
FL980017 (Feb. 13, 1998)

Volume IV

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MI980001 (Feb. 13, 1998)
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MI980003 (Feb. 13, 1998)
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MI980084 (Feb. 13, 1998)

Volume V

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TX980009 (Feb. 13, 1998)
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Texas
TX980055 (Feb. 13, 1998)
TX980060 (Feb. 13, 1998)
TX980061 (Feb. 13, 1998)
TX980062 (Feb. 13, 1998)
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WA980026 (Feb. 13, 1998)

Volume VII

California
CA980029 (Feb. 13, 1998)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts." This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 21 day of May 1998.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 98–14085 Filed 5–28–98; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 98–23; Exemption Application No. D–10213, et al.]

Grant of Individual Exemptions; Bankers Trust Company

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Bankers Trust Company (Bankers Trust) Located in New York, New York

[Prohibited Transaction Exemption 98–23; Exemption Application No. D–10213]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, effective February 16, 1996, to the: (1) lending of certain securities to BT Alex. Brown Incorporated, Bankers Trust International PLC, and Bankers Trust (Australia) Limited (and their corporate successors), which are affiliates of Bankers Trust, (collectively; the Affiliated Borrowers), by certain employee benefit plans (including commingled investment funds holding plan assets) (the Client Plans), for which Bankers Trust and certain other affiliates (the BT Group) act as the directed trustee or custodian or securities lending agent or sub-agent; [1] and (2) receipt of compensation by the BT Group in connection with these transactions; provided that the following conditions are satisfied:

1. Neither the Affiliated Borrowers nor the BT Group has or exercises discretionary authority or control with respect to the investment of the assets of the Client Plans involved in the transaction (other than with respect to the investment of cash collateral after securities have been loaned and collateral received), or renders investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to those assets, including decisions concerning a Client Plan's acquisition and disposition of securities available for loan.

2. Before a Client Plan participates in a securities lending program and before any loan of securities to the Affiliated Borrowers is affected, a Client Plan fiduciary who is independent of the BT Group and the Affiliated Borrowers must have:

(a) Authorized and approved a securities lending authorization agreement with the BT Group, where the BT Group is acting as the securities lending agent;

(b) Authorized and approved the primary securities lending authorization agreement with the primary lending agent, where BT Group is lending securities under a sub-agency arrangement with the primary lending agent; [2] and

(c) Approved the general terms of the securities loan agreement (the Loan Agreement) between such Client Plan and the Affiliated Borrowers, the specific terms of which are negotiated and entered into by BT Group.

3. The Client Plan may terminate the agency or sub-agency agreement at any time without penalty to such plan on five (5) business days notice, whereupon the Affiliated Borrowers shall deliver securities identical to the borrowed securities (or the equivalent in the event of reorganization, recapitalization or merger of the issuer of the borrowed securities) to the plan within (a) the customary delivery period for such securities, (b) five (5) business days, or (c) the time negotiated for such delivery by the Client Plan and the Affiliated Borrowers, whichever is less.

4. The Client Plan will receive from the Affiliated Borrowers (either by physical delivery or by book entry in a securities depository located in the United States, wire transfer or similar means) by the close of business on or before the day on which the loaned securities are delivered to the Affiliated Borrowers, collateral consisting of U.S. currency, securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities, or an irrevocable bank letter of credit issued by a U.S. bank, which is a person other than the Affiliated Borrowers or an affiliate thereof, or any combination thereof, or other collateral permitted under Prohibited Transaction Exemption (PTE) 81–6 (as amended from time to time or, alternatively, any additional or superceding class exemption that may be issued to cover securities lending by employee benefit plans), having, as of the close of business on the preceding business day, a market value (or, in the case of a letter of credit, a stated amount) initially equal to at least 102 percent of the market value of the loaned securities.

[1] The applicant represents that because Bankers Trust may add new affiliates, the entities comprising the BT Group may change. However, the Affiliated Borrowers will always be BT Alex. Brown Incorporated, Bankers Trust International PLC and Bankers Trust (Australia) Limited (and their corporate successors) for purposes of this exemption.

[2] When the BT Group acts as sub-agent, rather than the primary lending agent, the primary lending agent is receiving no section 406(b) of the Act relief herein. In such situations, the primary lending agent may be provided relief by Prohibited Transaction Class Exemption (PTE) 81–6 and PTE 82–63. PTE 81–6 was published at 46 FR 7527, January 23, 1981, as amended at 52 FR 18754, May 19, 1987, and PTE 82–63 was published at 47 FR 14804, April 6, 1982.

If the market value of the collateral on the close of trading on a business day is less than 100 percent of the market value of the borrowed securities at the close of business on that day, the Affiliated Borrowers will deliver additional collateral on the following day such that the market value of the collateral in the aggregate will again equal 102 percent. The Loan Agreement will give the Client Plan a continuing security interest in, title to, or the rights of a secured creditor with respect to the collateral and a lien on the collateral. The BT Group will monitor the level of the collateral daily.

5. When the BT Group lends securities to the Affiliated Borrowers, the following conditions must be met: (a) the collateral will be maintained in U.S. dollars, U.S. dollar-denominated securities or letters of credit of U.S. Banks, or any combination thereof, or other collateral permitted under PTE 81–6 (as amended from time to time or, alternatively, any additional or superceding class exemption that may be issued to cover securities lending by employee benefit plans);[3] (b) all collateral will be held in the United States; (c) the situs of the loan agreement will be maintained in the United States; (d) the lending Client Plans will be indemnified by Bankers Trust in the United States for any transactions covered by this exemption with the foreign Affiliated Borrowers so that the Client Plans will not have to litigate in a foreign jurisdiction nor sue the foreign Affiliated Borrowers to realize on the indemnification; (e) prior to the transaction, the foreign Affiliated Borrowers will enter into a written agreement with the Client Plan whereby the Affiliated Borrowers consent to the service of process in the United States and to the jurisdiction of the courts of the United States with respect to the transactions described herein; and (f)(1) Bankers Trust International PLC is a deposit taking institution supervised by the Bank of England; and (2) Bankers Trust (Australia) Limited is a merchant bank which is under the jurisdiction of the Federal Reserve Bank of Australia.

6. Before entering into the Loan Agreement and before a Client Plan lends any securities to the Affiliated Borrowers, the Affiliated Borrowers shall have furnished the following items to the Client Plan fiduciary: (a) the most recent available audited and unaudited statement of the Affiliated Borrowers' financial condition; (b) at the time of the loan, the Affiliated Borrowers must give prompt notice to the Client Plan fiduciary of any material adverse changes in the Affiliated Borrowers' financial condition since the date of the most recently financial statement furnished to the Client Plan; and (c) in the event of any such changes, the BT Group will request approval of the Client Plan to continue lending to the Affiliated Borrowers before making any such additional loans. No such new loans will be made until approval is received. Each loan shall constitute a representation by the Affiliated Borrower that there has been no such material adverse change.

7. The Client Plan: (a) receives a reasonable fee that is related to the value of the borrowed securities and the duration of the loan, or (b) has the opportunity to derive compensation through the investment of cash collateral. In the case of cash collateral, the Client Plan may pay a loan rebate or similar fee to the Affiliated Borrower, if such fee is not greater than the fee Client Plan would pay an unrelated party in an arm's length transaction.

8. All procedures regarding the securities lending activities will at a minimum conform to the applicable provisions of PTEs 81–6 and 82–63 (as amended from time to time or, alternatively, any additional or superceding class exemption that may be issued to cover securities lending by employee benefit plans).

9. In the event Bankers Trust International PLC and/or Bankers Trust (Australia) Limited default on a loan, Bankers Trust will liquidate the loan collateral to purchase identical securities for the Client Plan. If the collateral is insufficient to accomplish such purchase, Bankers Trust will indemnify the Client Plan for any shortfall in the collateral plus interest on such amount and any transaction costs incurred (including attorney's fees of the Client Plan for legal actions arising out of the default on the loans or failure to properly indemnify under this provision). Alternatively, if such identical securities are not available on the market, Bankers Trust will pay the Client Plan cash equal to the market value of the borrowed securities as of the date they should have been returned to the Client Plan plus all the accrued financial benefits derived from the beneficial ownership of such loaned securities. The lending Client Plans will be indemnified by Bankers Trust in the United States for any loans to the foreign Affiliated Borrowers.

10. In the event BT Alex. Brown Incorporated, a U.S. registered broker-dealer, defaults on a loan, Bankers Trust will liquidate the loan collateral to purchase identical securities for the Client Plan. If the collateral is insufficient to accomplish such purchase, BT Alex. Brown Incorporated will indemnify the Client Plan for any shortfall in the collateral plus interest on such amount and any transaction costs incurred (including attorney's fees of the Client Plan for legal actions arising out of the default on the loans or failure to properly indemnify under this provision).

11. If the Affiliated Borrowers' default on the securities loan or enter bankruptcy, the collateral will not be available to the Affiliated Borrowers or their creditors, but is used to make the Client Plan whole.

12. The Client Plans will be entitled to the equivalent of all distributions made to holders of the borrowed securities, including all interest, dividends and distributions on the loaned securities during the loan period.

13. Only Client Plans with total assets having an aggregate market value of at least $50 million are permitted to lend securities to the Affiliated Borrowers; provided however, that—

(a) In the case of two or more Client Plans which are maintained by the same employer, controlled group of corporations or employee organization (the Related Client Plans), whose assets are commingled for investment purposes in a single master trust or any other entity the assets of which are "plan assets" under 29 CFR 2510.3–101 (the Plan Asset Regulation), which entity is engaged in securities lending arrangements with the Affiliated Borrowers, the foregoing $50 million requirement shall be deemed satisfied if such trust or other entity has aggregate assets which are in excess of $50 million; provided that if the fiduciary responsible for making the investment decision on behalf of such master trust or other entity is not the employer or an affiliate of the employer, such fiduciary has total assets under its management and control, exclusive of the $50 million threshold amount attributable to plan investment in the commingled entity, which are in excess of $100 million.

(b) In the case of two or more Client Plans which are not maintained by the same employer, controlled group of corporations or employee organization (the Unrelated Client Plans), whose assets are commingled for investment purposes in a group trust or any other form of entity the assets of which are "plan assets" under the Plan Asset Regulation, which entity is engaged in securities lending arrangements with the Affiliated Borrowers, the foregoing $50 million requirement is satisfied if such trust or other entity has aggregate assets which are in excess of $50

[3] See limitations discussed in Item I.5 of the Written Comments.

million (excluding the assets of any Plan with respect to which the fiduciary responsible for making the investment decision on behalf of such group trust or other entity or any member of the controlled group of corporations including such fiduciary is the employer maintaining such Plan or an employee organization whose members are covered by such Plan). However, the fiduciary responsible for making the investment decision on behalf of such group trust or other entity—

(i) Has full investment responsibility with respect to plan assets invested therein; and

(ii) Has total assets under its management and control, exclusive of the $50 million threshold amount attributable to plan investment in the commingled entity, which are in excess of $100 million. (In addition, none of the entities described above are formed for the sole purpose of making loans of securities.)

14. For purposes of this exemption, the Affiliated Borrowers will consist only of BT Alex. Brown Incorporated, Bankers Trust International PLC and Bankers Trust (Australia) Limited, and their corporate successors.

15. In any calendar quarter, on average 50 percent or more of the outstanding dollar value of securities loans negotiated on behalf of the Client Plans by the BT Group in the aggregate will be to borrowers who are not affiliated with the BT Group.

16. The terms of each loan of securities by the Client Plans to any of the Affiliated Borrowers will be at market rates and at terms as favorable to such plans as if made at the same time and under the same circumstances to an unaffiliated party.

17. Each Client Plan will receive a monthly transaction report, including but not limited to the information described in paragraph 24 of the notice of proposed exemption (the Notice), so that the independent fiduciary of such plan may monitor the securities lending transactions with the Affiliated Borrowers.

18. During the notification of interested persons period, all Client Plans (that were Client Plans during this period) received a copy of the notice of pendency of the proposed exemption. In addition, current Client Plans will receive a copy of the final exemption and Bankers Trust will provide a copy of the final exemption to any new Client Plans.

19. Bankers Trust or the Affiliated Borrowers maintain or cause to be maintained within the United States for a period of six years from the date of such transaction such records as are necessary to enable the persons described in paragraph (20) below to determine whether the conditions of this exemption have been met; except that a party in interest with respect to an employee benefit plan, other than Bankers Trust or the Affiliated Borrowers, shall not be subject to a civil penalty under section 502(i) of the Act or the taxes imposed by section 4975(a) or (b) of the Code, if such records are not maintained, or are not available for examination as required by this section, and a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of Bankers Trust or the Affiliated Borrowers, such records are lost or destroyed prior to the end of such six year period.

(20)(i) Except as provided in subparagraph (ii) of this paragraph (20) and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (19) are unconditionally available at their customary location for examination during normal business hours by—

(a) Any duly authorized employee or representative of the Department, the Internal Revenue Service, or the Securities and Exchange Commission,

(b) Any fiduciary of a Client Plan or any duly authorized representative of such fiduciary,

(c) Any contributing employer to any Client Plan, or any duly authorized employee or representative of such employer, and

(d) Any participant or beneficiary of any Client Plan, or any duly authorized representative of such participant or beneficiary.

(ii) None of the persons described in subparagraphs (b)–(d) of this paragraph (20) shall be authorized to examine trade secrets of Bankers Trust or the Affiliated Borrowers, or commercial or financial information which is privileged or confidential.

Effective Date: This exemption is effective as of February 16, 1996.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice published on February 19, 1998 at 63 FR 8482.

Written Comments

The Department received one written comment (the Comment) with respect to the Notice and no requests for a public hearing. The Comment was filed by Bankers Trust and generally requests clarifications and modifications to the Notice. Set forth below in section I is a discussion of those aspects of the Comment which relate to the language of the final exemption (the Exemption). In addition, section II below discusses the aspects of the Comment which relate to the Summary of Facts and Representations (the Summary) contained in the Notice.

I. Discussion of the Comment Regarding the Exemption

1. The introductory paragraph of the Notice proposes to exempt, in relevant part, the lending of securities to certain affiliates of Bankers Trust. Bankers Trust states that BT Securities Corporation has merged with Alex. Brown and Sons, Incorporated. Accordingly, Bankers Trust requests that the term "BT Alex. Brown Incorporated" be substituted for "BT Securities Corporation" in the relevant sections of the Notice.

The Department acknowledges the applicant's request and has modified the Exemption to reflect this substitution.

2. Bankers Trust states that it would like to avoid the need to request a clarification of the Exemption from the Department in the future should another change occur in the names of the entities that comprise the BT Group. Thus, the applicant suggests that the term "Affiliated Borrowers" be defined in the Exemption as BT Alex. Brown Incorporated, Bankers Trust International PLC, and Bankers Trust (Australia) Limited and their corporate successors [emphasis added]. Bankers Trust requests that this modification be made in the introductory paragraph of the operative language of the Exemption, in the last sentence of footnote 1, and elsewhere in the Exemption, as relevant.

The Department concurs with the applicant's suggestion and has modified the Exemption accordingly. However, with respect to corporate successors, the Department notes that the Exemption would not be effective for any new entities created by the sale of the underlying assets of an Affiliated Borrower to an unrelated third party.

3. Bankers Trust comments that the Affiliated Borrowers are sometimes only the securities lending agent and not the custodian or directed trustee of the Client Plan. Therefore, Bankers Trust requests that the word "or" should be substituted for the word "and" in the relevant places of the Exemption to clarify that an Affiliated Borrower may be only the securities agent for the Client Plan.

The Department acknowledges the applicant's clarification and has modified the Exemption accordingly.

4. Condition 3 of the Notice provides, among other things, that the Client Plan may terminate the agency or sub-agency

agreement on five (5) days notice whereupon the Affiliated Borrowers shall deliver certificates for securities identical to the borrowed securities to the Client Plan within a specified time period (as stated therein). Bankers Trust states that because the certificates of securities are not physically delivered to the Client Plan in every instance, the words "* * * certificates for" as used in this Condition should be deleted.

The Department acknowledges the applicant's clarification and has modified Condition 3 of the Exemption accordingly.

5. Condition 5(a) of the Notice requires that when the BT Group lends securities to the Affiliated Borrowers, the collateral will be maintained in U.S. dollars, U.S. dollar-denominated securities or letters of credit of U.S. Banks. The applicant states that when Bankers Trust lends securities to the Affiliated Borrowers under the Exemption, it should be able to use as collateral any property or other arrangement which may be permitted by the Department in a future class exemption for securities lending. Therefore, Bankers Trust suggests adding the following language as an insert at the end of the language contained in Condition 5(a):

* * * or any combination thereof, or other collateral permitted under Prohibited Transaction Exemption (PTE) 81–6 (as amended from time to time or, alternatively, any additional or superceding class exemption that may be issued to cover securities lending by employee benefit plans).

The Department concurs with the applicant's suggested modification and has added the above-referenced language to Condition 5(a) of the Exemption. However, the Department notes that the Exemption provides relief from the restrictions of section 406(a) as well as section 406(b)(1) and (b)(2) of the Act, whereas PTE 81–6 provides relief only for securities lending transactions which would violate section 406(a) of the Act. Thus, any amendments that may be made by the Department to PTE 81–6 which would permit different types of assets to be used as collateral for a securities loan would not allow the use of such assets as collateral under this Exemption to the extent that the transactions covered by this Exemption would require relief from section 406(b) of the Act.

6. Condition 8 of the Notice requires that all procedures regarding the securities lending activities will at a minimum conform to the applicable provisions of PTEs 81–6 and 82–63. Bankers Trust comments that the following language should be added at the end of Condition 8 of the Notice.

* * * (as amended from time to time or, alternatively, any additional or superceding class exemption that may be issued to cover securities lending by employee benefit plans).

The Department concurs with the applicant's suggested modification and has added the above-referenced language to Condition 8 of the Exemption.

7. Condition 13 of the Notice requires that only Client Plans with total assets having an aggregate market value of at least $50 million will be permitted to lend securities to the Affiliated Borrowers. Bankers Trust requests that the Client Plans be permitted to aggregate their assets for purposes of meeting the minimum Plan size requirement for lending securities to the Affiliated Borrowers under the Exemption. Therefore, Bankers Trust recommends that the following language be substituted for Condition 13 of the Notice:

"Only Client Plans with total assets having an aggregate market value of at least $50 million are permitted to lend securities to the Affiliated Borrowers; provided however, that—

(a) In the case of two or more Client Plans which are maintained by the same employer, controlled group of corporations or employee organization (the Related Client Plans), whose assets are commingled for investment purposes in a single master trust or any other entity the assets of which are "plan assets" under 29 CFR 2510.3–101 (the Plan Asset Regulation), which entity is engaged in securities lending arrangements with the Affiliated Borrowers, the foregoing $50 million requirement shall be deemed satisfied if such trust or other entity has aggregate assets which are in excess of $50 million; provided that if the fiduciary responsible for making the investment decision on behalf of such master trust or other entity is not the employer or an affiliate of the employer, such fiduciary has total assets under its management and control, exclusive of the $50 million threshold amount attributable to plan investment in the commingled entity, which are in excess of $100 million.

(b) In the case of two or more Client Plans which are not maintained by the same employer, controlled group of corporations or employee organization (the Unrelated Client Plans), whose assets are commingled for investment purposes in a group trust or any other form of entity the assets of which are "plan assets" under the Plan Asset Regulation, which entity is engaged in securities lending arrangements with the Affiliated Borrowers, the foregoing $50 million requirement is satisfied if such trust or other entity has aggregate assets which are in excess of $50 million (excluding the assets of any Plan with respect to which the fiduciary responsible for making the investment decision on behalf of such group trust or other entity or any member of the controlled group of corporations including such fiduciary is the employer maintaining such Plan or an employee organization whose members are covered by such Plan). However, the fiduciary responsible for making the investment decision on behalf of such group trust or other entity—

(i) Has full investment responsibility with respect to plan assets invested therein; and

(ii) Has total assets under its management and control, exclusive of the $50 million threshold amount attributable to plan investment in the commingled entity, which are in excess of $100 million.

(In addition, none of the entities described above are formed for the sole purpose of making loans of securities.)" [emphasis added]

The Department concurs with this change to the language of Condition 13 of the Notice and has modified the Exemption accordingly.

II. Discussion of the Comment Regarding the Summary

1. Paragraph 4 of the Summary in the Notice contains a discussion regarding Federal Reserve Board's Regulation T. Bankers Trust comments that the Regulation T provision that limited the situations for which securities may be borrowed or lent (the "purpose test") has been amended to reflect recent legislation, and now may not apply to Bankers Trust securities lending activities in every instance. Thus, the representation previously made by Bankers Trust, as stated in the first sentence of Paragraph 4 of the Summary, should be modified to read as follows:

BT Alex. Brown Incorporated, a U.S. registered broker-dealer, will comply with the Federal Reserve Board's Regulation T in its securities lending activities to the extent that Regulation T applies.

The Department concurs with this modification.

2. Paragraph 17 of the Summary discusses the written schedule of lending fees and rebate rates established by the BT Group. In this regard, in order to clarify how these rates may relate to the rates for a particular securities lending transaction with a Client Plan, Bankers Trust requests that the third sentence in Paragraph 17 of the Summary be changed as follows:

In no case will loans be made to the Affiliated Borrowers at rates less favorable to the Client Plans than those on the schedule. [emphasis added]

The Department concurs with this modification.

3. Bankers Trust comments that the BT Group will provide notice of a change in the lending fee formula or

rebate rate formula, as discussed in paragraph 21 of the Summary. However, because the formula rates are designed to vary based on the operation of the formula, the BT Group will provide notice only of the formula change (unless such formula change would always be beneficial to the Client Plans), and not of a decrease or increase in the lending fee or rebate rate itself. Therefore, Bankers Trust states that its previous representations, which are contained in first and second sentences of Paragraph 21 of the Summary, should be clarified as follows:

Should the BT Group recognize prior to the end of a business day that, with respect to new and/or existing loans, it must change the rebate rate formula or lending fee formula in the best interest of Client Plans, it may do so with respect to the Affiliated Borrowers.

If the BT Group changes the lending fee formula or the rebate rate formula on any outstanding loan to the Affiliated Borrower (except for any change resulting from a change in the value of any third party independent index with respect to which the fee or rebate is calculated, or if the formula will always be beneficial to the Client Plan), the BT Group, by the close of business on the date of such adjustment, shall provide the independent fiduciary of the Client Plan with notice that it has changed such fee formula or rebate rate formula with respect to such Affiliated Borrower and that the Client Plan may terminate such loan at any time. [emphasis added]

The Department acknowledges Bankers Trust's request for clarification to the representations contained in Paragraph 21 of the Summary as well as the other clarifications to the current record provided by the applicant.

Therefore, after giving full consideration to the entire record, including the Comment, the Department has decided to grant the exemption, subject to the modifications and clarifications described above. The Comment has been included as part of the public record of the exemption application. The complete exemption file is available for public inspection in the Public Disclosure Room of the Pension and Benefits Administration, Room N–5638, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

For Further Information Contact: Ekaterina A. Uzlyan, U.S. Department of Labor, telephone (202) 219–8883. (This is not a toll-free number.)

Goldman Sachs & Co. (Goldman Sachs) and The Goldman Sachs Trust Company (GSTC) Located in New York, NY

[Prohibited Transaction Exemption 98–24; Exemption Application No. D–10306]

Exemption

The restrictions of sections 406(a)(1)(A) through (D) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, effective July 31, 1996, to the past and continued lending of securities to Goldman Sachs International or any other Goldman Sachs affiliate based in the United Kingdom (together, GSI), Goldman Sachs, affiliated U.S. registered broker-dealers of Goldman Sachs, or Goldman Sachs (Japan), Ltd., including any of its affiliates (together, Goldman Sachs (Japan),[4] by employee benefit plans (the Client Plans), including commingled investment funds holding Plan assets, for which Goldman Sachs Trust Company (GSTC), an affiliate of Goldman Sachs, acts as securities lending agent (or sub-agent) and to the receipt of compensation by GSTC in connection with these transactions, provided that the following conditions are met:

(a) For each Client Plan, neither GSTC, Goldman Sachs nor an affiliate of either has or exercises discretionary authority or control with respect to the investment of the Plan assets involved in the transaction, or renders investment advice (within the meaning of 29 CFR 2510.3–21(c)) with respect to those assets.

(b) Any arrangement for GSTC to lend Plan securities to Goldman Sachs in either an agency or sub-agency capacity is approved in advance by a Plan fiduciary who is independent of Goldman Sachs and GSTC.[5] In this regard, the independent Plan fiduciary also approves the general terms of the securities loan agreement (the Loan Agreement) between the Client Plan and Goldman Sachs, although the specific terms of the Loan Agreement are negotiated and entered into by GSTC and GSTC acts as a liaison between the lender and the borrower to facilitate the lending transaction.

(c) The terms of each loan of securities by a Client Plan to Goldman Sachs is at least as favorable to such Plans as those of a comparable arm's length transaction between unrelated parties.

(d) A Client Plan may terminate the agency or sub-agency arrangement at any time without penalty to such Plan on five business days notice.

(e) The Client Plan receives from Goldman Sachs (either by physical delivery or by book entry in a securities depository located in the United States, wire transfer or similar means) by the close of business on or before the day the loaned securities are delivered to Goldman Sachs, collateral consisting of cash, securities issued or guaranteed by the United States Government or its agencies or instrumentalities, or irrevocable United States bank letters of credit issued by a person other than Goldman Sachs or an affiliate thereof, or any combination thereof, or other collateral permitted under PTE 81–6, as it may be amended or superseded.

(f) As of the close of business on the preceding business day, the fair market value of the collateral initially equals at least 102 percent of the market value of the loaned securities and, if the market value of the collateral falls below 100 percent, Goldman Sachs delivers additional collateral on the following day such that the market value of the collateral again equals 102 percent.

(g) Prior to entering into the Loan Agreement, Goldman Sachs furnishes GSTC its most recently available audited and unaudited statements, which is, in turn, provided to a Client Plan, as well as a representation by Goldman Sachs, that as of each time it borrows securities, there has been no material adverse change in its financial condition since the date of the most recently-furnished statement that has not been disclosed to such Client Plan; provided, however, that in the event of a material adverse change, GSTC does not make any further loans to Goldman Sachs unless an independent fiduciary of the Client Plan is provided notice of any material adverse change and approves the loan in view of the changed financial condition.

(h) In return for lending securities, the Client Plan either—

(1) Receives a reasonable fee, which is related to the value of the borrowed securities and the duration of the loan; or

(2) Has the opportunity to derive compensation through the investment of cash collateral. (Under such

[4] Unless otherwise noted, for purposes of this exemption, Goldman Sachs, the affiliated U.S. registered broker-dealers of Goldman Sachs, GSI and Goldman Sachs (Japan) are collectively referred to herein as Goldman Sachs.

[5] The Department, herein, is not providing exemptive relief for securities lending transactions engaged in by primary lending agents, other than GSTC, beyond that provided pursuant to Prohibited Transaction Exemption (PTE) 81–6 (46 FR 7527, January 23, 1981, as amended at 52 FR 18754, May 19, 1987) and PTE 82–63 (47 FR 14804, April 6, 1982).

circumstances, the Client Plan may pay a loan rebate or similar fee to Goldman Sachs, if such fee is not greater than the fee the Client Plan would pay in a comparable arm's length transaction with an unrelated party.)

(i) All procedures regarding the securities lending activities conform to the applicable provisions of Prohibited Transaction Exemptions PTE 81–6 and PTE 82–63 as well as to applicable securities laws of the United States, the United Kingdom or Japan.

(j) Each Goldman Sachs entity indemnifies and holds harmless each lending Client Plan in the United States against any and all losses, damages, liabilities, costs and expenses (including attorney's fees) which the Client Plan may incur or suffer directly arising out of the lending of securities of such Client Plan to such Goldman Sachs entity. In the event that GSI or Goldman Sachs (Japan) defaults on a loan, GSTC will liquidate the loan collateral to purchase identical securities for the Client Plan. If the collateral is insufficient to accomplish such purchase, GSTC will indemnify the Client Plan for any shortfall in the collateral plus interest on such amount and any transaction costs incurred (including attorney's fees of the Client Plan for legal actions arising out of the default on the loans or failure to properly indemnify under such provisions). Alternatively, if such identical securities are not available on the market, GSTC will pay the Client Plan cash equal to (1) the market value of the borrowed securities as of the date they should have been returned to the Client Plan, plus (2) all the accrued financial benefits derived from the beneficial ownership of such loaned securities as of such date, plus (3) interest from such date to the date of payment.

(k) The Client Plan receives the equivalent of all distributions made to holders of the borrowed securities during the term of the loan, including, but not limited to, cash dividends, interest payments, shares of stock as a result of stock splits and rights to purchase additional securities, or other distributions.

(l) Except for Client Plans which have or had outstanding securities loans to Goldman Sachs before February 19, 1998, Goldman Sachs provides, prior to any Client Plan's approval of the lending of its securities to Goldman Sachs, copies of the notice of proposed exemption (the Notice) and the final exemption. With respect to Client Plans which have or had outstanding securities loans to Goldman Sachs through GSTC prior to February 19, 1998, GSTC provides such Plans with copies of the Notice.

(m) Each Client Plan receives monthly reports with respect to its securities lending transactions, including, but not limited to the information described in Representation 31 of the Notice, so that an independent fiduciary of the Client Plan may monitor such transactions with Goldman Sachs.

(n) Only Client Plans with total assets having an aggregate market value of at least $50 million are permitted to lend securities to Goldman Sachs; provided, however, that—

(1) In the case of two or more Client Plans which are maintained by the same employer, controlled group of corporations or employee organization (the Related Client Plans), whose assets are commingled for investment purposes in a single master trust or any other entity the assets of which are "plan assets" under 29 CFR 2510.3–101 (the Plan Asset Regulation), which entity is engaged in securities lending arrangements with Goldman Sachs, the foregoing $50 million requirement shall be deemed satisfied if such trust or other entity has aggregate assets which are in excess of $50 million; provided that if the fiduciary responsible for making the investment decision on behalf of such master trust or other entity is not the employer or an affiliate of the employer, such fiduciary has total assets under its management and control, exclusive of the $50 million threshold amount attributable to plan investment in the commingled entity, which are in excess of $100 million.

(2) In the case of two or more Client Plans which are not maintained by the same employer, controlled group of corporations or employee organization (the Unrelated Client Plans), whose assets are commingled for investment purposes in a group trust or any other form of entity the assets of which are "plan assets" under the Plan Asset Regulation, which entity is engaged in securities lending arrangements with Goldman Sachs, the foregoing $50 million requirement is satisfied if such trust or other entity has aggregate assets which are in excess of $50 million (excluding the assets of any Plan with respect to which the fiduciary responsible for making the investment decision on behalf of such group trust or other entity or any member of the controlled group of corporations including such fiduciary is the employer maintaining such Plan or an employee organization whose members are covered by such Plan). However, the fiduciary responsible for making the investment decision on behalf of such group trust or other entity—

(i) Has full investment responsibility with respect to plan assets invested therein; and

(ii) Has total assets under its management and control, exclusive of the $50 million threshold amount attributable to plan investment in the commingled entity, which are in excess of $100 million.

(In addition, none of the entities described above are formed for the sole purpose of making loans of securities.)

(o) With respect to any calendar quarter, at least 50 percent or more of the outstanding dollar value of securities loans negotiated on behalf of Client Plans will be to unrelated borrowers.

(p) In addition to the above, all loans involving GSI and Goldman Sachs (Japan), have the following supplemental requirements:

(1) Such broker-dealer is registered as a broker-dealer with the Securities and Futures Authority of the United Kingdom or with the Ministry of Finance and the Tokyo Stock Exchange;

(2) Such broker-dealer is in compliance with all applicable provisions of Rule 15a–6 (17 CFR 240.15a–6) under the Securities Exchange Act of 1934 which provides for foreign broker-dealers a limited exemption from United States registration requirements;

(3) All collateral is maintained in United States dollars or dollar-denominated securities or letters of credit;

(4) All collateral is held in the United States and GSTC maintains the situs of the securities Loan Agreements in the United States under an arrangement that complies with the indicia of ownership requirements under section 404(b) of the Act and the regulations promulgated under 29 CFR 2550.404(b)–1; and

(5) GSI or Goldman Sachs (Japan) provides Goldman Sachs a written consent to service of process in the United States for any civil action or proceeding brought in respect of the securities lending transaction, which consent provides that process may be served on such borrower by service on Goldman Sachs.

(q) Goldman Sachs and its affiliates maintain, or cause to maintain within the United States for a period of six years from the date of such transaction, in a manner that is convenient and accessible for audit and examination, such records as are necessary to enable the persons described in paragraph (r)(1) to determine whether the conditions of the exemption have been met, except that—

(1) A prohibited transaction will not be considered to have occurred if, due

to circumstances beyond the control of Goldman Sachs and/or its affiliates, the records are lost or destroyed prior to the end of the six year period; and

(2) No party in interest other than Goldman Sachs shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained, or are not available for examination as required below by paragraph (r)(1).

(r)(1) Except as provided in subparagraph (r)(2) of this paragraph and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (q) are unconditionally available at their customary location during normal business hours by:

(i) Any duly authorized employee or representative of the Department, the Internal Revenue Service or the Securities and Exchange Commission (the SEC);

(ii) Any fiduciary of a participating Client Plan or any duly authorized representative of such fiduciary;

(iii) Any contributing employer to any participating Client Plan or any duly authorized employee representative of such employer; and

(iv) Any participant or beneficiary of any participating Client Plan, or any duly authorized representative of such participant or beneficiary.

(r)(2) None of the persons described above in paragraphs (r)(1)(ii)–(r)(1)(iv) of this paragraph (r)(1) are authorized to examine the trade secrets of Goldman Sachs or commercial or financial information which is privileged or confidential.

Effective date: This exemption is effective as of July 31, 1996.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice published on February 19, 1998 at 63 FR 8489.

Written Comments

The Department received one written comment with respect to the Notice and no requests for a public hearing. The comment, which was submitted by Goldman Sachs, suggested modifications to the operative language of the Notice and recommended certain changes to the Summary of Facts and Representations (the Summary) of the Notice. Presented below are the modifications requested by Goldman Sachs and the Department's accompanying responses.

1. *Condition (l).* Condition (l) of the Notice requires that GSTC provide a copy of the proposed and final exemption to Client Plans prior to such plans' approval of loans to Goldman Sachs. Given that the relief requested is retroactive, Goldman Sachs proposes to amend Condition (l) by inserting the following phrase at the beginning of this provision: "Except for Client Plans which have or had outstanding securities loans to Goldman through GSTC prior to February 19, 1998." In addition, Goldman Sachs suggests adding the following sentence to the end of Condition (l): "With respect to Client Plans which have or had outstanding securities loans to Goldman through GSTC prior to February 19, 1998, GSTC will provide such Plans with the notice of pendency as set forth in the Notice to Interested Persons section of the proposed exemption." In response, the Department has modified Condition (l) of the Notice to read as follows:

(1) Except for Client Plans which have or had outstanding securities loans to Goldman Sachs before February 19, 1998, Goldman Sachs provides, prior to any Client Plan's approval of the lending of its securities to Goldman Sachs, copies of the notice of proposed exemption (the Notice) and the final exemption. With respect to Client Plans which have or had outstanding securities loans to Goldman Sachs through GSTC prior to February 19, 1998, GSTC provides such Plans with copies of the Notice.

2. *Representations 7 and 8.* Representations 7 and 8 of the Summary discuss compliance provisions with Rule 15a–6 of the 1934 Act by Goldman Sachs, GSI and Goldman Sachs (Japan). As noted in the Summary, Rule 15a–6 provides foreign broker-dealers with a limited exemption from SEC registration requirements and offers additional protections. Goldman Sachs states that some of the provisions of Rule 15a–6 have been changed or modified as a result of an SEC No-Action Letter obtained by its counsel on behalf of it and a group of broker-dealers on April 9, 1997.[6] Although Goldman Sachs represents that it intends to comply with any applicable provisions of Rule 15a–6 as it may change from time to time, for the sake of accuracy, it requests that Representations 7 and 8 be amended to reflect the rule and the no-action relief. Accordingly, Goldman Sachs suggests the following changes which have been made by the Department:

a. *Footnote 14.* Footnote 14 of the Summary states that GSI and Goldman Sachs (Japan) may rely on a U.S. bank or trust company, including GSTC, instead of relying on a U.S. broker-dealer. Goldman Sachs requests that Footnote 14 of the Summary be moved to the end of the third sentence of Representation 7.

b. *Addition of Footnote to Representation 7.* Goldman Sachs suggests that a new footnote be inserted at the end of Representation 7 which would read as follows:

"See also SEC No-Action Letter issued to Cleary, Gottlieb, Steen & Hamilton on April 9, 1997 (hereinafter, "the April 9 No-Action Letter"), expanding the definition of "Major U.S. Institutional Investor."

c. *Addition of Footnote to Representation 8(c)(5).* Representation 8(c)(5) of the Summary states that a foreign broker-dealer that induces or attempts to induce the purchase or sale of any security by a U.S. institutional or major institutional investor must "receive, deliver and safeguard funds and securities in connection with transactions on behalf of the U.S. institutional investor or U.S. major institutional investor in compliance with Rule 15c3–3 of the 1934 Act (Customer Protection—Reserves and Custody of Securities)." To update this provision, Goldman Sachs requests that the following footnote be placed at the end of paragraph (c)(5) of Representation 8:

"Under certain circumstances described in the April 9, 1997 No-Action Letter (e.g., clearance and settlement transactions), there may be direct transfers of funds and securities between the Client Plan and GSI and Goldman Sachs (Japan). Goldman Sachs notes that in such situations, the U.S. registered broker-dealer will not be acting as a principal with respect to any duties it is required to undertake pursuant to Rule 15a–6."

d. *Modification of Representation 8(c)(6).* Representation 8(c)(6) of the Summary states that a foreign broker-dealer that induces or attempts to induce the purchase or sale of any security by a U.S. institutional or major institutional investor must "participate in all oral communications (e.g., telephone calls) between the foreign associated person and the U.S. institutional investor (not the U.S. major institutional investor), and accompany the foreign associated person on all visits with both U.S. institutional and major institutional investors. By virtue of this participation, the U.S. registered broker-dealer would become responsible for the content of all these communications."

Given that the relief granted in the April 9, 1997 No-Action Letter significantly modified the "chaperoning" requirements of Rule 15a–6 to provide, under certain

[6] See SEC No-Action Letter dated April 9, 1997 to Giovanni P. Prezioso, Esq. of Cleary, Gottlieb, Steen & Hamilton regarding Securities Activities of U.S-Affiliated Foreign Dealers.

circumstances, direct communications and contact between the foreign broker-dealer and the U.S. Institutional Investor, Goldman Sachs requests that the reference to "all communications" and "all visits" be amended to read "certain communications" and "certain visits." In addition, Goldman Sachs requests that the last sentence of Representation 8(c)(6) be deleted and the following footnote be added to the end of such section to read:

"Under certain circumstances, the foreign associated person may have direct communications and contact with the U.S. Institutional Investor. See April 9 SEC No-Action Letter."

3. *Representation 12.* The second sentence of Representation 12 states that "for each Plan, neither GSTC, Goldman Sachs nor any affiliate will have no discretionary authority or control or render investment advice over Client Plans' decisions concerning the acquisition or disposition of securities available for loan." Goldman Sachs requests that the word "no," which precedes the word "discretionary" be deleted from this sentence as it is in error. The Department concurs with this change and has made the required modification.

4. *Representation 15.* The third paragraph of Representation 15 states that the provisions of the Sub-Agency Agreement will be comparable to those of the Agency Agreement but it erroneously cross-references the Agency Agreement to Representation 9. Goldman Sachs wishes to point out that the correct cross-reference should be to Representation 14 rather than Representation 9. The Department concurs with this change and has made the required modification.

5. *Representation 24.* Goldman Sachs states that the fourth sentence of Representation 24 contains a typographical error in that the parenthetical should end after the phrase "from such loan" instead of at the end of the sentence. Therefore, the Department has revised this sentence to read as follows:

With respect to any loan to Goldman Sachs, GSTC will never negotiate a rebate rate with respect to such loan which would be expected to produce a zero or negative return to the Client Plan (assuming no default on the investments related to the cash collateral from such loan) where GSTC has investment discretion over the cash collateral.

6. *Representation 33 and Condition (n).* Representation 22 of the Summary and Condition (n) of the Notice exclude from the securities lending program commingled trust funds which contain plan assets of more than one employer if the fiduciary responsible for making the investment decision is one of the Client Plan's employers. Goldman Sachs does not believe this restriction is necessary because it would preclude the State Street Collective Trust Funds from using GSTC as a securities lending agent and lending to Goldman Sachs under the exemption if one of State Street's employee benefit plans were invested in the fund, even though the fund would otherwise comply with the $50 million in assets requirement and State Street as a fiduciary to the fund would otherwise satisfy the $100 million under management requirement. Therefore, Goldman Sachs suggests that the Department revise paragraph (n)(2) of the Conditions and subclause (a) of the second paragraph of Representation 33 to read as follows:

(2) In the case of two or more Client Plans which are not maintained by the same employer, controlled group of corporations or employee organization (the Unrelated Client Plans), whose assets are commingled for investment purposes in a group trust or any other form of entity the assets of which are "plan assets" under the Plan Asset Regulation, which entity is engaged in securities lending arrangements with Goldman Sachs, the foregoing $50 million requirement is satisfied if such trust or other entity has aggregate assets which are in excess of $50 million (excluding the assets of any Plan with respect to which the fiduciary responsible for making the investment decision on behalf of such group trust or other entity or any member of the controlled group of corporations including such fiduciary is the employer maintaining such Plan or an employee organization whose members are covered by such Plan). However, the fiduciary responsible for making the investment decision on behalf of such group trust or other entity—

(i) Has full investment responsibility with respect to plan assets invested therein; and

(ii) Has total assets under its management and control, exclusive of the $50 million threshold amount attributable to plan investment in the commingled entity, which are in excess of $100 million.

After considering this comment, the Department has made the changes suggested by Goldman Sachs.

For further information regarding Goldman Sachs's comments or other matters discussed herein, interested persons are encouraged to obtain copies of the exemption application file (Exemption Application No. D–10306) the Department is maintaining in this case. The complete application file, as well as all supplemental submissions received by the Department, are made available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, Room N–5638, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Accordingly, after giving full consideration to the entire record, including the written comments provided by Goldman Sachs, the Department has made the aforementioned changes to the Notice. In addition, the Department has decided to grant the exemption subject to the modifications or clarifications described above.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 22nd day of May, 1998.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 98–14197 Filed 5–28–98; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–10503, et al.]

Proposed Exemptions; Sanwa Bank California

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) the name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Attention: Application No. , stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5507, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Sanwa Bank California (Sanwa Bank) Located in Los Angeles, CA

[Application No. D–10503]

Proposed Exemption

Section I. Proposed Exemption for the In-Kind Transfers of Assets

If the exemption is granted, the restrictions of section 406(a) and section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (F) shall not apply, effective October 31, 1997, to the purchase, by an employee benefit plan established and maintained by parties other than Sanwa Bank (the Client Plan) or by Sanwa Bank (the Bank Plan) [1] of shares of one or more open-end management investment companies (the Fund or Funds), registered under the Investment Company Act of 1940, as amended (the 1940 Act), in exchange for assets of the Plan transferred in-kind to the Fund by a collective investment fund (the CIF) maintained by Sanwa Bank, where Sanwa Bank is the investment adviser and may provide other services to the Fund (the Secondary Services), as defined in Section III(i), and where Sanwa Bank is also a fiduciary of the Plan, in connection with the termination of such CIFs.

[1] Unless otherwise noted, the Client Plans and the Bank Plans are collectively referred to as the Plans.

This proposed exemption is subject to the following conditions:

(a) A fiduciary (the Second Fiduciary), as defined in Section III(h), which is acting on behalf of each affected Plan and which is independent of and unrelated to Sanwa Bank, receives advance written notice of the in-kind transfer of assets of the CIFs in exchange for shares of the Funds and full written disclosures of information concerning the Funds which includes the following:

(1) A current prospectus for each Fund in which the Client Plan may invest;

(2) A statement describing the fees for investment advisory or other similar services, any fees for Secondary Services, as defined in Section III(i), and all other fees to be charged to or paid by the Client Plan and by such Funds to Sanwa Bank, including the nature and extent of any differential between the rates of such fees;

(3) A statement of the reasons why Sanwa Bank may consider such investment to be appropriate for the Client Plan;

(4) A statement of whether there are any limitations applicable to Sanwa Bank with respect to which assets of a Client Plan may be invested in Fund shares, and, if so, the nature of such limitations; and

(5) A copy of the proposed exemption and/or a copy of the final exemption upon the request of the Second Fiduciary.

(b) On the basis of the foregoing information, the Second Fiduciary gives prior approval in writing for each purchase of Fund shares in exchange for the Plan's assets transferred from the CIF, consistent with the responsibilities, obligations and duties imposed on fiduciaries by Part 4 of Title I of the Act. In addition, the Second Fiduciary gives prior approval in writing of the receipt of confirmation statements described in Section I(g) by facsimile or electronic mail if the Second Fiduciary elects to receive such statements in that form.

(c) No sales commissions or other fees are paid by the Plan in connection with the purchase of Fund shares.

(d) All transferred assets are securities for which market quotations are readily available, or cash.

(e) The transferred assets constitute a *pro rata* portion of all assets of a Plan held in the CIF immediately prior to the transfer. Notwithstanding the foregoing, the allocation of fixed-income securities held by a CIF among Plans on the basis of each Plan's *pro rata* share of the aggregate value of such securities will not fail to meet the requirements of this subsection if:

(1) The aggregate value of such securities does not exceed one (1) percent of the total value of the assets held by the CIF immediately prior to the transfer, in connection with the termination of such CIF; and

(2) Such securities have the same coupon rate and maturity, and at the time of the transfer, the same credit ratings from nationally recognized statistical rating agencies.

(f) Each Plan receives Fund shares that have a total net asset value equal to the value of the Plan's transferred assets on the date of the transfer, as determined with respect to securities in a single valuation performed in the same manner and at the close of business on the same day in accordance with Rule 17a–7 (using sources independent of Sanwa Bank and the Fund) and the procedures established by the Funds pursuant to Rule 17a–7. Such procedures must require that all securities for which a current market price cannot be obtained by reference to the last sale price for transactions reported on a recognized securities exchange or NASDAQ be valued based on an average of the highest current independent bid and lowest current independent offer, as of the close of business on the last business day prior to the in-kind transfers, determined on the basis of reasonable inquiry from at least three sources that are broker-dealers or pricing services independent of Sanwa Bank.

(g) Sanwa Bank sends by regular mail or, if applicable, by facsimile or electronic mail, to the Second Fiduciary of each affected Plan that purchases Fund shares in connection with the in-kind transfer, the following information:

(1) No later than 30 days after the completion of the purchase, a written confirmation which contains—

(A) The identity of each transferred security that was valued for purposes of the transaction in accordance with Rule 17a–7(b)(4);

(B) The current market price, as of the date of the in-kind transfer, of each such security involved in the transaction; and

(C) The identity of each pricing service or market-maker consulted in determining the current market price of such securities.

(2) No later than 105 days after the completion of each purchase, a written confirmation which contains —

(A) The number of CIF units held by each affected Plan immediately before the in-kind transfer, the related per unit value, and the total dollar amount of such CIF units; and

(C) The number of shares in the Funds that are held by each affected Plan immediately following the in-kind transfer, the related per share net asset value and the total dollar amount of such shares.

(h) The conditions set forth in Sections II(d), (e), (n)(1), (o), (p) and (q) are satisfied.

Section II. Proposed Exemption for the Receipt of fees From the Funds

If the exemption is granted, the restrictions of section 406(a) and section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code shall not apply, effective October 31, 1997, to (1) the receipt of fees by Sanwa Bank from the Funds for investment advisory services provided to the Funds; and (2) the receipt or retention of fees by Sanwa Bank from the Funds for acting as a custodian or shareholder serving agent to the Funds, as well as for providing any other services to the Funds which are not investment advisory services (i.e., the Secondary Services), as defined in Section III(i), in connection with the investment of shares in the Funds by the Client Plans for which Sanwa Bank acts as a fiduciary,[2] provided that the following conditions are met:

(a) No sales commissions are paid by the Client Plans in connection with purchases or redemptions of shares of the Funds and no redemption fees are paid in connection with the sale of such shares by the Client Plans to the Funds.

(b) The price paid or received by the Client Plans for shares in the Funds is the net asset value per share, as defined in Section III(e), at the time of the transaction and is the same price which would have been paid or received for the shares by any other investor at that time.

(c) Sanwa Bank, any of its affiliates or their officers or directors do not purchase from or sell to any of the Client Plans shares of any of the Funds.

(d) For each Client Plan, the combined total of all fees received by Sanwa Bank for the provision of services to such Plan, and in connection with the provision of services to any of the Funds in which the Client Plans may invest, is not in excess of "reasonable compensation" within the meaning of section 408(b)(2) of the Act.

(e) Sanwa Bank does not receive any fees payable, pursuant to Rule 12b–1 (the 12b–1 Fees) under the 1940 Act in connection with the transactions involving the Funds.

(f) A Second Fiduciary with respect to a Client Plan receives in advance of the investment by the Client Plan in any of the Funds, a full and detailed written disclosure of information concerning such Fund including, but not limited to the disclosures described above in Section I(a).

(g) On the basis of the foregoing information, the Second Fiduciary authorizes in writing—

(1) The investment of assets of the Client Plan in shares of the Fund;

(2) The Funds in which the assets of the Client Plan may be invested; and

(3) The fees received by Sanwa Bank in connection with investment advisory services and Secondary Services provided to the Funds, such authorization by the Second Fiduciary to be consistent with the responsibilities obligations, and duties imposed on fiduciaries by Part 4 of Title I of the Act.

(h) The authorization, described in Section II(g) is terminable at will by the Second Fiduciary of a Client Plan, without penalty to such Client Plan. Such termination will be effected by Sanwa Bank redeeming the shares of the Funds held by the affected Client Plan within one business day following receipt by Sanwa Bank, either by mail, hand delivery, facsimile, or other available means at the option of the Second Fiduciary, of written notice of termination (the Termination Form), as defined in Section III(j); provided that if, due to circumstances beyond the control of Sanwa Bank, the redemption cannot be executed within one business day, Sanwa Bank shall have one additional business day to complete such redemption.

(i) The Client Plans do not pay any Plan-level investment advisory fees to Sanwa Bank with respect to any of the assets of such Client Plans which are invested in shares of the Funds. This condition does not preclude the payment of investment advisory fees by the Funds to Sanwa Bank under the terms of an investment advisory agreement adopted in accordance with section 15 of the 1940 Act or other agreement between Sanwa Bank and the Funds or the retention by Sanwa Bank of fees for Secondary Services paid to Sanwa Bank by the Funds.

[2] Sanwa Bank is not requesting an exemption for investments in the Funds by the Bank Plans. Sanwa Bank represents that the Bank Plans may acquire or sell shares of the Funds pursuant to Prohibited Transaction Exemption (PTE) 77–3 (42 FR 18734, April 8, 1977). PTE 77–3 permits the acquisition or sale of shares of a registered, open-end investment company by an employee benefit plan covering only employees of such investment company, employees of the investment adviser or principal underwriter for such investment company, or employees of any affiliated person (as defined therein) of such investment adviser or principal underwriter, provided certain conditions are met. The Department expresses no opinion on whether any transactions with the Funds by the Bank Plans would be covered by PTE 77–3.

(j) In the event of an increase in the rate of any fees paid by the Funds to Sanwa Bank regarding investment advisory services that Sanwa Bank provides to the Funds over an existing rate for such services that had been authorized by a Second Fiduciary of a Client Plan, in accordance with Section II(g), Sanwa Bank will, at least 30 days in advance of the implementation of such increase, provide a written notice (which may take the form of a proxy statement, letter, or similar communication that is separate from the prospectus of the Fund and which explains the nature and amount of the increase in fees) to the Second Fiduciary of each Client Plan invested in a Fund which is increasing such fees. Such notice shall be accompanied by the Termination Form, as defined in Section III(j).

(k) In the event of an (1) addition of a Secondary Service, as defined in Section III(i), provided by Sanwa Bank to the Funds for which a fee is charged or (2) an increase in the rate of any fee paid by the Funds to Sanwa Bank for any Secondary Service that results either from an increase in the rate of such fee or from the decrease in the number or kind of services performed by Sanwa Bank for such fee over an existing rate for such Secondary Service which had been authorized by the Secondary Fiduciary in accordance with Section II(g), Sanwa Bank will, at least 30 days in advance of the implementation of such Secondary Service or fee increase, provide a written notice (which may take the form of a proxy statement, letter, or similar communication that is separate from the prospectus of the Funds and which explains the nature and amount of the additional Secondary Service for which a fee is charged or the nature and amount of the increase in fees) to the Second Fiduciary of each of the Client Plans invested in a Fund which is adding a service or increasing fees. Such notice shall be accompanied by the Termination Form, as defined in Section III(j).

(l) The Second Fiduciary is supplied with a Termination Form at the times specified in Sections II(j),(k) and (m), which expressly provides an election to terminate the authorization, described above Section II(g), with instructions regarding the use of such Termination Form including statements that—

(1) The authorization is terminable at will by any of the Client Plans, without penalty to such Plans. The termination will be effected by Sanwa Bank redeeming shares of the Funds held by the Client Plans requesting termination within the period of time specified by the Client Plan, but not later than one business day following receipt by Sanwa Bank from the Second Fiduciary of the Termination Form or any written notice of termination; provided that if, due to circumstances beyond the control of Sanwa Bank, the redemption of shares of such Client Plan cannot be executed within one business day, Sanwa Bank shall have one additional business day to complete such redemption; and

(2) Failure by the Second Fiduciary to return the Termination Form on behalf of the Client Plan will be deemed to be an approval of the additional Secondary Service for which a fee is charged or an increase in the rate of any fees and will result in the continuation of the authorization, as described in Section II(g), of Sanwa Bank to engage in the transactions on behalf of the Client Plan;

(m) The Second Fiduciary is supplied with a Termination Form at least once in each calendar year, beginning with the calendar year that begins after the grant of this proposed exemption is published in the **Federal Register** and continuing for each calendar year thereafter, provided that the Termination Form need not be supplied to the Second Fiduciary, pursuant to this paragraph, sooner than six months after such Termination Form is supplied pursuant to Sections II(j) and (k), except to the extent required by Sections II(j) and (k) to disclose an additional Secondary Service for which a fee is charged or an increase in fees.

(n)(1) With respect to each of the Funds in which a Client Plan invests, Sanwa Bank will provide the Second Fiduciary of such Plan the following information:

(A) At least annually, a copy of an updated prospectus of such Fund; and

(B) Upon the request of the Second Fiduciary, a report or statement (which may take the form of the most recent financial report, the current statement of additional information, or some other written statement) which contains a description of all fees paid by the Fund to Sanwa Bank.

(2) With respect to each of the Funds in which a Client Plan invests, in the event such Fund places brokerage transactions with Sanwa Bank, Sanwa Bank will provide the Second Fiduciary of such Client Plan at least annually with a statement specifying—

(A) The total, expressed in dollars, brokerage commissions of each Fund that are paid to Sanwa Bank by such Fund;

(B) The total, expressed in dollars, brokerage commissions of each Fund that are paid by such Fund to brokerage firms unrelated to Sanwa Bank;

(C) The average brokerage commissions per share, expressed as cents per share, paid to Sanwa Bank by each Fund; and

(D) The average brokerage commissions per share, expressed as cents per share, paid by each Fund to brokerage firms unrelated to Sanwa Bank.

(o) All dealings between the Client Plans and any of the Funds are on a basis no less favorable to such Client Plans than dealings between the Funds and other non-Plan shareholders holding the same class of shares as the Client Plans.

(p) Sanwa Bank maintains for a period of 6 years, in a manner that is accessible for audit and examination, the records necessary to enable the persons, described in Section II(q), to determine whether the conditions of this exemption have been met, except that—

(1) A prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of Sanwa Bank, the records are lost or destroyed prior to the end of the 6 year period; and

(2) No party in interest, other than Sanwa Bank, shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by Section II(q).

(q)(1) Except as provided in paragraph (q)(2) of this Section II and notwithstanding any provisions of subsection (a)(2) and (b) of section 504 of the Act, the records referred to in Section II(p) are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department, the Internal Revenue Service (the Service) or the Securities and Exchange Commission (the SEC);

(B) Any fiduciary of each of the Client Plans who has authority to acquire or dispose of shares of any of the Funds owned by such Client Plan, or any duly authorized employee or representative of such fiduciary; and

(C) Any participant or beneficiary of the Plans or duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described in paragraph (q)(1)(B) and (q)(1)(C) of Section II shall be authorized to examine trade secrets of Sanwa Bank, or commercial or financial information which is privileged or confidential.

Section III. Definitions

For purposes of this proposed exemption,

(a) The term "Sanwa Bank" means Sanwa Bank California and any affiliate of Sanwa Bank, as defined in Section III(b).

(b) An "affiliate" of a person includes:

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person;

(2) Any officer, director, employee, relative, or partner in any such person; and

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee.

(c) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual;

(d) The terms "Fund or Funds" mean any open-end management investment company or companies registered under the 1940 Act for which Sanwa Bank serves as investment adviser and may also provide custodial or other services, such as Secondary Services, as approved by such Funds.

(e) The term "net asset value" means the amount for purposes of pricing all purchases and redemptions calculated by dividing the value of all securities, determined by a method as set forth in a Fund's prospectus and statement of additional information, and other assets belonging to each of the portfolios in such Fund, less the liabilities charged to each portfolio, by the number of outstanding shares.

(f) The term "Plan" means a welfare plan described in 29 CFR 2510.3–1, as amended; a pension plan described in 29 CFR 2510.3–2, as amended; a plan described in section 4975(e)(1) of the Code; and a retirement plan qualified under section 401(a) of the Code with respect to which Sanwa Bank serves or will serve as trustee, investment manager or custodian, and which constitutes an "employee benefit plan" under section 3(3) of the Act. The term "Client Plan" includes a Plan maintained by an entity other than Sanwa Bank. The term "Bank Plan" includes a Plan maintained by Sanwa Bank, including, but not limited to, the Sanwa Bank California Retirement Plan (the SBC Retirement Plan) and the Sanwa Bank California Premiere Savings Plan (the SBC Savings Plan).

(g) The term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

(h) The term "Second Fiduciary" means a fiduciary of a plan who is independent of and unrelated to Sanwa Bank. For purposes of this exemption, the Second Fiduciary will not be deemed to be independent of and unrelated to Sanwa Bank if—

(1) Such Second Fiduciary directly or indirectly controls, is controlled by or is under common control with Sanwa Bank;

(2) Such Second Fiduciary, or any officer, director, partner, employee or relative of such Second Fiduciary is an officer, director, partner or employee of Sanwa Bank (or is a relative of such persons); and

(3) Such Second Fiduciary directly or indirectly receives any compensation or other consideration in connection with any transaction described in this exemption; provided, however, that, with respect to the Bank Plans, the Second Fiduciary may receive compensation from Sanwa Bank in connection with the transactions contemplated herein, but the amount or payment of such compensation may not be contingent upon or in any way affected by the Second Fiduciary's ultimate decision regarding whether the Bank Plans participate in the transactions and may not exceed 5 percent of such Second Fiduciary's gross annual revenues.

With respect to the Client Plans, if an officer, director, partner, or employee of Sanwa Bank (or a relative of such persons), is a director of such Second Fiduciary, and if he or she abstains from participation in the choice of the Plan's investment manager/adviser, the approval of any purchase or redemption by the Plan of shares of the Funds, and the approval of any increase of fees, in connection with any of the transactions described in Sections I and II, then Section III(h)(2) shall not apply.

(i) The term "Secondary Service" means a service, other than an investment advisory or similar service, which is provided by Sanwa Bank to the Funds, including but not limited to, accounting, administrative, brokerage or custodial services.

(j) The term "Termination Form" means the form supplied to the Second Fiduciary of a Client Plan, at the times specified in Section II(j), (k), and (m), which expressly provides an election to the Second Fiduciary to terminate on behalf of the Plans the authorization, described in Section II(g). Such Termination Form may be used at will by the Second Fiduciary to terminate such authorization without penalty to the Client Plan and to notify Sanwa Bank in writing to effect such termination by redeeming shares of the Fund held by the Plans requesting termination not later than one business day following receipt by Sanwa Bank of written notice, either by mail, hand delivery, facsimile or other available means at the option of the Second Fiduciary, of such request for termination; provided that if, due to circumstances beyond the control of Sanwa Bank, the redemption cannot be executed within one business day, Sanwa Bank shall have one additional business day to complete such redemption.

(k) The term "fixed-income security" means any interest-bearing or discounted government or corporate security with a face amount of $1,000 or more that obligates the issuer to pay the holder a specified sum of money, at specific intervals, and to repay the principal amount of the loan at maturity.

(l) The term "security" shall have the same meaning as defined in section 2(36) of the 1940 Act, as amended, 15 USC 80a–2(36) (1996).

(m) The term "business day" means a banking day as defined by federal or state banking regulations.

EFFECTIVE DATE: If granted, this proposed exemption will be effective as of October 31, 1997.

Summary of Facts and Representations

1. Description of the Parties

The parties involved in the subject transactions are described as follows:

(a) *Sanwa Bank*, a California-chartered bank, is a wholly owned subsidiary of The Sanwa Bank, Limited, which is headquartered in Japan. Sanwa Bank provides trust and banking services to individuals, corporations and institutions, both nationally and internationally. Sanwa Bank serves as trustee, investment manager or custodian to the Plans described herein and will serve as investment adviser to the Funds described more fully below. As of December 31, 1997, Sanwa Bank held total trust and fiduciary assets of approximately $10.2 billion.

(b) *The Plans* include welfare plans described in 29 CFR 2510.3–1, as amended; pension plans described in 29 CFR 2510.3–2, as amended; plans described in section 4975(e)(1) of the Code; and retirement plans qualified under section 401(a) of the Code with respect to which Sanwa Bank serves or will serve as trustee, investment manager or custodian, and which constitute "employee benefit plans" under section 3(3) of the Act. As of December 31, 1997, Sanwa Bank served

as trustee, investment manager or custodian for approximately 856 Client Plans with total assets of approximately $1.7 billion. In addition, Sanwa Bank had investment responsibility with respect to approximately $95 million in Client Plan assets, of which approximately $25 million represented assets invested in converting CIFs. Whether any Client Plan will participate in a conversion transaction will depend solely on the decision of a fiduciary which is independent of Sanwa Bank (i.e., a Second Fiduciary).[3]

The Plans also include certain Bank Plans that are maintained by Sanwa Bank. Specifically, the Bank Plans presently include the SBC Retirement Plan and SBC Savings Plan. As of December 31, 1997, the SBC Retirement Plan and the SBC Savings Plan had total assets of approximately $175 million and $68 million, respectively. As of August 28, 1997, the SBC Retirement Plan had 4,500 participants and the SBC Savings Plan had 3,500 participants. Whether a Bank Plan may participate in a conversion transaction will also be determined by a Second Fiduciary which has been appointed to represent the interests of the Bank Plans.

(c) *The CIFs* are separate investment funds maintained under a trust known as "The Sanwa Bank California Common Trust Fund." The CIFs that were converted in the initial conversion transaction were the following:[4]

- ITS Asset Allocation Investment Fund, also known as Balanced Fund J (the Asset Allocation Fund)
- ITS Common Stock Investment Fund, also known as Equity Fund D (the Equity Fund)
- ITS Bond Investment Fund, also known as Fixed Income Fund C (the Fixed Income Fund)
- ITS International Common Stock Fund, also known as International Equity Fund G (the International Equity Fund)
- ITS Money Market Investment Fund, also known as Money Market Fund E (the Money Market Fund)

The general investment policy and objective of these CIFs correspond substantially to the Funds described below.

(d) *The Funds*, otherwise referred to as "The Eureka Funds," constitute an open-end management investment company registered under the 1940 Act, as amended. The Funds are and will be separate investment portfolios or "series" of The Eureka Funds that will be offered to investors at "no-load." Therefore, Sanwa Bank requests that the exemption apply both retroactively to the existing Funds and prospectively to any similar Fund with respect to which Sanwa Bank or its affiliates may provide services.

The Eureka Funds initially will consist of five Funds, each to be offered and sold in compliance with SEC rules and regulations. These five Funds are listed as follows:

- The Eureka Global Asset Allocation Fund
- The Eureka Equity Fund
- The Eureka Investment Grade Bond Fund
- The Eureka Prime Money Market Fund
- The Eureka U.S. Treasury Obligations Fund[5]

Sanwa Bank serves as investment adviser to the Funds. For such services performed, Sanwa Bank will receive annualized investment advisory fees currently ranging from 0.10 percent for the U.S. Treasury Obligations Fund to 0.80 percent for the Global Asset Allocation Fund. Although parties unrelated to Sanwa Bank will typically provide custody, transfer agent, recordkeeping and other services (i.e., Secondary Services) to the Funds, it is possible that Sanwa Bank or an affiliate may undertake to provide such services to a Fund in the future.

(f) *Actuarial Sciences Associates, Inc. (ASA)* has been retained temporarily by Sanwa Bank to serve as the Second Fiduciary for Bank Plans investing in the Funds. ASA, which is located in Somerset, New Jersey, is an affiliate of AT&T Investment Management Corporation (ATTIMCO). ATTIMCO is a wholly owned subsidiary of AT&T and is a registered investment adviser under the 1940 Act. As of November 1997, ATTIMCO exercised discretionary authority with respect to over approximately $40 billion in assets. ASA, ATTIMCO and their affiliates are independent of and unrelated to Sanwa Bank and its affiliates. The fees received by ASA from Sanwa Bank currently represent less than one-tenth of one percent of the gross revenues of ASA and are not likely to exceed 5 percent of ASA's gross revenues in the foreseeable future.

Description of the Transactions

2. Sanwa Bank requests exemptive relief with respect to the in-kind transfer, of all or a *pro rata* portion of a Plan's assets that were invested in the terminating CIFs (identified above) to the Funds, in exchange for shares of the Funds. In addition, Sanwa Bank requests exemptive relief for the receipt of fees from the Funds, in connection with the investment of assets of Client Plans for which Sanwa Bank acts as a trustee, investment manager, or custodian, in shares of the Funds in instances where Sanwa Bank is an investment adviser, custodian, and shareholder servicing agent for the Funds.[6] The exemptive relief provided for the receipt of fees would cover Client Plans of Sanwa Bank only. If granted, the exemption would be effective as of October 31, 1997 and would apply to similar transactions that may arise in the future.

In-Kind Transfers by the Plans

3. Sanwa Bank decided to terminate the aforementioned CIFs and offer to the Plans participating therein the opportunity to acquire shares in their corresponding Funds as alternative investments. Because the interests in CIFs generally must be liquidated or withdrawn to effect distributions, Sanwa Bank believes that the interests of the Plans participating in the CIFs (and similar CIFs that may convert in the future) would be better served by investment in shares of the Funds, which can be distributed in-kind.

In addition, Sanwa Bank believes that the Funds may offer advantages over the CIFs such as pooled investment vehicles in that Plans, as shareholders of a Fund, will have the opportunity to exercise voting and other shareholder rights. Plans, as shareholders of the Funds, also will receive periodic disclosures concerning the Funds, as mandated by the SEC, including a prospectus, which is updated at least annually, an annual report containing audited financial statements of the Funds and information regarding such Funds' performance (unless such performance information is included in the prospectus of such Funds), and a semiannual report containing unaudited financial statements. Further, the Plans will be able to monitor the net asset value of the

[3] The Department is not proposing exemptive relief herein for transactions afforded relief by section 404(c) of the Act.

[4] Sanwa Bank maintains CIFs other than those involved in the subject transactions. Some of these CIFs, which were converted contemporaneously with the CIFs, do not hold Plan assets while others do. As such, it is proposed that those CIFs holding plan assets be covered by the requested exemption if and when they are converted in the future.

[5] The U.S. Treasury Obligations Fund was not involved in the conversion transaction described in this proposed exemption. However, this Fund would be covered by the requested exemption to the extent that a converting CIF were to transfer its assets to such Fund or a Plan or Plans were to invest in this Fund in the future.

[6] As previously noted, Sanwa Bank is not requesting an exemption for investments in the Funds by the Bank Plans. Sanwa Bank represents that the Bank Plans may acquire or sell shares of the Funds pursuant to PTE 77–3.

Funds daily from information available in newspapers of general circulation.

Sanwa Bank believes that if the assets of a terminating CIF are transferred in-kind to a corresponding Fund in exchange for shares of such Fund, potentially large brokerage expenses can be avoided. These consist mainly of expenses that otherwise would be incurred if the CIF assets were liquidated and the proceeds used to purchase Fund shares that are substantially identical to the CIFs. No brokerage commissions or other fees (other than customary transfer charges paid to parties other than Sanwa Bank or its affiliates) have been charged or will be charged to the Plans or the CIFs with respect to the conversions or in connection with any other acquisition or redemption of Fund shares by the Plans. In addition, no Fund has paid or will pay any 12b–1 Fees to Sanwa Bank or its affiliates.

It is represented that the in-kind transfers of CIF assets in exchange for shares of the Funds are ministerial transactions performed in accordance with pre-established objective procedures approved by the Funds' board of trustees. Such procedures require that assets transferred to a corresponding Fund (a) be consistent with the investment objectives, policies and restrictions of the Fund, (b) satisfy the applicable requirements of the 1940 Act and the Code and, (c) have a readily ascertainable market value.

4. Except as indicated below with respect to the International Equity CIF, on October 31, 1997, Sanwa Bank transferred Plan assets held in the affected CIFs to the corresponding Funds as shown in the table.

CIF portfolio	Corresponding fund portfolio
Asset Allocation Fund	Global Asset Allocation Fund.
Equity Fund	Equity Fund.
Fixed Income Fund	Investment Grade Bond Fund.
International Equity Fund.	Global Asset Allocation Fund.
Money Market Fund	Prime Money Market Fund.

With regard to the International Equity CIF, the participants, of which include the SBC Retirement Plan, the SBC Savings Plan and a number of Client Plans, the conversion of the CIF was processed as follows:

(a) The SBC Savings Plan's interest in the International Equity CIF was liquidated and reinvested in shares of a mutual fund investing primarily in foreign securities sponsored and advised by a third party unrelated to Sanwa Bank, which replaced the CIF as an investment option under the SBC Savings Plan. SBC Savings Plan participants who did not wish to invest in a new mutual fund were given the option of electing instead to have their interest in the International Equity CIF reinvested in another option under the Plan.[7]

(b) Subject to approval of the appropriate Second Fiduciaries, the SBC Retirement Plan and the Client Plan participated in the conversion of the International Equity CIF to Global Asset Allocation Fund, to the extent of their respective interests therein.[8]

5. The initial conversion was completed in a single transaction occurring after the close of business on October 31, 1997 and prior to the opening of business on November 3, 1997. The initial conversion was accomplished by an in-kind transfer of all of the assets of the converting CIF to the corresponding Fund, in exchange for an appropriate number of shares of that Fund. The affected CIF was then terminated and its assets, consisting of Fund shares, were distributed in-kind to the Plans formerly participating in the CIF based on each Plan's *pro rata* share of the CIF's assets on the date of the conversion.[9]

6. Prior to the conversion, the assets of each converting CIF were reviewed to confirm that they were appropriate investments for the receiving Fund. If any of the assets of a CIF were not appropriate for its corresponding Fund, such assets were sold in the open market through a brokerage firm unaffiliated with Sanwa Bank prior to the date of the conversion.

7. Sanwa Bank provided to each affected Plan disclosures that announced the termination of the CIF, summarized the transaction and otherwise complied with the provisions of Section I of this proposed exemption. Based on these disclosures, the Second Fiduciary for each affected Plan approved, in writing, the conversion transaction, including the fees that were to be paid by the Funds to Sanwa Bank and its affiliates. A Plan electing not to participate in the conversion transaction received a cash payment representing the Plan's *pro rata* share of the assets of the converting CIF before the transaction occurred.

8. In the case of the Bank Plans, ASA was required to make an independent determination in its fiduciary capacity that participation in the conversion transaction was in the best interest of the Bank Plans, including the decision whether to participate therein. As part of its written report setting out the conclusions discussed in Representation 12 below, ASA was required to confirm both its independence from Sanwa Bank and its qualifications to serve as the Second Fiduciary for the Bank Plans. In addition, ASA represented that it would not derive more than 5 percent of its gross annual revenues from Sanwa Bank in connection with such in-kind transfers.

9. The assets transferred by a converting CIF to its corresponding Fund consisted entirely of cash and securities for which market quotations were readily available. For this purpose, the value of the CIF's securities was determined based on the market value as of the close of business on the business day prior to the in-kind transfer of such securities to the corresponding Fund (the Valuation Date). The value of the CIF assets on the Valuation Date was determined using the valuation procedures described in SEC Rule 17a–7 under the 1940 Act. In this regard, the "current market price" for specific types of securities was determined as follows:

[7] In response to the Department's inquiry as to why the SBC Savings Plan's interest in the CIF was liquidated and reinvested in a third party fund or in another investment option offered under the Plan, ASA states that none of the Funds offered to the SBC Savings Plan had the same investment policies and objectives that had been offered to participants of such Plan. In this regard, it was determined that in light of the termination of the International Equity CIF, it would be in the interest of participants in the SBC Savings Plan to have monies previously invested in such CIF transferred to a third-party, international equity fund managed by Vanguard, which had objectives similar to the International Equity CIF, rather than to the Global Asset Allocation Fund. According to ASA, the Global Asset Allocation Fund is not solely an international equity fund. Instead, it is a balanced fund with a portion of its assets invested in United States investments. ASA states that the fiduciary of the SBC Savings Plan thought it more appropriate to invest that Plan's assets in an exclusively international equity fund instead of in a balanced fund having some United States investments. ASA further represents that it concurs with the fiduciary's investment decision.

[8] It is represented that Sanwa Bank was of the view that the Global Asset Allocation Fund would be advantageous to current participants in the International Equity CIF in that the Fund would offer enhanced liquidity and economies of scale resulting from a larger fund and an efficient method of diversifying among domestic and international asset classes and reducing risks for participants in the SBC Retirement Plan. In this regard, ASA states that the fiduciary of the SBC Retirement Plan had rebalanced other portions of that Plan's portfolio to reflect the United States and non-equity investments found in the Global Asset Allocation Fund, thereby making the conversion to the Global Asset Allocation Fund for the SBC Retirement Plan an appropriate investment decision. ASA represents that it concurs with this investment decision.

[9] Although different CIFs may be converted by Sanwa Bank in the future on different dates, similar procedures will apply.

(a) If the security was a "reported security" as the term is defined in Rule 11Aa3–1 under the Securities Exchange Act of 1934 (1934 Act), the last sale price with respect to such security reported in the consolidated transaction reporting system (the Consolidated System) for the Valuation Date; or if there were no reported transactions in the Consolidated System that day, the average of the highest current independent bid and the lowest current independent offer for such security (reported pursuant to Rule 11Ac1–1 under the 1934 Act), as of the close of business on the Valuation Date.

(b) If the security was not a reported security, and the principal market for such security was an exchange, then the last sale on such exchange on the Valuation Date; or if there were no reported transactions on such exchange that day, the average of the highest current independent bid and lowest current independent offer on such exchange as of the close of business on the Valuation Date.

(c) If the security was not a reported security and was quoted in the NASDAQ system, then the average of the highest current independent bid and lowest current independent offer reported on NASDAQ as of the close of business on the Valuation Date.

(d) For all other securities, the average of the highest current independent bid and lowest current independent offer as of the close of business on the Valuation Date, determined on the basis of reasonable inquiry. (For securities in this category, Sanwa Bank represents that it obtained quotations from at least three sources which were either broker-dealers or pricing services independent of and unrelated to Sanwa Bank and, where more than one valid quotation was available, used the average of the quotations to value the securities, in conformance with interpretations by the SEC and practice under Rule 17a–7.) [10]

10. The securities received by a corresponding Fund were valued by such Fund for purposes of the in-kind transfer in the same manner and as of the same day as such securities were valued by the CIF. The value of the shares of each Fund issued to the CIF was based on the corresponding Fund's then-current net asset value. Since the Funds did not have assets in more than a nominal amount prior to the conversion, each Fund's net asset value was expected to be equal to the value of the assets received from the transferring CIF. Sanwa Bank represents that the value of a Plan's investment in shares of each Fund as of the opening of business was equal to the value of such Plan's investment in each corresponding CIF as of the close of business on the business day before the conversion.

11. Following the initial in-kind transfers, Sanwa Bank sent ASA, as the Second Fiduciary for the Bank Plans, as well as the Second Fiduciaries of the Client Plans, written confirmations of the transactions. In this regard, no later than 30 days after the completion of the conversion, Sanwa Bank sent by regular mail to the Second Fiduciary written confirmation which contains (a) the identity of each transferred security that was valued for purposes of the conversion in accordance with Rule 17a–7(b)(4), as described above, (b) the current market price, as of the Valuation Date, of each such security involved in the conversion, and (c) the identity of each pricing services or market maker consulted in determining the current market price of such securities.[11] In addition, no later than 105 days after the completion of the conversion, Sanwa Bank sent by regular mail a written confirmation to the Second Fiduciary of each affected Plan showing (a) the number of CIF units held by the Plan immediately before the conversion, (i) the related per unit value, (ii) the total dollar amount of the units transferred; and (b) the number of shares of the Funds that are held by such Plan following the conversion, (i) the related per share net asset value, and (ii) the total dollar amount of such shares.

In accordance with the conditions under Section I of this proposed exemption, similar procedures will be adopted upon any future in-kind exchanges between CIFs maintained by Sanwa Bank and the Funds.[12]

Representations of the Second Fiduciary for the Bank Plans Regarding the In-Kind Transfers

12. As stated above, Sanwa Bank retained ASA as the Second Fiduciary for the limited purpose of overseeing the initial in-kind transfers of CIF assets to the Funds as such transactions would affect the Bank Plans. In such capacity, ASA represented that it consulted with its own counsel regarding the fiduciary provisions of the Act and stated that it understood and accepted the duties, responsibilities and liabilities in acting as a fiduciary under the Act for the Bank Plans.

In a written report dated September 30, 1997, ASA stated that it considered the effect of the in-kind transfer transactions on the Bank Plans and the implications of such transactions for Plans invested in the CIFs. Based on its review of fees to be charged by the Funds, the investment guidelines for the Funds and the performance data available on the CIFs, ASA concluded that the terms of the in-kind transfers were fair to the participants of the Bank Plans and no less favorable than the terms that would have been reached among unrelated parties.

13. Based on representations obtained from officers for Sanwa Bank regarding the termination of the CIFs as well as considering the effects of the in-kind transfers, ASA represented that the transactions were in the best interest of the Bank Plans and their participants and beneficiaries for the following reasons:

(a) In terms of the investment policies and objectives pursued, the Funds have investment objectives comparable to the CIFs and satisfy the stated investment policies of the Bank Plans. Thus, in terms of investment policies and objectives, the impact of the in-kind transfer transactions on the Bank Plans and their participants and beneficiaries would be *de minimus;*[13]

(b) The Funds will probably continue to experience relative performance similar in nature to the CIFs given the comparability of investment objectives and policies and the fact that the same portfolio management personnel will provide portfolio management oversight;

(c) The in-kind transfers would not adversely affect the cash flows, liquidity or investment diversification of the Bank Plans; and

(d) By investing in the Funds, the Bank Plans would receive a larger investment base, cost savings to participants over time through economies of scale, more choices for participants exercising investment control, the ability to obtain investment information through readily available sources and fees that would be reasonable and within industry standards.

14. In forming an opinion as to the appropriateness of the in-kind transfers, ASA conducted an overall review of the

[10] Securities of non-U.S. issuers may be traded on U.S. exchanges or NASDAQ, directly or in the form of ADRs, or may be traded on foreign exchanges or foreign over-the-counter markets. In the latter case, valuation was performed in accordance with (d) above.

[11] The securities subject to valuation under Rule 17(a)–7(b)(4) include all securities other than "reported securities," as the term is defined in Rule 11Aa3–1 under the Securities Exchange Act of 1934, or those quoted on the NASDAQ system or for which the principal market is an exchange.

[12] Although not contemplated by the initial conversion transaction, the requested exemption includes certain procedures that are consistent with PTE 97–41 (62 FR 42830, August 8, 1997), PTE 97–41 permits a client plan to purchase shares of a mutual fund for which a bank or an investment adviser serves as a fiduciary to the client plan, in exchange for plan assets transferred in-kind from a CIF. Specifically, the procedures relate to the methods of communicating the confirmations described above by personal delivery, facsimile or electronic mail (see Section I(b) and (g) of this proposed exemption).

[13] Although the Bank Plans represent a larger portion of the CIFs that were terminated as well as a larger portion of the Funds, ASA does not believe the Bank Plans' percentage ownership of the Funds immediately after the conversion is determinative of whether the conversion was proper.

Bank Plans, including the Bank Plan documents. ASA stated that it also examined the investment portfolios of the Bank Plans to ascertain whether or not the such Plans were in compliance with their investment objectives and policies. Further, ASA stated that it examined the cash flow and liquidity requirements of the Bank Plans and the diversification provided by the investment portfolios of the Bank Plans. Based on its review and analysis of the foregoing, ASA represented that the in-kind transfer transactions would not adversely affect the total investment portfolios of the Bank Plans, compliance by such Plans with their stated investment objectives and policies, the cash flows liquidity or diversification requirements of the Bank Plans.

15. As Second Fiduciary, ASA represented that Sanwa Bank would provide it with any documents it considered necessary to perform its duties as Second Fiduciary. In this regard, ASA was advised that within 30 days following the initial in-kind transfer transactions, Sanwa Bank would provide it with the written confirmation statements described herein. In addition, ASA stated that it would supplement its findings following the review of the confirmation statements to verify whether the in-kind transfer transactions had resulted in the receipt by the Bank Plans of shares in the Funds that were equal in value to such Plans' *pro rata* share of assets of the CIFs on the conversion date. Further, ASA represented that it would take such actions as it deemed necessary to safeguard the interests of the Bank Plans in the event the confirmation statements did not verify the foregoing. Finally, ASA explained that it would maintain, for a period of six years from the time of the initial conversion transaction (and make available for review), all relevant records with respect to the performance of its duties as Second Fiduciary for the Bank Plans.

Receipt of Fees by Sanwa Bank

16. Under certain conditions, PTE 77–4 (42 FR 18732, April 8, 1977) permits Client Plans of Sanwa Bank to engage in the purchase and sale of shares of a registered, open-end investment company when Sanwa Bank, a fiduciary with respect to such Client Plans, is also the investment adviser for the investment company, provided (a) the Client Plan does not pay any investment management, investment advisory or similar fees for the assets of such Plan invested in shares of a Fund for the entire period of the investment; or (b) where the Client Plan pays investment management, investment advisory or similar fees to Sanwa Bank based on the total assets of such Client Plan from which a credit has been subtracted representing such Plan's *pro rata* share of such investment advisory fees paid to Sanwa Bank by the Fund. As such, with respect to the Client Plans, there may be two levels of fees—(a) those fees which Sanwa Bank may charge to Client Plans for serving as trustee, investment manager or custodian for such Plans (the Plan-level fees); and (b) those fees which Sanwa Bank may charge to the Fund (the Fund-level fees) for serving as an investment adviser for the Fund as well as for being custodian of the Fund or for providing other Secondary Services to the Fund.

17. Since October 31, 1997, Sanwa Bank no longer charges each Client Plan a Plan-level fee for its services as trustee, investment manager or custodian based on Sanwa Bank's standard fee schedules and the terms of specific agreements negotiated between each Client Plan and Sanwa Bank. Such Plan-level fees included asset-based charges that were expressed as a percentage of Client Plan assets. Instead, as permitted by PTE 77–4, for investment advisory services provided to the Funds, Sanwa Bank is receiving Fund-level advisory fees from each of the Funds. As stated above in Representation 1(d), these fees, which are also expressed as a percentage of a Fund's assets currently range from 0.10 percent to 0.80 percent per annum of the daily average assets of the U.S. Treasury Obligations Fund and the Global Asset Allocation Fund, respectively.[14]

In addition to charging Fund-level investment advisory fees, Sanwa Bank is charging Client Plans for Plan-level recordkeeping, administrative, accounting and custodial services which do not involve investment management, such as custody of plan assets, maintaining plan records, preparing periodic reports of plan assets and participant accounts, effecting participant investment directions, processing participant loans and accounting for contributions, payments of benefits and other receipts and distributions. Sanwa Bank's fees for such Plan-level services will continue to be negotiated with each Client Plan and its fees for such services for Bank Plans will continue to be limited to the reimbursement of direct expenses properly and actually incurred in the performance of the services.[15]

At present, all services other than investment advisory services are provided to the Funds or their distributor by unrelated parties. However, as stated above, Sanwa Bank represents that the Funds may, in the future, wish to contract with it or an affiliate to provide administrative, custodial, transfer, accounting or similar services (i.e., Secondary Services) to the Funds or their distributor.[16]

Future Fee Changes and Client Plan Authorization Requirements

18. Sanwa Bank notes that one of the requirements of PTE 77–4 is that any change in any of the rates of fees requires the prior written approval by the Second Fiduciary of the Plans participating in the Funds. Where many Plans participate in a Fund, Sanwa Bank observes that the addition of a service or any good faith increase in fees could not be implemented until written approval of such change is obtained from every Second Fiduciary. As an alternative, Sanwa Bank proposes to follow the "negative consent" procedure which it believes provides the basic safeguards for the Plans and is more efficient, cost effective and administratively feasible that required by PTE 77–4.

The negative consent procedure would apply in the following circumstances: (a) an increase in the rate of any Fund-level investment management, investment advisory or similar fees; (b) a proposal by Sanwa Bank or an affiliate to provide a Secondary Service to a Fund for a fee; and (c) an increase in the fee for a Secondary Service paid by a Fund to Sanwa Bank or its affiliates over an existing rate that had been authorized by the Second Fiduciary. In this regard, an increase in fees for Secondary Services can result either from an increase in the rate of such fee or from

[14] It should be noted that Sanwa Bank has agreed to temporarily waive the amount of its investment advisory fees through the end of the Funds' initial fiscal year. Without the waiver, the per annum investment advisory fees for the U.S. Treasury Obligations Fund and the Global Asset Allocation Fund would range from 0.20 percent to 0.90 percent per annum of the Fund's daily average assets.

[15] Sanwa Bank represents that it is relying upon section 408(b)(2) with respect to its receipt of fees for such administrative services. The Department expresses no opinion herein on whether the provision of such services will satisfy section 408(b)(2) of the Act.

[16] The fact that certain transactions and fee arrangements are the subject of an administrative exemption does not relieve the fiduciaries of the Client Plans from the general fiduciary responsibility provisions of section 404 of the Act. Thus, the Department cautions Second Fiduciaries of the Client Plans investing in the Funds that they have an ongoing duty under section 404 of the Act to monitor the services provided to such Plans to assure that the fees paid by the Client Plans for such services are reasonable in relation to the value of the services provided. These responsibilities would include determinations that the services provided are not duplicative and that the fees are reasonable in light of the level of services provided.

a decrease in the number or kind of services performed by Sanwa Bank or its affiliates for such fee over that which had been authorized by the Second Fiduciary of a Client Plan. Under such circumstances, Sanwa Bank will provide at least 30 days advance notice of the implementation of a proposed fee increase to Client Plans invested in the affected Fund. The notice will take the form of a proxy statement, letter or similar communication which is separate from the Fund's prospectus and which explains the nature and amount of the additional service or the nature and amount of the fee increase.[17]

19. The written notice of a fee increase or additional Secondary Service for which a fee is charged will be accompanied by a Termination Form. The Termination Form will enable the Second Fiduciary to terminate any prior authorization to invest Client Plan assets in a Fund or Funds without penalty to the affected Client Plan. In addition, each Client Plan will be supplied with a Termination Form annually during the first quarter of each calendar year, regardless of whether there has been any fee increase or additional Secondary Service for which a fee is charged. If, however, the Termination Form has been provided to the Client Plan in connection with a fee increase or an additional Secondary Service for which a fee is charged, the Termination Form need not be provided again to the client Plan until at least six months have elapsed, unless such Termination Form is required to be sent sooner as a result of another fee increase or an addition of such Secondary Services.

The Termination Form will be accompanied by instructions which state that any relevant authorization previously given by the Second Fiduciary is terminable at will be the Second Fiduciary, without penalty to the Plan, and that failure to return the Form will be deemed to be an approval of the fee increase or the additional Secondary Service and will result in the continuation of such authorization. Termination of an authorization to invest Client Plan assets in the Funds will result in the redemption of shares of the Fund held by the Plan by the close of business on the business day following the date of receipt by Sanwa Bank of the Termination Form or any other written notice of termination, either by mail, hand delivery, facsimile or other available means of written communication at the option of the Second Fiduciary. If, due to circumstances beyond the control of Sanwa Bank, the redemption cannot be effected within one business day, Sanwa Bank will have one additional business day to complete such redemption.

20. Although an investment in the Funds may result in an overall cost increase to many of the Client Plans, the Second Fiduciary will be obligated to take such impact into account in determining whether to authorize the Plans' investment in the Funds. In any event, such additional costs will be consistent with the costs of similar alternative investments that will be available to the Plans upon the termination of the CIFs. In this respect, Sanwa Bank believes that as to each Plan, the combined total of all Plan-level and Fund-level fees received by Sanwa Bank for the provision of services to the Client Plans and to the Funds, respectively, will not be in excess of "reasonable compensation" within the meaning of section 408(b)(2) of the Act.

21. The requested exemption will be subject to the satisfaction of certain general conditions that will further protect the interests of the Plans. For example, the transactions will be subject to the prior authorization of a Second Fiduciary, acting on behalf of each Plan, who has been provided with the written disclosures described above. The Second Fiduciary generally will be the administrator, sponsor or a committee appointed by the sponsor to act as a named fiduciary for a Client Plan or, in the case of the Bank Plans, a qualified party independent of Sanwa Bank.

22. With respect to disclosure, the Second Fiduciary of each Plan will receive advance written notice of the in-kind transfer of assets of the CIFs and written disclosure of information concerning the Funds consistent with PTE 77–4 and PTE 97–41. Among the disclosures that will be given to the Second Fiduciary include, but are not limited to, the following: (a) a current prospectus for each portfolio of each of the Funds in which the Client Plan may invest; (b) a statement describing the fees for investment advisory or other similar services, any fees for Secondary Services, and all other fees to be charged to or paid by the Client Plan and by such Funds to Sanwa Bank, including the nature and extent of any differential between the rates of such fees; (c) a statement of the reasons why Sanwa Bank may consider such investment to be appropriate for the Client Plan; (d) a statement of whether there are any limitations applicable to Sanwa Bank with respect to which assets of a Client Plan may be invested in Fund shares, and, if so, the nature of such limitations; and (e) a copy of the proposed exemption and/or a copy of the final exemption upon the request of the Second Fiduciary.

On the basis of the disclosures, the Second Fiduciary must authorize in writing the investment of Plan assets in shares of the Fund in connection with the transactions described herein as well as the compensation received by Sanwa Bank (or its affiliates) in connection with its services to the Funds. Such written authorization will extend to only those Funds with respect to which the Plan has received the written disclosures referred to above and which are specifically mentioned in such disclosures.

Having obtained the authorization of the Second Fiduciary, Sanwa Bank will invest the assets of a Plan among the Funds, subject to satisfaction of the other terms and conditions of the requested exemption. Sanwa Bank will not, however, invest the assets of a Plan in any Fund not specifically mentioned in the written disclosure and authorization described above. If a new Fund were established, Sanwa Bank would invest assets of a Plan in such new Fund under the requested exemption only after providing the required disclosures and obtaining a separate written authorization from the Second Fiduciary which specifically mentions the new Fund.

23. In addition to the disclosures provided to the Plan prior to investment in a Fund, Sanwa Bank will provide, at least annually to the Second Fiduciary of each Client Plan, an updated prospectus of each Fund in accordance with the requirements of the 1940 Act and applicable SEC rules. Further, the Second Fiduciary will be supplied, upon request, with a report or statement (which may take the form of the most recent financial report of the Funds, the current statement of additional information or some other written statement) containing a description of

[17] The Department notes that an increase in the amount of a fee for an existing investment advisory service or a Secondary Service (other than through an increase in the value of the underlying assets in the Funds), or the imposition of a fee for a newly-established Secondary Service shall be considered an increase in the rate of such fees. However, in the event an investment advisory fee or a fee for a Secondary Service has already been described in writing to the Second Fiduciary and the Second Fiduciary has provided authorization for the amount of such fee, and such fee has been waived, no further action by Sanwa Bank will be required in order for Sanwa Bank to receive such fee at a later time. Thus, for example, no further disclosure would be necessary if Sanwa Bank has received authorization for a fee for custodial services from a Client Plan investor and subsequently determined to waive the fee for a period of time in order to attract new investors but later charged the fee. However, reinstituting the fee at an amount greater than previously disclosed would necessitate Sanwa Bank providing notice of the fee increase and a Termination Form in the manner described above.

all fees paid by the Funds. Finally, all dealings by or between the Client Plans and any Fund will be on a basis which is no less favorable to such Plans than dealings between the Fund and other non-Plan shareholders holding the same class of shares as the Client Plans.

Although it does not anticipate doing so initially, Sanwa Bank or an affiliate may in the future execute securities brokerage transactions for some or all of the Funds, as and to the extent permitted by the 1940 Act and applicable SEC rules. If and when Sanwa Bank proposes to provide brokerage services to any Fund for compensation, Sanwa Bank will, at least 30 days in advance of the implementation of such service, provide written notice to the Client Plans explaining the nature of such brokerage services and the amount of the fees to be paid therefor. Further, with respect to any Fund for which Sanwa Bank provides brokerage services, Sanwa Bank will provide, at least annually to each Client Plan that invests in such Fund a written disclosure indicating (a) the total brokerage commissions paid by the Fund to Sanwa Bank, expressed in dollars; (b) the total brokerage commissions paid by the Fund to brokerage firms unrelated to Sanwa Bank, expressed in dollars; (c) the average brokerage commissions per share paid by the Fund to Sanwa Bank, expressed as cents per share; and (d) the average brokerage commissions per share paid by the Fund to brokerage firms unrelated to Sanwa Bank, expressed as cents per share.

24. In addition to the foregoing, the requested exemption will be subject to the following requirements: (a) the Plans and other investors will purchase or redeem Fund shares in accordance with standard procedures described in the prospectus for each Fund; (b) no Plan will pay a sales commission or redemption fee in connection with the purchase or redemption of Fund shares; (c) Sanwa Bank will not purchase from or sell to any Plan shares of the Fund; (d) the price paid or received by the Plans for Fund shares will be the net asset value per share at the time of such purchase or redemption and will be the same price as any other investor would pay or receive for shares of the same class.

25. In summary, it is represented that the transactions have satisfied or will satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) With respect to the in-kind transfer of the assets of a Plan invested in a CIF in exchange for shares of a Fund, a Second Fiduciary has authorized or will authorize in writing, such in-kind transfer prior to the transaction only after receiving full written disclosure of information concerning the Fund.

(b) Each Plan has received or will receive shares of the Funds in connection with the transfer of assets of a terminating CIF which have a total net asset value that is equal to the value of such Plan's *pro rata* share of the CIF assets on the date of the transfer as determined in a single valuation performed in the same manner and at the close of the business day, using independent sources in accordance with procedures established by the Funds which comply with Rule 17a–7 of the 1940 Act, as amended, and the procedures established by the Funds pursuant to Rule 17a–7 for the valuation of such assets.

(c) Sanwa Bank has sent or will send by regular mail or personal delivery, or, if applicable, by facsimile or electronic mail, no later than 30 days after completion of each in-kind transfer of CIF assets in exchange for shares of the Funds, a written confirmation containing the following information: (1) the identity of each transferred security that was valued for purposes of the transaction in accordance with Rule 17a–7(b)(4) of the 1940 Act; (2) the current market price, as of the date of the in-kind transfer, of each such security involved in the transaction; and (3) the identity of each pricing service or market maker consulted in determining the current market price of such securities.

(d) Sanwa Bank has sent or will send by regular mail, or personal delivery, or, if applicable, by facsimile or electronic mail, no later than 105 days after completion of each transfer, a written confirmation that contains the following information: (1) the number of CIF units held by a Plan immediately before the conversion (and the related per unit value and the total dollar amount of such CIF units); and (2) the number of shares in the Funds that are held by the Plan following the conversion (and the related per share net asset value and the total dollar amount of the shares received).

(e) The price that has been or will be paid or received by a Plan for shares of the Funds is the net asset value per share at the time of the transaction and is the same price for the shares which will be paid or received by any other investor at that time.

(f) No sales commissions or redemption fees have been or will be paid by a Plan or a CIF in connection with the in-kind transfer of assets to the Fund, in exchange for shares of the Funds or in connection with the purchase or redemption of Fund shares by a Plan.

(g) For each Client Plan, the combined total of all fees received by Sanwa Bank for the provision of Plan-level services, and in connection with the provision of investment advisory services or Secondary Services to any of the Funds in which Plans may invest, is not and will not be in excess of "reasonable compensation" within the meaning of section 408(b)(2) of the Act.

(h) Sanwa Bank has not received and will not receive any 12b–1 Fees in connection with the transactions.

(i) Any authorizations made by a Client Plan regarding investments in the Funds and the fees paid to Sanwa Bank (including increases in the contractual rates of fees for Secondary Services that are retained by the Sanwa Bank) will be terminable at will by the Client Plan, without penalty to the Client Plan and will be effected within one business day following receipt by Sanwa Bank, from the Second Fiduciary, of the Termination Form or any other written notice of termination, unless circumstances beyond the control of Sanwa Bank delay execution for no more than one additional business day.

(j) The Second Fiduciary will receive written notice accompanied by the Termination Form with instructions on the use of the form at least 30 days in advance of the implementation of any increase in the rate of any fees paid by the Funds to Sanwa Bank regarding investment advisory services, fees for Secondary Services or an additional Secondary Service for which a fee is charged which exceed the rates authorized for Sanwa Bank by the Second Fiduciary.

(k) All dealings by or between the Client Plans and any Fund have been and will remain on a basis which is no less favorable to such Client Plans than dealings between the Fund and other non-Plan shareholders holding the same class of shares as the Client Plans.

Notice to Interested Persons

Sanwa Bank proposes to provide notice of the proposed exemption to the Second Fiduciary of the Bank Plans, active participants in the Bank Plans and the Second Fiduciary of each affected Client Plan. Notice will be provided to each Second Fiduciary by first class mail and to active participants in the Bank Plans by posting at major job sites. Such notice will be given to interested persons within 30 days following the publication of the notice of pendency in the **Federal Register**. The notice will include a copy of the notice of proposed exemption as published in the **Federal Register** as

well as a supplemental statement, as required, pursuant to 29 CFR 2570.43(b)(2), which shall inform interested persons of their right to comment on and/or to request a hearing. Comments and requests for a public hearing are due within 60 days of the publication of the notice of proposed exemption in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Plumbers and Pipe Fitters National Pension Fund (the Fund) Located in Crofton, MD

[Exemption Application No. D–10514]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a)(1)(A), 406(a)(1)(B), 406(a)(1)(D), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code [18] shall not apply, effective October 9, 1997, to the transfer to the Fund from the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL–CIO (the Union), a party in interest with respect to the Fund, of the Union's limited partnership interests in Diplomat Properties, Limited Partnership, (the Partnership), the sole asset of which is a certain resort hotel and country club complex (the Property); and to the transfer to the Fund of Union's holding of stock in Diplomat Properties, Inc. (the Stock), the corporate general partner of such Partnership, in consideration for a capital contribution by the Fund to the Partnership in the amount of $40 million dollars, plus reasonable costs incurred by the Union in purchasing the Property, and in consideration for the release of a certain loan obligation (the Loan) of the Partnership which was guaranteed by the Union and collateralized by Union assets; provided that:

(1) the transaction was a one-time transaction;

(2) an I/F which has the following qualifications acted on behalf of the Fund:

(a) the I/F is an individual, group of individuals, or a business entity which has substantial experience and expertise in the commercial real estate field;

(b) neither the I/F nor any of its affiliates have any ownership or other interest in the Union or its affiliates, nor does the Union or any of its affiliates have any ownership interest in the I/F or its affiliates; and

(c) neither the I/F nor its affiliates engages in any business transactions with the Union or its affiliates.

(3) prior to the Fund entering the transaction, the I/F reviewed and approved the terms of the transaction, determined that the transaction was an appropriate investment for the Fund, that the amount paid by the Fund to acquire ownership of the Property through the Partnership was appropriate and fair, that the total costs incurred were necessary for the acquisition of the Property and were reasonable, and that the transaction was in the best interest of the Fund and its participants and beneficiaries;

(4) the fair market value of the Property held by the Partnership was determined by an independent, qualified appraiser, as of the date of the transaction;

(5) the Fund paid no fees or commissions as a result of the transaction; and

(6) the terms of the transaction were no less favorable to the Fund than those it would have received under similar circumstances when negotiated at arm's length with unrelated third parties.

Summary of Facts and Representations

1. The Fund is a Taft-Hartley multi-employer defined benefit pension fund, as defined in section 3(37) of the Act.[19] The Fund is funded solely by employer contributions negotiated under collective bargaining agreements with the Union. As of January 1997, it is represented that the Fund received contributions from 5,187 active employers. As of October 3, 1997, there were estimated to be 97,988 participants and beneficiaries of the Fund. As of June 30, 1997, the Fund had assets of approximately $3.166 billion. It is represented that the transaction which is the subject of this proposed exemption involved less than 2 percent (2%) of the total assets of the Fund.

The Fund is administered from its offices in Crofton, MD by the plan administrator. Six (6) individuals serve as members of the Board of Trustees (the Trustees) of the Fund. Three of the Trustees are appointed by employers who contribute to the Fund, and three of the Trustees are appointed by the Union. The three Trustees selected by the Union also serve as officers of the Union. As fiduciaries to the Fund, the Trustees are parties in interest with respect to the Fund within the meaning of section 3(14)(A) of the Act.

2. The Union is an employee organization some of whose members participate in the Fund. As such, the Union is a party in interest with respect to the Fund within the meaning of section 3(14) of the Act.

3. The Property, located in Hollywood and Hallandale, Florida, was constructed in the late 1950's and consists of several parcels, including a oceanfront hotel, a vacant parcel of oceanfront real estate, a motel, a golf course, a clubhouse with tennis courts, and a marina. The hotel consists of two towers containing a total of 655 rooms. The north tower is the older of the towers and is in poor condition. The south tower has 256 rooms, large convention areas, and a parking garage. It is represented that the hotel at one time operated as a premier hotel and country club catering to the middle income convention trade, but due to a decline in the market, the hotel has been closed since 1992.

The vacant parcel, located on a 2.99-acre oceanfront site, functions as a parking lot. The motel, located on the Intracoastal Waterway and across the street from the hotel, has approximately 300 rooms, only 150 of which are operational. The golf course, containing 122.91 acres, is represented to be in relatively good shape and continues to function as a low budget operation. It is represented that the clubhouse and tennis courts are in need of upgrading. In the alternative, the real estate underlying the clubhouse and tennis courts could be re-zoned for residential use. The marina, the newest addition to the Property, provides a 52-slip facility, offering a number of finger piers, and a covered gazebo. It is represented that twelve (12) of the boat slips are under annual leases, and that the marina is subject to a long-term lease with a local yacht club.

4. The Union Labor Life Insurance Company (ULLICO) acquired, through

[18] For purposes of this exemption, references to specific provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

[19] It is represented that the Fund is the successor to the former Sabine Area Pipefitters Local No. 195 Pension Trust Fund, which was involved in the correction of a 1988 prohibited transaction that had occurred before the former Local 195 Pension Fund merged into the Fund in 1990. It is represented that the correction of the prohibited transaction did not involve any assets of the National Pension Fund except to the extent that the Local 195 Joint Apprenticeship Committee was assessed first tier excise taxes under section 4975 of the Code for its use of assets of the former Local 195 Pension Fund.

foreclosure, ownership of the Property as a result of a default by an unrelated third party on a mortgage loan. In this regard, in May 1991, title to the Property was transferred to TNDL Limited (TNDL), a wholly-owned subsidiary of ULLICO.

Early in 1997, TNDL placed the Property on the market for sale. It is represented that as a result of this public solicitation, TNDL received seven or eight bids from prospective purchasers, including the Union and at least one from a well-known hotel chain.

It is represented that when the Property was offered for sale, the Trustees of the Fund were interested in acquiring it as an investment for the Fund. However, a non-negotiable condition in the sale offer by TNDL excluded assets of any employee benefit fund subject to the Act from being used to purchase the Property.

5. The successful bidder on the Property was the Union which purchased the Property on October 1, 1997, for $40 million in cash, plus expenses incurred by the Union in acquiring the Property. Upon the advice of counsel, the Union chose to acquire and hold title to the Property through its wholly-owned subsidiary, the Partnership, in order to avoid state real property transfer taxes that would otherwise arise upon any subsequent sale of the Property.

It is represented that the Partnership obtained the money to purchase the Property from the proceeds of the Loan from the National City Bank of Cleveland, Ohio (the Bank). It is represented that repayment of the Loan by the Partnership was guaranteed by the Union. The Loan was secured by cash, cash equivalents, and securities owned by the Union and held by the Bank in a custodial account.

The term of the Loan was two (2) years with no prepayment penalty. The payment schedule consisted of payments only of interest for 23 months with a balloon payment of the principal amount, plus accrued interest in the 24th month. The interest rate on the Loan was the Bank's 7-day money market rate, adjusted weekly. It is represented that the $25,000 origination loan fee charged by the Bank on the Loan was withheld from the $40 million dollar Loan made to the Partnership by the Bank.

6. At the time the Partnership acquired the Property, an appraisal of the Property was prepared by Bruce C. Roe (Mr. Roe), President, and Zillah L. Tarkoe, Senior Analyst, of Roe Research, Inc., in Ft. Lauderdale, Florida. It is represented that the appraisers are qualified in that each is licensed by the State of Florida as a state-certified general real estate appraiser. It is further represented that Mr. Roe is a Member of the American Society of Real Estate Counselors (CRE) and a Member of the Appraisal Institute (MAI).

It is represented that the appraisers are independent in that neither has a present or prospective interest in the Property, nor has either any personal interest or bias with respect to the parties involved. Neither the employment nor the compensation of the appraisers was conditioned upon the reporting of a predetermined value or direction in value of the Property.

After physically inspecting the Property and reconciling the values for the Property established by the cost approach, income approach, and sales comparison approach, the appraisers established a separate value, based on fee simple interest "as is," for each of the parcels which make up the Property, including the oceanfront hotel, the vacant oceanfront parcel, the motel, the golf course and club house, and the marina. The sum of these separate values for each of the parcels was $44,350,000, as of August 8, 1997. Including a 10 percent (10%) discount for a bulk sale of all of the parcels of the Property "as is" to a single purchaser, the fair market value of the Property, was determined by the appraisers to be $40 million, as of August 8, 1997.

7. It is represented that on October 9, 1997, the Union and the Fund closed on the transaction that is the subject of this proposed exemption. Accordingly, the Fund, as applicant, has requested a retroactive exemption, effective October 9, 1997, to permit the past transfer from the Union to the Fund of the Union's limited partnership interests in the Partnership and the Stock in the corporate general partner of the Partnership which was owned by the Union. In this regard, it is represented that the Union owned 100 percent of the Stock of the corporate general partner of the Partnership. As general partner, the corporation owned one percent (1%) of the outstanding interest in the Partnership. The other 99 percent (99%) of the interests in the Partnership were owned by the Union, as limited partner.

It is represented that at the time of the sale of the Property to the Partnership, there existed no agreement pursuant to which the Partnership was obligated to sell the Property to any third party or pursuant to which any third party was obligated to buy the Property, including the Fund. Further, at the time of the sale of the Property to the Partnership, there existed no agreement pursuant to which the Union was obligated to sell its interest in the Partnership to any third party or pursuant to which a third party was obligated to buy the Union's interest in the Partnership, including the Fund. Finally, there never existed any agreement or understanding between TNDL and the Fund with respect to the purchase of the Property by the Fund. In this regard, it is represented that TNDL's representatives were unaware that the Trustees of the Fund were contemplating purchasing the Property after it was sold by TNDL to the Union.

It is represented that in consideration for the transfer by the Union of the Stock and the limited partnership interests, the Fund made a capital contribution to the Partnership in the amount of $40 million dollars. In addition, the Fund agreed to reimburse the Union for the following expenditures (totaling $367,605) which were incurred by the Union in purchasing the Property: (a) attorney hourly fees, travel, and other expenses ($215,756) paid to persons unrelated to the Fund; (b) due diligence fees (*e.g.*, geotechnical, evaluation, updated boundary surveys, appraisal fees) ($42,643); (c) a letter of credit fee ($8,406) paid to the issuer, NationsBank; and (d) earnest money deposit of $100,000 paid into escrow and credited to the Partnership at closing, plus $800 of interest accrued in escrow. It is represented that the letter of credit fee resulted from a term in the sale contract with TNDL, the seller of the Property, which required that the earnest money deposit be in the form of a letter of credit. Further, some due diligence and other fees not included in the amounts set forth above were incurred by the Union prior to the establishment of the Partnership. It is represented that these due diligence and other fees include the following: (a) $647.50 custodian fee paid to National City Bank; (b) $2,978 paid to CT Corporation for assistance in establishing the Partnership and the corporate general partner of the Partnership; and (c) $75,000 to the I/F for the initial opinion on the value of the Property. It is represented that these amounts were paid by the Partnership and/or the Fund subsequent to the closing on the Property and the transfer of the ownership of the Partnership to the Fund.[20]

[20] The Department notes that the actions of the Trustees relying on the advice of the I/F and acting on behalf of the Fund, in connection with its consideration of the merits of the acquisition of the limited partnership interests in the Partnership and the Stock of the corporate general partner of the Partnership as an investment for the Fund and the subsequent acquisition and holding of the Property are governed by the fiduciary responsibility

Because the Property was the sole asset of the Partnership, it is represented that the economic effect of the transfer which is the subject of this proposed exemption for all practical purposes was the same as a sale of the Property by the Union to the Fund. Subsequent to the transfer, it is represented that the capital contribution made by the Fund to the Partnership was used to retire the Loan between the Bank and the Partnership. In this regard, it is represented that on October 10, 1997, the Fund transferred directly to the Bank sufficient assets to pay off the Loan.

8. It is represented that the transaction which is the subject of this proposed exemption was in the interest of the Fund, because it provided a valuable investment opportunity to the Fund which it is represented will result in a superior return.

Further, it is represented that the cities of Hollywood and Hallandale support the redevelopment of the Property. In this regard, it is represented that additional funding for the development of the Property is under consideration by the U.S. Department of Housing and Urban Development through a community development loan guarantee program for projects that produce full time job opportunities for low income residents. Additionally, it is represented that the Fund's ownership of the Property through the limited partnership structure will permit the Fund to avoid the liabilities associated with a more direct ownership of real estate and will not threaten the tax exempt status of the Fund.

9. In the opinion of the Trustees, an important safeguard in this proposed exemption is that an I/F, acting on behalf of the Fund, reviewed and approved the subject transaction, and that such I/F concluded that the transaction was prudent and in the interests of the participants and beneficiaries of the Fund. It is represented that, as of September 22, 1997, Chadwick, Saylor & Co. Inc. (CSC) was retained by the Trustees to act as I/F on behalf of the Fund. As a result, CSC provided the Trustees with a report of its opinion of the subject transaction, dated September 29, 1997, a supplemental report of the same date, a subsequent report, dated December 15, 1997, and an additional letter dated, May 11, 1998.

CSC has acknowledged that as I/F it was solely responsible to the Fund. In this regard, it is represented that the fee of the I/F was paid by the Fund. It is further represented that CSC is independent in that there is no relationship between the Union and CSC, and that CSC is not related to or affiliated with the Fund. Further, CSC represents that it had no conflicts affecting its ability to serve as the I/F and to provide an independent evaluation of the transaction which is the subject of this proposed exemption.

CSC represents that it is an investment advisor registered under the Investment Advisors Act of 1940; that it possesses substantial expertise in the area of commercial real estate investments; and that it is qualified to provide the independent fiduciary services required. In this regard, either CSC or its principals have represented in excess of forty (40) tax exempt institutional real estate investors (private and public pensions, endowments and foundations) in a fiduciary capacity.

In fulfilling its role as I/F, CSC received and reviewed the Fund's policy statement and various reports, schedules, and other material provided by the Fund's consultants, real estate managers, and various professionals. Included in the information reviewed by CSC is the following: (a) the sale and purchase agreement between the Union and TNDL, and attachments and related correspondence; (b) documents, plans, surveys, and maps pertaining to existing and anticipated improvements on the Property; (c) documents, maps, and other correspondence pertaining to the condition of title of the Property, including encumbrances, taxes and other liens, and information on certain adjacent sites; (d) ordinances and other information relating to zoning and building codes; (e) the statement of value of the Property from the independent appraisers; and (f) preliminary feasibility studies, status, and condition reports related to the contemplated development and redevelopment of the Property.

After reviewing the material listed above, CSC is of the opinion that the Fund's investment in the Partnership represents a moderate expenditure of capital (based on the Fund's overall investment portfolio) to produce disproportionately high returns. In this regard, CSC believes that the probable internal rate of return to the Fund will be in excess of 15% from its investment in the Property and successful conclusion of development and redevelopment efforts over the next several years. It is further represented that this rate of return is substantially greater than the overall rate of return experienced by the Fund from its current real estate portfolio. Based on diversification characteristics of the investment in the Partnership, CSC believes that the Fund will enjoy a very competitive risk-adjusted return from its investment.

With respect to diversification of the assets of the Fund, CSC represents that allowing for the subject transaction, equity real estate represents less than 6 percent (6%) of the Fund's total investment portfolio. It is further represented that the total real estate commitments of the Fund, including the 6% equity position and non-equity debt type investments (e.g. loans, bonds, mortgages, and mortgage-backed securities), were slightly in excess of 15 percent (15%) of the Fund's total investment portfolio, as of June 30, 1997.

CSC recognized the degree of risk assumed by the acquisition of properties which are generally unoccupied and are in need of development or redevelopment to become occupied and to generate a positive cash flow. Based on the risk/reward characteristics of the subject transaction, CSC is of the opinion that the acquisition cost (which represents approximately 1.2 percent (1.2%) of the Fund's total investment portfolio, as of June 30, 1997) is an appropriate expenditure and does not represent unwarranted risk.

With respect to the appraisal of the Property prepared by Roe Research, Inc., CSC believes that the $40 million dollar value ascribed to the Property is appropriate and fair. However, CSC did not subscribe to the "bulk sale discount" for the Property, as set forth in the appraisal report. In the opinion of CSC, the value of the unique characteristics of the Property, offering a "self-contained" resort complex, collectively could be greater than the value determined by individual transactions on the various parcels which make up the Property.

In the opinion of CSC, the amount (approximately $40 million dollars, plus reasonable costs) paid by the Fund to acquire the Property does not exceed the fair market value of such Property at the time of acquisition, including consideration for miscellaneous costs, presuming that such costs when fully identified are customary and reasonable and do not exceed the costs incurred by the Union in its purchase of the Property from TNDL. With regard to such costs, CSC in May 1998, after reviewing the total acquisition cost schedule, including financing related costs, legal fees, property specific

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requirements of part 4, subpart B, of Title I. The Department expresses no opinion herein, as to whether any of the relevant provisions of part 4, subpart B, of Title I have been violated regarding the Fund's investment in the Partnership and subsequent holding of the Property, and no exemption from such provisions is proposed herein.

related costs, and the cost of the I/F's valuation, opined that all enumerated acquisition costs were reasonable and that the costs that were incurred were necessary for making a prudent decision on the acquisition of the Property.

In the opinion of CSC, it is appropriate for the Fund to hold title to the Property through the Partnership where the Fund owns 100 percent (100%) of the Stock of the corporate general partner of such Partnership. In this regard, it is CSC's assumption that the Partnership may be restructured in the future to accommodate tax or other issues, to sell a portion of the Property, or to accommodate co-investor or lender capital funding. In this regard, it is represented that such holding by the Fund will permit the Fund to avoid liabilities associated with a more direct ownership of real estate and will not threaten the tax-exempt status of the Fund.

CSC recognizes that certain aspects of the Fund's investment in the Partnership could potentially cause unrelated business income tax (UBTI) to the Fund. In this regard, CSC has been advised by counsel to the Fund that the structuring of the Fund's ownership, operations, and sales will be focused on minimizing any tax consequence to the Fund. Based on this advice of counsel, it is CSC's opinion that the risk-adjusted returns to the Fund, including consideration for potential UBTI, fully justify the acquisition, and development/redevelopment processes planned by the Fund for the Property.

In September 1997, when CSC issued its opinion, certain budgets, cash flows, or schedules pertaining to the development, redevelopment, operation and potential of the various components of the Property were not available. In addition, CSC's opinions as to the fairness of the transaction were based on certain assumptions related to functions yet to be performed or completed and certain permits and approvals yet to be received. Notwithstanding these facts, in the course of its review of materials with respect to the subject transaction, it is represented that nothing came to the attention of CSC that indicated that these matters could not be favorably resolved, and in CSC's opinion, it is reasonable for the Fund to assume that such matters will be favorable resolved.

Therefore, based on all of the information CSC reviewed as of the date of its initial opinion and affirmed in its subsequent report, CSC concludes, solely on behalf of the Fund, that the acquisition price in the amount of $40 million, plus reasonable costs is appropriate and fair. Moreover, based on the foregoing, it is CSC opinion that the transaction which is the subject of this exemption represents a prudent investment for the Fund and is in the best interest of the participants and beneficiaries of the Fund.

10. In summary, the applicant, represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(1) The transaction was a one-time transaction;

(2) The I/F acted on behalf of the Fund;

(3) Prior to entering the transaction, the I/F reviewed approved the terms of the transaction, determined that the transaction was an appropriate investment for the Fund, that the amount paid by the Fund to acquire ownership of the Property through the Partnership was fair and reasonable, that the total costs incurred were necessary for the acquisition of the Property and were reasonable, and that the transaction was in the best interest of the Fund and its participants and beneficiaries;

(4) The fair market value of the Property held by the Partnership was determined by an independent, qualified appraiser;

(5) The Fund paid no fees or commissions as a result of the transaction; and

(6) The terms of the transaction were no less favorable to the Fund than those it would have received under similar circumstances when negotiated at arm's length with unrelated third parties.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 219–8883 (This is not a toll-free number.)

Collection Bureau Services Profit Sharing Plan and Trust (the Plan), Located in Missoula, MT

[Application No. D–10525]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the proposed lease (the Lease) by the Plan of certain improved real property (the Property) to Collection Bureau Services (the Employer), a party in interest with respect to the Plan, and (2) the possible purchase of the Property by the Employer in the future, pursuant to the Employer's option to purchase the Property under the Lease.

This proposed exemption is subject to the following conditions:

(1) The Plan is represented for all purposes under the Lease by a qualified, independent fiduciary;

(2) The terms and conditions of the Lease are at least as favorable to the Plan as those the Plan could obtain in a comparable arm's length transaction with an unrelated party;

(3) The rent paid to the Plan under the Lease is no less than the fair market rental value of the Property, as established by a qualified, independent appraiser;

(4) The rent is adjusted, at a minimum, every three years, based upon an updated independent appraisal of the Property, but in no event shall such adjustments result in the rent being less than the rental amount for the Property existing for the preceding period;

(5) The Lease is triple net (with all expenses for maintenance, taxes, and insurance to be borne by the Employer as the tenant);

(6) The independent fiduciary for the Plan (the I/F) reviews the terms and conditions of the Lease on behalf of the Plan and determines that the Lease is in the best interests of, and appropriate for, the Plan;

(7) The I/F monitors and enforces compliance with all of the terms and conditions of the Lease, and of the exemption (if granted), throughout the duration of the Lease;

(8) The I/F expressly approves any improvements by the Employer to the Property, any renewal of the Lease beyond the initial term, and any sale of the Property to the Employer, pursuant to the Employer's option to purchase the Property under the Lease;

(9) In the event that the Employer exercises its option to purchase the Property under the Lease, the Employer pays the Plan an amount which is the greater of either (a) the original acquisition cost of the Property, plus holding expenses, or (b) the fair market value of the Property, as of the date of the sale, as established by a qualified, independent appraiser; and

(10) At all times throughout the duration of the Lease, the fair market value of the Property represents no more than 25 percent of the total assets of the Plan.

Summary of Facts and Representations

1. The Plan is a defined contribution plan sponsored by the Employer. The

Employer, a Montana corporation, is engaged in the collection and credit reporting business. As of October 13, 1997, the Plan had approximately 26 participants and beneficiaries. As of that date, the Plan had total assets of $1,131,567. The trustees of the Plan are Jeffrey J. Koch and Douglas N. Klein.

2. Among the assets of the Plan is the Property, which consists of a single family residence located at 218 East Spruce, Missoula, Montana, adjacent to the Employer's premises. The Property is a one story, two bedroom, one bath structure. The Property was acquired by the Plan in 1982 from an unrelated party for $32,500 and is not mortgaged or otherwise subject to any debt. Since September 16, 1996, the Property has been leased to an unrelated party at the rate of $550 per month.[21] The Employer proposes to lease the Property from the Plan and convert the Property to commercial office space, at the Employer's own expense (at an estimated cost of approximately $1,000).

3. The Property was appraised in May, 1997, by Pamela A. Lundt and Lonnie S. Warner of Professional Property Management, Inc. (PPMI). Ms. Lundt and Ms. Warner (the Appraisers), the partners of PPMI, are both real estate brokers licensed in the State of Montana. The applicant represents that both of the Appraisers are highly experienced in conducting comparative rental market analysis for residential and commercial properties in Missoula, Montana and the surrounding area. In addition, PPMI currently manages in excess of 700 residential and commercial properties in Missoula and the surrounding area.

The Appraisers' valuation of the Property included an analysis of four other leases of comparable properties in the local market area. Based upon this market data, the Appraisers concluded that the Property had a fair market rental value in the range of $575 to $600 per month, if leased on a triple net basis, as of May 9, 1997.

4. PPMI has also been retained by the Employer to represent the Plan as an independent fiduciary for the Plan (i.e., the I/F). PPMI represents that it is unrelated to, and independent of, the Employer and derives less than 1% of its annual income from the Employer. PPMI states that it is knowledgeable as to the subject transactions. PPMI also acknowledges and accepts its duties, responsibilities, and liabilities in acting as a fiduciary under the Act with respect to the Plan for purposes of the Lease.[22]

5. The Lease provides for a rental rate of $600 per month and an initial term of one year, which may be renewed for additional one year periods, up to a maximum total of 15 years, upon the express approval of PPMI, as the I/F for the Plan. The Lease provides for rent adjustments, at a minimum, every three years, based upon an updated independent appraisal of the fair market rental value of the Property. However, in no event shall such adjustments result in the rent being less than the rental amount for the Property existing for the period preceding the adjustment.

The Lease is triple net (with all expenses for maintenance, taxes, and insurance to be borne by the Employer as the tenant). The Lease permits the Employer to make improvements to the Property at the Employer's expense, upon the express approval by the I/F. Any such improvements to the Property will belong to the Plan upon termination of the Lease. The Employer will indemnify and hold the Plan harmless for all claims and demands arising from or in any way relating to the Property.

6. The Lease grants the Employer the option to purchase the Property from the Plan, subject to approval by PPMI. In this regard, PPMI, as the I/F for the Plan, must determine that a sale of the Property would be in the best interests of the Plan. Any such sale would be a one-time transaction for cash, and the Plan would incur no expenses relating to the sale.

If the Employer exercises its option, the Employer will purchase the Property from the Plan for an amount which is the greater of either (a) the original acquisition cost of the Property, plus holding expenses, or (b) the fair market value of the Property as of the date of the sale, as established by a qualified, independent appraiser. The appraiser must take into account any possible special value that the Property may have to the Employer, as a result of the Employer's premises being located adjacent to the Property.

7. PPMI, acting as the I/F for the Plan, represents that it has reviewed the terms and conditions of the Lease on behalf of the Plan and determined that such terms and conditions are at least as favorable to the Plan as those the Plan could obtain in a comparable arm's length transaction with an unrelated party. PPMI represents that the Lease would be in the best interests of, and appropriate for, the Plan. PPMI states that the Lease will generate income for the Plan, and the Employer will be a stable, long-term tenant. In this regard, PPMI states that the Employer is capable of meeting its contractual obligations under the Lease, based upon an examination of the Employer's financial condition. Finally, PPMI will monitor and enforce compliance with the terms and conditions of the Lease, and of the exemption (if granted), throughout the duration of the Lease.

8. In summary, the applicant represents that the proposed transactions satisfy the statutory criteria for an exemption under section 408(a) of the Act for the following reasons: (1) the Plan will be represented for all purposes under the Lease by PPMI, a qualified, independent fiduciary; (2) the terms and conditions of the Lease will be at least as favorable to the Plan as those the Plan could obtain in a comparable arm's length transaction with an unrelated party; (3) the rent charged by the Plan under the Lease will be no less than the fair market rental value of the Property, as established by a qualified, independent appraiser; (4) the rent will be adjusted, at a minimum, every three years, based upon an updated independent appraisal of the Property, but in no event shall such adjustments result in the rent being less than the rental amount for the Property existing for the preceding period; (5) the Lease will be triple net (with all expenses for maintenance, taxes, and insurance to be borne by the Employer as the tenant); (6) PPMI, as the I/F for the Plan has reviewed the terms and conditions of the Lease on behalf of the Plan and determined the Lease would be in the best interests of, and appropriate for, the Plan; (7) PPMI will monitor and enforce compliance with the terms and conditions of the Lease, and of the exemption (if granted), throughout the duration of the Lease; (8) PPMI will expressly approve any improvements by the Employer to the Property, any renewal of the Lease beyond the initial term, and any sale of the Property to the Employer, pursuant to the Employer's option to purchase the Property under the Lease; (9) in the event that the Employer exercises its option to

[21] From October 1, 1994 to September 16, 1996, the Plan leased the Property to the Employer for commercial use. In an audit of the Plan, the Department cited the prohibited lease, among other things, in a letter dated December 17, 1996, as a violation of the Act. In a letter dated February 26, 1997, the Department noted that the Employer had taken all corrective action required by the Department, including the payment, on January 24, 1997, of $2,585.50 in excise taxes assessed by the Internal Revenue Service. Since that amount exceeded the amount of the section 502(l) penalty assessed by the Department, under the Department's regulations (see 29 CFR 2570.86), no further payment was due, and the Department closed its investigation of the Plan.

[22] In this regard, PPMI will confer with legal counsel having expertise with respect to the requirements of the Act, as needed.

purchase the Property under the Lease, the Employer will pay the Plan an amount which is the greater of either (a) the original acquisition cost of the Property, plus holding expenses, or (b) the fair market value of the Property, as of the date of the sale, as established by a qualified, independent appraiser; and (10) at all times throughout the duration of the Lease, the fair market value of the Property will represent no more than 25 percent of the total assets of the Plan.

Notice to Interested Persons

Notice of the proposed exemption shall be given to all interested persons by first-class mail or by posting the required information at the Employer's offices within 10 days of the date of publication of the notice of pendency in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and/or request a hearing with respect to the proposed exemption. Comments and requests for a hearing are due within 40 days of the date of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Karin Weng of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Breland Investments, Inc. Profit Sharing Plan and Trust (the Plan), Located in Phoenix, Arizona

[Exemption Application No: D–10529]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, August 10, 1990). If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the proposed loan (the Loan) by the individually directed account (the Account in the Plan [23] of Dr. Albert E. Breland (Dr. Breland), to Mesa Scholastic Enterprises (Mesa), a disqualified person with respect to the Plan, and (2) the personal guarantee of the Loan by Dr. Breland, a disqualified person with respect to the Plan, provided the following conditions are satisfied:

(a) The terms of the Loan are at least as favorable to the Account as those obtainable in an arm's length transaction with an unrelated party;

(b) The amount of the Loan does not exceed 25% of the assets in the Account;

(c) The Loan is secured by a first deed of trust on the commercial real property (the Property), which has been appraised by a qualified independent appraiser to have a fair market value not less than 150% of the outstanding balance of the Loan throughout its duration;

Summary of Facts and Representations

1. The Plan is a profit sharing plan which provides its participants with the opportunity to direct the investment of their individual accounts. Currently it has one participant, Dr. Breland, and one beneficiary, Mrs. Nancy V. Breland (Mrs. Breland), Dr. Breland's wife. The aggregate fair market value of the Plan's, and the Account's, assets as of June 30, 1997 was approximately $900,000. The Plan is sponsored by Breland Investments, Inc., a corporation wholly owned by Dr. and Mrs. Breland which manages various investments in real estate, securities and other assets. The trustees of the Plan are Dr. and Mrs. Breland.

2. Mesa is an Arizona General Partnership in which Dr. and Mrs. Breland own a majority interest. Located in Mesa, Arizona, it is engaged in leasing the Property to the Mesa Montessori Preschool. In the past three years, Mesa has averaged annual revenues of approximately $48,300, consisting primarily of the $4,000 per month received in rent from the Mesa Montessori Preschool.

3. The Loan involves only the Account and is described by the applicant as follows: An amount of $123,500 will be loaned by the Account to Mesa for purposes of paying a balloon payment due on a prior third-party loan related to the Property. The Loan will be repaid over a 10 year period, with equal payments of principal and interest. The interest rate will be 10% per annum, which was determined after contacting three prominent commercial banks in the Phoenix metropolitan area to survey the applicable interest rates for a similar transaction between unrelated parties. The Loan will be secured by a first deed of trust on the Property.[24]

Institution	Rate	Contact
Harris Trust Bank of Arizona	3% over 10 year Treasury Bill rate, plus an initial charge of 2 points.	Glenn Elstoen.
Northern Trust	8.5 to 9%, plus an initial charge of ½ to 1 point	Harold Dorenbecher.
Wells Fargo	8.475, plus an initial charge of 1½ points	Roy Miller.

Regarding Mesa's creditworthiness, the applicant represents that all payments on past and present debt obligations have been paid in a timely manner. In addition, because the monthly payments on the proposed Loan will be less than those due under the current loan related to the Property, and because two additional loans for which Mesa pays approximately $1,095 per month will be paid off by September 1998, the applicant believes that Mesa will have ample income to ensure payment of the proposed Loan. Finally, the Brelands, in their individual capacity, will be responsible for repayment of the Loan in the event of default by Mesa because of their status as general partners in Mesa.

4. The Property consists of a .8469 acre parcel of real property improved with a 3,243 square foot one-story preschool building located at 2830 South Carriage Lane in Mesa, Arizona. The parcel was originally transferred from the Brelands to Mesa in 1983.

5. On May 1, 1997, Mr. Gary E. Ringel (Mr. Ringel) and Mr. Carter T. Froelich (Mr. Froelich), both employees of U.S.L. Valuation, appraised the Property. Both Mr. Ringel and Mr. Froelich are State Certified Real Estate Appraisers in Arizona, and represent that they have no present or prospective interest in the Property, no personal interest or bias with respect to the parties involved, and are otherwise independent. After reviewing and analyzing the data related to the Property, the appraisers determined that the Property is worth $406,000, or 3.29 times the amount of the Loan.

In their appraisal, Mr. Ringel and Mr. Froelich relied on both the sales comparison, or market, approach and

[23] Because Dr. Breland is the only participant in the Plan, there is no jurisdiction under 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

[24] The applicant contacted the Harris Trust Bank of Arizona, Northern Trust, and Wells Fargo. The rates obtained were based on the following information: A loan for commercial real property in the Phoenix metropolitan area in the amount of $120,000 to $130,000 payable over a 10 year term, and secured by the property which has a fair market value in excess of twice the loan amount. The following provides the quoted rates:

the income approach in reaching their conclusion as to the value of the Property. Using the sales comparison approach, the appraisers analyzed preschool building sales in the Phoenix area and compared those to the Property with adjustments made for property rights, financing, conditions of sale, market conditions, location and physical features, and arrived at a fair market value of $405,000. With respect to the income approach, Mr. Ringel and Mr. Froelich employed the direct capitalization method, the preferred technique of preschool investors, and estimated the value of the subject property to be $407,000. Giving the two methods equal weight, the appraisers concluded the value of the Property to be $406,000.

7. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 4975(c)(2) of the Code for the following reasons: (a) the terms of the Loan are at least as favorable to the Account as those obtainable in an arm's length transaction with an unrelated party; (b) the amount of the Loan does not exceed 25% of the assets in the Account; and (c) the Loan is secured by a first deed of trust on the Property, which has been appraised by a qualified independent appraiser to have a fair market value not less than 150% of the outstanding balance of the Loan throughout its duration.

Notice to Interested Persons

Because Dr. Overland is the only participant to be affected by the proposed transaction, it has been determined that there is no need to distribute the notice of proposed exemption (the Notice) to interested persons. Comments and requests for a hearing are due thirty (30) days after publication of the Notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. James Scott Frazier, telephone (202) 219–8881. (This is not a toll-free number).

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 22nd day of May, 1998.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 98–14196 Filed 5–22–98; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Sunshine Act Meeting

TIME, DATE, AND PLACE: June 25, 1998.

Status: Open.

9:00 a.m.–4:00 p.m. Benton Foundation, The Richard M. Neustadt Center for Communications in the Public Interest, 1634 I Street, NW., Washington, DC.

Status: Closed.

4:00 p.m.–5:00 p.m. Discussion, internal personnel matters.

MATTERS TO BE DISCUSSED: Benton Foundation programs dealing with library advocacy and children issues, Charles Benton; Report, Working Group on Issues of Journal Pricing, Publishing, and Copyright; Report, Access to Government Information; Update, NCLIS Action Plan; GPO Depository Library Program; ALA/NCLIS Public Libraries and the Internet Study; Library Statistics Program; Survey of international activities and assessment of NCLIS' role(s); Discussion, issues affecting children and the Internet; and administrative matters.

Status: Open.

June 26, 1998.

9:00 a.m.–12:00 N—Library of Congress, James Madison Memorial Building, West Dining Room, Washington, DC.

MATTERS TO BE DISCUSSED: Institute of Museum and Library Services Program Activities; LSTA Leadership Grants; Guidelines for State-Based Grants; Legislation and Library and Information issues.

To request further information or to make special arrangements for physically challenged persons, contact Barbara Whiteleather (202–606–9200) no later than one week in advance of the meeting.

Dated: May 21, 1998.

Robert S. Willard,

Acting Executive Director.

[FR Doc. 98–14338 Filed 5–26–98; 4:02 pm]

BILLING CODE 7527–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA is resubmitting the following information collections without change to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). These information collections are published to obtain comments from the public.

DATES: Comments will be accepted until July 28, 1998.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. James L. Baylen (703) 518–6411, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–

3428, Fax No. 703–518–6433, E-mail: jbaylen@ncua.gov.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, James L. Baylen, (703) 518–6411.

SUPPLEMENTARY INFORMATION: Proposals for the following collections of information:

OMB Number: 3133–0061.
Form Number: CLF–8703.
Type of Review: Extension of a currently approved collection.
Title: Central Liquidity Facility (CLF) Repayment Agreement, Regular Member.
Description: The form is used by CLF regular members borrowing from the CLF.
Respondents: Credit Unions that are CLF regular members that borrow from the CLF.
Estimated No. of Respondents/ Recordkeepers: 25.
Estimated Burden Hours Per Response: 1 hour.
Frequency of Response: Other. As the need for borrowing arises.
Estimated Total Annual Burden Hours: 25.
Estimated Total Annual Cost: N/A.
OMB Number: 3133–0063.
Form Number: CLF–8702.
Type of Review: Extension of a currently approved collection.
Title: Central Liquidity Facility (CLF) Membership Application.
Description: This is a one-time form used to request membership in the CLF.
Respondents: Credit unions seeking membership in the CLF.
Estimated No. of Respondents/ Recordkeepers: 25.
Estimated Burden Hours Per Response: 12.5 hours.
Frequency of Response: Other. As credit unions request membership in the CLF.
Estimated Total Annual Burden Hours: 18.5.
Estimated Total Annual Cost: N/A.
OMB Number: 3133–0064.
Form Number: CLF–7000, 7001, 7002, 7003, & 7004.
Type of Review: Extension of a currently approved collection.
Title: Forms and instructions for Central Liquidity Facility (CLF) loans.
Description: Forms used by each borrower from the CLF.
Respondents: Credit Unions that borrow from the CLF.
Estimated No. of Respondents/ Recordkeepers: 25.
Estimated Burden Hours Per Response: 1 hour.
Frequency of Response: Other. As the need for borrowing arises.
Estimated Total Annual Burden Hours: 25.
Estimated Total Annual Cost: N/A.
OMB Number: 3133–0136.
Form Number: CLF–8704.
Type of Review: Extension of a currently approved collection.
Title: Central Liquidity Facility (CLF) Repayment Agreement, Agent Member.
Description: The form is used by CLF agent members borrowing from the CLF.
Respondents: Credit Unions that are CLF agent members that borrow from the CLF.
Estimated No. of Respondents/ Recordkeepers: 15.
Estimated Burden Hours Per Response: 6 hours.
Frequency of Response: Other. As the need for borrowing arises.
Estimated Total Annual Burden Hours: 90.
Estimated Total Annual Cost: N/A.

By the National Credit Union Administration Board on May 19, 1998.

Becky Baker,

Secretary of the Board.

[FR Doc. 98–14198 Filed 5–28–98; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN–50–528, STN 50–529, and STN 50–530]

Arizona Public Service Company, et al.; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment Nos. 117 to Facility Operating License Nos. NPF–41, NPF–51, and NPF–74, issued to the Arizona Public Service Company, et al. (the licensee) for operation of the Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3, respectively, located in Maricopa County, Arizona.

The amendments are effective as of the date of issuance.

The amendments replace, in their entirety, the current technical specifications (TS) with a set of TS based on NUREG–1432, "Standard Technical Specifications, Combustion Engineering Plants," Revision 1, April 1995. In addition, the amendments add four license conditions to Appendix D that require (1) the relocation of previous TS requirements into licensee-controlled documents, (2) the first performance of new and revised surveillance requirements for the improved TS (ITS) to be related to the implementation of the ITS, (3) the addition of a listing to Section 17.2 of the Updated Final Safety Analysis Report (UFSAR) of the commitments in the Quality Assurance Program (QAP) that are not in Chapter 17 of the UFSAR, and (4) the Palo Verde Nuclear Generating Station commercial-grade equipment certification program to be adequate to detect certain types of failures. The implementation of the amendments and the license conditions will be on or about September 15, 1998.

The application for the amendments 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 amendments.

Notice of Consideration of Issuance of Amendments and Opportunity for Hearing in connection with this action was published in the **Federal Register** on April 14, 1997 (62 FR 18153). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendments dated October 4, 1996, as supplemented by (a) the 19 letters in 1997 dated January 31, March 16, May 30, May 30, June 6, July 18, July 18, July 18, July 18, August 31, September 18, September 18, September 19, September 19, November 7, November 14, November 26, and December 16, and (b) the three letters in 1998 dated February 12, March 27, and May 1, (2) Amendment No. 117 to Facility Operating License No. NPF–41, Amendment No. 117 to Facility Operating License No. NPF–51, and Amendment No. 117 to Facility Operating License No. NPF–74, and (3) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street,

N.W., Washington, D.C., and at the local public document room located at the Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 20th day of May 1998.

For the Nuclear Regulatory Commission.

Jack N. Donohew,

Senior Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–14240 Filed 5–28–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285]

Omaha Public Power District, Fort Calhoun Station, Unit No. 1; Exemption

I

Omaha Public Power District (OPPD) is the holder of Facility Operating License No. DPR–40 for the Fort Calhoun Station, Unit No. 1 (FCS) which authorizes operation of the Fort Calhoun Station, Unit No. 1. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility consists of one pressurized-water reactor at the licensee's site located in Washington County, Nebraska.

II

By letter dated September 30, 1997, as supplemented by letters dated January 29, 1998, and April 23, 1998, the licensee requested an exemption from certain requirements from 10 CFR Part 50, Appendix R, Section III.O, for the Fort Calhoun Station. Section III.O of Appendix R to 10 CFR Part 50, requires that the reactor coolant pump (RCP) shall be equipped with an oil collection system if the containment is not inerted during normal operation. The oil collection system shall be so designed, engineered and installed that failure will not lead to fire during normal or design basis accident conditions and that there is reasonable assurance that the system will withstand the safe shutdown earthquake.

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 Part 50 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 * * *." The underlying purpose of 10 CFR Part 50, Appendix R, Section III.O, is to ensure that leaking oil will not lead to a fire that could damage safety related equipment during normal or design basis accident conditions. As documented in a Safety Evaluation dated May 21, 1998, the NRC staff concluded that for RCP RC–3B an oil collection system is not needed to satisfy the underlying purpose of Section III.O of Appendix R for:

(1) the unpressurized upper bearing cooling water penetrations located 3.15" above the normal oil level,

(2) the unpressurized lower bearing component cooling water penetrations located 1" above the normal oil level,

(3) the unpressurized vent line on the lower bearing resistance temperature detector (RTD) located 2.4" above the normal oil level,

(4) the unpressurized upper bearing RTD located 10" above the normal oil level, and

(5) the unpressurized lower bearing oil level transmitter line.

Accordingly, the Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii).

As further documented in the Safety Evaluation dated May 21, 1998, the staff also concluded that an exemption is not needed for:

(1) the motor cooling air vents of RCP RC–3B,

(2) the anti-rotation device air vents and the motor cooling air vents of the remaining RCPs, or

(3) the lack of a flash arrester for the RCP oil collection system vent.

IV

The Commission has determined that, pursuant to 10 CFR 50.12, an exemption in connection with the five unpressurized sites above regarding RCP RC–3B is authorized by law, will not present an undue risk to public health and safety and is consistent with the common defense and security. Also, as stated above, the Commission has determined that special circumstances are present. Therefore, the Commission hereby grants Omaha Public Power District an exemption from the requirements of Section III.O of Appendix R to 10 CFR Part 50 regarding the unpressurized leakage sites in the RCP lube oil collection system discussed herein.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (63 FR 26653).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 21st day of May, 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–14241 Filed 5–28–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397]

Washington Public Power Supply System; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. to Facility Operating License No. NPF–21 issued to Washington Public Power Supply System (the licensee), for operation of the Washington Nuclear Project No. 2 (WNP–2), located in Benton County, Washington.

The amendment is effective as of the date of issuance.

The amendment revises the maximum yield strength for emergency core cooling system suction strainer materials listed in the WNP–2 Final Safety Analysis Report (FSAR).

The application for the amendment 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 and Opportunity for Hearing in connection with this action was published in the **Federal Register** on April 21, 1998 (63 FR 19758). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to

the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated April 16, 1998, as supplemented by letters dated April 28, 1998, and May 8, 1998. (2) Amendment No. 153 to Facility Operating License No. NPF–21, and (3) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 21st day of May 1998.

For the Nuclear Regulatory Commission.

Chester Poslusny,

Senior Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–14242 Filed 5–28–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of May 25, June 1, 8, and 15, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of May 25

Friday, May 29

11:00 a.m. Affirmative Session (Public Meeting) (if needed)

1:00 p.m. Briefing on Investigative Matters (Closed—Ex. 5 and 7)

Week of June 1—Tentative

Tuesday, June 2

8:00 a.m. Briefing on Remaining Issues Related to Proposed Restart of Millstone Unit 3. (Public Meeting) (Contact: Bill Travers 301–415–1200)

1:00 p.m. (Continuation of morning meeting on Millstone)

Wednesday, June 3

3:30 p.m. Affirmation Session (Public Meeting) (if needed)

Thursday, June 4

2:00 p.m. Briefing by NEI and NRC Staff on Safety Evaluations, FSAR Updates and Incorporation of Risk Insights

Friday, June 5

10:00 a.m. Briefing by EPRI on the Status of their Advanced Light Water Reactor (ALWR) Program (Public Meeting)

Week of June 8—Tentative

Thursday, June 11

11:30 a.m. Affirmation Session (Public Meeting) (if needed)

Friday, June 12

10:00 a.m. Briefing by Reactor Vendors Owners' Groups (Public Meeting) (Contact: Bryan Sheron, 301–415–1274)

Week of June 15—Tentative

Wednesday, June 17

10:00 a.m. Briefing by National Mining Association on Regulation of the Uranium Recovery Industry (Public Meeting)

11:30 a.m. Affirmation Session (Public Meeting) (if needed)

2:00 p.m. Meeting with Advisory Committee on Medical Uses of Isotopes (ACMUI) and Briefing on Part 35 (Public Meeting) (Contact: Larry Camper, 301–415–7231).

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information. Bill Hill (301) 415–1661.

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The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: May 22, 1998.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 98–14396 Filed 5–21–98; 11:22 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23203; 812–11050]

The Dreyfus/Laurel Funds, Inc., et al. Notice of Application

May 22, 1998.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of an application under section 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from section 17(a) of the Act.

Summary of the Application: Applicants request an order to permit a series of Dreyfus Index Funds, Inc. to acquire all of the assets and liabilities of a series of Dreyfus/Laurel Funds, Inc.

Applicants: The Dreyfus/Laurel Funds, Inc. ("Company") and Dreyfus Index Funds, Inc. ("Index Funds").

Filing Dates: The application was filed on March 6, 1998, and amended on May 20, 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 the applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 16, 1998, and should be accompanied by proof of service on the applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, 200 Park Avenue, New York, New York, 10166.

FOR FURTHER INFORMATION CONTACT: Annmarie J. Zell, Staff Attorney, (202) 942–0532, or Mary Kay Frech, Branch Chief, (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth

Street, N.W., Washington, D.C. 20549 (telephone (202) 942–8090).

Applicants' Representations

1. The Index Funds, a Maryland corporation, is registered under the Act as an open-end management investment company. The Dreyfus International Stock Index Fund ("Acquiring Fund") is one of three series of Index Funds. The Company, a Maryland corporation, is registered under the Act as an open-end management investment company. The Dreyfus International Equity Allocation Fund ("Acquired Fund") is one of eighteen series of the Company.

2. Dreyfus Corporation ("Dreyfus"), an investment adviser registered under the Investment Advisers Act of 1940, serves as investment adviser for both the Acquiring Fund and the Acquired Fund. Dreyfus is a wholly owned subsidiary of Mellon Bank, N.A. ("Mellon Bank"), which is a wholly owned subsidiary of Mellon Bank corporation. As of March 30, 1998, Mellon Bank directly or indirectly owned with power to vote approximately 71% of the outstanding shares of the Acquired Fund, 33% of which Mellon directly owned in a fiduciary capacity and 38% of which Mellon directly or indirectly owned (but not in a fiduciary capacity). Also, as of March 30, 1998, Mellon owned approximately 92% of the outstanding voting securities of the Acquiring Fund.

3. The Acquired Fund issues two classes of shares, Investor shares and Restricted shares, which are identical except with respect to services and expenses. Investor shares are subject to rule 12b–1 fees and are offered to any investor. Restricted shares are sold primarily to bank trust departments and other financial service providers acting on behalf of customers who have a qualified trust or investment account or relationship at the institution, or to customers who have received and hold shares of the Acquired Fund distributed to them by virtue of such an account or relationship. The Acquiring Fund offers a single class of shares. These shares are sold to any investor and are subject to shareholder service fees and a redemption fee. Shares of the Acquiring Fund received by former shareholders of the Acquired Fund will not be subject to the redemption fee. Both Acquired Fund shares and Acquiring Fund shares are sold without a front-end or deferred sales charge.

4. On January 28, 1998, and February 11, 1998, respectively, the boards of directors of the Company and the Index Funds ("Boards"), including their disinterested directors, unanimously approved an Agreement and Plan of Reorganization ("Agreement") pursuant to which the Acquiring Fund will acquire all of the assets and liabilities of the Acquired Fund in exchange for shares of the Acquiring Fund having an aggregate net asset value equal to the assets transferred minus the liabilities of the Acquired Fund ("Reorganization"). The Acquired Fund will endeavor to discharge all of its known liabilities and obligations prior to closing, presently expected to occur at the close of trading on the floor of the New York Stock Exchange on June 19, 1998 ("Closing Date").

5. The Acquired Fund's shareholders will receive shares, without class designation, of the Acquiring Fund. The number of full or fractional shares of the Acquiring Fund to be issued to the Acquired Fund will be determined by dividing the aggregate net asset value attributable to the Investor and Restricted shares of the Acquired Fund by the net asset value of one Acquiring Fund share. As soon as practicable after the Closing Date, the Acquired Fund will distribute the Acquiring Fund shares *pro rata* to its shareholders of record, determined as of the close of business on the Closing Date. As a result of the Reorganization, each Acquired Fund shareholder will receive Acquiring Fund shares having an equal net asset value to the shares held in the Acquiring Fund. After the distribution of the Acquiring Fund shares and the winding up of its affairs, the Acquired Fund will be terminated.

6. Each Board found that participation in the Reorganization is in the best interests of the relevant Acquiring Fund and Acquired Fund (collectively, "Funds") and that the interests of existing shareholders will not be diluted as a result of the Reorganization. In assessing the Reorganization, the Boards considered: (a) the relative past growth in assets and investment performance of the Funds; (b) the future prospects of the Funds, both under circumstances where they are not reorganized and where they are reorganized; (c) the compatibility of the investment objectives, policies and restrictions of the Acquiring Fund and the Acquired Fund; (d) the effect of the Reorganization on the expense ratios of each Fund based on a comparison of the expense ratios of the Acquiring Fund with those of the Acquired Fund on a "pro forma" basis; (e) the costs of the Reorganization to the Funds; (f) whether any future cost savings could be achieved by combining the Funds; (g) the tax-free nature of the Reorganization; and (h) alternatives to the Reorganization. In considering the Reorganization, each Board noted that the investment objectives, policies and restrictions of the Acquiring Fund and the Acquired Fund are similar.

7. Prior to the Closing Date, the Acquired Fund will declare a dividend and/or other distributions so that all taxable income and realized net gain are distributed for the current taxable year through the Closing Date and prior taxable years. If the Reorganization is consummated, the Funds will bear the expenses of the Reorganization *pro rata* according to their respective net assets as of the Closing Date, or if the Reorganization is not consummated, as of the date the Reorganization is abandoned.

8. On March 4, 1998, a registration statement on Form N–14 containing a preliminary combined prospective/proxy statement, was filed with the SEC. A final prospective/proxy was mailed to shareholders of the Acquired Fund on or about April 14, 1998, for their approval at a meeting scheduled to be held on June 9, 1998.

9. The Reorganization is subject to the following conditions: (a) receipt of the affirmative vote of two-thirds of the votes of the shareholders of the Acquired Fund; (b) the Acquiring Fund's and the Acquired Fund's receipt of opinions of counsel to the effect that the Reorganization will constitute a "reorganization" within the meaning of section 368 of the Internal Revenue Code of 1986, as amended, and as a consequence, the Reorganization will not result in federal income taxes for the Acquired Fund or the Acquiring Fund or their shareholder; and (c) the applicants have received exemptive relief from the SEC which is the subject of the application. Applicants agree not to make any material changes to the Agreement without prior SEC approval.

Applicants' Legal Analysis

1. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from selling any security to, or purchasing any security from the company. Section 2(a)(3) of the Act defines an "affiliated person" or another person to include (a) any person that owns 5% or more of the outstanding voting securities of such other person, (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by such other person, (c) any person directly or indirectly controlling, controlled by or under common control with the other person, and (d) if such other person is an investment company, any investment adviser of that company.

Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons solely by reason of having a common investment adviser, common directors/trustees, and/or common officers, provided that certain conditions set forth in the rule are satisfied.

3. Applicants believe that they may not rely on rule 17a–8 because the Funds may be affiliated for reasons other than those set forth in the rule. Dreyfus, a wholly owned subsidiary of Mellon Bank, serves as investment adviser to both Funds. Mellon Bank directly or indirectly owns with power to vote approximately 71% of the outstanding shares of the Acquired Fund and approximately 92% of the outstanding shares of the Acquiring Fund. Because of this ownership, the Acquiring Fund may be deemed an affiliated person of an affiliated person of the Acquired Fund and vice versa under sections 2(a)(3)(B) and 2(a)(3)(C) of the Act.

4. Section 17(b) of the Act provides that the SEC may exempt a transaction from the provisions of section 17(a) if the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

5. Applicants submit that the terms of the Reorganization satisfy the standards set forth in section 17(b), Applicants note that the Boards, including the disinterested directors, found that participation in the Reorganization is in the best interests of each Fund and that the interests of the existing shareholders of each Fund will not be diluted as a result of the Reorganization. Applicants also note that the exchange of the Acquired Fund's shares for the Acquiring Fund's shares will be based on the Fund's relative net asset values and that the Reorganization will be effected on a tax-free basis.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Dos. 98–14186 Filed 5–28–98; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Information Collection Activities: Comment Requests

This notice lists information collection packages that will require submission to the Office of Management and Budget (OMB), as well as information collection packages submitted to OMB for clearance, in compliance with PL. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collection(s) listed below have been submitted to OMB:

1. Representative Payee Evaluation Report—0960–0069. The information on Form SSA–624 is used by SSA to accurately account for the use of Social Security benefits and Supplemental Security Income (SSI) payments received by representative payees on behalf of an individual. The respondents are individuals and organizations, who (as representative payees) received Form SSA–623/6230 and failed to respond, provided unacceptable responses which cannot be resolved or reported a change in custody.

Number of Respondents: 250,000

Frequency of Response: 1

Average Burden Per Response: 30 minutes

Estimated Average Burden: 125,000 hours

2. Request for Address Information from Motor Vehicles Records; and Request for Address Information from Employment Commissions Records—0960–0341. The information on Forms SSA–L711 and L712 is used by SSA to determine the current address for missing debtors. The respondents are State agencies who have entered into agreements with SSA to provide the requested information.

	SSA–L711	SSA–L712
Number of Respondents.	1,300	1,100.
Frequency of Response.	1	1.
Average Burden Per Response.	2 minutes	2 minutes.
Estimated Annual Burden.	43 hours ..	37 hours.

3. Disability Report—0960–0579. The information collected on Form SSA–3368 is needed for the determination of disability by the State Disability Determination Services. The information will be used to develop medical evidence and to assess the alleged disability. The respondents are applicants for disability benefits.

Number of Respondents: 2,438,500

Frequency of Response: 1

Average Burden Per Response: 30 minutes

Estimated Annual Burden: 1,219,250 hours

4. Work History Report—0960–0578. The information collected on Form SSA–3369 is needed for the determination of disability by the State Disability Determination Services. The respondents are applicants for disability benefits. The information will be used to document an individual's past work history.

Number of Respondents: 1,000,000

Frequency of Response: 1

Average Burden Per Response: 30 minutes

Estimated annual Burden: 500,000 hours

5. Medical History and Disability Report, Disabled Child-0960–0577. The information collected on Form SSA–3820 is needed for the determination of disability by the State Disability Determination Services. The SSA–3820 will be used to obtain various types of information about a child's condition, his/her treating sources and/or other medical sources of evidence. The respondents are applicants for disability benefits.

Number of Respondents: 523,000

Frequency of Response: 1

Average Burden Per Response: 40 minutes

Estimated Annual Burden: 348,667 hours

6. Child-Care Dropout Questionnaire—0960–0474. The information on Form SSA–4162 is used by SSA to determine whether zero earnings years can be dropped out when computing a claimant's benefit. The respondents are applicants for Disability Insurance benefits, who may qualify for a higher primary insurance amount because of having a child in care for certain years.

Number of Respondents: 2,000

Frequency of Response: 1

Average Burden Per Response: 5 minutes

Estimated Average Burden: 167 hours

Written comments and recommendations regarding the information collection(s) should be directed within 30 days to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses:

(OMB)

Office of Management and Budget, OIRA, Attn: Laura Oliven, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, D.C. 20503.

(SSA)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965–4145 or write to him at the address listed above.

Dated: May 21, 1998.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 98–14263 Filed 5–28–98; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

Bureau of Public Affairs

[Public Notice #2826]

Advisory Committee on Historical Diplomatic Documentation Notice of Charter Renewal and Meeting

The Advisory Committee on Historical Diplomatic Documentation renewed its charter on March 18, 1998. This Advisory committee will continue to make recommendations to the Historian and the Department on all aspects of the *Foreign Relation's* program as well on the Department of State's responsibility under the statute to open its 30-year old and older records for public review at the National Archives and Record Administration. The Committee consists of nine members drawn from among historians, political scientists, archivists, international lawyers and other social scientists who are distinguished in the field of U.S. Foreign Relations.

The Committee will meet next in the Department of State, 2201 "C" Street NW, Washington, DC, June 23–24, 1998, in Conference Room 1205. Procedures for declassification of Department records and problems relating to the preparation of the *Foreign Relations of the United States* documentary series will be discussed at the meeting.

The Committee will meet in open session from 9 a.m. through Noon on Tuesday, June 23, 1998. The remainder of the Committee's sessions from 1:45 p.m. on Tuesday, June 23, 1998 until 5 p.m. on Wednesday, June 24, 1998 will be closed in accordance with Section 10(d) of the Foreign Advisory Committee Act (Pub. L. 92–463). The agenda calls for discussions involving consideration of matters not subject to public disclosure under 5 U.S.C. 552b(c)(1), and the public interest requires that such activities be withheld from disclosure.

Entry to the building is controlled and will be facilitated by advance arrangements. Members of the public desiring access to the open session should, by Thursday, June 18, 1998, notify Gloria Walker, (202) 663–1124, Office of the Historian, of their name, Social Security number, date of birth, professional affiliation, address, and telephone number in order to arrange admittance. This includes both government and non-government admittance. All attendees must use the "C" Street entrance. One of the following valid ID's will be required for admittance: any U.S. driver's license with photo, a passport, or a U.S. Government agency ID.

Questions concerning the meeting should be directed to William Z. Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC, 20520, telephone (202) 663–1123, (e-mail *pahistoff@panet.us-state.gov*).

Dated: May 14, 1998.

William Z. Slany,

Executive Secretary, Office of the Historian.

[FR Doc. 98–14262 Filed 5–28–98; 8:45 am]

BILLING CODE 4710–11–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of the Initiation of a Railroad Research and Development Grant Program in Cooperation with Academic Research Institutions

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of initiation of grant program and funds availability.

SUMMARY: FRA announces the initiation of a railroad research and development grant program in cooperation with academic research institutions ("Program"). This Program is intended to foster long-range enhancement of FRA's program of research in support of rail transportation by developing cooperative research relationships between the FRA and selected university research organizations. The FRA seeks, via this announcement, to identify specific academic research institutions (broadly referred to hereinafter as universities) that may have expertise useful in complementing the established research program of FRA's Office of Research and Development (OR&D). Selected universities will be expected to buttress FRA's current research program that now operates principally in coordination with non-academic entities.

Funding Authority and Related Information

This program is being undertaken utilizing funds in the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1998 (Pub. L. 105–66), dated October 27, 1997. FRA anticipates awarding a small number of grants (whose combined value is not to exceed approximately $1,000,000, in the aggregate, in Fiscal Year 1998) for approved university research. Applicants are also encouraged to consider sharing the cost of their proposed projects or identifying in-kind contributions. The FRA intends to focus the initial funding associated with this notice on various research and development (R&D) areas of interest relating to or under the general heading of rail safety. In the event future appropriated funds are authorized for the Program, FRA may, at its discretion, provide additional funding for research. Such future grants may focus on rail safety or other rail and adjunct transportation research areas, such as traffic control and intelligent transportation systems.

Eligible Participants

Accredited universities, colleges, major academic research institutions, and other public or private academic institutions of higher learning. All otherwise eligible entities must also have demonstrable specialized expertise in rail transportation research, and have a minimum of five years of railroad or rail-related research experience. Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs) fitting this description are encouraged to apply. However, no portion of this Program will be set aside exclusively for HBCUs and MIs.

Exchanges and Points of Contact

Exchanges of information between interested parties and the Government, prior to submission of an application for consideration under the Program, are strongly encouraged. Such informal exchanges may provide prospective applicants with preliminary information on the Government's level of interest in prospective works or projects or on the availability of funds. Any exchanges of information must be consistent with all applicable statutory or regulatory procurement integrity requirements. Technical inquiries regarding this notice may be directed to: Dr. Magdy El-Sibaie,

Office of Research and Development, Mail Stop 20, 400 7th St. S.W., Washington, DC 20590, TEL 202–632–3259, FAX 202–632–3854. Requests for forms and administrative questions regarding this solicitation may be directed to: Ms. Jill Shohet, Office of Research and Development, Mail Stop 20, 400 7th St. SW, Washington, DC 20590, TEL 202–632–3284, FAX 202–632–3854, e-mail: Jill.Shohet@FRA.DOT.GOV.

Program Applications

To be considered for inclusion in the grouping of selected "pre-qualified" universities and subsequent award of grants/cooperative agreements to be awarded under the Program, eligible applicants must submit a Program Application. Program Applications—which consist of two sections: University Profile and Proposed Research Projects (from the Areas of Interest)—may be obtained by submitting a written or electronic request (facsimile requests will be honored) to the administrative point of contact identified above, Ms. Shohet. Requests for application forms may be submitted as of the date of (electronic or printed) publication of this Notice.

Evaluation and Selection Process

Applications will be evaluated/selected by FRA using a three-step process. In the first step, applications will be evaluated (using the information from Application Section I—University Profile) to assess the applicant's eligibility (as an accredited institution of higher learning), demonstrated specialized expertise in rail transportation research (e.g., technical capabilities and depth of experience of key personnel or principal investigators), and experience in railroad or rail-related research, all as evidenced by cited research contracts/grants, published papers or dissertations related to railroad technology, railroad research and test facilities and/or staff with actual railroad experience of five or more years of railroad research. Applicants having satisfactory eligibility, background and experience requirements will then be advanced to the second step, and applications will be reviewed within the context of proposed projects (from Application Section II—Proposed Research Projects). Each proposed project—from the Areas of Interest—will be evaluated based on the following criteria (which are listed in descending order of relative importance): (1) Its overall scientific and/or technical merit; (2) The degree to which it may improve upon or advance railroad safety; (3) The likelihood for its near term adoption and implementation of possible recommendations; (4) The degree with which the proposed project fits into the FRA's overall research objectives; and (5) The reasonableness and realism of the proposed cost, and the availability of funds (to include due consideration for proposed cost-sharing (cash or in-kind contributions) by the applicant). Applicants having advanced from the first step and whose applications contain one or more proposed projects determined by FRA to have fully satisfied the evaluation/selection criteria in the second step, will be advanced to the third step of evaluation/selection. In the third and final step, all applicants will be ranked in order of preference, which for the purposes of this Program will mean a rank order listing of applicants who, in the FRA's judgement, have the highest to the lowest rated qualifications and the most to the least probability for success under the Program (with due consideration to background, personnel, experience and facilities or other resources identified), and the degree to which one or more of their proposed projects are of interest to the FRA as potential grant or cooperative agreement awards (with due consideration to the stated project evaluation criteria). From this order of rank listing, FRA will establish a group of selected universities (initially numbering eight or fewer) that will thereafter be considered "pre-qualified" to perform solicited or approved research projects. At the conclusion of the evaluation/selection process, FRA will notify all applicants of the agency's determination and their status (i.e., acceptance or non-acceptance into the Program). Applicants not selected under the cutoff in the third step, but meeting the minimum requirements under steps one and two, will have their applications retained by FRA for one year for possible future consideration as replacements or add-ons to the initial pre-qualified grouping of selected universities.

Future Program Awards

Any subsequent grant or cooperative agreements entered into under the Program will be on an individual award basis. Pre-qualification will not guarantee selected universities that any FRA research projects or funding will be forthcoming at any time during the period of Program affiliation. However, FRA will only fill actual Program requirements for work through those universities in the pre-qualified grouping selected hereunder. Solicitation of actual requirements for work identified by FRA or requests for project proposals initiated by the FRA, will be at the sole discretion of the FRA, and may be conducted on a fully competitive (i.e., for the purposes of this Program, open to all pre-qualified . . universities), partially competitive (i.e., for the purposes of this Program, open to two or more pre-qualified universities), or sole source basis (i.e., for the purposes of this Program, limited to a single pre-qualified university). The method of in-house solicitation (i.e., competitive or non-competitive) and subsequent choice for award will be based on FRA's preliminary assessments of the pre-qualified university(s)'s qualifications and capabilities (with regards to the work requirement or project being solicited), past performance under the Program, and its determination on the suitability and probability for success of any one or more pre-qualified universities, and on the availability of funding. Research projects may also be proposed (without a solicitation from the FRA) by pre-qualified universities any time during the period of Program affiliation. Research projects proposed by pre-qualified universities will be considered by FRA employing the same selection criteria used under this Notice in evaluating the initial proposal(s) submitted for consideration for both inclusion in the pre-qualified grouping/Program and as probable future projects. (See the five selection criteria under the heading "Evaluation and Selection Process.") FRA may use projects initially proposed in the selection process, as well as those subsequently proposed by pre-qualified universities, as the basis for solicitation of more in-depth technical and/or cost proposals, the submission of formal applications for assistance (e.g, SF 424—Application for Federal Assistance, SF 424A—Budget Information (Non-Construction Programs), etc.) and subsequent award of financial assistance. The determination to approve or disapprove, and fund or not fund a research project proposed by a pre-qualified university is at the sole and final discretion of the FRA. Each approved project will stand independently as a separate award. The specific terms and conditions of potential awards will be identified in the solicitation. Generally speaking, by entering into a financial assistance agreement, pre-qualified universities/prospective recipients will be subject to 49 CFR, part 19—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, OMB Circular A–21—Cost Principles for Educational

Institutions, and OMB Circular A–133—Audits of States, Local Governments, and Non-Profit Organizations. Unless a university loses its eligibility to participate (e.g., Government debarment or suspension (non-procurement)), or the Government has other sufficient cause for termination, or the parties mutually agree to dissolve the pre-qualified status, pre-qualified universities will be considered to be affiliated with the Program and will remain eligible to receive FRA grant/cooperative agreement awards, as described above, for a period of up to three years from the date of notification of acceptance into the Program.

Areas of Interest

The following are areas of current FRA research interest. The subjects listed here identify the breadth of FRA research activities in support of its safety mandate. Applicants should prepare and submit as part of their application, proposed projects in one or more of the listed areas of interest for which they are qualified to perform.

Note: Applicants may propose more than one project per area of interest, but the total number of all proposed projects may not exceed five.

Proposed projects may in and of themselves serve as the basis for initial solicitations and awards following the FRA's evaluation of applications and selection of pre-qualified universities. Each project proposal should be a brief, yet comprehensive and fully descriptive overview of the project. Each project proposal should be five pages or less, one-sided, 10- to 12-point type or font, single spaced, and numbered. To facilitate evaluation, project proposals should be formatted using the basic outline set forth in Section II of the application form. (To obtaine a copy of the application form, see information under the heading "Exchanges and Points of Contact.")

1. Modeling and Simulation of Vehicle/Track Interaction

This research activity involves the development of a comprehensive computer program for modeling and simulating railway vehicle/track systems with an emphasis on the dynamic performance of both vehicle and track and their interaction through the wheel/rail interface. The primary goal is to enhance the government capability for modeling and simulating the dynamic performance of a user-defined vehicle/track system. This computer program will be used by the FRA and other government and regulatory agencies in rail related safety studies and in accident investigations, among other uses.

2. Smart Transducers and Monitoring Devices for Railroad Safety Inspection

This research activity focuses on the development of software and hardware tools for the deployment of smart transducers and devices for monitoring the safety of track and rolling stock. Emphasis will be on intelligent sensors and associated logic that are capable of frequent and economic inspection of track and rolling stock and communicating safety hazards in the form of exceptions to remote sites. In addition to innovations in sensor technologies, complementary pattern recognition algorithms, based on methods such as neural networks and statistical techniques, shall be explored. The objective of this research will be to improve the quality and efficiency of track and rolling stock safety inspection.

3. Advanced Techniques for Detecting and Repairing Weak Track Spots

This research activity is for the development of automated techniques for identifying spots along the track structure that suffer from rapid deterioration in geometry and/or strength. Such weak track spots often develop along track due to many factors, such as weak subgrade, poor drainage, and poor ballast conditions, resulting in high track maintenance costs. The often resulting rapid rate of track geometry and/or strength deterioration may produce a safety hazard. Research efforts should also consider the development of methods and techniques for an economic and effective repair of such weak spots based on the diagnosed track condition.

4. Automated Track Bed Subsurface Evaluation

Track subsurface layers (ballast, sub-ballast, and subgrade) are key factors in the overall track performance and rate of degradation. Poor subsurface conditions can lead to adverse redistribution of loads with the track system, which could in turn lead to overloading of some track components and premature elements failures, or even collapse of the track roadbed. This uneven degradation of components results in costly maintenance, and adversely affects track safety. Thus, although ballast, sub-ballast, and subgrade are key track components that warrant monitoring, these subsurface conditions are not amenable to the current visual methods. In addition, there is no practical methodology currently available for rapid subsurface data acquisition for the evaluation of the engineering properties of soil, accurate determination of location and extent of deteriorated conditions. The principal objectives of this activity are automated data acquisition for soil classification and evaluation of its engineering properties, and the measurement of other pertinent parameters such as in-situ density and moisture content. In this regard, new emerging technologies such as ground penetrating radar may offer the promise of significant improvement by using nondestructive evaluation (NDE) techniques. If successful in accomplishing these objectives, the study would improve the effectiveness of track maintenance, and contribute significantly to the ongoing predictive track degradation model development.

5. Reliability Design and Analysis

Tank car accidents, tank car structural failures in components of railroad tank cars suggest that measures of reliability should be better defined. Subsequently, detailed reliability assessment of individual components and component subsystems should be performed that will lead to improved accident performance. Although catastrophic failure is easily recognized, tank car performance as a safe packaging of hazardous materials may deteriorate over time and elements contributing to this deterioration (per-existing defects, corrosion, cracks, pitting, etc.) need documentation. This research activity will focus on the development of a methodology to assess the failure mode. It may consist of parameters needed to establish structural integrity requirements based on value engineering analysis, previous failure experiences and studies. The methodology will consider establishing a level of reliability of a tank car design for the intended service. The development of a methodology that considers expected life, failure rates and hazard functions and which can combine these variables into an overall tank car "strength" function can be extremely useful. The results of such an assessment can quantitatively provide the tank car owner with information that may be used to define boundaries of reliability, allowing the tank car owner to implement guidelines for maintenance and use that lead to improved safety performance. This research activity is also concerned with reliability and safety performance aspects of other types of railroad cars and railroad operations and maintenance practices.

6. Epidemiology of Post-Accident Stress in Locomotive Engineers

It is well established that individuals who are involved in serious accidents or other situations involving loss of life undergo post-traumatic stress disorder (PTSD). PTSD has been documented in police officers, firemen, and rescue workers, and, because of the debilitating effects of PTSD, mandatory counseling is often provided for individuals who are involved in traumas. Informal discussions with locomotive engineers indicates that during the course of a career most locomotive engineers experience a traumatic grade crossing accident. At present there is no industry approach to PTSD in locomotive engineers, although anecdotal information suggests that safety may be compromised if counseling is not provided. However, the number of locomotive engineers who experience PTSD is not known, and consequently the need for resources to address this problem is also not known. This project will determine the descriptive epidemiology (incidence and prevalence) of PTSD in locomotive engineers so that the magnitude of the problem can be scientifically established.

Application Submission and Deadline

In preparing application submissions, applicants are reminded to carefully read this entire Notice and to comply with all content, format and time requirements. An original and four (4) copies of each application should be submitted to the following address: Ms. Jill Shohet, Office of Research and Development, Mail Stop 20, 400 7th St. SW, Washington, DC 20590. Neither electronic nor facsimile submissions will be accepted. Applications will be reviewed as they are received. For applicants to receive full consideration, applications must be received by the FRA at the above address on or before July 17, 1998.

Dated: May 26, 1998.

James T. McQueen,

Associate Administrator for Railroad Development.

[FR Doc. 98–14251 Filed 5–28–98; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 98–3875]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collections of information.

SUMMARY: This document describes three collections of information for which NHTSA intends to seek OMB approval. Under new procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval to collect information from the public, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. Each of the collections for which this document requests comment has been previously approved.

DATES: Comments must be received on or before July 28, 1998.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to NHTSA's new Docket Management Facility, located on the Plaza Level of the Nassif Building at the U.S. Department of Transportation, Room PL–01, 400 Seventh Street, SW, Washington, DC 20590–0001. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB Clearance Number. The DOT Docket is open to the public from 10 am to 5 pm, Mondays through Fridays.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Mr. Michael Robinson, NHTSA Information Collection Clearance Officer, NHTSA, 400 Seventh Street, SW, Room 6123, Washington, DC 20590. Mr. Robinson's telephone number is (202) 366–9456. Please identify the relevant collection of information by referring to its OMB Clearance Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including 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.

In compliance with these requirements, NHTSA asks public comment on the following proposed collections of information:

49 CFR Part 552

Petitions for Rulemaking, Defect and Noncompliance Orders

Type of request—Extension of existing clearance.

OMB Clearance Number—2127–0046.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three years after date of expiration of existing clearance.

Summary of the Collection of Information—49 U.S.C. section 30162 specifies that any "interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding" to prescribe a motor vehicle safety standard under 49 U.S.C. chapter 301, or to decide whether to issue an order under 49 U.S.C. section 30118(b). 49 U.S.C. 30111 gives the Secretary authority to prescribe motor vehicle safety standards. 49 U.S.C. section 30118(b) gives the Secretary authority to issue an order to a manufacturer to notify vehicle or equipment owners, purchasers, and dealers of the defect or noncompliance and to remedy the defect or noncompliance.

Section 30162 further specifies that all petitions filed under its authority shall set forth the facts which it is claimed establish that an order is necessary and briefly describe the order the Secretary should issue.

To implement these statutory provisions, NHTSA promulgated part

552 according to the informal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553 *et seq.*) This regulation allows the agency to ensure that the petitions filed under section 30162 are both properly substantiated and efficiently processed.

Description of the Need for the Information and Proposed Use of the Information—Under Part 552, any person has a statutory right to petition the agency to issue an order under section 30162. When NHTSA receives such a petition, the agency's technical staff reviews the petition to determine whether there is a reasonable possibility that the requested order will be issued at the end of the appropriate proceeding. If the agency reaches such a conclusion, the petition is granted and NHTSA promptly commences the appropriate proceeding to issue the order. The petition is denied if NHTSA cannot conclude that there is a reasonable possibility that the order will be issued at the end of the appropriate proceeding. NHTSA is required to grant or deny any petitions within 120 days after agency receipt of the petition (49 U.S.C. 30162(d)). NHTSA uses the information in the petition, together with other information it may have or obtain, to decide whether to grant or deny the petition.

Absent part 552, any person would still have a statutory right to file a petition requesting the agency to issue an order. The difference would be that the person preparing the petition would not know how to properly file such a petition and what information should be included in the petition. Further, without part 552, it would take the agency much longer to evaluate these petitions. Some of the petitions for rulemaking filed under part 552 ask for complex technical changes to our safety standards that require the agency to conduct testing or other research to learn if the petitions' allegations are accurate. If these petitions were not filed in accordance with some specified uniform procedures, the agency would not be able to meet the 120 day statutory deadline for granting or denying the petitions.

Description of the Likely Respondents (Including Estimated Number and Proposed Frequency of Response to the Collection of Information)—Under part 552, any person has a statutory right to petition the agency to issue an order under section 30162. Petitions may be filed by any person, including private individuals and small or large businesses. The requirements are the same no matter who files the petition.

NHTSA does not require any person to file a petition under part 552. Therefore, whether to file a petition, and the frequency of petitions filed, is entirely at the discretion of each petitioner.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—

NHTSA estimates that there are no more than 100 of these petitions filed annually. In most years fewer than this number of petitions are filed. However, we will use this higher total to ensure that this estimate does not understate the burden for the public.

Frequently, the petitions filed under Part 552 consist of no more than one typewritten page. NHTSA believes very little total time is needed to prepare these petitions. However, some of the petitions set forth lengthy technical arguments and may require several hours to prepare. Overall, NHTSA estimates that the average length of time needed to prepare and file these petitions is one hour. Multiplying this one hour by the 100 petitions filed each year, we estimate that the burden associated with these petitions is 100 hours each year.

49 CFR Part 557

Petitions for Hearings on Notifications and Remedy on Defects

Type of Request—Extension of existing clearance.

OMB Control Number—2127–0039.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three years after date of expiration of existing clearance.

Summary of the Collection of Information—NHTSA's statutory authority at 49 U.S.C. sections 30118(e) and 30120(e) specifies that, "on petition of any interested person," NHTSA may hold hearings to determine whether a manufacturer of motor vehicles or motor vehicle equipment has met its obligation to notify owners, purchasers, and dealers of vehicles or equipment of a defect or noncompliance and to remedy a defect or noncompliance for Federal Motor Vehicle Safety Standards for some of the products the manufacturer produces.

To address these areas, NHTSA has promulgated 49 CFR part 557, *Petitions for Hearings on Notification and Remedy of Defects*, which adopts a uniform regulation that establishes procedures to provide for submission and disposition of petitions, and to hold hearings on the issue of whether the manufacturer has met its obligation to notify owners, distributors, and dealers of safety related defects or noncompliance and to remedy the problems by repair, repurchase, or replacement.

Description of the Need for the Information and Proposed Use of the Information—NHTSA never requires any person to file a petition under Part 557. Filing a petition, and providing the information is done entirely at the discretion of the petitioner.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—NHTSA estimates that approximately 21 petitions are filed per year. Since petitions are filed entirely at the discretion of the petitioner, each person may file as few or as many petitions as it chooses.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—Annual costs to the petitioners can be estimated as follows: About 21 petitions for hearings on notification and remedy of defects are filed each year. Based on the length of the petitions (usually 3–4 typewritten pages) and the amount of documentation included, NHTSA estimates that it would take a petitioner about one hour to prepare one of these petitions. Multiplying this one hour burden by the 21 petitions filed annually yields an estimated annual burden of 21 hours for the petitioners under part 557. If we assume a value of $20 per hour, the annual cost of preparing these petitions is about $42. Adding in the postage cost of $6.72 (21 petitions, at a cost of 32 cents to mail each one), we estimate that it costs petitioners about $427 annually to prepare and submit these petitions for hearings on notification and remedy of defects.

There are no recordkeeping costs to the petitioners.

49 CFR Part 512

Confidential Business Information

Type of Request—Extension of existing clearance.

OMB Control Number—2127–0025.

Form Number—This collection of information uses no standard forms.

Requested Expiration Date of Approval—Three years from date of approval.

Summary of the Collection of Information—NHTSA's statutory authority at 49 CFR chapter 301 prohibits, with certain exceptions, the agency from making public confidential information which it obtains. On the other hand, the Administrative Procedure Act requires all agencies to

make public all non-confidential information upon request. (5 U.S.C. section 552) and all agency rules to be supported by substantial evidence in the public record (5 U.S.C. section 706). It is therefore very important for the agency to promptly determine whether or not information it obtains should be accorded confidential treatment.

NHTSA therefore promulgated 49 CFR part 512 *Confidential Business Information* to establish the procedure by which NHTSA will consider claims that information submitted to the agency, or which it otherwise obtains, is confidential business information. Because of part 512, both NHTSA and the submitters of information for which confidential treatment is requested are now able to ensure that confidentiality requests are properly substantiated and expeditiously processed.

Description of the Need for the Information and Proposed Use of the Information—Confidential information is obtained by the agency for use in all of its activities. These include investigations, rulemaking actions, program planning and management, and program evaluation. The confidential information is needed to ensure the agency has all the relevant information for decision making in connection with these activities.

If part 512 were not in existence, the agency would still get this confidential information, either provided voluntarily by the manufacturers or through its information gathering powers. The only difference would be that the determinations of whether the information should be accorded confidential treatment would be more expensive and time consuming for both the manufacturers and the agency.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information—The number of potential submitters of claims for confidential treatment of information is 3,000. This includes 1,000 vehicle manufacturers and 2,000 equipment manufacturers. The decision whether to request confidential treatment of information provided to NHTSA is entirely at the discretion of the manufacturer. In a typical year, NHTSA receives about 150 requests for confidential treatment of information, almost all of which are from large businesses.

Estimate of the Total Annual Reporting and Recordkeeping Burden Resulting from the Collection of Information—As earlier stated, in a typical year, NHTSA receives about 150 requests for confidential treatment of information. Almost all of these requests come from large businesses. The justification for a request for confidential treatment consists of several statements and a certification by a responsible corporate official. In the case of submissions by large manufacturers, (which may consist of thousands of pages of information), NHTSA estimates it would take 4 hours to do the necessary background check to be able to submit the required justification. On the other hand, the typical small business that submits a single blueprint should need only about 5 minutes to fully comply with the regulation. To ensure that this estimate does not understate the burden the agency has assumed that all confidentiality requests are submitted by large manufacturers. Since they are not required to keep copies of the information provided to NHTSA, there are no recordkeeping costs to the manufacturers. The total burden hours associated with this collection of information is estimated at 600 hours.

Authority: 44 U.S.C. 3506(c); delegation of authority at 49 CFR 1.50.

Issued: May 22, 1998.

John Womack,

Acting Chief Counsel.

[FR Doc. 98–14250 Filed 5–28–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Sunshine Act Meeting

Board Voting Conference

TIME & DATE: 1:00 p.m., Monday, June 8, 1998.

PLACE: Hearing Room, Surface Transportation Board, 1925 K Street, NW, Washington, D.C. 20423.

STATUS: The Board will meet to discuss among themselves the agenda item listed below. Although the conference is open for public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED: Finance Docket No. 33388, *CSX Corporation And CSX Transportation, Inc., Norfolk Southern Corporation And Norfolk Southern Railway Company—Control And Operating Leases/Agreements—Conrail Inc. And Consolidated Rail Corporation.*

CONTACT PERSONS FOR MORE INFORMATION: Dennis Watson, Office of Congressional and Public Services, Telephone: (202) 565–1594, TDD: (202) 565–1695.

Vernon A. Williams,

Secretary.

[FR Doc. 98–14469 Filed 5–27–98; 3:24 pm]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33571]

Wisconsin & Southern Railroad Co.—Lease and Operation Exemption—Soo Line Railroad; Company d/b/a Canadian Pacific Railway

The Wisconsin & Southern Railroad Co. (WSOR), an existing Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to lease from the Soo Line Railroad Company d/b/a Canadian Pacific Railway (CPR), and to operate a line of railroad known as the Waterloo Spur, extending from milepost 132.11 at Watertown, WI, to milepost 164.61 at Madison, WI, a total of 32.5 miles.

Pursuant to 49 CFR 1150.42(e), WSOR certified on May 7, 1998, that its annual revenues exceed $5 million and that it has, as of March 20, 1998, served the national offices of the labor unions with a copy of a notice of its intent to undertake this transaction and posted such notice at the workplace of the employees on the affected lines on March 23, 1998.

The transaction is expected to be consummated on or after June 1, 1998.[1]

If the 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 will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33571 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 upon Robert A. Wimbish, Rea, Cross & Auchincloss, Suite 570, 1707 L Street, NW, Washington, DC 20036.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

[1] The date of consummation under normal circumstances would be July 6, 1998 (60 days after WSOR's certification to the Board that it had complied with the Board's rule at 49 CFR 1150.42(e)). The Board, in a concurrently issued decision in this proceeding, has at the request of WSOR waived, in part, the 60-day period to allow consummation on June 1, 1998.

Decided: May 22, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–14269 Filed 5–28–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 18, 1998.

The Department of the 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 June 29, 1998 to be assured of consideration.

Financial Management Service (FMS)

OMB Number: 1510–0029.

Form Number: TFS 5118.

Type of Review: Extension.

Title: Depositor's Application for Payment of Postal Savings Certificate.

Description: This form is prepared when a depositor has lost, destroyed, or misplaced his Postal Savings Certificates. This form, properly completed and signed, replaces unavailable certificates to support application for payment. If original certificates show up, document prevents duplicate.

Respondents: Individuals or households.

Estimated Number of Respondents: 200.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 50 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. 98–14252 Filed 5–28–98; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 18, 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 June 29, 1998 to be assured of consideration.

Bureau of the Public Debt (PD)

OMB Number: 1535–0094.

Form Number: None.

Type of Review: Extension.

Title: Regulations Governing Payments by Automated Clearing House Method on Account of United States Securities.

Description: The information is needed in order to make payments to investors in United States Securities by the Automated Clearing House (ACH) method.

Respondents: Individuals or households, Business or other for-profit. Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents: 1.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden Hours: 1 hour.

Clearance Officer: Vicki S. Thorpe (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328

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. 98–14253 Filed 5–28–98; 8:45 am]

BILLING CODE 4810–40–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

May 19, 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 June 29, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0782.

Regulation Project Number: LR–7 Final (TD 6629).

Type of Review: Extension.

Title: Limitation on Reduction in Income Tax Liability Incurred to the Virgin Islands.

Description: The Tax Reform Act of 1986 repealed the mandatory reporting and recordkeeping requirements of section 934(d) (1954 Code). The prior exception to the general rule of section 934 (1954 Code) to prevent the Government of the Virgin Islands from granting tax rebates with regard to taxes attributable to income derived from sources within the U.S. was contingent upon the taxpayers compliance with the reporting requirements of section 934(d).

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 500.

Estimated Burden Hours Per Respondent/Recordkeeper: 22 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 184 hours.

OMB Number: 1545–1068.

Regulation Project Number: INTL–362–88 Final.

Type of Review: Extension.

Title: Definition of a Controlled Foreign Corporation, Foreign Base Company Income, and Foreign Personal Holding Company Income of a Controlled Foreign Corporation.

Description: The election and recordkeeping requirements are necessary to exclude certain high-taxed or active business income from subpart F income to include certain income in

the appropriate category of subpart F income. The recordkeeping and election procedures allow the U.S. shareholders and the IRS to know the amount of the controlled foreign corporation's subpart F income.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 50,500.

Estimated Burden Hours Per Respondent/Recordkeeper: 1 hour.

Frequency of Response: Annually, Other (one-time currency election).

Estimated Total Reporting/ Recordkeeping Burden: 50,417 hours.

OMB Number: 1545–1132.

Regulation Project Number: INTL–536–89 Final.

Type of Review: Extension.

Title: Registration Requirements with Respect to Certain Debt Obligations; Application of Repeal of 30 Percent Withholding by the Tax Reform Act of 1984.

Description: The Internal Revenue Service needs the information in order to ensure that purchasers of bearer obligations are not U.S. persons (other than those permitted to hold obligations under section 165(j) and to ensure that U.S. persons holding bearer obligations properly report income and gain on such obligations.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 5,000.

Estimated Burden Hours Per Respondent/Recordkeeper: 10 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 852 hours.

OMB Number: 1545–1134.

Regulation Project Number: IA–141–83 Final (TD 8270).

Type of Review: Extension.

Title: Installment Method Reporting by Dealers in Personal Property.

Description: These regulations provide guidance with respect to the manner in which dealers are required to account for installment sales.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 50,000.

Estimated Burden Hours Per Recordkeeper: 10 hours.

Estimated Total Reporting/ Recordkeeping Burden: 500,000 hours.

OMB Number: 1545–1243.

Regulation Project Number: PS–163–84 Final.

Type of Review: Extension.

Title: Treatment of Transactions Between Partners and Partnerships.

Description: Section 707(a)(2) provides that if there are transfers of money or property between a partner and a partnership, the transfer will be treated, in certain situations, as a disguised sale between the partner and the partnership. The regulations provide that the partner or the partnership should disclose the transfers and certain attendant facts in some situations.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 7,500.

Estimated Burden Hours Per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 2,500 hours.

OMB Number: 1545–1331.

Regulation Project Number: PS–55–89 Final.

Type of Review: Extension.

Title: General Asset Accounts Under the Accelerated Cost Recovery System.

Description: The regulations describe the time and manner of making the election described in Internal Revenue Code (IRC) section 168(I)(4). Basic information regarding this election is necessary to monitor compliance with the rules in IRC section 168.

Respondents: Business or other for-profit, Farms.

Estimated Number of Respondents: 1,000.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 250 hours.

OMB Number: 1545–1598.

Revenue Procedure Number: Revenue Procedure 98–22.

Type of Review: Extension.

Title: Employee Plans Compliance Program.

Description: The information requested in this revenue procedure is required to enable the Office of the Assistant Commissioner (Employee Plans and Exempt Organizations) of the Internal Revenue Service to make determinations regarding the issuance of various types of closing agreements and compliance statements. The issuance of closing agreements compliance statement allows individuals plans to continue to maintain their tax-qualified status. As a result, the favorable tax treatment of the benefits of the eligible employees is retained.

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent: 21 hours, 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 43,000 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. 98–14254 Filed 5–28–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

May 20, 1998.

The Department of the 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 June 29, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0823.

Regulation Project Number: FI–221–83 NPRM and FI–100–83 Temporary.

Type of Review: Extension.

Title: Indian Tribal Governments Treated as States For Certain Purposes.

Description: The regulations provide that if the governing body of a tribe, or its subdivision, is not designated as an Indian tribal government or subdivision thereof for purpose of sections 7701(a)(40) and 7871, it may apply for a ruling from the IRS.

Respondents: State, Local or Tribal Governments.

Estimated Number of Respondents: 25.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: Other (once).

Estimated Total Reporting Burden: 25 hours.

OMB Number: 1545–1138.

Regulation Project Number: INTL–955–86 Final, TD 8350.

Type of Review: Extension.

Title: Requirements for Investments to Qualify Under Section 936(d)(4) as Investments in Qualified Caribbean Basin Countries.

Description: The collection of information is required by the Internal Revenue Service to verify that an investment qualifies under Internal Revenue Code (IRC) section 936(d)(4). The recordkeepers will be possession corporations, certain financial institutions located in Puerto Rico, and borrowers of funds covered by this regulation.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 50.

Estimated Burden Hours Per Recordkeeper: 30 hours.

Estimated Total Reporting/ Recordkeeping Burden: 1,500 hours.

OMB Number: 1545–1255.

Regulation Project Number: INTL–870–89 NPRM.

Type of Review: Extension.

Title: Earnings Stripping (Section 163(j)).

Description: Certain taxpayers are allowed to write off the fixed basis of the stock of an acquired corporation rather than the adjusted basis of the assets of the acquired corporation rather than the adjusted basis of the assets of the acquired corporation to elect treatment under section 163(j).

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 2,300.

Estimated Burden Hours Per Respondent/Recordkeeper: 30 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 1,196 hours.

OMB Number: 1545–1413.

Regulation Project Number: IA–30–95 Final.

Type of Review: Extension.

Title: Reporting of Nonpayroll Withheld Tax Liabilities.

Description: These regulations concern the Secretary's authority to require a return of tax under section 6011 and provide for the requirement of a return by persons deducting and withholding income tax from "Nonpayroll" payments.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 1.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 1 hour.

OMB Number: 1545–1433.

Regulation Project Number: CO–11–91 Final and CO–24–95 Final.

Type of Review: Extension.

Title: Consolidated Groups and Controlled Groups—Intercompany Transactions and Related Rules (CO–11–91); and Consolidated Groups—Intercompany Transactions and Related Rules (CO–24–95).

Description: The regulations require common parents that make elections under Section 1.1502–13 to provide certain information. The information will be used to identify and assure that the amount, location, timing and attributes of intercompany transactions and corresponding items are properly maintained.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 2,200.

Estimated Burden Hours Per Respondent/Recordkeeper: 29 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 1,050 hours.

OMB Number: 1545–1443.

Regulation Project Number: PS–25–94 Final (TD 8686).

Type of Review: Extension.

Title: Requirements to Ensure Collection of Section 2050A Estate Tax.

Description: The regulation provides guidance relating to the additional requirements necessary to ensure the collection of the estate tax imposed under Section 2056A(b) with respect to taxable events involving qualified domestic trusts (QDOT'S). In order to ensure collection of the tax, the regulation provides various security options that may be selected by the trust and the requirements associated with each option. In addition, under certain circumstances the trust is required to file an annual statement with the IRS disclosing the assets held by the trust.

Respondents: Individuals or households.

Estimated Number of Respondents: 4,390.

Estimated Burden Hours Per Respondent: 1 hour, 23 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 6,070 hours.

OMB Number: 1545–1461.

Regulation Project Number: INTL–24–94 Final.

Type of Review: Extension.

Title: Taxpayer Identifying Numbers (TINs).

Description: This regulation relates to requirements for furnishing a taxpayer identifying number on returns, statements, or other documents. Procedures are provided for requesting a taxpayer identifying number for certain alien individuals for whom a social security number is not available. The regulation also requires foreign persons to furnish a taxpayer identifying number on their tax returns.

Respondents: Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 1.

Estimated Burden Hours Per Respondent/Recordkeeper: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1 hour.

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. 98–14255 Filed 5–28–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

May 22, 1998.

The Department of the 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 June 29, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0055.

Form Number: IRS Form 1001.

Type of Review: Extension.

Title: Ownership, Exemption, or Reduced Rate Certificate.

Description: This form is used by owners of certain types of income to report to a withholding agent, both the ownership and any reduced or exempt tax rate under tax conventions or

treaties, and if appropriate, to claim a release of tax withheld at source. The withholding agent uses the information to determine the appropriate withholding.

Respondents: Individuals or households. Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 100,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—4 hr., 32 min.
Learning about the law or the form—1 hr., 5 min.
Preparing and sending the form to the IRS—1 hr., 13 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 684,000 hours.

OMB Number: 1545–0144.

Form Number: IRS Form 2438.

Type of Review: Extension.

Title: Undistributed Capital Gains Tax Return.

Description: Form 2438 is used by regulated investment companies to figure capital gains tax on undistributed capital gains designated under Internal Revenue Code (IRC) section 852(b)3(D). IRS uses this information to determine the correct tax.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 100.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—7 hr., 39 min.
Learning about the law or the form—35 min.
Preparing and sending the form to the IRS—45 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 899 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. 98–14256 Filed 5–28–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

May 22, 1998.

The Department of the 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 June 29, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0042.

Form Number: IRS Form 970.

Type of Review: Extension.

Title: Application to Use LIFO Inventory Method.

Description: Form 970 is filed by individuals, partnerships, trusts, estates, or corporations to elect to use the LIFO inventory method or to extend the LIFO method to additional goods. The IRS uses Form 970 to determine if the election was properly made.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/ Recordkeepers: 3,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—9 hr., 20 min.
Learning about the law or the form—2 hr., 23 min.
Preparing and sending the form to the IRS—2 hr., 39 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 43,080 hours.

OMB Number: 1545–0786.

Regulation Project Number: INTL–50–86 Final (TD 8110).

Type of Review: Extension.

Title: Sanctions on Issuers and Holders of Registration-Required Obligations Not in Registered Form.

Description: The Internal Revenue Service needs the information in order to ensure that purchasers of bearer obligations are not U.S. persons (other than those permitted to hold obligations under section 165(j) and to ensure that U.S. persons holding bearer obligations properly report income and again on such obligations. The people reporting will be institutions holding bearer obligations.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,000.

Estimated Burden Hours Per Respondent: 3 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 39,742 hours.

OMB Number: 1545–1270.

Regulation Project Number: PS–66–93 and PS–120–90 Final.

Type of Review: Extension.

Title: Gasohol; Compressed Natural Gas (PS–66–93); and Gasoline Excise Tax (PS–120–90).

Description: PS–66–93: Buyers of compressed natural gas for a non-taxable use must give a certificate. Persons who pay a "first tax" on gasoline must file a report.

PS–120–90: Gasoline refiners, traders, terminal operators, chemical companies and gasohol blenders must notify each other of their registration status and/or intended use of the product before transactions may be made tax-free.

Respondents: Business or other for-profit, Not-for-profit institutions, Farms, State, Local or Tribal Government.

Estimated Number of Respondents: 3,170.

Estimated Burden Hours Per Respondent: 7 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 371 hours.

OMB Number: 1545–1338.

Regulation Project Number: PS–103–90 Final.

Type of Review: Extension.

Title: Election Out of Subchapter K for Producers of Natural Gas.

Description: Under section 1.761–2(d)(5)(I), gas producers subject to gas balancing agreements on the regulation's effective date are to file Form 3115 and certain additional information to obtain the Commissioner's consent to a change in method of accounting to either of the two new permissible accounting methods in the regulations.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents: 10.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: Other (one time only).

Estimated Total Reporting Burden: 5 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. 98–14257 Filed 5–28–98; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES ENRICHMENT CORPORATION

Sunshine Act Meeting

AGENCY: United States Enrichment Corporation.

SUBJECT: Board of Directors Meeting.

TIME AND DATE: Tuesday–Wednesday, June 2–3, 1998, commencing at 8:00 a.m. Tuesday, June 2, 1998.

PLACE: USEC Corporate Headquarters, 6903 Rockledge Drive, Bethesda, Maryland 20817.

STATUS: The Board meeting will be closed to the public.

MATTER TO BE CONSIDERED: Issues related to the privatization of the Corporation and other commercial, financial and operational issues of the Corporation.

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Stuckle at 301–564–3399.

Dated: May 26, 1998.

William H. Timbers, Jr.,

President and Chief Executive Officer.

[FR Doc. 98–14370 Filed 5–27–98; 8:45 am]

BILLING CODE 8720–01–M

UNITED STATES INFORMATION AGENCY

Determination To Close a Portion of the Advisory Board Meeting of May 27, 1998

Based on information provided to me by the Advisory Board for Cuba Broadcasting, I hereby determine that the 1:00 p.m. to 2:00 p.m. portion of this meeting should be closed to the public.

The Advisory Board has requested that part one of this meeting be closed to the public. Part one will involve technical information about new frequency testing and TV transmission, the premature disclosure of which would likely frustrate implementation of a proposed Agency action. Closing such deliberations to the public is justified by the Government in the Sunshine Act under 5 U.S.C. 552b(c)(9)(B). Part one will also involve discussions of internal Agency and Board procedures, which is a basis for closing under 5 U.S.C. 552b(c)(2).

Dated: May 21, 1998.

Joseph Duffey,

Director, United States Information Agency.

United States Information Agency

Meeting of the Advisory Board for Cuba Broadcasting.

The Advisory Board for Cuba Broadcasting will conduct a meeting at 301 4th Street, SW., Rm. 840, Washington, DC on Wednesday, May 27, 1998, at 1:00 p.m.

The intended agenda is listed below.

Advisory Board for Cuba Broadcasting Meeting, Wednesday, May 27, 1998

Agenda

Part One—Closed to the Public

I. Technical Operations Update

A. Status of UHF Testing

B. Aerostat

II. Internal Procedures

III. Approval of Minutes

Part Two—Open to the Public—2:00 p.m.

I. Programming Changes

II. Major News Event Coverage

III. Relocation Update

IV. Old Business

V. New Business

Members of the public interested in attending the meeting should contact Mr. Joseph O'Connell at (202) 619–2538.

[FR Doc. 98–14185 Filed 5–27–98; 8:45 am]

BILLING CODE 8230–01–M

federal register

Friday
May 29, 1998

Part II

Department of the Interior

Minerals Management Service

30 CFR Part 250

Redesignation of 30 CFR Part 250—Oil and Gas and Sulfur Operations in the Outer Continental Shelf; Final Rule

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC45

Redesignation of 30 CFR Part 250—Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: MMS is in the process of updating and revising various subparts under part 250. To ease the revision process and to allow room for future expansion of the material in part 250, MMS needs to allow more flexibility within each subpart. This regulation assigns new section numbers to each section in part 250 so that MMS can logically format the subparts in the future without further renumbering.

EFFECTIVE DATE: The rule is effective on June 30, 1998.

FOR FURTHER INFORMATION CONTACT: Kumkum Ray, Rules Processing Team, (703) 787–1600.

SUPPLEMENTARY INFORMATION: In the Code of Federal Regulations dated July 1, 1987, MMS regulations at 30 CFR part 250 were not divided into subparts and were differentiated only by headings, numbering from § 250.0 to § 250.96. On April 1, 1988, MMS published a final rule consolidating into one document all the rules of the Offshore program that govern oil, gas, and sulphur exploration, development, and production in the Outer Continental Shelf (OCS). For the first time, part 250 was divided into subparts A through P, for better organization, and expanded to 250 sections. In recent years, we have felt the need for more section numbers. Then, as MMS began rewriting these regulations to improve clarity, the need for shorter sections became even more acute. To alleviate this problem we are redesignating part 250 and allotting 100 sections to each subpart.

Administrative Matters

The Department of the Interior and MMS have determined under the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) that publishing this rule as a notice of proposed rulemaking would be contrary to the public interest. This rule merely renumbers existing sections in title 30 of the Code of Federal Regulations; it does not change any requirements in title 30. The revision date for the codified version (i.e., the bound volume) of title 30 is July 1 of each year. Therefore, publishing this rule after July 1, 1998, would mean that a revised title 30 incorporating the new section numbers could not be published until after July 1, 1999. Because new material will be published in part 250 in the intervening period, our failure to publish a renumbered title 30 in 1998 would cause confusion among users. For these reasons, we are publishing this rule as a final rule with an effective date of June 30, 1998.

We will issue a Notice to Lessees and Operators (NTL) to announce the redesignation and provide documents to assist the lessees/operators in implementing the redesignation of the sections. The NTL will also be on the MMS worldwide web site at http://www.mms.gov. We will also allow an additional 90-day phase-in implementation period during which MMS will continue to accept documents that contain the old references. The rule will be published in time to be codified in the next edition of the Code of Federal Regulations on July 1, 1998. *We will revise all MMS guidelines (such as NTLs) and other parts of 30 CFR to correct the citations to our regulations. However, we emphasize again, that there are no changes in requirements due to this action and all current regulations and guidelines remain in effect.*

Regulatory Flexibility Act

The Department of the Interior (DOI) determined that this rule will not have a significant effect on a substantial number of small entities. In general, the entities that engage in offshore activities are not considered small due to the technical and financial resources and experience necessary to safely conduct such activities. DOI also determined that the indirect effects of this rule on small entities that provide support for offshore activities are small.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Executive Order (E.O.) 12630

DOI certifies that the rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus a Takings Implementation Assessment need not be prepared under E. O. 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights."

E.O. 12988

DOI has certified to the Office of Management and Budget (OMB) that this rule meets the applicable civil justice reform standards provided in sections 3(a) and 3(b)(2) of E.O. 12988.

E.O. 12866

This document has been reviewed under E. O. 12866 and is not a significant regulatory action.

Paperwork Reduction Act

DOI has determined that this regulation does not contain information collection requirements pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). We will not be submitting an information collection request to the OMB.

Unfunded Mandates Reform Act of 1995

DOI has determined and certified according 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, tribal, State governments, or the private sector.

National Environmental Policy Act

DOI has also determined that this action does not constitute a major Federal action affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves,Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: May 6, 1998.

Sylvia V. Baca,

Deputy Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, Minerals Management Service (MMS) amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1334 *et seq.*

§§ 250.0–250.26 [Redesignated as §§ 250.100–250.126]

2. In subpart A, §§ 250.0 through 250.26 are redesignated as §§ 250.100 through 250.126.

§§ 250.30–250.34 [Redesignated as §§ 250.200–250.204]

3. In subpart B, §§ 250.30 through 250.34 are redesignated as §§ 250.200 through 250.204.

§§ 250.40–250.41 [Redesignated as §§ 250.300–250.301]

4. In subpart C, §§ 250.40 through 250.41, are redesignated as §§ 250.300 through 250.301.

§§ 250.44–250.46 [Redesignated as §§ 250.302–250.304]

5. In subpart C,§§ 250.44 through 250.46 are redesignated as §§ 250.302 through 250.304.

§§ 250.50–250.67 [Redesignated as §§ 250.400–250.417]

6. In subpart D, §§ 250.50 through 250.67 are redesignated as §§ 250.400 through 250.417.

§§ 250.70–250.87 [Redesignated as §§ 250.500–250.517]

7. In subpart E, §§ 250.70 through 250.87 are redesignated as §§ 250.500 through 250.517.

§§ 250.90–250.108 [Redesignated as §§ 250.600–250.618]

8. In subpart F, §§ 250.90 through 250.108 are redesignated as §§ 250.600 through 250.618.

§§ 250.110–250.114 [Redesignated as §§ 250.700–250.704]

9. In subpart G, §§ 250.110 through 250.114 are redesignated as §§ 250.700 through 250.704.

§§ 250.120–250.127 [Redesignated as §§ 250.800–250.807]

10. In subpart H, §§ 250.120 through 250.127 are redesignated as §§ 250.800 through 250.807.

§§ 250.130–250.144 [Redesignated as §§ 250.900–250.914]

11. In subpart I, §§ 250.130 through 250.144 are redesignated as §§ 250.900 through 250.914.

§§ 250.150–250.164 [Redesignated as §§ 250.1000–250.1014]

12. In subpart J, §§ 250.150 through 250.164 are redesignated as §§ 250.1000 through 250.1014.

§§ 250.170–250.177 [Redesignated as §§ 250.1100–250.1107]

13. In subpart K, §§ 250.170 through 250.177 are redesignated as §§ 250.1100 through 250.1107.

§§ 250.180–250.185 [Redesignated as §§ 250.1200–250.1200]

14. In subpart L, §§ 250.180 through 250.185 are redesignated as §§ 250.1200 through 250.1205.

§§ 250.190–250.194 [Redesignated as §§ 250.1333–250.1304]

15. In subpart M, §§ 250.190 through 250.194 are redesignated as §§ 250.1300 through 250.1304.

§§ 250.200–250.209 [Redesignated as §§ 250.1400–250.1409]

16. In subpart N, §§ 250.200 through 250.209 are redesignated as §§ 250.1400 through 250.1409.

§§ 250.210–250.234 [Redesignated as §§ 250.1500–250.1524]

17. In subpart O, §§ 250.210 through 250.234 are redesignated as §§ 250.1500 through 250.1524.

§§ 250.250–250.254 [Redesignated as §§ 250.1600–250.1604]

18. In subpart P, §§ 250.250 through 250.254 are redesignated as §§ 250.1600 through 250.1604.

§§ 250.260–250.274 [Redesignated as §§ 250.1605–250.1619]

19. In subpart P, §§ 250.260 through 250.274 are redesignated as §§ 250.1605 through 250.1619.

§§ 250.280–250.274 [Redesignated as §§ 250.1620–250.1626]

20. In subpart P, §§ 250.280 through 250.286 are redesignated as §§ 250.1620 through 250.1626.

§§ 250.290–250.297 [Redesignated as §§ 250.1627–250.1634]

20. In subpart P, §§ 250.290 through 250.297 are redesignated as §§ 250.1627 through 250.1634.

21. The revised table of contents for part 250 reads as follows:

Subpart A—General

Subpart B—Exploration and Development and Production Plans

Subpart C—Pollution Prevention and Control

Subpart D—Oil and Gas Drilling Operations

Subpart E—Oil and Gas Well-Completion Operations

250.1520 What elements must a basic course cover?
250.1521 If MMS tests employees at my worksite, what must I do?
250.1522 If MMS tests trainees at a training organization's facility, what must occur?
250.1523 Why might MMS conduct its own tests?
250.1524 Can a training organization lose its accreditation?

Subpart P—Sulphur Operations

Sec.
250.1600 Performance standard.
250.1601 Definitions.
250.1602 Applicability.
250.1603 Determination of sulphur deposit.
250.1604 General requirements.
250.1605 Drilling requirements.
250.1606 Control of wells.
250.1607 Field rules.
250.1608 Well casing and cementing.
250.1609 Pressure testing of casing.
250.1610 Blowout preventer systems and system components.
250.1611 Blowout preventer systems tests, actuations, inspections, and maintenance.
250.1612 Well-control drills.
250.1613 Diverter systems.
250.1614 Mud program.
250.1615 Securing of wells.
250.1616 Supervision, surveillance, and training.
250.1617 Application for permit to drill.
250.1618 Sundry notices and reports on wells.
250.1619 Well records.
250.1620 Well-completion and well-workover requirements.
250.1621 Crew instructions.
250.1622 Approvals and reporting of well-completion and well-workover operations.
250.1623 Well-control fluids, equipment, and operations.
250.1624 Blowout prevention equipment.
250.1625 Blowout preventer system testing, records, and drills.
250.1626 Tubing and wellhead equipment.
250.1627 Production requirements.
250.1628 Design, installation, and operation of production systems.
250.1629 Additional production and fuel gas system requirements.
250.1630 Safety-system testing and records.
250.1631 Safety device training.
250.1632 Production rates.
250.1633 Production measurement.
250.1634 Site security.

22. In redesignated § 250.101, the table in paragraph (e) is revised to read as follows:

§ 250.101 Documents incorporated by reference.

* * * * *

(e) * * *

Title of documents	Incorporated by reference at
ACI Standard 318–95, Building Code Requirements for Reinforced Concrete, plus Commentary on Building Code Requirements for Reinforced Concrete (ACI 318R–95).	§ 250.908(b)(4)(i), (b)(6)(i), (b)(7), (b)(8)(i), (b)(9), (b)(10), (c)(3), (d)(1)(v), (d)(5), (d)(6), (d)(7), (d)(8), (d)(9), (e)(1)(i), (e)(2)(i).
ACI Standard 357–R–84, Guide for the Design and Construction of Fixed Offshore Concrete Structures, 1984.	§ 250.900(g); § 250.908(c)(2), (c)(3).
AISC Standard Specification for Structural Steel for Buildings, Allowable Stress Design and Plastic Design, June 1, 1989, with Commentary.	§ 250.907(b)(1)(ii), (c)(4)(ii), (c)(4)(vii).
ANSI/ASME Boiler and Pressure Vessel Code, Section I, Power Boilers, including Appendices, 1995 Edition.	§ 250.803(b)(1), (b)(1)(i); § 250.1629(b)(1), (b)(1)(i).
ANSI/ASME Boiler and Pressure Vessel Code, Section IV, Heating Boilers including Nonmandatory Appendices A, B, C, D, E, F, H, I, and J, and the Guide to Manufacturers Data Report Forms, 1995 Edition.	§ 250.803(b)(1), (b)(1)(i); § 250.1629(b)(1), (b)(1)(i).
ANSI/ASME Boiler and Pressure Vessel Code, Section VIII, Pressure Vessels, Divisions 1 and 2, including Nonmandatory Appendices, 1995 Edition.	§ 250.803(b)(1), (b)(1)(i); § 250.1629(b)(1), (b)(1)(i).
ANSI/ASME B 16.5–1988 (including Errata) and B 16.5a–1992 Addenda, Pipe Flanges and Flanged Fittings.	§ 250.1002(b)(2).
ANSI/ASME B 31.8–1995, Gas Transmission and Distribution Piping Systems.	§ 250.1002(a).
ANSI/ASME SPPE–1–1994 and SPPE–1d–1996 ADDENDA, Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations.	§ 250.806(a)(2)(i).
ANSI Z88.2–1992, American National Standard for Respiratory Protection.	§ 250.417(g)(4)(iv), (j)(13)(ii).
API RP 2A, Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms Working Stress Design, Nineteenth Edition, August 1, 1991, API Stock No. 811–00200.	§ 250.900(g); § 250.912(a).
API RP 2A–WSD, Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms-Working Stress Design: Twentieth Edition, July 1, 1993, API Stock No. 811–00200.	§ 250.900(g); § 250.912(a).
API RP 2A–WSD, Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms-Working Stress Design: Twentieth Edition, July 1, 1993, Supplement 1, December 1996, Effective Date, February 1, 1997, API Stock No. 811–00200.	§ 250.900(g); § 250.912(a).
API RP 2D, Recommended Practice for Operation and Maintenance of Offshore Cranes, Third Edition, June 1, 1995, API Stock No. G02D03.	§ 250.120(c); § 250.1605(g).
API RP 14B, Recommended Practice for Design, Installation, Repair and Operation of Subsurface Safety Valve Systems, Fourth Edition, July 1, 1994, with Errata dated June 1996, API Stock No.G14B04.	§ 250.801(e)(4); § 250.804(a)(1)(i); § 250.806(d).
API RP 14C, Recommended Practice for Analysis, Design, Installation and Testing of Basic Surface Safety Systems for Offshore Production Platforms, Fourth Edition, September 1, 1986, API Stock No. 811–07180.	§ 250.802(b), (e)(2); § 250.803(a), (b)(2)(i), (b)(4), (b)(5)(i), (b)(7), (b)(9)(v), (c)(2); § 250.804(a), (a)(5); § 250.1002(d); § 250.1004(b)(9); § 250.1628(c), (d)(2); § 250.1629(b)(2), (b)(4)(v); § 250.1630(a).
API RP 14E, Recommended Practice for Design and Installation of Offshore Production Platiorm Piping Systems, Fifth Edition, October 1, 1991, API Stock No. G07185.	§ 250.802(e)(3); § 250.1628(b)(2), (d)(3).
API RP 14F, Recommended Practice for Design and Installation of Electrical Systems for Offshore Production Platforms, Third Edition, September 1, 1991, API Stock No. G07190.	§ 250.403(c); § 250.803(b)(9)(v); § 250.1629(b)(4)(v).

Title of documents	Incorporated by reference at
API RP 14G, Recommended Practice for Fire Prevention and Control on Open Type Offshore Production Platforms, Third Edition, December 1, 1993, API Stock No. G07194.	§ 250.803(b)(8), (b)(9)(v); § 250.1629(b)(3), (b)(4)(v).
API RP 14H, Recommended Practice for Installation, Maintenance and Repair of Surface Safety Valves and Underwater Safety Valves Offshore, Fourth Edition, July 1, 1994, API Stock No. G14H04.	§ 250.802(d); § 250.806(d).
API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities, First Edition, June 1, 1991, API Stock No. G06005.	§ 250.403(b); § 250.802(e)(4)(i); § 250.803(b)(9)(i); § 250.1628(b)(3); (d)(4)(i); § 250.1629(b)(4)(i).
API RP 2556, Recommended Practice for Correcting Gauge Tables for Incrustation, Second Edition, August 1993, API Stock No. H25560.	§ 250.1202(l)(4).
API Spec Q1, Specification for Quality Programs, Fifth Edition, December 1994, API Stock No. 811–00001.	§ 250.806(a)(2)(ii).
API Spec 6A, Specification for Wellhead and Christmas Tree Equipment, Seventeenth Edition, February 1, 1996, API Stock No. G06A17.	§ 250.806(a)(3); § 250.1002 (b)(1), (b)(2).
APISpec 6AV1, Specification for Verification Test of Wellhead Surface Safety Valves and Underwater Safety Valves for Offshore Service, First Edition, February 1, 1996, API Stock No. G06AV1.	§ 250.806(a)(3).
API Spec 6D, Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves), Twenty-first Edition, March 31, 1994, API Stock No. G03200.	§ 250.1002(b)(1).
API Spec 14A, Specification for Subsurface Safety Valve Equipment, Ninth Edition, July 1, 1994, API Stock No. G14A09.	§ 250.806(a)(3).
API Spec 14D, Specification for Wellhead Surface Safety Valves and Underwater Safety Valves for Offshore Service, Ninth Edition, June 1, 1994, with Errata dated August 1, 1994, API Stock No. G07183.	§ 250.806(a)(3).
API Standard 2545, Method of Gauging Petroleum and Petroleum Products, October 1965, reaffirmed October 1992; also available as ANSI/American Society for Testing and Materials (ASTM) D 1085–65, API Stock No. H25450.	§ 250.1202(l)(4).
API Standard 2551, Standard Method for Measurement and Calibration of Horizontal Tanks, First Edition, 1965, reaffirmed October 1992; also available as ANSI/ASTM D 1410–65, reapproved 1984, API Stock No. H25510.	§ 250.1202(l)(4).
API Standard 2552, Measurement and Calibration of Spheres and Spheroids, First Edition, 1966, reaffirmed October 1992; also available as ANSI/ASTM D 1408–65, reapproved 1984, API Stock No. H25520.	§ 250.1202(l)(4).
API Standard 2555, Method for Liquid Calibration of Tanks, September 1966, reaffirmed October 1992; also available as ANSI/ASTM D 1406–65, reapproved 1984, API Stock No. H25550.	§ 250.1202(l)(4).
MPMS, Chapter 1, Vocabulary, Second Edition, July 1994, API Stock No. H01002.	§ 250.1201.
MPMS, Chapter 2, Tank Calibration, Section 2A, Measurement and Calibration of Upright Cylindrical Tanks by the Manual Strapping Method, First Edition, February 1995, API Stock No. H022A1.	§ 250.1202(l)(4).
MPMS, Chapter 2, Section 2B, Calibration of Upright Cylindrical Tanks Using the Optical Reference Line Method, First Edition, March 1989; also available as ANSI/ASTM D4738–88, API Stock No. H30023.	§ 250.1202(l)(4).
MPMS, Chapter 3, Tank Gauging, Section 1A, Standard Practice for the Manual Gauging of Petroleum and Petroleum Products, First Edition, December 1994, API Stock No. H031A1.	§ 250.1202(l)(4).
MPMS, Chapter 3, Section 1B, Standard Practice for Level Measurement of Liquid Hydrocarbons in Stationary Tanks by Automatic Tank Gauging, First Edition, April 1992, API Stock No. H30060.	§ 250.1202(l)(4).
MPMS, Chapter 4, Proving Systems, Section 1, Introduction, First Edition, July 1988, reaffirmed October 1993, API Stock No. H30081.	§ 250.1202(a)(3), (f)(1).
MPMS, Chapter 4, Section 2, Conventional Pipe Provers, First Edition, October 1988, reaffirmed October 1993, API Stock No. H30082.	§ 250.1202(a)(3), (f)(1).
MPMS, Chapter 4, Section 3, Small Volume Provers, First Edition, July 1988, reaffirmed October 1993, API Stock No. H30083.	§ 250.1202(a)(3), (f)(1).
MPMS, Chapter 4, Section 4, Tank Provers, First Edition, October 1988, reaffirmed October 1993, API Stock No. H30084.	§ 250.1202(a)(3), (f)(1).
MPMS, Chapter 4, Section 5, Master-Meter Provers, First Edition, October 1988, reaffirmed October 1993, API Stock No. H30085.	§ 250.1202(a)(3), (f)(1).
MPMS, Chapter 4, Section 6, Pulse Interpolation, First Edition, July 1988, reaffirmed October 1993, API Stock No. H30086.	§ 250.1202(a)(3), (f)(1).
MPMS, Chapter 4, Section 7, Field-Standard Test Measures, First Edition, October 1988, API Stock No. H30087.	§ 250.1202(a)(3), (f)(1).
MPMS, Chapter 5, Metering, Section 1, General Considerations for Measurement by Meters, Third Edition, September 1995, API Stock No. H05013.	§ 250.1202(a)(3).

Title of documents	Incorporated by reference at
MPMS, Chapter 5, Section 2, Measurement of Liquid Hydrocarbons by Displacement Meters, Second Edition, November 1987, reaffirmed October 1992, API Stock No. H30102.	§ 250.1202(a)(3).
MPMS, Chapter 5, Section 3, Measurement of Liquid Hydrocarbons by Turbine Meters, Third Edition, September 1995, API Stock No. H05033.	§ 250.1202(a)(3).
MPMS, Chapter 5, Section 4, Accessory Equipment for Liquid Meters, Third Edition, September 1995, with Errata, March 1996, API Stock No. H05043.	§ 250.1202(a)(3).
MPMS, Chapter 5, Section 5, Fidelity and Security of Flow Measurement Pulsed-Data Transmission Systems, First Edition, June 1982, reaffirmed October 1992, API Stock No. H30105.	§ 250.1202(a)(3).
MPMS, Chapter 6, Metering Assemblies, Section 1, Lease Automatic Custody Transfer (LACT) Systems, Second Edition, May 1991, API Stock No. H30121.	§ 250.1202(a)(3).
MPMS, Chapter 6, Section 6, Pipeline Metering Systems, Second Edition, May 1991, API Stock No. H30126.	§ 250.1202(a)(3).
MPMS, Chapter 6, Section 7, Metering Viscous Hydrocarbons, Second Edition, May 1991, API Stock No. H30127.	§ 250.1202(a)(3).
MPMS, Chapter 7, Temperature Determination, Section 2, Dynamic Temperature Determination, Second Edition, March 1995, API Stock No. H07022.	§ 250.1202(a)(3), (l)(4).
MPMS, Chapter 7, Section 3, Static Temperature Determination Using Portable Electronic Thermometers, First Edition, July 1985, reaffirmed March 1990, API Stock No. H30143.	§ 250.1202(a)(3), (l)(4).
MPMS, Chapter 8, Sampling, Section 1, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, Third Edition, October 1995; also available as ANSI/ASTM D 4057–88, API Stock No. H30161.	§ 250.1202(b)(4)(i), (l)(4).
MPMS, Chapter 8, Section 2, Standard Practice for Automatic Sampling of Liquid Petroleum and Petroleum Products, Second Edition, October 1995; also available as ANSI/ASTM D 4177, API Stock No. H30162.	§ 250.1202(a)(3), (l)(4).
MPMS, Chapter 9, Density Determination, Section 1, Hydrometer Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products, First Edition, June 1981, reaffirmed October 1992; also available as ANSI/ASTM D 1298, API Stock No. H30181.	§ 250.1202(a)(3), (l)(4).
MPMS, Chapter 9, Section 2, Pressure Hydrometer Test Method for Density or Relative Density, First Edition, April 1982, reaffirmed October 1992, API Stock No. H30182.	§ 250.1202(a)(3), (l)(4).
MPMS, Chapter 10, Sediment and Water, Section 1, Determination of Sediment in Crude Oils and Fuel Oils by the Extraction Method, First Edition, April 1981, reaffirmed December 1993; also available as ANSI/ASTM D 473, API Stock No. H30201.	§ 250.1202(a)(3), (l)(4).
MPMS, Chapter 10, Section 2, Determination of Water in Crude Oil by Distillation Method, First Edition, April 1981, reaffirmed December 1993; also available as ANSI/ASTM D 4006, API Stock No. H30202.	§ 250.1202(a)(3), (l)(4).
MPMS, Chapter 10, Section 3, Determination of Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure), First Edition, April 1981, reaffirmed December 1993; also available as ANSI/ASTM D 4007, API Stock No. H30203.	§ 250.1202(a)(3), (l)(4).
MPMS, Chapter 10, Section 4, Determination of Sediment and Water in Crude Oil by the Centrifuge Method (Field Procedure), Second Edition, May 1988; also available as ANSI/ASTM D 96, API Stock No. H30204.	§ 250.1202(a)(3), (l)(4).
MPMS, Chapter 11.1, Volume Correction Factors, Volume 1, Table 5A—Generalized Crude Oils and JP–4 Correction of Observed API Gravity to API Gravity at 60°F, and Table 6A—Generalized Crude Oils and JP–4 Correction of Observed API Gravity to API Gravity at 60°F, First Edition, August 1980, reaffirmed October 1993; also available as ANSI/ASTM D 1250, API Stock No. H27000.	§ 250.1202(a)(3), (g)(3), (l)(4).
MPMS, Chapter 11.2.1, Compressibility Factors for Hydrocarbons: 0–90° API Gravity Range, First Edition, August 1984, reaffirmed May 1996, API Stock No. H27300.	§ 250.1202(a)(3), (g)(4).
MPMS, Chapter 11.2.2, Compressibility Factors for Hydrocarbons: 0.350–0.637 Relative Density (60°F/60°F) and −50°F to 140°F Metering Temperature, Second Edition, October 1986, reaffirmed October 1992; also available as Gas Processors Association (GPA) 8286–86, API Stock No. H27307.	§ 250.1202(a)(3), (g)(4).

Title of documents	Incorporated by reference at
MPMS, Chapter 11, Physical Properties Data, Addendum to Section 2.2, Compressibility Factors for Hydrocarbons, Correlation of Vapor Pressure for Commercial Natural Gas Liquids, First Edition, December 1994; also available as GPA TP–15, API Stock No. H27308.	§250.1202(a)(3).
MPMS, Chapter 11.2.3, Water Calibration of Volumetric Provers, First Edition, August 1984, reaffirmed, May 1996, API Stock No. H27310.	§250.1202(f)(1).
MPMS, Chapter 12, Calculation of Petroleum Quantities, Section 2, Calculation of Petroleum Quantities Using Dynamic Measurement Methods and Volumetric Correction Factors, Including Parts 1 and 2, Second Edition, May 1995; also available as ANSI/API MPMS 12.2–1981, API Stock No. H30302.	§250.1202(a)(3), (g)(1), (g)(2).
MPMS, Chapter 14, Natural Gas Fluids Measurement, Section 3, Concentric Square-Edged Orifice Meters, Part 1, General Equations and Uncertainty Guidelines, Third Edition, September 1990; also available as ANSI/API 2530, Part 1, 1991, API Stock No. H30350.	§250.1203(b)(2).
MPMS, Chapter 14, Section 3, Part 2, Specification and Installation Requirements, Third Edition, February 1991; also available as ANSI/API 2530, Part 2, 1991, API Stock No. H30351.	§250.1203(b)(2).
MPMS, Chapter 14, Section 3, Part 3, Natural Gas Applications, Third Edition, August 1992; also available as ANSI/API 2530, Part 3, API Stock No. H30353.	§250.1203(b)(2).
MPMS, Chapter 14, Section 5, Calculation of Gross Heating Value, Relative Density, and Compressibility Factor for Natural Gas Mixtures From Compositional Analysis, Revised, 1996; also available as ANSI/API MPMS 24.5–1981, order from Gas Processors Association, 6526 East 60th Street, Tulsa, Oklahoma 74145.	§250.1203(b)(2).
MPMS, Chapter 14, Section 6, Continuous Density Measurement, Second Edition, April 1991, API Stock No. H30346.	§250.1203(b)(2).
MPMS, Chapter 14, Section 8, Liquefied Petroleum Gas Measurement, First Edition, February 1983, reaffirmed May 1996, API Stock No. H30348.	§250.1203(b)(2).
MPMS, Chapter 20, Section 1, Allocation Measurement, First Edition, September 1993, API Stock No. H30730.	§250.1202(k)(1).
MPMS, Chapter 21, Section 1, Electronic Gas Measurement, First Edition, September 1993, API Stock No. H30730.	§250.1203(b)(4).
ASTM Standard C33–93, Standard Specification for Concrete Aggregates including Nonmandatory Appendix.	§250.908(b)(4)(i).
ASTM Standard C94–96, Standard Specification for Ready-Mixed Concrete.	§250.908(e)(2)(i).
ASTM Standard C150–95a, Standard Specification for Portland Cement	§250.908(b)(2)(i).
ASTM Standard C330–89, Standard Specification for Lightweight Aggregates for Structural Concrete.	§250.908(b)(4)(i).
ASTM Standard C595–94, Standard Specification for Blended Hydraulic Cements.	§250.908(b)(2)(i).
AWS D1.1–96, Structural Welding Code—Steel, 1996, including Commentary.	§250.907(b)(1)(i)
AWS D1.4–79, Structural Welding Code—Reinforcing Steel, 1979	§250.908(e)(3)(ii).
NACE Standard MR.01–75–96, Sulfide Stress Cracking Resistant Metallic Materials for Oil Field Equipment, January 1996.	§250.417(p)(2)
NACE Standard RP 0176–94, Standard Recommended Practice, Corrosion Control of Steel Fixed Offshore Platforms Associated with Petroleum Production.	§250.907(d).

23. In the redesignated sections listed in the first column, below, references to the sections listed in the second column are revised to read as shown in the third column.

Redesignated section	Old reference	New reference
250.101(c)	250.3	250.103.
250.101(c)	250.14	250.114.
250.102 Existing Facility	250.45	250.303.
250.102 Facility, 1st definition	250.45	250.303.
250.102 Facility, 2nd definition	250.67	250.417.
250.110(c)	250.34	250.204.
250.110(d)(1)	250.11	250.111.
250.110(d)(2)	250.253	250.1603.
250.110(h)(2)	250.34	250.204.
250.112(c)(1)	250.34	250.204.
250.112(c)(1)(i)	250.34	250.204.
250.112(e)(2)	250.34	250.204.
250.113(b)(2) & (3)	250.10	250.110.
250.114(e)	250.7	250.107.
250.117(b)	250.18	250.118.
250.118(b)(2)	250.10	250.110.

Redesignated section	Old reference	New reference
250.118(b)(2)	250.10	250.110.
250.118(e)	250.51	250.401.
250.200	250.34	250.204.
250.203(b)(5)(i) & (ii)	250.67	250.417.
250.203(b)(19)	250.45	250.303.
250.203(b)(19)	250.46	250.304.
250.203(b)(19)(iii)	250.45	250.303.
250.203(m)	250.12	250.112.
250.203(p)	250.64	250.414.
250.204(b)(1)(vii)	250.13	250.909.
250.204(b)(2)(i) & (ii)	250.67	250.417.
250.204(b)(14)	250.45	250.303.
250.204(b)(14)	250.46	250.304.
250.204(b)(14)(iii)	250.45	250.303.
250.204(p)	250.12	250.112.
250.204(r)	250.12	250.112.
250.204(t)	250.64	250.414.
250.302	250.45	250.303.
250.302	250.46	250.304.
250.303(b)	250.45	250.303.
250.303(b)(2)	250.33	250.203.
250.303(b)(2)	250.34	250.204.
250.303(d)	250.33	250.203.
250.303(d)	250.34	250.204.
250.304(a)(6)	250.33	250.203.
250.304(a)(6)	250.34	250.204.
250.304(b)	250.33	250.203.
250.304(b)	250.34	250.204.
250.304(e)(2)	250.10	250.110.
250.401(a)(3)	250.64	250.414.
250.401(a)(3)	250.133	250.903.
250.401(d)	250.33	250.203.
250.401(d)	250.34	250.204.
250.406(c)	250.64	250.414.
250.406(d)(10)(i)	250.57	250.407.
250.414(a)	250.6	250.106.
250.414(g)	250.17	250.117.
250.415(d)	250.17	250.117.
250.416(b)	250.10	250.110.
250.417(m)(1)	250.40	250.300.
250.417(o)(3)	250.175	250.1105.
250.504	250.67 (2 times)	250.417.
250.505	250.83	250.513.
250.507	250.52	250.402.
250.508	250.53	250.403.
250.513(a)	250.64	250.414.
250.513(b)(4)	250.67	250.417.
250.513(d)	250.17	250.117.
250.517(e)	250.121	250.801.
250.604	250.67	250.417.
250.605	250.103	250.613.
250.607	250.52	250.402.
250.608	250.53	250.403.
250.613(b)(3)	250.67	250.417.
250.617(e)	250.121	250.801.
250.618	250.91	250.601.
250.702(i)	250.114	250.704.
250.703(a)	250.112	250.702.
250.703(a)	250.114	250.704.
250.801(b)	250.126	250.806.
250.801(h)(1)	250.91	250.601.
250.801(h)(2)	250.124	250.804.
250.801(h)(4)	250.124	250.804.
250.802(b)	250.154	250.1004.
250.802(c)	250.126	250.806.
250.803(a)	250.122	250.802.
250.803(b)(10)	250.53	250.403.
250.803(d)	250.52	250.402.
250.807	250.67	250.417.
250.900(b)	250.131	250.901.
250.900(b)	250.134 through 250.144	250.904 through 250.914.
250.900(c)	250.131 through 250.144	250.901 through 250.914.
250.901(b)(1)(v)(D)	250.142	250.912.
250.901(b)(2)	250.134	250.904.

Redesignated section	Old reference	New reference
250.901(b)(3)(v)	250.139	250.909.
250.901(b)(4)(vi)(A) & (B)	250.135 through 250.139	250.905 through 250.909.
250.902(a)	250.130	250.900.
250.902(b)(1)(i)	250.133	250.903.
250.902(b)(2)(i)	250.131	250.901.
250.903(a)(1)(iii)	250.134 through 250.141	250.904 through 250.911.
250.903(a)(2)(ii)	250.134 through 250.141	250.904 through 250.911.
250.903(a)(3)(i) & (ii)	250.134 through 250.141	250.904 through 250.911.
250.903(b)(2)	250.132	250.902.
250.904(d)(4)(ii)	250.136	250.906.
250.904(d)(8)(ii)	250.135	250.905.
250.905(c)(2)(vii)	250.140	250.910.
250.905(c)(5)(ii)	250.134	250.904.
250.905(c)(5)(ii)	250.134	250.904.
250.906(b)(2)(ii)	250.135	250.905.
250.906(b)(2)(iii)	250.137	250.90.
250.906(b)(2)(iii)	250.138	250.908.
250.906(b)(3)(i)	250.135	250.905.
250.906(b)(3)(ii)	250.137	250.907.
250.906(b)(3)(ii)	250.138	250.908.
250.906(b)(3)(ii)	250.139	250.909.
250.906(c)(1)	250.134	250.904.
250.906(c)(5)	250.137	250.907.
250.906(c)(5)	250.138	250.908.
250.907(c)(1)(iii)	250.135	250.905.
250.907(c)(1)(iii)	250.136	250.906.
250.907(c)(3)(iv)	250.139	250.909.
250.907(c)(4)(v)	250.135	250.905.
250.907(c)(6)(ii)	250.136	250.906.
250.908(b)(6)(ii)	250.137	250.907.
250.908(c)(5)(ii)	250.136	250.906.
250.908(c)(6)	250.136	250.906.
250.911(b)(4)	250.137	250.907.
250.911(b)(7)(iii)(D)	250.139	250.909.
250.911(b)(7)(iv)	250.140	250.910.
250.911(c)(3)(ii)	250.138	250.908.
250.911(c)(8)(iv)	250.140	250.910.
250.914	250.142	250.912.
250.1000(b)	250.151	250.1001.
250.1000(c)	250.150 through 250.158	250.1000 through 1008.
250.1000(d)	250.151	250.1001.
250.1008(h)	250.155	250.1005.
250.1009(a)(1)	250.150 through 250.158	250.1000 through 1008.
250.1009(c)(9)	250.164	250.1014.
250.1010(a)	250.157	250.1007.
250.1010(a)	250.159 (2 times)	250.1009.
250.1011(c)(1)	250.160	250.1010.
250.1013(b)	250.160	250.1010.
250.1013(b)	250.159	250.1009.
250.1014	250.157	250.1007.
250.1014	250.159	250.1009.
250.1101(d)	250.172	250.1102.
250.1102(a)(9)	250.17	250.117.
250.1102(b)(8)	250.17	250.117.
250.1102(b)(9)	250.17	250.117.
250.1105(f)(1)(i)	250.67	250.417.
250.1105(f)(1)(ii)	250.45	250.303.
250.1105(f)(1)(ii)	250.46	250.304.
250.1201	250.1	250.101.
250.1202(a)(3)	250.1	250.101.
250.1202(b)(4)(i)	250.1	250.101.
250.1202(f)(1)	250.1	250.101.
250.1202(g)	250.1	250.101.
250.1202(k)(1)	250.1	250.101.
250.1202(l)(4)	250.1	250.101.
250.1203(b)(2)	250.1	250.101.
250.1203(b)(4)	250.1	250.101.
250.1301(d)	250.13	250.113.
250.1301(d)	250.10	250.110.
250.1301(g)(1)	250.13	250.113.
250.1301(g)(1)	250.10	250.110.
250.1301(g)(2)(ii)	250.10	250.110.
250.1302(d)	250.191	250.1301.
250.1302(d)	250.194	250.1304.

Redesignated section	Old reference	New reference
250.1303(a)(4)	250.190	250.1300.
250.1304(b)	250.191	250.1301.
250.1304(b)	250.193	250.1303.
250.1304(b)	250.190	250.1300.
250.1405	250.204	250.1404.
250.1500(a)	250.212 through 250.217	250.1502 through 250.1507.
250.1500(b)	250.218 through 250.223	250.1508 through 250.1513.
250.1500(c)	250.224 through 250.230	250.1514 through 250.1520.
250.1500(c)	250.234	250.1524.
250.1500(d)	250.231 through 250.233	250.1521 through 250.1523.
250.1505(c)	250.215	250.1505.
250.1505(f)	250.215	250.1505.
250.1604(b)	250.67 (2 times)	250.417.
250.1604(c)	250.52	250.402.
250.1604(d)	250.53	250.403.
250.1605(a)	250.260 through 250.274	250.1605 through 1619.
250.1605(b)(3)	250.272	250.1617.
250.1605(d)	250.33	250.203.
250.1605(d)	250.34	250.204.
250.1612	250.58	250.408.
250.1614(b)	250.60	250.410.
250.1614(b)	250.60	250.410.
250.1617(a)	250.6	250.106.
250.1617(d)	250.17	250.117.
250.1618(a)	250.6	250.106.
250.1618(c)	250.17	250.117.
250.1619(b)	250.10	250.110.
250.1620(a)	250.280 through 250.286	250.1620 through 250.1626.
250.1620(a)	250.71	250.501.
250.1620(a)	250.91	250.601.
250.1624(d)(1)	250.282	250.1622.
250.1627(a)	250.290 through 250.297	250.1627 through 1634.

24. In redesignated § 250.1200, the table is revised to read as follows:

§ 250.1200 Question index table.

* * * * *

Frequently asked questions	CFR citation
1. What are the requirements for measuring liquid hydrocarbons?	§ 250.1202(a)
2. What are the requirements for liquid hydrocarbon royalty meters?	§ 250.1202(b)
3. What are the requirements for run tickets?	§ 250.1202(c)
4. What are the requirements for liquid hydrocarbon royalty meter provings?	§ 250.1202(d)
5. What are the requirements for calibrating a master meter used in royalty meter provings?	§ 250.1202(e)
6. What are the requirements for calibrating mechanical-displacement provers and tank provers?	§ 250.1202(f)
7. What correction factors must a lessee use when proving meters with a mechanical displacement prover, tank prover, or master meter?.	§ 250.1202(g)
8. What are the requirements for establishing and applying operating meter factors for liquid hydrocarbons?	§ 250.1202(h)
9. Under what circumstances does a liquid hydrocarbon royalty meter need to be taken out of service, and what must a lessee do?.	§ 250.1202(i)
10. How must a lessee correct gross liquid hydrocarbon volumes to standard conditions?	§ 250.1202(j)
11. What are the requirements for liquid hydrocarbon allocation meters?	§ 250.1202(k)
12. What are the requirements for royalty and inventory tank facilities?	§ 250.1202(l)
13. To which meters do MMS requirements for gas measurement apply?	§ 250.1203(a)
14. What are the requirements for measuring gas?	§ 250.1203(b)
15. What are the requirements for gas meter calibrations?	§ 250.1203(c)
16. What must a lessee do if a gas meter is out of calibration or malfunctioning?	§ 250.1203(d)
17. What are the requirements when natural gas from a Federal lease is transferred to a gas plant before royalty determination?	§ 250.1203(e)
18. What are the requirements for measuring gas lost or used on a lease?	§ 250.1203(f)
19. What are the requirements for the surface commingling of production?	§ 250.1204(a)
20. What are the requirements for a periodic well test used for allocation?	§ 250.1204(b)
21. What are the requirements for site security?	§ 250.1205(a)
22. What are the requirements for using seals?	§ 250.1205(b)

25. In redesignated § 250.1401, the table is revised to read as follows:

§ 250.1401 Index table.

* * * * *

§ 250.1401 Table

Definitions	§ 250.1402
What is the maximum civil penalty?	§ 250.1403
Which violations will MMS review for potential civil penalties?	§ 250.1404
When is a case file developed?	§ 250.1405
When will MMS notify me and provide penalty information?	§ 250.1406
How do I respond to the letter of notification?	§ 250.1407
When will I be notified of the Reviewing Officer's decision?	§ 250.1408
What are my appeal rights?	§ 250.1409

26. In redesignated § 250.1500, the table is revised to read as follows:

§ 250.1500 Question index table.

* * * * *

§ 250.1500 Table

Frequently asked questions	CFR citation
What is MMS's goal for well control and production safety systems training?	§ 250.1502
What type of training must I provide for my employees?	§ 250.1503
What documentation must I provide to trainees?	§ 250.1504
How often must I provide training to my employees and for how many hours?	§ 250.1505
Where must I get training for my employees?	§ 250.1506
Where can I find training guidelines for other topics?	§ 250.1507
Can I get exception to the training requirements?	§ 250.1508
Can my employees change job certification?	§ 250.1509
What must I do if I have temporary employees or on-the-job trainees?	§ 250.1510
What must manufacturer's representatives in production safety systems do?	§ 250.1511
May I use alternative training methods?	§ 250.1512
What is MMS looking for when it reviews an alternative training program?	§ 250.1513
Who may accredit training organizations to teach?	§ 250.1514
How long is a training organization's accreditation valid?	§ 250.1515
What information must a training organization submit to MMS?	§ 250.1516
What additional requirements must a training organization follow?	§ 250.1517
What are MMS's requirements for the written test?	§ 250.1518
What are MMS's requirements for the hands-on simulator and well test?	§ 250.1519
What elements must a basic course cover?	§ 250.1520
If MMS tests employees at my worksite, what must I do?	§ 250.1521
If MMS tests trainees at a training organization's facility, what must occur?	§ 250.1522
Why might MMS conduct its own tests?	§ 250.1523
Can a training organization lose its accreditation?	§ 250.1524

[FR Doc. 98–13249 Filed 5–28–98; 8:45 am]
BILLING CODE 4310–MR–P

federal register

Friday
May 29, 1998

Part III

Department of Housing and Urban Development

Super Notices of Funding Availability (SuperNOFAs) for: Housing and Community Development Programs; Economic Development and Empowerment Programs; and Targeted Housing and Homeless Assistance Programs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4340–C–02, FR–4363–C–02, FR–4364–C–02]

Super Notices of Funding Availability (SuperNOFAs) for: Housing and Community Development Programs; Economic Development and Empowerment Programs; and Targeted Housing and Homeless Assistance Programs; Extension of FHIP and Housing Counseling Application Deadline; Technical Corrections and Clarifications; and Announcement of OMB Approval Numbers

AGENCY: Office of the Secretary, HUD.

ACTION: Extension of FHIP and Housing Counseling Application Deadline; Announcement of OMB Approval Numbers; and Technical Corrections to SuperNOFAs.

SUMMARY: The purpose of this notice is to extend the application due dates for the Fair Housing Initiatives Program (FHIP) and the Housing Counseling Program, that were part of the funding availability notices announced in HUD's SuperNOFA for Housing and Community Development Programs (SuperNOFA I), published on March 31, 1998. The purposes of this notice are also to announce OMB approval numbers for two programs contained in the SuperNOFAs and to correct certain technical errors that appeared in the SuperNOFAs or clarify certain provisions.

DATES: APPLICATION DUE DATES: The application due date for the Fair Housing Initiatives Program (FHIP) and the Housing Counseling Program, announced in SuperNOFA I, is extended to *June 25, 1998.* No other application due dates are extended by this notice.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–3055 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

For information concerning a particular program, please contact the office or individual listed in the "For Further Information" portion of the program section of the applicable SuperNOFA.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 1998 (63 FR 15490), HUD published its SuperNOFA for Housing and Community Development Programs (SuperNOFA I). On April 30, 1998, HUD published the following NOFAs: SuperNOFA for Economic Development and Empowerment Programs (SuperNOFA II) (63 FR 23876); SuperNOFA for Targeted Housing and Homeless Assistance Programs (SuperNOFA III) (63 FR 23988); and SuperNOFA for National Competition Programs (National SuperNOFA) (63 FR 23958). The purposes of this notice are to: extend the application due date for the FHIP and Housing Counseling Programs, announced in SuperNOFA I; announce the OMB approval numbers of two programs that were part of the SuperNOFAs; to correct certain technical errors that appeared in the SuperNOFAs; and to clarify certain provisions.

Extension of FHIP and Housing Counseling Application Due Dates

In SuperNOFA I, HUD announced that the application due dates for the Fair Housing Initiatives Program (FHIP) and the Housing Counseling Program to be June 1, 1998. Due to delays in receipt of the application kits for the FHIP program from the printer, FHIP program applicants faced a hardship in not having kits available to complete their applications. Accordingly, to assist FHIP program applicants, HUD is extending the application due date for the FHIP and Housing Counseling programs to *June 25, 1998.*

Announcement of OMB Approval Numbers

In SuperNOFA II, HUD noted that the OMB approval for the Local Lead Hazard Awareness Campaign program was pending (see 63 FR 23880). In the National SuperNOFA, HUD noted that the OMB approval number for the National Lead Hazard Awareness Campaign was pending (see 63 FR 23961). Since publication of these two SuperNOFAs, both OMB approval numbers have been received and they are, respectively: 2539–0013 and 2539–0014. Please note that in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Federal Register Correction of Printing Errors

In addition to the corrections being made by this notice, the Department notes that in the printing of SuperNOFA I, two printing errors were made and these errors were corrected by the Federal Register in the **Federal Register** issue of Tuesday, May 5, 1998 (see 63 FR 24843). Those corrections pertained to the Public Housing Drug Elimination program section of SuperNOFA I (beginning at 63 FR 15586). For the convenience of the reader, the corrections published on May 5, 1998 are as follows:

1. On page 15587, in the first column, in paragraph (c)(iii) in the second line, "24,000" should be "25,000."

2. On page 15587, in the second column, in the first line "$250,000 per unit" should read "$250.00 per unit."

Corrections and Clarifications Made by This Notice

This notice corrects editorial and technical errors that have been identified in various program sections of SuperNOFAs I, II, and III.

Accordingly, the following corrections are made:

I. In the SuperNOFA for Housing and Community Development Programs (SuperNOFA I), notice document 98–8102, beginning at 63 FR 15490, in the issue of Tuesday, March 31, 1998, the following corrections are made:

A. *General Section of the SuperNOFA, Beginning at 63 FR 15493*

1. On page 15496, in the middle column, under Section IV (captioned "Application Submission Requirements"), a new sentence is added at the end of that section to read as follows:

Whenever a provision of an application kit for one of the programs included in this SuperNOFA is inconsistent with a provision of this SuperNOFA, the provision of the SuperNOFA will prevail.

B. *Historically Black Colleges and Universities (HBCUs) Program Section of SuperNOFA I, Beginning at 63 FR 15527*

1. On page 15529, in the middle column, the last sentence of the first paragraph of Section II(A)(2) is removed.

C. *Fair Housing Initiatives Program Section of SuperNOFA I, Beginning at 63 FR 15536*

1. On page 15539, in the third column, in Section II(A)(4), captioned "Project Starting Period," the date of "October 1, 1998" in this paragraph is replaced with the phrase "90 days from the date of the grant award."

2. On page 15539, in the third column, in the first sentence of Section

II(A)(10), captioned "Outreach Expenses," the words "Enforcement (PEI/FHOI)" are inserted before the word "Applications."

D. *Housing Counseling Program section of SuperNOFA I, beginning at 63 FR 15545.*

1. On page 15549, in the middle column, in Section I(C)(1)(b)(ii), captioned "National, Regional, or Multi-State Intermediaries," the second to the last sentence of this paragraph (ii) is removed.

2. On page 15550, in the first column, the "Note" under Section I(D)(2) is corrected by removing the words "or State housing finance agency" in line 6 of the Note.

E. *Revitalization of Severely Distressed Public Housing (HOPE VI Revitalization) program section of SuperNOFA I, beginning at 63 FR 15577.*

1. On page 15577, under "Application Due Date," the phrase "12:00 pm Eastern time" should be "12:00 midnight, Eastern time."

2. On page 15583, in the third column, a new paragraph (d) is added to Section III(C)(1), and on page 15584, in the first column, a new paragraph (d) is added to Section III(C)(2), and both new paragraphs (d) read as follows:

If two or more applications have the same score and there are insufficient funds to fund all of them, the application(s) with the highest score for the Soundness of Approach rating factor shall be selected for funding. If a tie still remains, the application(s) with the highest score for the Capacity of the Applicant and Relevant Organizational Experience rating factor shall be selected. Further tied applications will be selected by their scores in the Need/Extent of Problem, Leveraging Resources, and Comprehensiveness and Coordination rating factors, in that order.

F. *Public Housing Drug Elimination Program section of SuperNOFA I, beginning at 63 FR 15586.*

1. On page 15587, first column, in Section I(C)(3)(a), a second paragraph is added to paragraph (a) so that paragraph (a) reads as follows:

(a) PHAs: The unit count includes rental, Turnkey III Homeownership and Section 23 leased housing bond-financed projects.

PHAs preparing PHDEP applications are required to confirm/validate the unit count with the local Field Office (Office of Public Housing) before the application is submitted.

Field Offices shall not include non-Federally Assisted Housing located in High Intensity Drug-Trafficking Areas in the unit count. Confirmation/Validation may be given if the unit count to be used for a particular program (eg., PHA-Owned Rental) is the same as the unit count reflected on a PHA's most recently approved Operating Budget (Form HUD–52564) and/or subsidy calculation (Form HUD–52723) submitted for that program. Field Offices that have PHAs that are not required to submit either of these forms may confirm/validate the PHDEP unit count if it is the same as the most recently submitted Form HUD–51234. Note: In determining the unit count for PHA-Owned Rental Housing, a long-term vacancy unit as defined in 24 CFR 990.102 is included in the count.

2. On page 15587, first column, in the first sentence of the second paragraph of Section I(C)(3)(b) the words "and occupied" is removed so that the sentence reads: "Eligible units are those units which are under management and fully developed."

3. On page 15587, first column, a third paragraph is added to paragraph (b) of Section I(C)(3) to read as follows:

Use the number of units counted as Formula Current Assisted Stock for Fiscal Year 1998 as defined in 24 CFR 1000.316. Tribes who have not previously received funds from the Department under the 1937 Act should count housing units under management that are owned and operated by the tribe and are identified in their housing inventory as of September 30, 1997.

4. On page 15587, first column, in Section I(C)(3)(c)(iv), "$30 million" should read "$35 million."

5. On page 15592, in the third column, a new paragraph (10) is added to Section I(E) to read as follows:

(10) *High Intensity Drug Trafficking Areas (HIDTAs).* Funding may be used for the activities to eliminate drug-related crime in housing owned by public housing agencies that is not public housing assisted under the United States Housing Act of 1937 and is not otherwise federally assisted (for example, housing that receives tenant subsidies under Section 8 is federally assisted and would not qualify, but housing that receives only State, Tribal or local assistance would qualify if they meet all of the following: (i) The housing is located in a high intensity drug trafficking area designated pursuant to Section 1005 of the Anti-Drug Abuse Act of 1988; and (ii) The PHA owning the housing demonstrates, on the basis of information submitted that the drug-related crime at the housing authority has a detrimental affect on or about the housing. The High Intensity Drug Trafficking Areas are areas identified as having problems that adversely impact the rest of the country. These areas are designated as HIDTAs by the Director, Office of National Drug Control Policy (ONDCP), pursuant to the Anti-Drug Abuse Act of 1988. As of May 1998 the following areas were confirmed by the ONDCP as designated HIDTAs:

—New York HIDTA consists of the city of New York and all the municipalities therein and Nassau, Suffolk, and Westchester Counties in New York);

—New Jersey HIDTA consists of Union, Hudson, Essex, Bergen, and Passaic Counties and all municipalities in New Jersey;

—Washington, DC—Baltimore HIDTA consists of Washington, DC; the city of Baltimore, and Baltimore, Howard, Anne Arundel, Prince George's, Montgomery and Charles Counties (in Maryland); and the city of Alexandria and Arlington, Fairfax, Prince William, and Loudoun Counties (in Virginia) and all municipalities therein;

—South Florida HIDTA consists of the city of Miami and the surrounding areas of Broward, Dade, and Monroe Counties and all municipalities therein;

—Houston HIDTA consists of the city of Houston and surrounding areas of Harris, and Galveston Counties and all municipalities therein;

—Lake County HIDTA consists of Lake County, Indiana, and all municipalities therein;

—Gulf Coast HIDTA consist of Baldwin, Jefferson, Mobile, and Montgomery Counties (in Alabama); Caddo, East Baton Rouge, Jefferson, and Orleans Parishes (in Louisiana); and Hancock, Harrison, Hinds, and Jackson Counties (in Mississippi) and the municipalities therein;

—Midwest HIDTA consists of Muscatine, Polk, Pottawattamie, Scott and Woodbury Counties (in Iowa); Cherokee, Crawford, Johnson, Labette, Leacenworth, Saline, Seward, and Wyandotte Counties (in Kansas); Cape Garardeau, Christian, Clay, Jackson, Lafayette, Lawrence, Ray, Scott, and St. Charles Counties, and the City of St. Louis, MO (in Missouri); Dakota, Dawson, Douglas, Hall, Lancaster, Sarpy, and Scott's Bluff Counties (in Nebraska); Clay, Codington, Custer, Fall River, Lawrence, Lincoln, Meade, Minnehaha, Penninton, Union, and Yankton Counties (in South Dakota); and all municipalities therein;

—Rocky Mountains HIDTA consists of Adams, Arapahoe, Denver, Douglas, Eagle, El Pasco, Garfield, Jefferson, La Plate, and Mesa Counties (in Colorado); Davis, Salt Lake, Summit, Utah, and Weber Counties (in Utah); Laramie, Natrona, and Sweetwater Counties (in Wyoming) and all municipalities therein;

—Southwest Border HIDTA consists of San Diego and Imperial Counties (in California), and all municipalities therein; Yuma, Maricopa, Pinal, Pima, Santa Cruz, and Cochise Counties, (in Arizona) and all municipalities therein; Bernalillo, Hidalgo, Grant, Luna, Dona Ana. Eddy, Lea, and Otero, Chaves, and Lincoln Counties, (in New Mexico) and all municipalities therein; El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Crockett Counties (in West Texas) and all municipalities therein; Bexar, Val Verde, Kinney, Maverick, Zavala, Dimmit, La Salle, Webb, Zapata, Jim Hogg, Starr, Hildago, Willacy and Cameron Countries (in South Texas) and all municipalities therein;

—Northwest HIDTA consists of King, Pierce, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties (in the State of Washington) and all municipalities therein;

—Los Angeles HIDTA consists of the city of Los Angeles and surrounding areas of Los Angeles, Orange, Riverside, and San Bernadino Counties, and all municipalities therein; and

—Puerto Rico/U.S. Virgin Islands HIDTA consists of the U.S. territories of Puerto Rico and the Virgin Islands.
—San Francisco Bay Area HIDTA consists of Alameda, Contra Costa, Lake, Marin, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma counties and all the municipalities therein.
—Appalachia HIDTA consist of Adair, Bell, Breathitt, Clay, Clinton, Cumberland, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, McCreary, Magoffin, Marion, Monroe, Owsley, Perry, Pike, Pulaski, Rockcastle, Taylor, Wayne. and Whitley counties in Kentucky; Boone, Braxton, Cabell, Gilmer, Lewis, Lincoln, Logan, Mason, McDowell, Mingo and Wayne Counties in West Virginia, Bledsoe, Campbell, Claiborne, Clay, Cocke, Cumberland, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hancock, Hawkins, Jackson, Jefferson, Macon, Marion, Overton. Pickett, Putnam, Rhea, Scott, Sequatchie, Sevier, Unicoi, Van Buren and White Counties in Tennessee and all the municipalities therein.
—Central Florida HIDTA consists of Hillsborough, Orange, Osceola, Pinellas, Polk, Seminole, and Volusia counties and all the municipalities therein.
—Chicago HIDTA consists of Cook County, incorporating the City of Chicago.
—Atlanta HIDTA consists of Fulton, Dekalb counties and the City of Atlanta.
—Milwaukee HIDTA consists of Milwaukee county and all the municipalities therein.
—Southeastern Michigan HIDTA consists of Wayne, Oakland, Macomb, and Washtenaw counties and all the municipalities therein.
—Philadelphia/Camden HIDTA: consists of the Cities of Philadelphia and Camden.

For further information on HIDTAs contact Rick Yamamoto, at the ONDCP, Executive Office of the President, Washington, DC 20500 on (202) 395–6755 and/or La'Wan Sweetenberg on (202) 395–6603, fax (202) 395–6721. Field Offices in validating the unit count shall not include Non-Federally Assisted Housing units located in High Intensity Drug-Trafficking Areas.

6. On page 15596, in the third column, a second paragraph is added to Section IV (captioned "Application Submission Requirement") to read as follows:

An applicant shall submit only one application, per housing authority, for each drug elimination program contained in this program section of the SuperNOFA. Joint applications are permitted only in those cases where HAs have a single administration (such as HAS managing another HA under contract or HAs sharing a common executive director). In those cases, a separate budget, plan and timetable and unit count shall be supplied in the application.

7. On page 15596, in the third column, a new Section VII is added to read as follows:

VII. Term of Grant Agreement.

Terms of the FY 1997 and FY 1998 PHDEP grant agreement shall not exceed 24 months from the execution date of the grant agreement (Form 1044). Grant extensions during the FY 1997 and FY 1998 PHDEP funding round are not permitted. Any funds not expended at the end of the FY 1997 and FY 1998 PHDEP grant term shall be remitted to HUD.

F. *Drug Elimination Grants for Federally Assisted Low-Income Housing (Multifamily Housing Drug Elimination) Program section of SuperNOFA, beginning at 63 FR 15607.*

1. On page 15608, in the first column, under Section I(C), the last sentence of that section which begins "Owners of Section 8 tenant-based. * * *" is succeeded by two new paragraphs that read as follows:

HUD inadvertently failed to include tie-breaker language in the selection criteria for the FY 97 DEG funding round. As a result, the application submitted by the Calib Foundation on behalf of Village Heights Apartments, which received the same rating as another selected grantee, was not selected. HUD will correct this oversight by funding Village Heights in the amount of $125,000 from the FY 98 allocation. HUD is also revising this year's selection process to include tie-breaker language.

At this time, HUD is aware of only this one tie-breaker situation. However, in the event that other applicants notify HUD of similar situations and HUD can confirm that an applicant was not selected due to a tie score with a selected grantee, HUD will take additional corrective funding actions.

2. On page 15610, in the first column, under Section III, a new paragraph (C) is added to read as follows:

(C) *Tie-Breaker Situations.* If two or more applications have the same score and there are insufficient funds to fund all of them, the application(s) with the highest score for the Soundness of Approach rating factor shall be selected for funding. If a tie still remains, the application(s) with the highest score for the Capacity of the Applicant and Relevant Organizational Experience rating factor shall be selected. Further tied applications will be selected by their scores in the Need/Extent of Problem, Leveraging Resources, and Comprehensiveness and Coordination rating factors, in that order.

II. In the SuperNOFA for Economic Development and Empowerment Programs (SuperNOFA II), notice document 98–11392, beginning at 63 FR 23876, in the issue of Thursday, April 30, 1998, the following corrections are made:

A. *Introduction to the SuperNOFA Process, beginning at 63 FR 23877.*

1. On page 23878, in the middle column, the last sentence of this column is corrected to read: "The Programs Section of the SuperNOFA describes each program for which funding is being competed under this SuperNOFA."

2. On page 23880, in the first column, an asterisk is placed after the following program name "Intermediaries Technical Assistance Grant Program." and a footnote is placed at the end of the chart that contains the Intermediaries Technical Assistance Program and Outreach and Training Grants for Technical Assistance Program to read as follows: "$1,000,000 is currently available in FY 1998, and $8,000,000 is subject to appropriations in FY 1999."

B. *General Section of the SuperNOFA, beginning on 63 FR 23881.* On page 23884, in the middle column, under Section IV (captioned "Application Submission Requirements"), a new sentence is added at the section to read as follows:

Whenever a provision of an application kit for one of the programs included in this SuperNOFA is inconsistent with a provision of this SuperNOFA, the provision of the SuperNOFA will prevail.

III. In the SuperNOFA for Targeted Housing and Homeless Assistance Programs (SuperNOFA III), notice document 98–11400, beginning at 63 FR 23988, in the issue of Thursday, April 30, 1998, the following corrections are made:

A. *Introduction to the SuperNOFA Process, beginning at 63 FR 23989.*

1. On page 23990, in the middle column, the third sentence of the third paragraph in the middle column is corrected to read: "The Programs Section of the SuperNOFA describes each program for which funding is being competed under this SuperNOFA."

B. *General Section of the SuperNOFA, beginning at 63 FR 23992.*

1. On page 23995, in the first column, under Section IV (captioned "Application Submission Requirements"), a new sentence is added at the section to read as follows:

Whenever a provision of an application kit for one of the programs included in this SuperNOFA is inconsistent with a provision of this SuperNOFA, the provision of the SuperNOFA will prevail.

C. *Housing Opportunities for Persons with AIDS (HOPWA) Program section of SuperNOFA III, beginning at 63 FR 24007.*

1. On page 24011, in the middle column, under Section III(D), the reference to "Section III(C)(2) of the General Section" in the third sentence of paragraph (D) should read "Section III(C) of the General Section."

D. *Section 202 Supportive Housing for the Elderly Program section of SuperNOFA III, beginning at 63 FR 24015.*

1. On page 24025, in the first column, the first sentence of the second paragraph of Section I(D) is corrected by replacing the phrase "three (3) or more Hubs" with "a single Hub."

E. *Section 811 Supportive Housing for Persons with Disabilities Program section of SuperNOFA III, beginning at 63 FR 24031.*

1. On page 24034, in the third column, a new paragraph is added to Section I(C) which precedes the last paragraph that begins "The Section 811 capital advance * * *." The new paragraph reads as follows:

As a result of a rating error in the Boston Office, the application submitted by Employment Options, Inc. was not selected for funding under the Fiscal Year 1997 Section 811 Program of Supportive Housing for Persons with Disabilities. Since this was a HUD error, the application will be funded from the Fiscal Year 1998 allocation to the Boston Office.

2. On page 24035, the chart is amended by placing an asterisk (*) next to the word "Boston" in the first column and adding the following footnote at the bottom of the chart on page 24035.

This amount includes Capital Advance Authority of $529,300 to fund Employment Options, Inc., Marlborough, Massachusetts. Since this 6-unit project was not selected in Fiscal Year 1997 by HUD error, this application will be funded from the Fiscal Year 1998 allocation to the Boston Office.

3. On page 24039, in the first column, the first sentence of the second paragraph of Section I(D) is corrected by replacing the phrase "three (3) or more Hubs" with "a single Hub."

4. On page 24039, in the first column, a new paragraph (h) is added to Section I(E)(2) to read: "(h) Intermediate care facilities."

5. On page 24044, in the third column, in Section IV(B)(5)(f), the last sentence of the paragraph which precedes the second "Note" which appears in the third column, is revised to read as follows, and is followed by a new sentence:

In order for applications submitted with site control to be eligible for bonus points for site control, this information would have to be submitted to the local HUD Office *no later than 30 days after the application submission deadline date.* Otherwise, the application will be considered as a "site identified" application and will not receive bonus points for site control.

Dated: May 22, 1998.

Saul N. Ramirez, Jr.,

Acting Deputy Secretary.

[FR Doc. 98–14246 Filed 5–26–98; 2:36 pm]

BILLING CODE 4210–32–P

federal register

Friday
May 29, 1998

Part IV

Department of Housing and Urban Development

24 CFR Part 291

Disposition of HUD-Acquired Single Family Property; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 291

[Docket No. FR–4244–P–02]

RIN 2502–AG96

Disposition of HUD-Acquired Single Family Property; Proposed Rule

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's regulations for the disposition of HUD-acquired single family properties. Through this proposed rule, HUD is seeking comments on an efficient, innovative, and cost-effective alternative for selling HUD's inventory of single family properties. This alternative would allow HUD to enter into a property acquisition agreement or agreements with an individual, partnership, corporation or other legal entity. The agreement would provide for the right and obligation of the entity to acquire designated properties, including properties that are currently in HUD's inventory, but primarily those that are or will be "in the pipeline." HUD's goals are to reduce the inventory of single family properties while continuing to expand homeownership opportunities for American families and to ensure the stability of the Federal Housing Administration (FHA) Mortgage Insurance Fund.

DATES: *Comment due date:* June 29, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Communications should refer to the above docket number and title. Facsimile (FAX) comments are *not* acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Joseph McCloskey, Director, Single Family Asset Management Division, Office of Insured Single Family Housing, Department of Housing and Urban Development, Room 9184, 451 Seventh Street, SW, Washington, DC 20410; telephone number (202) 708–1672 (this is not a toll-free number). For hearing- and speech-impaired persons, this number may be accessed via TTY by calling the Federal Information Relay Service at 1–800–877–8399.

SUPPLEMENTARY INFORMATION:

I. Background—Program of Sales of Single Family Properties

Section 204 of the National Housing Act (Act) (12 U.S.C. 1710) governs the Federal Housing Administration (FHA) insurance claim process and property disposition. Specifically, section 204(g) of the Act pertains to the management and disposition of HUD-acquired single family properties. HUD's implementing regulations are contained in 24 CFR part 291.

These statutory and regulatory authorities for the acquisition, handling, and disposing of HUD-acquired property make up HUD's Single Family Property Disposition program. Essentially, HUD is charged with implementing a program of sales of HUD-acquired properties along with appropriate credit terms and standards to be used in carrying out the program. Currently, HUD's principal method of selling properties is through competitive sales of individual properties to individual purchasers.

The competitive sales of individual properties is a time consuming process that does not result in efficient and prompt delivery of the single family properties to the sales market. HUD has the largest real estate-owned (REO) operation in the nation, selling in excess of 50,000 properties each year. While this volume of property sales represents only a small percentage of the total number of home sales nationwide (see the "Regulatory Flexibility Act" section of this preamble for further discussion), it represents a significant administrative responsibility for HUD. Both HUD and potential homeowners are disadvantaged by the processing time required involved in competitive sales of individual properties. It is critical for HUD to find more timely and less costly methods to dispose of its REO inventory in order to further its mission of providing homeownership opportunities for American families. In addition, HUD must dispose of these properties efficiently in order to minimize any losses to the insurance fund and to keep the costs of insurance low,

On June 13, 1997 (62 FR 32251), HUD published in the **Federal Register** an advance notice of proposed rulemaking (ANPR) to solicit public comments on better methods of disposing of HUD-owned single family properties. The ANPR suggested that such methods could include bulk sales of current inventory or future acquisitions on a regional or national basis, or arrangements similar to joint ventures, profit-sharing arrangements, or private-public partnerships. In addition to soliciting comments through the ANPR published in the **Federal Register**, HUD requested public input through a notice published in the following newspapers: *The Washington Post, The New York Times, The Wall Street Journal, Barron's,* and *U.S.A. Today.*

II. HUD's New Innovative Sales Method

After considering all the comments received on the ANPR, which are discussed below, HUD is proposing that competitive sales of individual properties to individuals will no longer be HUD's principal method of sale, as the regulations in 24 CFR part 291 currently provide. The proposed rule provides that HUD may, in its discretion, on a case-by-case basis or as a regular course of its business, choose from a variety of sales methods. The proposed rule also would add a new innovative and cost-effective sales method.

Under the new sales method, HUD will invite interested entities to participate in a competitive selection process for the right and obligation to acquire properties designated by HUD. (For purposes of this rule, HUD refers to this sales method as the "future REO acquisition method.") HUD intends that these designated properties would consist primarily of "pipeline" properties. Pipeline properties are those that would otherwise come into HUD's inventory in the future. These designated properties could also include properties that are currently in HUD's inventory. HUD and the selected entity/transferor would enter into a property acquisition agreement, which would provide for the right and obligation of the transferor to acquire the designated properties as the properties become available. Under this method, HUD would have the right to negotiate the specific terms of such an agreement with the selected transferor. HUD is considering defining the entity's obligation to acquire the properties in terms of a specific geographic region or regions over a specific period of time, as well as utilizing the capacity of such entity to support HUD's loss mitigation efforts. The selected transferor would generally be responsible for managing and selling the individual REO properties. With respect to this method of disposition, HUD encourages qualified entities that currently are engaged in the process of management and disposition of HUD's REO inventory to consider participation in the future REO acquisition method by partnering

with other qualified entities, if they themselves lack the resources to participate individually. Furthermore, HUD will make available to the selected transferor(s) a list of all entities (by service and geography) who currently participate in HUD's REO disposition process for its use in performing the future acquisition method.

As noted earlier, HUD has the discretion to use other methods of sale, in addition to this future REO acquisition method, including competitive sales of individual properties to individuals, direct sales, bulk sales, and other sales as determined necessary by the Secretary. HUD anticipates, however, that the new future REO acquisition method or other similar arrangements would allow HUD to transfer most of the properties it acquires (or would otherwise acquire), quickly and efficiently and in a manner that allows HUD to better achieve its national housing goals.

The ability to move the properties out of HUD's inventory quickly and efficiently is crucial. The longer the properties remain in HUD's inventory, the more HUD's holding costs increase, and the longer they remain unavailable as homeownership opportunities for potential purchasers. Using disposition methods such as the future REO acquisition method would be more efficient and expedient than HUD's current sales methods, since HUD anticipates that the entities interested in such arrangements will be experienced in high-volume property sales. HUD anticipates that competition among interested entities would enhance this benefit and result in maximum efficiency and return. Therefore, using innovative property disposal methods such as the future REO acquisition method should not only ensure the maximum possible return to the mortgage insurance fund; it should also help to strengthen neighborhoods and communities and help to expand homeownership opportunities in order to help provide decent, safe, and affordable housing.

HUD anticipates, however, that the future REO acquisition method could result in fewer properties available for direct sales to nonprofit organizations and units of government. HUD understands that there are entities that rely upon HUD-acquired properties as a resource for their housing programs, and HUD is committed to continuing its partnership with these groups. Therefore, in order to minimize the anticipated effects of any decreased availability of properties, HUD intends to make available a portion of the properties acquired in HUD-designated revitalization areas to nonprofit organizations (including homeless providers and nonprofit organizations representing persons with disabilities or other classes of persons protected by the Fair Housing Act) and units of government for use in HUD and local housing or homeless programs (see § 291.90(c)(1) of this proposed rule).

III. Discussion of Public Comments on ANPR

HUD received 52 comments in response to the June 13, 1997 ANPR and simultaneous newspaper publications. The following discussion provides a summary of the issues and recommendations raised by the commenters.

New Methods of Sale

A few commenters offered suggestions for new methods of sale for HUD's inventory. For example, one commenter proposed that HUD enter into a contract with that commenter, which proposed to provide electronic marketing of HUD-owned single family properties. While HUD currently lists properties available for sale in large circulation newspapers, and some offices list properties on the World Wide Web, HUD is looking for a new means to reduce substantially the on-hand inventory, now and into the future, rather than a new means to market that inventory.

Another commenter suggested that HUD outsource the REO management and liquidation function to experienced companies located in areas that correspond to HUD's Homeownership Centers. HUD is considering expanding the use of the management and marketing-type contracting that is being tested in New Orleans, Baltimore, and Sacramento, which would rely upon local real estate brokers, appraisers, and closing agents for the inventory not sold through the future REO acquisition method. Therefore, HUD will continue to consider the suggestions of these commenters. At this time, however, HUD is proposing to rely upon the future REO acquisition process described above to transfer most of the properties.

One commenter suggested that HUD form joint venture arrangements with selected nonprofit real estate development organizations to reduce the inventory. Another commenter suggested that HUD sell properties in identified neighborhoods in bulk to a State agency that would then enter into a joint venture with a nonprofit. Several other commenters suggested that HUD give greater priority to nonprofits and/or government agencies. HUD intends to continue to offer a certain percentage of properties to nonprofit organizations and local government entities. In addition, this proposed rule would not preclude States and nonprofits from participating in the sales process described in this rule through partnering arrangements with each other or with the successful transferor. HUD believes, however, that reducing the inventory through the future REO acquisition method would be more cost-effective.

One commenter recommended that Federal agencies combine their resources and sell properties via auctions under the Government Owned Real Estate (G.O.R.E.) project. HUD has participated in G.O.R.E. auctions in the past and anticipates doing so in the future. However, since HUD has a much higher volume of properties in its inventory and a greater need for frequent sales than other Federal agencies, the G.O.R.E. auctions have a limited utility for HUD. HUD anticipates that the effort described in this proposed rule would be a more efficient method of selling the bulk of its inventory, because transferors could be available to acquire properties on a continual basis in many regions.

Opposition to Bulk Sales

Several commenters opposed selling HUD's single family acquired properties through bulk sales. Two commenters warned that bulk sales will negatively affect real estate values and could cause a local depression of the real estate market. Three commenters (real estate brokers/managers) claimed that bulk sales would put them out of business.

Contrary to these commenters' objections, however, HUD is primarily considering selling a pipeline of properties to transferors chosen through a competitive process, rather than selling acquired properties through bulk sales. HUD does not believe that the sales arrangement described in this proposed rule would adversely affect real estate values or cause a depression of local real estate markets, since HUD anticipates that the ultimate sales of the individual properties by the chosen transferors will result in fair market pricing. Although HUD may sell properties that are currently in inventory through a bulk sale arrangement, any such sales will be structured to take into account the impact on local communities.

HUD has performed an analysis on the impact the future REO acquisition method would have on small businesses that do business with HUD, such as real estate brokers. This analysis is described below under the heading "Regulatory Flexibility Act." This new sales method

should not significantly affect small businesses, especially if the transferors use a process of selling the properties that is similar to HUD's. In an effort to mitigate any such impact, however, HUD would encourage its transferors to use local firms to assist in their disposal of the single family acquired properties.

IV. Changes to Regulations in 24 CFR Part 291

Specifically, this proposed rule would amend the regulations in 24 CFR part 291 to:

1. Add a new section (see § 291.200 of this proposed rule) to describe basic procedures for the future REO acquisition sales method. The proposed § 291.200 contains general information regarding the process by which HUD anticipates conducting the new sales method. HUD plans to advertise the availability of acquisition opportunities to the public, and to provide detailed information to interested eligible entities.

2. Reorganize the property disposition regulations to allow for and to recognize the use of innovative sales procedures such as the future REO acquisition method, by:

a. Revising § 291.5 (Definitions), primarily by moving relevant definitions to subpart E;

b. Creating a new § 291.90 in subpart B to describe all the sales methods that will be available to the Secretary;

c. Moving the flood insurance requirements from § 291.100(f) to § 291.100(c)(1) regarding individual properties that are sold with FHA mortgage insurance; HUD's requirements for flood insurance apply only to FHA-insured mortgages in these circumstances.

d. Redesignating § 291.200 of the current regulations, regarding HUD's policy for the rental of acquired property, as § 291.10 in subpart A of part 291.

e. Revising the heading of existing subpart C to read "Sales Procedures." This rule would move the provisions of §§ 291.105 and 291.110 into subpart C (see §§ 291.205 and 291.210 of this proposed rule), to follow the new § 291.200 regarding the future REO acquisition method (described above).

HUD anticipates that it would rely heavily upon the future REO acquisition method or similar arrangements to sell its inventory of single family properties (so long as such arrangements are found to be economically viable and in furtherance of the national housing goals), rather than the sales methods described in §§ 291.205 and 291.210 of this rule. However, this rule would preserve the procedures for those sales methods and retain them as viable sales options. If HUD seeks to use direct sales to other individuals or entities that do not meet any of the other categories of sales, this rule would continue to require the Assistant Secretary for Housing-Federal Housing Commissioner to make a finding that disposing of properties in such a manner would be in the best interest of the Secretary (see § 291.210(c) of this rule.)

V. Nondiscrimination Requirements

HUD's responsibilities and priorities include ensuring compliance with applicable nondiscrimination requirements, such as the Americans with Disabilities Act, section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act. With regard to the disposition of single family properties in HUD's inventory, all resales by public entities are subject to compliance with Title II of the Americans with Disabilities Act. All resales by both public and private entities are subject to compliance with the Fair Housing Act.

In addition, HUD must comply with section 504 of the Rehabilitation Act of 1973, which requires nondiscrimination based on disability in programs or activities conducted by any executive agency. HUD regulations implementing this requirement are in 24 CFR part 9. Under § 9.155(a) of those regulations, HUD must ensure that its Property Disposition Program policies and practices do not discriminate on the basis of disability, against a qualified individual with disabilities. HUD will take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public. HUD will provide appropriate auxiliary aids as necessary to afford an individual with disabilities an equal opportunity to participate in this program.

VI. Justification for Shortened Comment Period

In general, it is HUD's policy that notices of proposed rulemaking are to afford the public not less than 60 days for submission of comments, in accordance with its regulations on rulemaking in 24 CFR part 10. However, HUD has determined that there is good cause to reduce the public comment period for this proposed rule to 30 days. As discussed earlier in this preamble, HUD anticipates that this future REO acquisition method of disposing of single family properties would be more efficient and expedient than HUD's current method of competitive individual property sales, thereby increasing homeownership opportunities and helping to build strong neighborhoods and communities. The completion of this rulemaking would be necessary in order for HUD to begin the process of selecting and negotiating with the transferor(s). (However, nothing in this rule prevents HUD from conducting a bulk sale of property in its inventory.)

HUD has provided the public with notice and an opportunity to comment on innovative sales procedures in the advanced notice of proposed rulemaking published in the **Federal Register** on June 13, 1997 (62 FR 32251). HUD also sought public input by publishing a notice in several prominent newspapers and business journals. Therefore, HUD has determined that the 30-day comment period for this proposed rule should provide sufficient notice and opportunity for interested entities to comment. In order to provide the fullest and most expedient access to the provisions of this proposed rule, HUD will make it available on the HUD Home Page on the World Wide Web at http://www.hud.gov, on the date of publication in the **Federal Register**. HUD will also directly notify entities that have expressed a significant interest to HUD by sending such entities a copy of this proposed rule.

VII. Findings and Certifications

Executive Order 12866

The Office of Management and Budget (OMB) reviewed this proposed rule under Executive Order 12866, *Regulatory Planning and Review*. OMB determined that this rule is a "significant regulatory action," as defined in section 3(f) of the Order. Any changes made to this rule as a result of that review are clearly identified in the docket file. The docket file and the Economic Analysis prepared for this rule are available for public inspection between 7:30 a.m. and 5:30 p.m. in the Office of the Rules Docket Clerk, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, S.W., Washington, DC.

Environmental Impact

A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4223). The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban

Development, 451 Seventh Street, SW, Washington, DC.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this proposed rule before publication and by approving it certifies that this rule would not have a significant economic impact on a substantial number of small entities.

(1) *No Significant Economic Impact.* The future REO acquisition method would not result in a significant economic impact on a substantial number of small entities. During fiscal year 1997, the sale of HUD homes represented only 1.2 percent of total home sales, using only 1.6 percent of the active selling brokers. Since HUD's home sales are a very small portion of the overall home sales business, the economic impact of this rule would not be significant, and it would not affect a substantial number of small entities.

(2) *A Substantial Number of Small Entities Will Not be Affected.* HUD has determined that there are approximately 18,000 small entities that could be affected by this rule, including nonprofit organizations, State and local governments, Real Estate Asset Managers (REAMs), real estate brokers, selling agents, closing agents, and repair contractors. The number of entities potentially affected by this rule is not substantial, and any potential economic impact would not be significant. A transferor under this new arrangement may use a sales process similar to HUD's previous sales process, in which case a number of the entities that would continue to be involved in the ultimate sales of the properties would be small entities. In an effort to mitigate any potential impact on small entities, HUD would encourage the transferor(s) to use small local firms to assist in their disposal of single family acquired properties.

Notwithstanding HUD's determination that this rule would not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

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 rule would not have substantial direct effects on States or their political subdivisions, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. This rule simply allows HUD to use innovative methods of selling its inventory of single family homes. As a result, this rule is not subject to review under the Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and the private sector. This rule does not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in 24 CFR Part 291

Community facilities, Conflict of interests, Homeless, Lead poisoning, Low and moderate income housing, Mortgages, Reporting and recordkeeping requirements, Surplus government property.

Accordingly, for the reasons stated in the preamble, 24 CFR part 291 is proposed to be amended as follows:

PART 291—DISPOSITION OF HUD-ACQUIRED SINGLE FAMILY PROPERTY

1. The authority citation for 24 CFR part 291 continues to read as follows:

Authority: 12 U.S.C. 1709 and 1715b; 42 U.S.C. 1441, 1441a, 1551a, and 3535(d).

2. In part 291, subparts A, B, and C are revised to read as follows:

Subpart A—General Provisions

Sec.
291.1 Purpose and general requirements.
291.5 Definitions.
291.10 General policy regarding rental of acquired property.

Subpart B—Disposition by Sale

291.90 Sales methods.
291.100 General policy.

Subpart C—Sales Procedures

291.200 Future REO acquisition method.
291.205 Competitive sales of individual properties.
291.210 Direct sales procedures.

Subpart A—General Provisions

§ 291.1 Purpose and general requirements.

(a) *Purpose.* (1) This part governs the disposition of one-to-four family properties. HUD will issue detailed policies and procedures that must be followed in specific areas.

(2) The purpose of the property disposition program is to dispose of properties in a manner that expands homeownership opportunities, strengthens neighborhoods and communities, and ensures a maximum return to the mortgage insurance fund.

(b) *Nondiscrimination policy.* The requirements set forth in 24 CFR parts 5 and 110 apply to the administration of any activity under this part. In addition, in accordance with 24 CFR 9.155(a), HUD must ensure that its policies and practices in conducting the single family property disposition program do not discriminate on the basis of disability.

§ 291.5 Definitions.

(a) The terms *HUD* and *Secretary* are defined in 24 CFR part 5.

(b) Other terms used in this part are defined as follows:

Closing agent means a qualified firm or person under contract to HUD to administer closings involving the sale of HUD-acquired single family properties.

Competitive sale to individual means a sale of an individual property to an individual bidder through a sealed bid process (or other bid process specifically authorized by the Secretary) in competition with other bidders in which properties have been publicly advertised to all prospective purchasers for bids.

Direct sale means a sale to a selected purchaser to the exclusion of all others without resorting to advertising for bids. Such a sale is available only to approved applicants.

Eligible properties means HUD-acquired properties designated by HUD for property disposition or other housing programs.

HUD-acquired properties means all single family properties acquired by HUD or properties that HUD is otherwise obligated to acquire under the Mutual Mortgage Insurance Fund, the Special Risk Insurance Fund, the General Insurance Fund, or other housing programs, except properties committed to other HUD programs.

Insured mortgage means a mortgage insured under the National Housing Act (12 U.S.C. 1701 et seq.).

Investor purchaser means a purchaser who does not intend to use the property as his or her principal residence.

Lessee means the applicant, approved by HUD as financially responsible, that executes a lease agreement with HUD for an eligible property.

Owner-occupant purchaser means a purchaser who intends to use the property as his or her principal residence; a State, governmental entity, tribe, or agency thereof; or a private

nonprofit organization as defined in this section. Governmental entities include those with general governmental powers (e.g., a city or county), as well as those with limited or special powers (e.g., public housing agencies).

Preapproved means a commitment has been obtained from a recognized mortgage lender for mortgage financing in a specified dollar amount sufficient to purchase the property.

Private nonprofit organization means a secular or religious organization, no part of the net earnings of which may inure to the benefit of any member, founder, contributor, or individual. The organization must:

(1) Have a voluntary board;

(2)(i) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles; or

(ii) Designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles;

(3) Practice nondiscrimination in the provision of assistance in accordance with the authorities described in § 291.435(a); and

(4) Have nonprofit status as demonstrated by approval under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)), or demonstrate that an application for such status is currently pending approval.

Purchase money mortgage, or *PMM*, means a note secured by a mortgage or trust deed given by a buyer, as mortgagor, to the seller, as mortgagee, as part of the purchase price of the real estate.

Single family property means a property designed for use by one to four families.

State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

Tribe has the meaning provided for the term "Indian tribe" in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

§ 291.10 General policy regarding rental of acquired property.

HUD will lease acquired property to comply with other designated HUD programs, or when the Secretary determines that it is in the interest of HUD. Leases may include an option to purchase in appropriate circumstances.

Subpart B—Disposition by Sale

§ 291.90 Sales methods.

HUD will prescribe the terms and conditions for all methods of sale. HUD may, in its discretion, on a case-by-case basis or as a regular course of business, choose from among the following methods of sale:

(a) *Future REO acquisition method.* The Future Real Estate-Owned (REO) acquisition method consists of a property acquisition agreement (or agreements) between HUD and a transferor (or transferors), which shall provide for the right and obligation of the transferor(s) to acquire a future quantity of properties designated by HUD as they become available. HUD will select such transferor(s) through a competitive process, in accordance with all applicable laws and regulations, including the requirements in § 291.200. The transferor(s) shall have the right and obligation to manage and dispose of the properties upon such terms and conditions as are approved by the Secretary;

(b) *Competitive sales of individual properties.* This method consists of competitive sales of individual properties to individual buyers, the procedures for which are described in § 291.205;

(c) *Direct sales methods.* There are three types of direct sales methods:

(1) Direct sales of properties located in HUD-designated revitalization areas to governmental entities and private nonprofit organizations, the procedures for which are described in § 291.210(a);

(2) Direct sales to displaced persons, sales of razed lots, or auctions, the procedures for which are described in § 291.210(b);

(3) Direct sales to other individuals or entities that do not meet any of the categories specified in paragraphs (a) through (d) of this section, under the circumstances and procedures described in § 291.210(c);

(d) Bulk sales, the procedures for which are described in § 291.210(d); or

(e) *Other sales methods.* HUD may select any other methods of sale, as determined by the Secretary.

§ 291.100 General policy.

For all sales, except as otherwise specifically indicated, those sales conducted in accordance with §§ 291.90(a) and 291.200 or with subpart D of this part, the following general policies apply:

(a) *Qualified purchaser.* (1) Anyone, including a purchaser from a transferor of a property pursuant to §§ 291.90(a) and 291.200, regardless of race, color, religion, sex, national origin, familial status, age, or disability may offer to buy a HUD-owned property, except that:

(i) No member of or delegate to Congress is eligible to buy or benefit from a purchase of a HUD-owned property; and

(ii) No nonoccupant mortgagor (whether an original mortgagor, assumptor, or a person who purchased "subject to") of an insured mortgage who has defaulted, thereby causing HUD to pay an insurance claim on the mortgage, is eligible to repurchase the same property.

(2) Neither HUD nor any transferor pursuant to §§ 291.90(a) or 291.200 will offer former mortgagors in occupancy who have defaulted on the mortgage the right of first refusal to repurchase the same property.

(3) HUD will offer tenants accepted under the occupied conveyance procedures outlined in 24 CFR 203.670 through 203.685 the right of first refusal to purchase the property only if:

(i) The tenant has a recognized ability to acquire financing and a good rent-paying history, and has made a request to HUD to be offered the right of first refusal; or

(ii) State or local law requires that tenants be offered the right of first refusal.

(b) *List price.* The list price, or "asking price," assigned to the property is based upon an appraisal conducted by an independent real estate appraiser using nationally recognized industry standards for the appraisal of residential property.

(c) *Insurance.* Properties may be sold under the following programs:

(1) *Insured.* A property that HUD believes meets the intent of the Minimum Property Standards (MPS) for existing dwellings (Requirements for Existing Housing, One to Four Family Living Units, HUD Handbook 4905.1, which is available at the Department of Housing and Urban Development, HUD Customer Service Center, 451 7th Street, SW, Room B–100, Washington, DC 20410; by calling (202) 708–3151; or via the Internet at www.hud.gov) will be offered for sale in "as-is" condition with FHA mortgage insurance available. Flood insurance must be obtained and maintained as provided in 24 CFR 203.16a.

(2) *Insured with repair escrow.* A property that requires no more than $5,000 for repairs to meet the intent of the MPS, as determined by the Secretary, will be offered for sale in "as-is" condition with FHA mortgage insurance available, provided the mortgagor establishes a cash escrow to ensure the completion of the required repairs.

(3) *Uninsured.* A property that fails to qualify under either paragraph (c)(1) or (c)(2) of this section will be offered for sale either in "as-is" condition without mortgage insurance available, or under section 203(k) of the National Housing Act (12 U.S.C. 1709(k)).

(d) *Financing.* (1) Except as provided in paragraph (d)(2) of this section, the purchaser is entirely responsible for obtaining financing for purchasing a property.

(2) HUD, in its sole discretion, may take back purchase money mortgages (PMMs) on property purchased by governmental entities or private nonprofit organizations who buy property for ultimate resale to owner-occupant purchasers with incomes at or below 115 percent of the area median income. When offered by HUD, a PMM will be available in an amount determined by the Secretary to be appropriate, at market rate interest, for a period not to exceed 5 years. Mortgagors must meet FHA mortgage credit standards.

(e) *Environmental requirements and standards.* Sales under this part are subject to the environmental requirements and standards described in 24 CFR part 50, as applicable.

(f) [Reserved]

(g) *Lead-based paint poisoning prevention.* Properties constructed before 1978 are subject to the requirements for the evaluation and reduction of lead-based paint hazards contained in 24 CFR part 35 and 24 CFR part 200, subpart O.

(h) *Open listings.* Except as provided in paragraph (i) of this section, properties are sold on an open listing basis with participating real estate brokers. Any real estate broker who has agreed to comply with HUD requirements may participate in the sales program. Purchasers participating in the competitive sales program, except government entities and nonprofit organizations, must submit bids through a participating broker.

(i) *Asset management and listing contracts.* (1) A field office may invite firms experienced in property management to compete for contracts that provide for an exclusive right to manage and list specified properties in a given area.

(2) In areas where a broker has an exclusive right to list properties, a purchaser may use a broker of his or her choice. The purchaser's broker must submit the bid to HUD through the exclusive broker.

Subpart C—Sales Procedures

§ 291.200 Future REO acquisition method.

(a) Under this method of property disposition, HUD will enter into a property acquisition agreement (or agreements) with a transferor (or transferors), which shall provide for the right and obligation of the transferor(s) to acquire a future quantity of properties designated by HUD as they become available. The transferor(s) will be selected through a competitive process, conducted in accordance with applicable laws. HUD will negotiate the specific terms of the property acquisition agreement(s) with the selected transferor(s). The properties will be available on an "as-is" basis only, without repairs or warranties.

(b) *Eligible entities.* An individual, partnership, corporation, or other legal entity will not be eligible to participate if at the time of the sale, that individual or entity is debarred, suspended, or otherwise precluded from doing business with HUD under 24 CFR part 24.

§ 291.205 Competitive sales of individual properties.

When HUD conducts competitive sales of individual properties to individual buyers, it will sell the properties on an "as-is" basis, without repairs or warranties, and it will follow the sales procedures provided in this section.

(a) *General.* (1) Properties that are sold on an individual competitive bid basis are sold through local real estate brokers, except as provided in § 291.100(h).

(2) For properties being offered with mortgage insurance, priority will be given to owner-occupant purchasers, as defined in § 291.5, for a period of up to 30 days, as determined by HUD. For properties offered without mortgage insurance, priority will be given to governmental entities and nonprofit organizations prior to other owner-occupant purchasers.

(b) *Net offer.* The net offer is calculated by subtracting from the bid price the dollar amounts for the following:

(1) If requested by the purchaser in the bid, HUD will pay all or a portion of the financing and loan closing costs and the broker's sales commission, not to exceed the percentage of the purchase price determined appropriate by the Secretary for the area. In no event will the amount for broker's sales commission exceed 6 percent of the purchase price, except for cash bonuses offered to brokers by HUD for the sale of hard-to-sell properties.

(2) In the case of properties sold under the insured sales with repair escrow program, the repair escrow amount is also deducted from the bid to determine the net offer.

(c) *Acceptable bid.* HUD will accept the bid producing the greatest net return to HUD and otherwise meeting the terms of HUD's offering of the property, with priority given to owner-occupant purchasers as described in paragraph (a)(2) of this section. The greatest net return is calculated based on the net offer, as described in paragraph (b) of this section.

(d) *Bid period.* After properties are initially advertised, bids are accepted for a 10-day period, with all offers received during the 10 days considered to have been received simultaneously, except as described in paragraph (e) of this section. Offers received on a property before the 10-day bidding period begins will be returned. Offers received after the 10-day period will not be considered at the bid opening, but will be considered during the extended listing period if no acceptable bid was received during the 10-day period.

(e) *Full price offers.* HUD field offices that operate under a "full price offer" program open offers at specified times during the 10-day bidding period. If an offer for the full list price and otherwise meeting the terms of the offering is received, it will be accepted at the time of the opening and the 10-day bid period cancelled.

(f) *Extended listing period.* Properties not sold at the bid opening will remain available for an extended listing period. All bids received on each day of the extended listing period will be considered as being received simultaneously, and will be opened together at the next scheduled daily bid opening. Properties that fail to sell within 30 days after being offered for competitive bidding will be reanalyzed and relisted. If a property's price or terms are changed, it will be subject to another competitive bidding period as described in paragraph (d) of this section.

(g) *Bid requirements.* (1) All bids submitted, whether during the 10-day bid period or the extended listing period, must be in the form of a fully completed sales contract, in a form prescribed by HUD, signed by both the submitting real estate broker and the prospective purchaser. If the purchase is to be an insured sale, a field office may also require that supporting exhibits for mortgage credit analysis accompany the initial submission of the bid.

(2) Unless the Secretary specifically authorizes another bid process, bids must be placed in sealed envelopes

marked with the property number, address, and return address of the broker. All bids not indicating that the purchaser will occupy the property will be considered as investor offers.

(3) Noncomplying bids will be returned to the broker with an explanation for the noncompliance decision and information about whether the property is still available.

(h) *Earnest money deposits.* (1) The amount of earnest money deposit required for a property with a sales price of $50,000 or less is $500, except that for vacant lots the amount is 50 percent of the list price. For a property with a sales price greater than $50,000, the amount of earnest money deposit required in the area is set by the field office, in an amount not less than $500 or more than $2,000. Information on the amount of the required earnest money deposit is available from the field office or participating real estate brokers.

(2) All bids must be accompanied by earnest money deposits in the form of a cash equivalent as prescribed by the Secretary, or a certification from the real estate broker that the earnest money has been deposited in the broker's escrow account. If a bid is accepted by HUD, the earnest money deposit will be credited to the purchaser at closing; if the bid is rejected, the earnest money deposit will be returned. Earnest money deposits are subject to total or partial forfeiture for failure to close a sale.

(i) *Multiple bids.* Real estate brokers may submit unlimited numbers of bids on an individual property provided each bid is from a different prospective purchaser. If a purchaser submits multiple bids on the same property, only the bid producing the highest net return to HUD will be considered. If a prospective owner-occupant purchaser submits a bid on more than one property, the first of those bids that produces the greatest net return to HUD will be accepted and all other bids from that purchaser will be eliminated from consideration. However, if the prospective owner-occupant purchaser has submitted the only acceptable bid on another property, then that bid must be accepted and all other bids from that purchaser on any other properties will be eliminated from consideration.

(j) *Opening the bids.* Unless the Secretary specifically authorizes another bid process:

(1) The bids will be opened publicly at a time and place designated by the HUD field office.

(2) Each bid will be announced when opened, and acknowledgment made of the offer that produces the greatest net return to HUD. Successful bidders will be notified through their real estate brokers by mail, telephone, or other means. Acceptance of a bid is final and effective only upon HUD's execution of the sales contract and mailing of a copy of the executed contract to the successful bidder or the bidder's agent.

(k) *Counteroffers.* If all bids received on a property are unacceptable, a field office may notify all bidders or their brokers that HUD will accept an offer equalling a predetermined net acceptable price. Bidders must submit an acceptable offer before the established bid cut-off period, to be determined by the field office. The highest acceptable offer received within the specified period of time, including any offer received from a bidder who did not submit a bid during the bid period, will be accepted, thus terminating the counteroffer negotiations. In case of identical bids, award will be determined by drawing lots.

§ 291.210 Direct sales procedures.

When HUD conducts the sales listed in § 291.90(c), it will sell the properties on an "as-is" basis, without repairs or warranties, and it will follow the applicable sales procedures provided in this section.

(a) *Direct sales of properties located in HUD-designated revitalization areas to governmental entities and private nonprofit organizations.* (1) State and local governments, public agencies, and qualified private nonprofit organizations that have been preapproved to participate by HUD, according to standards determined by the Secretary, may purchase HUD properties at a discount off the list price determined by the Secretary to be appropriate, but not less than 10 percent, for use in HUD and local housing or homeless programs.

(2)(i) Purchasers under paragraph (a)(1) of this section must designate geographical areas of interest by ZIP code. Upon request, before those properties are publicly listed, HUD will assure that governmental entities and nonprofit organizations are notified in writing when eligible properties become available in the areas designated by them. HUD will coordinate the dissemination of the information to ensure that if more than one purchaser designates a specific area, those purchasers receive the list of properties at the same time, based on intervals agreed upon between HUD and the purchasers. A property in this section will be sold to the first eligible purchaser submitting an acceptable contract.

(ii) Purchasers under paragraph (a)(1) of this section must notify HUD of preliminary interest in specific properties within 5 days of the notification of available properties (if notification is by mail, the 5 days will begin to run 5 days after mailing). Those properties in which purchasers express an interest will be held off the market for a 10-day consideration and inspection period. Other properties on the list will continue to be processed for public sale. HUD may limit the number of properties held off the market for a purchaser at any one time, based upon the purchaser's financial capacity as determined by HUD and upon past performance in HUD programs. At the end of the 10-day consideration and inspection period, properties in which no governmental entity or nonprofit organization has expressed a specific intent to purchase will be offered for sale under the competitive bid process. Properties in which a governmental entity or nonprofit organization expressed an intent to purchase, during the 10-day period, will continue to be held off the market pending receipt of the sales contract. If a sales contract is not received within a time period of up to 10 days, as determined by HUD, following expiration of the 10-day consideration and inspection period, and no other governmental entity or nonprofit organization has expressed an interest, then the property will be offered for sale under the competitive bid process.

(3) In order to ensure that properties purchased at a discount are being utilized for expanding affordable housing opportunities, HUD may require, as appropriate, periodic, limited information regarding the purchase and resale of such properties, and certain restrictions on the resale of such properties.

(b) *Direct sales to displaced persons; razed lots; auctions.* HUD may seek to dispose of individual properties to individual buyers through methods such as direct sales to displaced persons, sales of razed lots, or auctions. These sales will be upon such terms and conditions as the Secretary may prescribe.

(c) *Direct sales to individuals or entities.* HUD may also seek to dispose of properties through direct sales to other individuals or entities that do not meet any of the categories specified in this section, if the Assistant Secretary for Housing-Federal Housing Commissioner (or his or her designee) finds in writing that such sales would further the goals of the National Housing Act (12 U.S.C. 1701 *et seq.*) and would be in the best interests of the Secretary. These sales will be upon such terms and conditions as the Secretary may prescribe.

(d) *Bulk sales.* HUD may seek to dispose of properties through bulk sales. Such sales will be upon such terms and conditions as the Secretary may prescribe.

3. A new § 291.405 is added to subpart E, to read as follows:

§ 291.405 Definitions.

For purposes of this subpart E:

Applicant means a State, metropolitan city, urban county, governmental entity, tribe, or private nonprofit organization that submits a written expression of interest in eligible properties under this subpart E. Governmental entities include those that have general governmental powers (e.g., a city or county), as well as those with limited or special powers (e.g., public housing agencies or State housing finance agencies). In the case of applicants leasing properties while their applications for Supportive Housing assistance are pending, "applicant" is defined in 24 CFR part 583.

Homeless means:

(1) Individuals or families who lack the resources to obtain housing, whose annual income is not in excess of 50 percent of the median income for the area, as determined by HUD, and who:

(i) Have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;

(ii) Have a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing, but excluding prisons or other detention facilities); or

(iii) Are at imminent risk of homelessness because they face immediate eviction and have been unable to identify a subsequent residence, which would result in emergency shelter placement (except that persons facing eviction on the basis of criminal conduct such as drug trafficking and violations of handgun prohibitions shall not be considered homeless for purposes of this definition); or

(2) Persons with disabilities who are about to be released from an institution and are at risk of imminent homelessness because no subsequent residences have been identified and because they lack the resources and support networks necessary to obtain access to housing.

Dated: March 19, 1998.

Art Agnos,

Acting General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 98–14014 Filed 5–28–98; 8:45 am]

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federal register

Friday
May 29, 1998

Part V

Department of Housing and Urban Development

24 CFR Part 203

Single Family Mortgage Insurance; Electronic Underwriting; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 203

[Docket No. FR–4311–I–01]

RIN 2502–AH15

Single Family Mortgage Insurance; Electronic Underwriting

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD

ACTION: Interim rule.

SUMMARY: Currently, a Direct Endorsement underwriter must personally review the appraisal report and credit application, including the analysis performed on the worksheets. With the introduction of automated underwriting systems, the need for human underwriters to review certain aspects of the mortgage loan application is substantially diminished. This interim rule amends the regulations on Single Family Mortgage Insurance to allow the lender to substitute an "accept" risk classification from a FHA-approved automated underwriting system (AUS) in lieu of a personal review by a Direct Endorsement underwriter of the borrower's credit and capacity to repay the mortgage.

DATES: *Effective date*: June 29, 1998.
Comment due date: July 28, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. HUD will not process facsimile (FAX) communications as comments.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Office of Insured Single Family Housing, Room 9162, Department Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (voice) (202) 708–3046. (This is not a toll-free number.) Hearing-impaired or speech-impaired individuals may access the voice telephone listed by calling the Federal Information Relay Service during working hours at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Currently, a Direct Endorsement (DE) underwriter must personally review the appraisal report and credit application, including the analysis performed on the worksheets. With the introduction of automated underwriting systems, the need for human underwriters to review certain aspects of the mortgage loan application is substantially diminished. The current regulatory provision at 24 CFR 203.255(b)(5) requires a DE underwriter to certify that the underwriter has personally reviewed the credit application and appraisal report on all mortgages originated under the DE program. The regulatory change set forth in this interim rule allows the lender to substitute an "accept" risk classification from a FHA-approved automated underwriting system in lieu of a personal review by a DE underwriter of the borrower's credit and capacity to repay the mortgage.

An automated underwriting system (AUS) performs an analysis of the loan application and provides risk grades or classifications as to the probability of mortgage default. The AUS either accepts or approves the mortgage based on information provided by the lender, or refers the application for further review by an individual. FHA controls the approval of all proprietary AUS's, determines the risk it is willing to accept (i.e., the score necessary to allow the loan to be considered an "accept"), and enters into agreements with the AUS vendors outlining what elements of the mortgage application it is permitting the AUS to evaluate. FHA, at its discretion, may determine that the AUS may be used to review elements of the applicant's credit and capacity.

FHA will continue to require a personal review for those mortgage applications referred to an individual underwriter and to require that the lender certify that all other aspects of the mortgage transaction, including data integrity and eligibility rules, meet FHA requirements. Further, the mortgage lender remains responsible for those aspects of the credit and capacity not evaluated by the AUS, including eligibility requirements, as well as the integrity of the data used by the AUS to arrive at the "accept" risk classification.

Other Matters

Justification for Interim Rule

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking, 24 CFR part 10. Part 10 does provide, however, for exceptions from that general rule where the Department finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is "impracticable, unnecessary, or contrary to the public interest." 24 CFR 10.1. The Department finds that good cause exists to publish this rule for effect without first soliciting public comment, in that public procedure is contrary to the public interest and unnecessary. Failure to permit substitution of the AUS risk classification impedes lenders from benefitting from the efficiencies of automated underwriting systems, as well as FHA's ability to offer lower cost mortgage originations. Furthermore, this rule is not contrary to the public interest because applicants who do not receive the automated "accept" classification will be granted a manual underwriting review. Consequently, no applicant will be automatically denied approval as a result of the Department's use of this system. Also, in keeping with the Administration's effort to reduce the regulatory burden, this rule reduces the government regulation of private entities, allows mortgage lenders greater flexibility, and reduces underwriting time and expense.

Environmental Finding

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410.

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 rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order.

The Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Secretary by his approval of this rule hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it allows mortgage lenders

greater flexibility and reduces underwriting time and expense. It does not negatively affect small businesses.

Executive Order 12866

This rule was reviewed by the Office of Management and Budget (OMB) under Executive Order 12866 on Regulatory Planning and Review, issued by the President on September 30, 1993. Any changes made in the rule subsequent to its submission to OMB are identified in the docket file, which is available for public inspection as provided under the section of this preamble entitled **Address.**

HUD recognizes that this rule has a potential economic impact. The adoption of AUS by FHA originators will result in system set-up and maintenance costs that they may not otherwise incur. The ability to use AUS has the potential to significantly reduce the cost of underwriting a substantial proportion of FHA loans. These reduced costs may be passed on to borrowers through lower origination fees. Alternatively, originators may shift Direct Endorsement underwriting personnel and other resources away from AUS "accept" borrowers to other borrowers. The ability to review more intensively applications not given an "accept" rating by the AUS, or to provide credit counseling or other services to these applicants, may increase the number of borrowers granted FHA loans.

This rule is not economically significant as described in E.O. 12866, however. While the rule allows lenders to use AUS "accept" risk classification in lieu of a personal review by a Direct Endorsement underwriter, it does not mandate it. Thus, any economic impact of the rule will result from voluntary actions of lenders. If lenders do not find that the individual benefits of using AUS outweigh individual costs, the rule would have no economic impact.

List of Subjects in 24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for this program is 14.117.

Accordingly, 24 CFR part 203 is amended as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

1. The authority for part 203 continues to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b, and 1715u; 42 U.S.C. 3535(d).

2. Section 203.255 is amended by revising paragraph (b)(5) to read as follows:

§ 203.255 Insurance of mortgage.

* * * * *

(b) * * *

(5) An underwriter certification, on a form prescribed by the Secretary, stating that the underwriter has personally reviewed the appraisal report and credit application (including the analysis performed on the worksheets) and that the proposed mortgage complies with HUD underwriting requirements, and incorporating each of the underwriter certification items which apply to the mortgage submitted for endorsement, as set forth in the applicable handbook or similar publication that is distributed to all Direct Endorsement mortgagees, except that where an automated underwriting system (AUS) approved by the Secretary or Commissioner is used by the lender, and the AUS has determined that the application represents an acceptable risk under terms and conditions agreed to by the FHA, a Direct Endorsement underwriter shall not be required to certify that he/she has personally reviewed the credit application (including the analysis performed on any worksheets);

* * * * *

Dated: April 29, 1998.

Art Agnos,

Acting General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 98–14043 Filed 5–28–98; 8:45 am]

BILLING CODE 4210–27–P

federal register

Friday
May 29, 1998

Part VI

Department of Housing and Urban Development

Notice of Regulatory Waiver Requests Granted; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4250–N–04]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public notice of the granting of regulatory waivers from October 1, 1997 through December 31, 1997.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), HUD is required to make public all approval actions taken on waivers of regulations. This notice is the twenty-eighth in a series, being published on a quarterly basis, providing notification of waivers granted during the preceding reporting period. The purpose of this notice is to comply with the requirements of section 106 of the Reform Act.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–3055 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

For information concerning a particular waiver action for which public notice is provided in this document, contact the person whose name and address is set out for the particular item, in the accompanying list of waiver-grant actions.

SUPPLEMENTARY INFORMATION: As part of the Housing and Urban Development Reform Act of 1989 (the Reform Act), the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by HUD. Section 106 of the Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (2 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary rank or equivalent rank, and the person to whom authority to waive is delegated must also have authority to *issue* the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived, and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request;

e. State how additional information about a particular waiver grant action may be obtained.

Section 106 of the Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD on April 22, 1991 (56 FR 16337). This is the twenty-eighth notice of its kind to be published under section 106 of the Reform Act. This notice updates HUD's waiver-grant activity from October 1, 1997 through December 31, 1997.

For ease of reference, waiver requests granted by departmental officials authorized to grant waivers are listed in a sequence keyed to the section number of the HUD regulation involved in the waiver action. For example, a waiver-grant action involving exercise of authority under 24 CFR 58.73 (involving the waiver of a provision in 24 CFR part 58) would come early in the sequence, while waivers of 24 CFR part 990 would be among the last matters listed.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement in title 24 that is being waived as part of the waiver-grant action. (For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.)

Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should HUD receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occurred between October 1, 1997 through December 31, 1997.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: May 22, 1998.

Andrew Cuomo,

Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development October 1, 1997 Through December 31, 1997

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly before each set of waivers granted.

FOR ITEMS 1 THROUGH 11, WAIVERS GRANTED FOR 24 CFR Parts 91, 570, 574, 576 AND 582 CONTACT: Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, SW, Room 7152, Washington, DC 20410–7000; telephone (202) 708–2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

1. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Harrisburg, Pennsylvania requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

NATURE OF REQUIREMENT: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

GRANTED BY: Saul Ramirez, Assistant Secretary for Community Planning and Development.

DATE GRANTED: December 22, 1997.

REASONS WAIVED: The Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the CDBG program, because the City would not be able to submit a complete and accurate performance report on its 1996 program year.

2. REGULATION: 24 CFR 92.101(e) and (c).

PROJECT/ACTIVITY: The St. Louis County, Minnesota requested a waiver of § 92.101(e) and (c) of the HOME program regulations (24 CFR part 92) to allow the County, which is a member of the Northeast Minnesota Housing Consortium, to structure its consortium agreement for a four-year term. The County also has until March 31, 1998 to obtain the needed signatures on the consortium agreement.

NATURE OF REQUIREMENT: The regulations at 24 CFR 92.101(e) and (c) require consortium agreements be 3-years long.

GRANTED BY: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

DATE GRANTED: November 5, 1997.

REASONS WAIVED: The Acting Assistant Secretary added a six month transition period to allow the 76 small rural communities time to sign the agreement. The four year agreement was enacted so that it

will expire concurrently with St. Louis County's next urban county agreement.

3. REGULATION: 24 CFR 92.212(b).

PROJECT/ACTIVITY: The Longview/Kelso Consortium of Washington State, requested a waiver of the HOME program regulations to allow it to use HOME funds to reimburse planning and administration costs incurred in the development of its initial Consolidated Plan as a new HOME grantee.

NATURE OF REQUIREMENT: The HOME program regulations at 24 CFR 92.212(b) allow eligible administrative and planning costs to be incurred as of the beginning of the participating jurisdiction's consolidated program year, or the date the Consolidated Plan describing the HOME allocation is received by HUD.

GRANTED BY: Saul Ramirez, Assistant Secretary for Community Planning and Development.

DATE GRANTED: December 16, 1997.

REASONS WAIVED: The Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the HOME program, because non-reimbursement of costs incurred in the development of the Consolidated Plan would pose a difficulty for the City in implementing its new HOME program, and place the financial burden for program start-up costs on local resources.

4. REGULATIONS: 24 CFR 92.214(a)(7) and 24 CFR 92.502(d).

PROJECT/ACTIVITY: The City of Mobile, Alabama requested a waiver of these regulations to allow the use of additional HOME program funds on property previously assisted with HOME monies. The subject properties were damaged by floods.

NATURE OF REQUIREMENT: HUD's HOME program regulations at 24 CFR 92.214(a)(7) and 24 CFR 92.502(d) prohibit a participating jurisdiction from using HOME funds on properties that have been previously assisted with HOME monies. This prohibition applies to properties that were completed more than one year after the original completion date.

GRANTED BY: Saul Ramirez, Assistant Secretary for Community Planning and Development.

DATE GRANTED: December 2, 1997.

REASONS WAIVED: The waiver was granted to allow three specific projects to reopen and to use HOME funds to correct flooding conditions.

5. REGULATION: 24 CFR 92.254(a).

PROJECT/ACTIVITY: The City of Cincinnati, Ohio requested a waiver of the requirement that property be transferred to a homebuyer within 42 months after project completion. This waiver would extend the maximum lease period to 60 months for an eight unit building.

NATURE OF REQUIREMENT: HUD's HOME program regulations at 24 CFR 92.254(a) require that property be transferred to a homebuyer within forty-two (42) months after project completion.

GRANTED BY: Saul Ramirez, Assistant Secretary for Community Planning and Development.

DATE GRANTED: December 16, 1997.

REASONS WAIVED: The waiver was granted because it would allow the City to take advantage of the Historic Tax Credit associated with the project; enable six low income families to become homeowners; and increase the homeownership rate in a neighborhood with a high concentration of low-income rental properties.

6. REGULATION: 24 CFR 570.200(h)(1)(i).

PROJECT/ACTIVITY: The City of Rialto, California requested a waiver of these HUD regulations to allow it to use CDBG funds to reimburse planning and administration costs incurred while preparing its initial Consolidated Plan as a new CDBG entitlement grantee.

NATURE OF REQUIREMENT: The CDBG program regulations at 24 CFR 570.200(h)(1)(i) state that a grantee may only use CDBG funds to pay pre-award costs if the activity is included in a Consolidated Plan or an amended plan prior to the costs being incurred.

GRANTED BY: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

DATE GRANTED: November 6, 1997.

REASONS WAIVED: The Acting Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the CDBG program, because the non-reimbursement of costs incurred in the development of the Consolidated Plan would pose a difficulty for the City in implementing its new CDBG program and put the financial burden for program start-up costs on local resources.

7. REGULATION: 24 CFR 570.200(h)(1)(i).

PROJECT/ACTIVITY: The City of Victorville, California, requested a waiver of these HUD regulations to allow the City to use CDBG funds to reimburse planning and administration costs incurred while preparing its initial Consolidated Plan as a new CDBG entitlement grantee.

NATURE OF REQUIREMENT: The CDBG program regulations at 24 CFR 570.200(h)(1)(i) state that a grantee may only use CDBG funds to pay pre-award costs, if the activity is included in a Consolidated Plan or an amended plan prior to the costs being incurred.

GRANTED BY: Saul Ramirez, Assistant Secretary for Community Planning and Development.

DATE GRANTED: December 18, 1997.

REASONS WAIVED: The Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the CDBG program, because non-reimbursement of costs incurred in the development of the Consolidated Plan would pose a difficulty for the City in implementing its new CDBG program and put the financial burden for program start-up costs on local resources.

8. REGULATION: 24 CFR 570.206(g).

PROJECT/ACTIVITY: Pima County, Arizona requested a waiver of the CDBG program regulations to allow the County to use CDBG funds for pre-development costs related to the expansion of an existing senior citizen housing complex.

NATURE OF REQUIREMENT: The CDBG program regulations at 24 CFR 570.206(g) require that assistance under the regulations be limited to units which are identified in the recipient's HUD-approved housing assistance plan (HAP). Because the Consolidated Plan includes non-housing activities and is not exclusively limited to low-and-moderate-income persons, HUD has determined that 24 CFR 570.206(g) cannot be read to automatically substitute costs related to the Consolidated Plan for costs formerly eligible in connection with the HAP.

GRANTED BY: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

DATE GRANTED: November 6, 1997.

REASONS WAIVED: The regulation was waived because the community was using the CDBG funds to pay for pre-development activities associated with a proposal submitted to HUD under the Section 202 program. The waiver was granted because the funds were to be used for a HAP-type (meeting the needs of low and moderate income senior citizens) housing activity.

9. REGULATION: 24 CFR 574.540.

PROJECT/ACTIVITY: The City of Chicago, Illinois requested a waiver of the Housing Opportunities for Persons with AIDS (HOPWA) program regulations to authorize the placement of HOPWA funds in a housing subsidy trust fund for a period longer than the three years. The trust fund would be used for operating expenses.

NATURE OF REQUIREMENT: The HOPWA program regulations at 24 CFR 574.540 provide that HUD may de-obligate any amount of HOPWA grant funds that have not been expended within a three-year period from the date of the signing of the grant agreement.

GRANTED BY: Saul Ramirez, Assistant Secretary for Community Planning and Development.

DATE GRANTED: November 25, 1997.

REASONS WAIVED: The Assistant Secretary granted this waiver, extending for two years the period the City could use HOPWA funds placed in a trust for a specific project. This allowed the City to continue to provide support for the housing related needs of HOPWA program beneficiaries.

10. REGULATION: 24 CFR 576.21.

PROJECT/ACTIVITY: Jefferson County, Alabama requested a waiver of the Emergency Shelter Grants (ESG) program regulations at 24 CFR 576.21.

NATURE OF REQUIREMENT: HUD's regulation at 24 CFR 576.21 state that recipients of ESG grant funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

GRANTED BY: Fred Karnas, Jr., Deputy Assistant Secretary for Community Planning and Development.

DATE GRANTED: October 14, 1997.

REASONS WAIVED: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." The County

provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources. Accordingly, HUD determined that the waiver was appropriate.

11. REGULATION: 24 CFR 582.105(e).

PROJECT/ACTIVITY: The Dane County, Wisconsin Department of Human Services requested that up to 15 percent of its Shelter Plus Care allocation be used for administration.

NATURE OF REQUIREMENT: HUD's Shelter Plus Care program regulations at 24 CFR 582.105(e) set the administrative cost allowance for project activities at 8 percent of the grant amount.

GRANTED BY: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

DATE GRANTED: October 22, 1997.

REASONS WAIVED: The Acting Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the Shelter Plus Care program, because the administrative burdens for the homeless initiative had doubled and the project had reached full capacity without using all the rental assistance available.

FOR ITEMS 12 THROUGH 17, WAIVERS GRANTED FOR 24 CFR PART 761 CONTACT: Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, Washington, DC 20410; telephone (202) 619–8201 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

12. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Lackawanna County Housing Authority Youth Sports Program (Grant No. #PA26YSP0380194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one, 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: March 12, 1997.

REASON WAIVED: The Lackawanna County Housing Authority was unable to complete the winter sports component of their grant within the regulatory time-frame, due to unseasonably warm weather. The waiver permitted the housing authority to continue its winter sports activities.

13. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Newark Housing Authority, Newark, New Jersey; Public Housing Drug Elimination Grant Program (PHDEP) (Grant #NJ39DEP0020194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the PHDEP program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: May 23, 1997.

REASON WAIVED: The waiver was granted in order to permit the Newark Housing Authority (NHA) to revise its plan regarding the use of PHDEP funding. The revised PHDEP plan permits the NHA to conduct law enforcement (municipal police services), physical security, U.S. Attorney's anti-violence task force operations in the NHA, and other security and resident activities.

14. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Hoboken Housing Authority, Hoboken, New Jersey; Public Housing Drug Elimination Grant Program (Grant #NJ39DEP0430194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the PHDEP program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: July 10, 1997.

REASON WAIVED: The waiver was granted in order to permit the Hoboken Housing Authority (HHA) to revise its plan regarding the use of PHDEP funding. The revised PHDEP plan permits the HHA to carry out law enforcement and resident activities.

15. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Camden Housing Authority, Camden, New Jersey; Public Housing Drug Elimination Grant Program (Grant #NJ39DEP0100194, #NJ39DEP0100195 and #NJ39DEP0100196).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: August 12, 1997.

REASON WAIVED: The waiver was granted in order to permit the Camden Housing Authority (CHA) to revise its plan regarding the use of PHDEP funding. The revised PHDEP plan permits the CHA to carry out law enforcement and resident activities.

16. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Charlottesville Redevelopment and Housing Authority, Charlottesville, Virginia; Public Housing Drug Elimination Grant Program (Grant #VA36DEP0160194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

DATE GRANTED: August 18, 1997.

REASON WAIVED: The waiver was necessary to permit the Charlottesville Redevelopment and Housing Authority requested to reprogram small amounts ($365.00) of grant funds from several budget line items into their drug prevention program.

17. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Memphis Housing Authority, Memphis, Tennessee; Public Housing Drug Elimination Program (Grant #TN00DEP0010194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: September 26, 1997.

REASON WAIVED: The Memphis Housing Authority requested this extension to continue the implementation of Operation Safe Home II. The purpose of this extension is to obligate funds (contractually) regarding law enforcement activities for the MHA.

FOR ITEM 18, WAIVER GRANTED FOR 24 CFR PART 811, CONTACT: James Mitchell, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6164, Washington, DC 20410; telephone (202) 708–3730 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

18. REGULATION: 24 CFR 811.108(a).

PROJECT/ACTIVITY: Defeasance and redemption of bonds which financed a Section 8 assisted project in Columbus, Ohio (the Nelson Park Apartments, FHA No. 043–35233).

NATURE OF REQUIREMENT: The regulation provides that upon full redemption of bond principal and interest, any remaining balance in the debt service reserve shall be remitted to HUD.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: December 24, 1997.

REASONS WAIVED: Banc One Capital Corporation wishes to purchase the mortgage note from the bond trustee for a price which, when added to Series 1980 Bond reserves of $616,157, will permit full discharge of outstanding bond principal. The Columbus Metropolitan Housing Authority has requested the use of $200,000 of such reserves to finance repairs to seven public housing projects in its jurisdiction. HUD consented to this request, based on advice by the Ohio State Office that Nelson Park Apartments does not need additional funds for repairs or replacement reserves.

FOR ITEM 19, WAIVER GRANTED FOR 24 CFR PART 882 CONTACT: Debbie Ann Wills, Field Management Officer, U.S.

Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, SW, Room 7152, Washington, DC 20410–7000; telephone (202) 708–2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

19. REGULATION: 24 CFR 882.408(a).

PROJECT/ACTIVITY: The Los Angeles Housing Authority requested a waiver, to increase the Fair Market Rent (FMR) in its Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) program, for a single project.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR 882.408(a) provides that rental housing assisted with SRO funds cannot charge rents that exceed the current Section 8 FMR.

GRANTED BY: Saul Ramirez, Assistant Secretary for Community Planning and Development.

DATE GRANTED: December 5, 1997.

REASONS WAIVED: The waiver was granted because the Housing Authority documented that the rents presently charged and received for efficiency and one bedroom units in Los Angeles, where the project is located, were significantly higher than the published FMRs.

FOR ITEMS 20 AND 21, WAIVERS GRANTED FOR 24 CFR PART 901 CONTACT: William C. Thorson, Director, Administrative and Maintenance Division, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4124, Washington, DC 20410; telephone (202) 708–4703 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

20. REGULATION: 24 CFR 901.100(b).

PROJECT/ACTIVITY: The St. Louis Housing Authority (SLHA) requested a waiver of the above cited regulation to obtain an extension for submission of its Public Housing Management Assessment Program (PHMAP) certification.

NATURE OF REQUIREMENT: Public Housing Agencies submit their PHMAP certification within 60 days of fiscal year end. This certification along with information in the field office files and verification of data through on-site confirmatory reviews provide the basis for the PHMAP grades and total score determined by HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON WAIVED: The SLHA stated that a computer virus has been implanted in its on-line computer system. The virus was activated on September 14, 1997, and resulted in the master files for payroll, Section 8 program assistance, tenant accounting, general ledger, housing eligibility and work orders being deleted. Other files have randomly been deleted from the computer system corrupting the integrity of the SLHA's computerized data collection system. In addition, the SLHA, a troubled agency, was having its Independent Assessment performed during November 10–21, 1997. The information obtained during this assessment was helpful to the St. Louis Office of Public Housing in assessing the SLHA for its FYE 1997, and provided accurate and up-to-date data for the 1997 PHMAP assessment.

21. REGULATION: 24 CFR 901.100(b).

PROJECT/ACTIVITY: The Williamsburg Redevelopment and Housing Authority, VA, (WRHA) requested a waiver of the above cited regulation to obtain a 30-day extension for submission of its Public Housing Management Assessment Program (PHMAP) certification.

NATURE OF REQUIREMENT: Public Housing Agencies submit their PHMAP certification within 60 days of fiscal year end. This certification along with information in the field office files and verification of data through on-site confirmatory reviews provide the basis for the PHMAP grades and total score determined by HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: December 17, 1997.

REASON WAIVED: The WRHA stated that it discovered that its work orders had not been coded properly since April 1997, when new staff was hired, thus distorting the information necessary to complete the PHMAP certification. The WRHA was furthered hampered by a breakdown of the maintenance department's computer, which had to be repaired. HUD granted the waiver in order to ensure that the WRHA was reporting accurate information and that it scored correctly under the PHMAP.

FOR ITEM 22 THROUGH 39, WAIVERS GRANTED FOR 24 CFR PART 982, 984, AND 990 CONTACT: Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, Washington, DC 20410; telephone (202) 619–8201 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8391.

22. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority and Urban Renewal Agency of Lane County, Oregon; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: October 3, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship to a program participant who was forced to move from her assisted unit because it was damaged by fire. As a result of severe illness, she was unable to seek another unit when her certificate was reissued.

23. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of Lake County, Illinois; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: October 9, 1997.

REASON WAIVED: Approval of the waiver prevented hardship to the severely developmentally disabled certificate holder whose special housing requirements made it difficult to find a suitable unit.

24. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the County of Santa Clara, California; Section 8 Rental Voucher Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum voucher term of 120 days during which a voucher holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: October 12, 1997.

REASON WAIVED: Approval of the waiver prevented hardship to the single parent head of household and her family. Due to debilitating illness and mobility problems the family needed additional time to locate an accessible unit in a tight rental market with a vacancy rate of one percent.

25. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: October 30, 1997.

REASON WAIVED: Approval of the waiver prevented hardship for a disabled certificate holder whose medical condition prevented her from seeking housing during a portion of the time her certificate was in effect.

26. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Commonwealth of Massachusetts, Department of Housing and Community Development; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 19, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship and possible homelessness for the certificate holder and her children. The family was forced to move from the unit where they had been assisted when the property went into foreclosure. Illness of the mother prevented the family

from seeking housing during the time the certificate was in effect.

27. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the City of Los Angeles, California; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship to a disabled certificate holder who could not seek housing because she was hospitalized during the time her certificate was in effect.

28. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship to a disabled certificate holder who was unable to seek housing during the time her certificate was in effect because she was ill.

29. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON GRANTED: Approval of the waiver prevented further hardship to the family. Extended illness of the mother prevented the family from seeking housing during the time their certificate was in effect.

30. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Commonwealth of Massachusetts Department of Housing and Community Development; Section 8 Rental Voucher Program.

NATURE OF REQUIREMENT: The regulation provides a maximum rental voucher term of 120 days during which a voucher holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship to the homeless voucher holder, a victim of domestic violence. Severe heart disease and an adverse reaction to her heart medication prevented the voucher holder from seeking housing during the time her voucher was in effect.

31. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON WAIVED: Approval of the waiver prevented hardship to the family. The medical condition of the disabled head of household made it impossible for the family to seek housing during much of the time her rental certificate was in effect.

32. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON WAIVED: The waiver prevented hardship to the certificate holder who was unable to seek housing during a portion of the time her certificate was in effect because of multiple medical problems, including spinal arthritis.

33. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON WAIVED: The waiver prevented hardship to the certificate holder who was forced to move from the unit where she had been assisted. She was unable to seek housing during much of the time her certificate was in effect because of serious health problems.

34. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the City of Los Angeles, California; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON WAIVED: The waiver prevented hardship to the disabled certificate holder who was unable to seek housing because she was hospitalized during much of the time her certificate was in effect.

35. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of Oceanside, California; Section 8 Rental Voucher Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: December 16, 1997.

REASON WAIVED: The waiver prevented further hardship to the disabled voucher holder whose serious health problems prevented her from seeking a unit during much of the time her voucher was in effect.

36. REGULATION: 24 CFR 982.352(c)(8).

PROJECT/ACTIVITY: City of Minnetonka, Minnesota; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides that a family may not receive the benefit of tenant-based assistance while also receiving any local or State rent subsidy for the same unit.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: October 21, 1997.

REASON WAIVED: The monies to be provided by the city are not duplicative subsidy since they are being provided to fund the gap between the market rents and the Section 8 rents. Development of the units represents a public/private partnership to create affordable housing and approval of the waiver expands the housing choice of families enabling them to move to desirable housing in a nonimpacted area.

37. REGULATION: 24 CFR 984.306(b).

PROJECT/ACTIVITY: Housing Authority and Community Services Agency of Lane County, Oregon; Section 8 Family Self-Sufficiency (FSS) Program.

NATURE OF REQUIREMENT: The regulation provides that a Section 8 rental certificate or voucher program participant must lease a unit in the jurisdiction of the Public Housing Agency that selected the family for the FSS program for a minimum of 12 months after the effective date of the FSS contract.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: October 21, 1997.

REASON WAIVED: Approval of the waiver permitted the Section 8 certificate program participant to move closer to her new employment while remaining in the FSS program.

38. REGULATION: 24 CFR 990.107(b)(1) and 990.110(c)(2)(ii).

PROJECT/ACTIVITY: Housing Authority of Wilmington, NC; Performance Funding System (PFS) regulations.

NATURE OF REQUIREMENT: The PFS regulations at 24 CFR part 990 require that current utility rates be used in the calculation of savings under an energy performance contract.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 6, 1997.

REASON WAIVED: The PFS provides incentives for housing agencies to leverage private financing for the installation of energy conservation measures under the energy performance contracting program. The waiver will assist the Housing Authority of Wilmington to enter into an energy performance contract by allowing the use of a "floor rate" in the event that there are insufficient funds to pay the debt service on the private financing because of a drop in rates, even if the contractor achieves the savings specified in the contract.

39. REGULATION: 24 CFR 990.107(b)(1) and 990.110(c)(2)(ii).

PROJECT/ACTIVITY: Housing Authority of the City of Kinston, NC; Performance Funding System (PFS) regulations.

NATURE OF REQUIREMENT: The PFS regulations at 24 CFR part 990 require that current utility rates be used in the calculation of savings under an energy performance contract.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: December 17, 1997.

REASON WAIVED: The PFS provides incentives for housing agencies to leverage private financing for the installation of energy conservation measures under the energy performance contracting program. The waiver will assist the Housing Authority of the City of Kinston to enter into an energy performance contract by allowing the use of a "floor rate" in the event that there are insufficient funds to pay the debt service on the private financing because of a drop in rates, even if the contractor achieves the savings specified in the contract.

[FR Doc. 98–14244 Filed 5–28–98; 8:45 am]

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federal register

Friday
May 29, 1998

Part VII

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations; Notice of Meetings; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AE93

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations; Notice of Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) proposed in an earlier document to establish annual hunting regulations for certain migratory game birds for the 1998–99 hunting season. This supplement to the proposed rule provides the regulatory schedule; announces the Service Migratory Bird Regulations Committee and Flyway Councils meetings; and describes the proposed regulatory alternatives for the 1998–99 duck hunting seasons and other proposed changes from the 1997–98 hunting regulations.

DATES: The Service Migratory Bird Regulations Committee will consider and develop proposed regulations for early-season migratory bird hunting on June 23 and 24, and for late-season migratory bird hunting on August 4 and 5. All meetings will commence at approximately 8:30 a.m. The Service will hold public hearings on proposed early- and late-season frameworks at 9:00 a.m. on June 25 and August 6, 1998, respectively. The comment period for the proposed regulatory alternatives for the 1998–99 duck hunting seasons will end on July 1, 1998. The comment period for proposed migratory bird hunting-season frameworks for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and other early seasons will end on July 27, 1998. The comment period for late-season proposals will end on September 7, 1998.

ADDRESSES: The Service Migratory Bird Regulations Committee will meet in room 200 of the U.S. Fish and Wildlife Service's Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. The Service will hold public hearings in the Auditorium of the Department of the Interior Building, 1849 C Street, NW., Washington, DC. Parties should submit written comments on the proposals and/or a notice of intent to participate in either hearing to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634-ARLSQ, 1849 C Street, NW., Washington, DC 20240. The public may inspect comments during normal business hours in room 634, ARLSQ Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1998

On March 20, 1998, the Service published in the **Federal Register** (63 FR 13748) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under § 20.101 through 20.107, 20.109, and 20.110 of subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. The Service will publish early-season frameworks in mid-July and late-season frameworks in mid-August. The Service will publish final regulatory alternatives for the 1998–99 duck hunting seasons in mid-July and final regulatory frameworks for early seasons on or about August 21, 1998, and those for late seasons on or about September 26, 1998.

On June 25, 1998, the Service will hold a public hearing in Washington, DC, to review the status of migratory shore and upland game birds and waterfowl hunted during early seasons and the recommended hunting regulations for these species.

On August 6, 1998, the Service will hold a public hearing in Washington, DC, to review the status of waterfowl and recommended hunting regulations for regular waterfowl seasons, and other species and seasons not previously discussed at the June 25 public hearing.

Announcement of Service Migratory Bird Regulations Committee Meetings

The June 25 meeting will review information on the current status of migratory shore and upland game birds and develop 1998–99 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, the Service will review and discuss preliminary information on the status of waterfowl as it relates to the development of the final regulatory packages for the 1998–99 regular waterfowl seasons. The June 25 meeting will ensure that the Service develops its regulations recommendations with full consultation.

The August 6 meeting will review information on the current status of waterfowl and develop 1998–99 migratory game bird regulations recommendations for regular waterfowl seasons and other species and seasons not previously discussed at the early season meetings. The August 6 meeting will ensure that the Service develops its regulations recommendations with full consultation.

In accordance with Departmental policy, these meetings are open to public observation. Members of the public may submit written comments to the Director on the matters discussed.

Announcement of Flyway Council Meetings

Service representatives will be present at the following meetings of the Flyway Councils:

Atlantic Flyway, July 30–31, Simsbury, Connecticut (Simsbury Inn)

Mississippi Flyway, July 30–31, Alton, Illinois (Holiday Inn)

Central Flyway, July 29–31, Bismarck, North Dakota (Holiday Inn)

Pacific Flyway, July 30–31, Blaine, Washington (The Inn at Semi-ah-moo)

Although agendas are not yet available, these meetings usually commence at 8:30 a.m. on the days indicated.

Review of Public Comments

This supplemental rulemaking contains the proposed regulatory alternatives for the 1998–99 duck hunting seasons. All comments and recommendations received through May 1, 1998, relating to the development of these alternatives are included and addressed herein.

This supplemental rulemaking also describes other recommended changes based on the preliminary proposals published in the March 20, 1998, **Federal Register**. Only those recommendations requiring either new proposals or substantial modification of the preliminary proposals are included here. This supplement does not include recommendations that support or oppose but do not recommend alternatives to the preliminary proposals. The Service will consider these comments later in the regulations-development process. The Service will publish responses to all proposals, written comments, and public-hearing testimony when it develops final frameworks.

The Service seeks additional information and comments on the

recommendations in this supplemental proposed rule. The Service will consider all recommendations and associated comments during development of the final frameworks.

New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the March 20, 1998, **Federal Register**.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) Harvest Strategy Considerations, (B) Framework Dates, (C) Season Length, (D) Closed Seasons, (E) Bag Limits, (F) Zones and Split Seasons, and (G) Special Seasons/Species Management. The categories correspond to previous published issues/discussion and only those containing substantial recommendations are discussed below.

A. Harvest Strategy Considerations

Council Recommendations: The Atlantic Flyway Council recommended that the duck hunting packages used for the 1997–98 season be continued for the 1998–99 season.

The Upper-Regulations Committee of the Mississippi Flyway Council recommended that the 1997–98 regulations packages be maintained for the 1998–99 duck season. These consisted of 20-, 30-, 45-, and 60-day seasons, with bag limits ranging from 3 to 6 ducks, including appropriate species restrictions, and frameworks dates from the Saturday nearest October 1 to the Sunday nearest January 20.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that the regulatory packages for the 1997–98 season be continued in 1998–99, with the exception of framework dates (see further discussion in B. Framework Dates).

The Central Flyway Council recommended that the duck hunting packages used for the 1997–98 season be continued for the 1998–99 season.

Service Response: Beginning in 1995, the Service, Flyway Councils, and States introduced a new approach to the regulation of duck harvests, called Adaptive Harvest Management (AHM). AHM should help managers better understand the impacts of regulations on harvest and population levels, thereby improving the ability to provide maximum hunting opportunities consistent with long-term resource maintenance. AHM also is intended to provide a more objective, better informed, and less contentious decision-making process, as well as a formal and coherent framework for addressing controversial harvest-management issues.

An integral part of this harvest-management approach is the cooperative establishment of a set of regulatory alternatives that includes specified season lengths and bag limits for very restrictive, restrictive, moderate, and liberal seasons. The alternatives used last year were the result of extensive discussions with the Flyway Councils and States, as well as involvement by the public. The Service appreciates the Flyway Councils' support for the continued use of those regulatory alternatives for the 1998–99 duck hunting season.

For the 1998–99 regular duck hunting season, the Service proposes the four regulatory alternatives detailed in the accompanying table. Alternatives are specified for each Flyway and are designated as "VERY RES" for the very restrictive, "RES" for the restrictive, "MOD" for the moderate, and "LIB" for the liberal alternative. The Service will publish final regulatory alternatives in July and propose a specific regulatory alternative when survey data on waterfowl population and habitat status are available. Public comments will be accepted until July 1, 1998, and should be sent to the address under the caption **ADDRESSES**.

B. Framework Dates

Council Recommendations: The Atlantic Flyway Council recommended no change to the current framework dates, believing that extensions would be premature without knowing the potential harvest impacts, which could reduce the frequency of liberal regulations and would reduce the likelihood that eastern mallards will be fully incorporated into AHM this year.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended the Service allow States to choose a framework closing date as late as January 31 with a 10% penalty in days.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended no change in existing framework dates. The Committee also recommended that if the Service were to offer States the opportunity to extend frameworks, the extension should be coupled with a commensurate reduction in season length and/or bag limits in the participating States to offset the predicted increase in harvest.

The Central Flyway Council recommended maintaining the current opening and closing framework dates adopted under AHM. However, at some future date, when the packages are reviewed for modification, the Council recommended that the framework dates issue should be cooperatively dealt with by all Flyways in seeking an agreement for equitable harvest opportunity.

The Pacific Flyway Council recommended maintaining the current opening and closing duck season framework dates adopted under AHM for the near future.

Service Response: In 1995, the Service established framework opening and closing dates of the Saturday nearest October 1 to the Sunday nearest January 20 for the Pacific, Central, and Mississippi Flyways, and fixed dates of October 1 to January 20 for the Atlantic Flyway (60 FR 50045). The Service maintained these framework dates for 1996 and 1997. In recent years, the Service has been requested by the Lower-Region Regulations Committee of the Mississippi Flyway Council (Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee) to consider a closing date of January 31. In previous **Federal Registers** (March 20, 1998 [63 FR 13751] and July 23, 1997 [62 FR 39718]), the Service maintained that considerations for extending the framework dates must address the potential increase in harvest, redistribution of harvest within and among Flyways, and the potential physiological impacts to birds later in the winter. Because of the concerns that these proposals would increase harvest and reallocate the harvest, the Service maintained the traditional closing date.

In the Interior Appropriations Committee Report for FY 1998, the Service was directed to analyze existing information and clarify potential impacts of framework extensions. The Service complied with this directive and believes that the available scientific data suggest clearly that framework extensions will increase the harvest of most duck species, although the magnitude of the increases cannot be estimated precisely. Based on these results, large-scale extensions of framework dates, without appropriate mitigation in harvest, could decrease the frequency of years with liberal regulations, while increasing the frequency of years with more restrictive regulations. The Service's report was peer-reviewed and made available for public comment before being submitted to the Congress (copies are available from the Service at the address indicated under **ADDRESSES**).

The Service believes that any extension of the framework closing date must be accompanied by a commensurate reduction in season length to offset the expected increase in

harvest. Offsetting the expected harvest increase would protect the migratory bird resource and address concerns about any redistribution of the harvest within or among Flyways. The Service also believes a change in the closing date can be considered only if the number of States permitted the framework extension is limited (only those few States within the Lower Region of the Mississippi Flyway), and if the reduction in season length is sufficient to offset the expected increase in harvest.

In response to a portion of the hunting public in the southern States of the Mississippi Flyway that is not satisfied with the existing regulatory alternatives, the Service proposes to offer an extension of the framework closing date to no later than January 31 only for those States in the Lower Region of the Mississippi Flyway (AL, AR, KY, LA, MS, TN), provided it can be determined that no net increase in harvest or redistribution of hunting opportunity/harvest occurs within and among Flyways. Any extension of the closing date will be offset with a reduction in season length sufficient to offset any expected harvest increase in those States. The Service's goal is to ensure that non-participating States will not be negatively affected as a result of States selecting this option.

After any State proposals received are reviewed and analyzed, the Service will approve extended closing dates in those States where the Service finds adequate evidence that increased harvest levels will be offset by proposed reductions in season length. These decisions will be announced when the Service publishes the final regulatory alternatives for the 1998–99 duck hunting seasons in mid-July.

Therefore, States requesting the extension in the closing date are to provide the Service (by June 15, 1998) the scientific analysis necessary to determine the nature of a commensurate reduction in season length. The response variable of primary interest is seasonal harvest or harvest rate (proportion of the duck population killed by hunters) of mallards, but effects on other important species (e.g., wood ducks) should be documented as well. Although a well-designed experiment of framework extensions has never been conducted, there is some information related to this issue as a result of a closing date of January 31 during 1979–84 in the State of Mississippi. Therefore, it will be necessary to conduct a retrospective analysis, in which changes in harvest between years with and without the framework extension are determined, both in Mississippi and in neighboring States.

The Service acknowledges that there may be more than one legitimate method for conducting this analysis. In particular, the estimated effect of a January 31 framework extension depends in part on the specification of study "controls" (i.e., the selection of years without framework extensions and the neighboring States for comparison with the years of framework extensions in Mississippi). Therefore, supporting rationale for these selections should accompany any analysis. In its report to Congress (January 1998), the Service suggested that mallard harvest could be expected to increase by 33%, but this estimate has a relatively large margin of error. Thus, the Service is interested in any analysis that might improve either the precision or accuracy of this estimate. Also, it should be noted that there is not necessarily a one-to-one relationship between the expected proportional increase in harvest and the proportional decrease in season length needed to offset the harvest increase. This assessment will require an examination of the relationship between season length and cumulative harvest, using information from Federal or State harvest surveys.

If a framework extension is ultimately permitted, all States selecting seasons extending beyond the traditional closing date would have the same closing date and proportional reduction in season length. The later closing date would be available only for the years in which the moderate or liberal alternative is selected by the Service. Any State choosing the option of a later closing date must maintain that closing date and the appropriate season-length reduction for a five-year period beginning in the 1998–99 season, unless the Service determines that this option has negative impacts on the resource or distribution of the harvest, or something other than the moderate or liberal regulatory alternative is chosen. During the five-year period, the Service and affected States will annually examine harvest and other monitoring information to determine if adjustments in the season length or framework date are necessary to ensure no increase in, or change in distribution of, the harvest. Should information suggest that the health of duck populations or harvest distribution has been affected by the proposed extension, the Service will consider withdrawing the option of a January 31 closing date.

The Service acknowledges the recent expressions of intent by the Flyways to retain the current framework dates, thus helping to maintain traditional distributions of hunting opportunities within and among Flyways. The Service also recognizes that any future consideration of framework extensions, beyond what has been proposed here, will likely require a comprehensive review of the distribution of hunting opportunity and harvest within and among Flyways. This review will be extremely difficult and will represent a significant resource commitment on the part of the Service and the Flyways. In light of these considerations, it is the Service's desire to not entertain additional changes to the opening and closing framework dates until the regulatory packages are reviewed for modification at some future date.

F. Zones and Split Seasons

Written Comments: The Ohio Division of Wildlife requested elimination of the Pymatuning Waterfowl Hunting Zone in Ohio and incorporation of the affected area into the North Zone beginning in the 1998–99 season.

Service Response: In the past, hunting seasons in that portion of Ohio had to be the same as those selected by Pennsylvania for that portion of Pennsylvania. Beginning this year, the Pymatuning Area will no longer be included in the Federal waterfowl hunting frameworks as a separate area, and will be considered part of Ohio's North Zone.

G. Special Seasons/Species Management

iii. September Teal Seasons

Council Recommendations: The Atlantic Flyway Council recommended the establishment of an experimental September teal season option in the Atlantic Flyway. States deriving more than 80 percent of their teal harvest from mid-continent populations (Delaware, Georgia, Florida, Maryland, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia) could hold a 9-day season between September 1 and 30 with a daily bag limit of 4 teal.

The Central Flyway Council recommended an experimental September teal season harvest strategy in the nonproduction States of the Central Flyway based on the May breeding population index (BPI) of blue-winged teal. When the BPI of blue-winged teal is 4.7 million or greater, the Council's recommended harvest strategy would consist of an additional 7 days of hunting (for a total of 16 days). When the BPI of blue-winged teal is below 4.7 million but remains at or above 3.3 million, the Council's recommended harvest strategy would maintain the

current 9-day season. When the BPI of blue-winged teal is below 3.3 million, the Council's recommended harvest strategy would consider closure of September teal seasons.

iv. September Teal/Wood Duck Seasons

Council Recommendations: The Atlantic Flyway Council recommended the continuation of the Florida September wood duck/teal season on an operational basis.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that the experimental September teal/wood duck seasons in Kentucky and Tennessee be continued in 1998 with no changes from the 1997 season. The Lower-Region Regulations Committee further recommended that if such seasons are suspended, all non-production States should be permitted to take up to 5 days of the regular season in September.

v. Youth Hunt

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that a special one-day youth waterfowl season include the harvesting of geese.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that a special 2-day youth waterfowl season include the harvesting of geese.

The Central Flyway Council recommended expansion of the special youth waterfowl hunt to 2 consecutive days with a legal bag that includes geese.

The Pacific Flyway Council recommended continuation of the one-day youth hunt that allows States to select outside the general season and frameworks. The Council further recommended the addition of 1 goose to the bag limit.

2. Sea Ducks

Council Recommendations: The Atlantic Flyway Council recommended that the Service clarify regulatory language concerning bag limits for sea ducks so that bag limits for sea ducks during the regular season cannot exceed bag limits for sea ducks established in the special sea duck season, whether inside or outside the special sea duck area.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Atlantic Flyway Council recommended that the closing date of the September goose season around Montezuma National Wildlife Refuge be extended from September 15 to 25.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the status of the special late Canada goose season in the Southern Michigan Goose Management Unit in Michigan be changed from experimental to non-experimental.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that the Service reevaluate criteria for special Canada goose seasons (early and late), particularly as they relate to the cumulative harvest of migrant Canada geese from populations of special concern, to insure that the criteria are consistent with management efforts to increase and/or maintain migrant populations of special concern to/at planned objective levels.

The Pacific Flyway Council recommended the 1998 September season for the Pacific Population Canada geese remain unchanged from the 1997 season, with the exception of increase the number of regulated permits from 100 to 400 in Humboldt County, California.

B. Regular Seasons

Council Recommendations: The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the 1998 regular goose season opening date be as early as September 26 in Michigan's Upper Peninsula and September 19 in Wisconsin.

7. Snow and Ross's (Light) Geese

Council Recommendations: The Atlantic Flyway Council recommended extension of the shooting hours to one-half hour after sunset at times when other waterfowl season are closed within an area.

The Central Flyway Council recommended the following regulation changes for light-goose hunting in the Central Flyway for 1998 and beyond:

For the 1998–99 regular season, no bag or possession limits and unlimited zones and splits in the season.

During the 1998–99 season, the establishment of a special "conservation hunt" consisting of no bag and possession limits; legalized electronic callers, baiting, unplugged shotguns, live decoys and rallying/hazing; elimination of tagging requirements; and the extension of shooting hours until one-half hour after sunset. "Conservation Hunt" provisions would only be implemented in those areas and time periods in which other firearms waterfowl season are closed, including split season portions of the regular waterfowl seasons.

Beginning with the 1999–2000 season, the Council recommends allowing "conservation hunts" during other open waterfowl seasons.

9. Sandhill Cranes

Council Recommendations: The Central and Pacific Flyway Councils recommended that the Rocky Mountain Population (RMP) greater sandhill crane hunt in Wyoming's Area 6 (Park and Bighorn Counties) become operational in 1998. The Councils further recommended that the third year of monitoring and data collection for the experimental hunt be waived.

16. Mourning Doves

Written Comments: The Louisiana Department of Wildlife and Fisheries requested an extension of the framework closing date from January 15 to January 20.

18. Alaska

Council Recommendations: The Pacific Flyway Council recommended an increase in Alaska's Canada goose daily bag and possession limit from 1 and 2 to 3 and 6, respectively, within overall dark goose bag and possession limits of 4 and 8 in Alaska Game Management Subunit (GMU) 9(E) (Alaska Peninsula) and Unit 18 (Y–K Delta).

The Pacific Flyway Council recommended an archery-only Canada goose hunt on Middleton Island, Alaska (GMU 6); by registration permit only, with no more than 10 permits; mandatory goose identification class, check-in, and check-out; season dates of September 28 to December 16; bag and possession limit of 1; season to close if incidental harvest includes 5 dusky Canada geese.

Public Comment Invited

The Service intends that adopted final rules be as responsive as possible to all concerned interests, and therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, non-governmental organizations, and other private interests on these proposals. Such comments, and any additional information received, may lead to final regulations that differ from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time that the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) the need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately

adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified is contrary to the public interest.

Comment Procedure

The policy of the Department of the Interior, whenever practical, affords the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate by submitting written comments to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634–ARLSQ, 1849 C Street, NW., Washington, DC 20240. The public may inspect comments during normal business hours at the Service's office in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. The Service will consider all relevant comments received. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14)," filed with EPA on June 9, 1988. The Service published a Notice of Availability in the June 16, 1988, **Federal Register** (53 FR 22582). The Service published its Record of Decision on August 18, 1988 (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES.**

Endangered Species Act Consideration

As in the past, hunting regulations are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. Consultations are presently under way to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. It is possible that the findings from the consultations, which will be included in a biological opinion, may cause modification of some regulatory measures proposed in this document. The final frameworks will reflect any modifications. The Service's biological opinions resulting from its consultation under Section 7 are public documents and will be available for public inspection in the Division of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

Regulatory Flexibility Act; Executive Order (E.O.) 12866 and the Paperwork Reduction Act

In the **Federal Register** dated March 20, 1998, the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Small Entity Flexibility Analysis (Analysis) in 1996 to document the significant beneficial economic effect on a substantial number of small entities. The Analysis estimated that migratory bird hunters would spend between $254 and $592 million at small businesses in 1996. Copies of the Analysis are available upon request from the Office of Migratory Bird Management. The Service is currently updating the 1996 Analysis with information from the 1996 National Hunting and Fishing Survey.

This rule was not subject to review by the Office of Management and Budget under E.O. 12866.

The Service examined these proposed regulations under the Paperwork Reduction Act of 1995 and found no information collection requirements.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1998–99 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: May 21, 1998.

Donald J. Barry,

Acting Assistant Secretary for Fish and Wildlife and Parks.

BILLING CODE 4310–65–P

PROPOSED REGULATORY ALTERNATIVES FOR DUCK HUNTING DURING THE 1998-99 SEASON

	ATLANTIC FLYWAY				MISSISSIPPI FLYWAY (a)				CENTRAL FLYWAY (b)				PACIFIC FLYWAY (c)(d)			
	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB	VERY RES	RES	MOD	LIB
Beginning Shooting Time	1/2 hr before sunrise	1/2 hr before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise	1/2 hr. before sunrise
Ending Shooting Time	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset	Sunset
Opening Date	Oct. 1	Oct. 1	Oct. 1	Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1	Sat. nearest Oct. 1
Closing Date	Jan. 20	Jan. 20	Jan. 20	Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20	Sun. nearest Jan. 20
Season Length	20	30	45	60	20	30	45	60	25	39	60	74	38	60	86	107
Daily Bag/ Possession	3 6	3 6	6 12	6 12	3 6	3 6	6 12	6 12	3 6	3 6	6 12	6 12	4 8	4 8	7 14	7 14
Species/Sex Limits within the Overall Daily Bag Limit																
Mallard (Total/Female)	3/1	3/1	4/2	4/2	2/1	2/1	4/1	4/2	3/1	3/1	5/1	5/2	3/1	3/1	5/2	7/2
Pintail	<- ACCORDING TO THE PINTAIL INTERIM HARVEST STRATEGY ->															
Black Duck	1	1	1	1	1	1	1	1	-	-	-	-	-	-	-	-
H. Merganser	1	1	1	1	1	1	1	1	1	1	1	1	-	-	-	-
Canvasback	<- 0 OR 1, ACCORDING TO THE SERVICE'S INTERIM CANVASBACK HARVEST MANAGEMENT STRATEGY ->															
Redhead	2	2	2	2	1	1	2	2	1	1	2	2	2	2	2	2
Wood Duck	2	2	2	2	2	2	2	2	2	2	2	2	-	-	-	-
Whistling Ducks	1	1	1	1	-	-	-	-	-	-	-	-	-	-	-	-
Harlequin	Closed	Closed	Closed	Closed	-	-	-	-	-	-	-	-	-	-	-	-
Mottled Duck	1	1	1	1	3	3	3	3	1	1	1	1	-	-	-	-

(a) In the States of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee, the framework closing date is January 31 under the moderate and liberal options. Season length will be determined after the submission of a proposal and further discussions with those States wishing to choose this option.

(b) In the High Plains Mallard Management Unit, all regulations would be the same as the remainder of the Central Flyway with the exception of season length. Additional days would be allowed under the various options as follows: very restrictive - 8, restrcitive - 12, moderate and liberal - 23. Under all options, additional days must be on or after the Saturday nearest December 10.

(c) In the Columbia Basin Mallard Mangement Unit, all regulations would be the same as the remainder of the Pacific Flyway, with the exception of season length. Under all options except the liberal option, an additional 7 days would be allowed.

(d) In Alaska, framework dates, bag limits, and season length would be different than the remainder of the Pacific Flyway. The bag limit would be 5-7 under the very restrictive and restrictive options, and 8-10 under the moderate and liberal options. There would be no restrictions on pintails, and canvasback limits would follow those for the remeinder of the Pacific Flywsy. Under all options, season length would be 107 days and framework dates would be Sep 1 - Jan 26.

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federal register

Friday
May 29, 1998

Part VIII

The President

Notice of May 28, 1998—Continuation of Emergency With Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs

Federal Register
Vol. 63, No. 103
Friday, May 29, 1998

Presidential Documents

Title 3—

The President

Notice of May 28, 1998

Continuation of Emergency With Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs

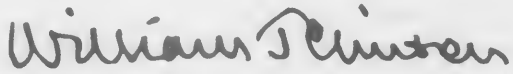
On May 30, 1992, by Executive Order 12808, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Governments of Serbia and Montenegro, blocking all property and interests in property of those Governments. President Bush took additional measures to prohibit trade and other transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro) by Executive Order 12810 and 12831, issued on June 5, 1992, and January 15, 1993, respectively. On April 25, 1993, I issued Executive Order 12846, blocking the property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the Federal Republic of Yugoslavia (Serbia and Montenegro), and prohibiting trade-related transactions by United States persons involving those areas of Bosnia and Herzegovina controlled by Bosnian Serb forces and the United Nations Protected Areas in the Republic of Croatia. On October 25, 1994, because of the actions and policies of the Bosnian Serbs, I expanded the scope of the national emergency by issuing Executive Order 12934 to block the property of the Bosnian Serb forces and the authorities in the territory that they control within Bosnia and Herzegovina, as well as the property of any entity organized or located in, or controlled by any person in, or resident in, those areas.

On December 27, 1995, I issued Presidential Determination No. 96–7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) pursuant to the above-referenced Executive orders and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution. Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law.

In the last year, further substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. Another set of elections occurred in Bosnia and Herzegovina, as provided for in the Peace Agreement, and the Bosnian Serb forces have continued to respect the zones of separation as provided in the Peace Agreement. The ultimate disposition of the various remaining categories of blocked assets is being addressed on a case-by-case basis.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, the national emergency declared on May 30, 1992, as expanded in scope on October 25, 1994, and the measures adopted pursuant thereto to deal with that emergency must continue beyond May 30, 1998.

Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serb forces and those areas of Bosnia and Herzegovina under the control of the Bosnian Serb forces. This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
May 28, 1998.

[FR Doc. 98–14527
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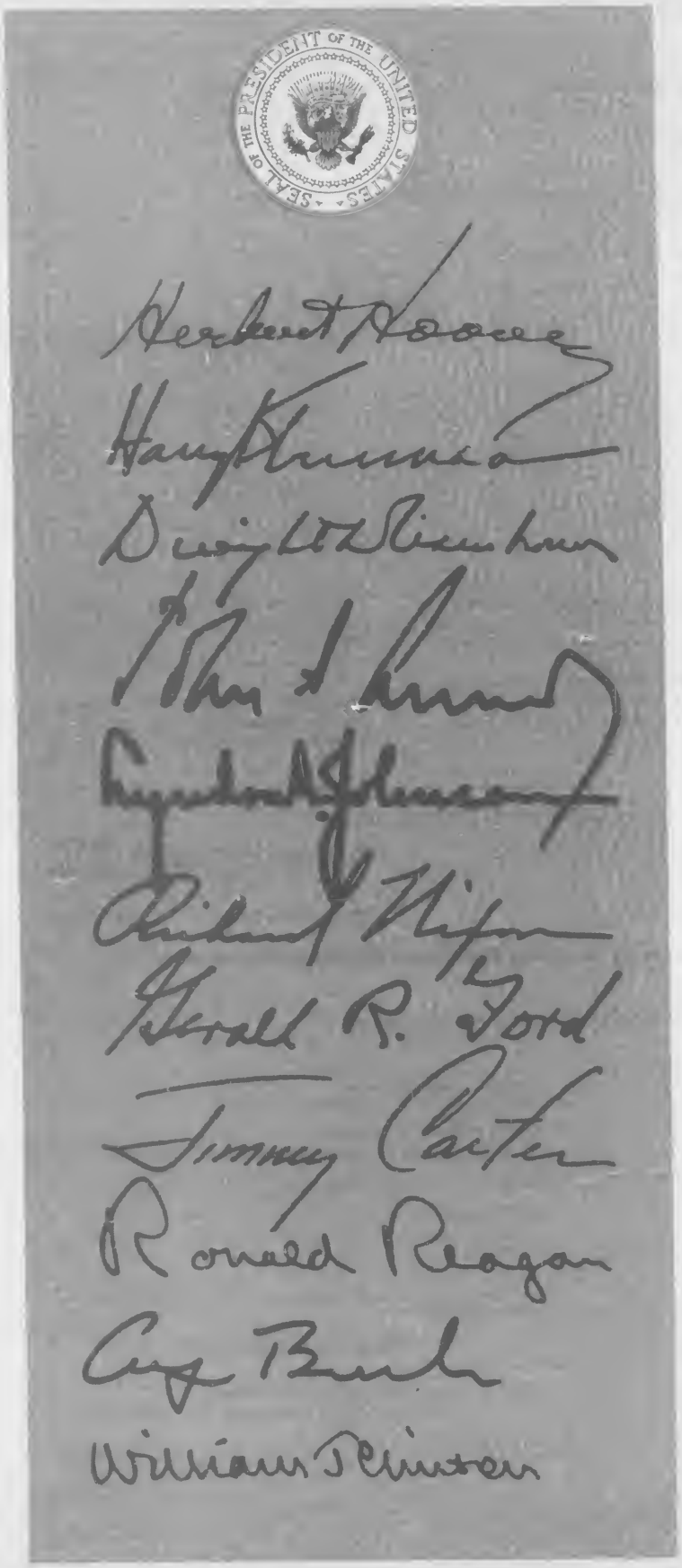

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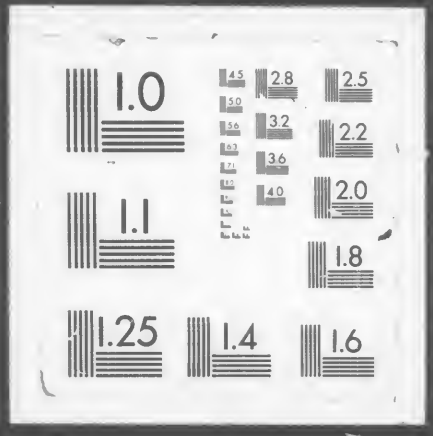
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