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SALT LAKE CITY, UT
WHEN: April 9, 1998 at 9:00 am.
WHERE: State Office Building Auditorium
State Office Building, Capitol Hill
(Just north of Capitol)
Salt Lake City, UT
RESERVATIONS: Call the Federal Information Center
1–800–688–7099

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–101–AD; Amendment 39–10357; AD 98–04–46]

RIN 2120–AA64

Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASW–19 Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Alexander Schleicher Segelflugzeugbau (Alexander Schleicher) Model ASW–19 sailplanes. This AD requires modifying the inspection hole cover in the fuselage area. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by this AD are intended to prevent loss of aileron control caused by an inspection hole cover entering the fuselage, which could result in loss of control of the sailplane.

DATES: Effective April 3, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 3, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany; telephone: 49.6658.890 or 49.6658.8920; facsimile: 49.6658.8923 or 49.6658.8940. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–101–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. J. Mike Kiesov, Project Officer, Sailplanes/Gliders, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Alexander Schleicher Models ASW–19 sailplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 19, 1997 (62 FR 66563). The NPRM proposed to require modifying the inspection hole cover in the fuselage area. Accomplishment of the proposed action as specified in the NPRM would be required in accordance with Alexander Schleicher Technical Note No. 7, September 11, 1978.

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

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

The FAA's Determination

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

Cost Impact

The FAA estimates that 30 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 3 workhours per sailplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $40 per sailplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,600, or $220 per sailplane.

Differences Between German AD, the Technical Note, and This AD

Alexander Schleicher Technical Note No. 7 specifies taping the inspection hole cover prior to each flight before the modification to assure that it doesn't enter the fuselage, and taping the inspection hole after the modification to reduce noise and rattle and improve the aerodynamics.

German AD No. 78–303, dated November 13, 1978, requires taping the inspection hole cover prior to each flight until the modification is accomplished at the next annual inspection.

The FAA does not have service history to require taping the inspection hole cover prior to each flight before accomplishment of the modification. Instead the FAA has determined that 6 calendar months is a reasonable time period for the affected sailplane owners/operators to have the inspection hole cover modified. In addition, although the FAA believes that taping the inspection hole cover after the modification to reduce noise and rattle and improve the aerodynamics is a good idea, there is nothing unsafe about the sailplanes if not accomplished. The FAA is including a note in this AD to recommend this action.

Compliance Time of This AD

Although the inspection hole cover would only enter the fuselage and jam the aileron controls during flight, this unsafe condition is not a result of the number of times the sailplane is operated. The chance of this situation occurring is the same for a sailplane with 10 hours time-in-service (TIS) as it would be for a sailplane with 500 hours TIS. For this reason, the FAA has determined that a compliance based on calendar time should be utilized in this AD in order to assure that the unsafe condition is addressed on all sailplanes in a reasonable time period.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the

States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–04–46 Alexander Schleicher Segelflugzeugbau: Amendment 39–10357; Docket No. 97–CE–101–AD.

Applicability: Model ASW–19 sailplanes, serial numbers 19001 through 19232, certificated in any category.

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

Compliance: Required within the next 6 calendar months after the effective date of this AD, unless already accomplished.

To prevent loss of aileron control caused by an inspection hole cover entering the fuselage, which could result in loss of control of the sailplane, accomplish the following:

(a) Modify the inspection hole cover in the fuselage area in accordance with the *Instructions:* section of Alexander Schleicher Technical Note No. 7, dated September 11, 1978.

Note 2: Alexander Schleicher Technical Note No. 7 specifies taping the inspection hole cover after the modification to reduce noise and rattle and improve the aerodynamics. Although this action does not address the unsafe condition specified in this AD, the FAA recommends taping the inspection hole cover after accomplishing the modification required by paragraph (a) of this AD.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 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.

(d) Questions or technical information related to Alexander Schleicher Technical Note No. 7, dated September 11, 1978, should be directed to Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany; telephone: 49.6658.890 or 49.6658.8920; facsimile: 49.6658.8923 or 49.6658.8940. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City.

(e) The modification required by this AD shall be done in accordance with Alexander Schleicher Technical Note No. 7, dated September 11, 1978. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in German AD No. 78–303, dated November 13, 1978.

(f) This amendment (39–10357) becomes effective on April 3, 1998.

Issued in Kansas City, Missouri, on February 11, 1998.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–4244 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–CE–70–AD; Amendment 39–10358; AD 98–04–47]

RIN 2120–AA64

Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models TB9, TB10, and TB200 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain SOCATA—Groupe AEROSPATIALE (Socata) Models TB9, TB10, and TB200 airplanes. This AD requires inspecting the main landing gear (MLG) support ribs for cracks, replacing MLG support ribs that have cracks beyond a certain level, and incorporating a certain MLG support rib reinforcement kit. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to prevent MLG failure caused by cracks in the support ribs, which could result in loss of control of the airplane during landing operations.

DATES: Effective April 3, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 3, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from the SOCATA—Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; telephone: 62.41.74.26; facsimile: 62.41.74.32; or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 964–

6877; facsimile: (954) 964–1668. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 95–CE–70–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut Street, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Socata Models TB9, TB10, and TB200 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 24, 1997 (62 FR 67300). The NPRM proposed to require inspecting the MLG support ribs for cracks, replacing any MLG support ribs that have cracks beyond a certain level, and incorporating a certain MLG support rib reinforcement kit if cracks beyond a certain level are not found. Accomplishment of the proposed action as specified in the NPRM would be in accordance with Socata Service Bulletin No. SB 10–085, Amdt. 2, dated April 1996. Accomplishment of the kit modifications, as applicable, would be in accordance with either the technical instructions included with the kit or the maintenance manual.

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

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

The FAA's Determination

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

Cost Impact

The FAA estimates that 146 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the required inspection, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of this inspection on U.S. operators is estimated to be $8,760, or $60 per airplane.

The required modification will take approximately 1 workhour to incorporate the applicable kits on each wing (total of 2 workhours), and the average labor rate is approximately $60 per hour. Parts cost approximately $1,200 per airplane ($300 per kit; 2 kits per wing × 2 wings per airplane). Based on these figures, the total cost impact of this modification on U.S. operators is estimated to be $192,720, or $1,320 per airplane.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–04–47 Socata—Groupe Aerospatiale: Amendment 39–10358; Docket No. 95–CE–70–AD.

Applicability: Models TB9, TB10, and TB200 airplanes, serial numbers 1 through 9999, 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) failure caused by cracks in the support ribs, which could result in loss of control of the airplane during landing operations, accomplish the following:

Note 2: The compliance times of this AD are presented in landings instead of hours time-in-service (TIS). If the number of landings is unknown, hours TIS may be used by multiplying the number of hours TIS by 1.5.

Note 3: The paragraph structure of this AD is as follows:

Level 1: (a), (b), (c), etc.
Level 2: (1), (2), (3), etc.
Level 3: (i), (ii), (iii), etc.

Level 2 and Level 3 structures are designations of the Level 1 paragraph they immediately follow.

(a) For TB9, serial numbers (S/N) 1 through 1442 and 1444 through 1574; and TB10, S/N 1 through 803; 805; 806; 809 through 815; 820; 821; and 822, airplanes that are not equipped with either wing rib reinforcement kit No. OPT10910800 (TB9 and TB10 airplanes) or do not have reinforced ribs (TB10 airplanes), part number (P/N) TB10 11008001 and P/N TB10 11008002, accomplish the following:

(1) Upon accumulating 1,500 landings on the MLG support ribs or within the next 75 landings after the effective date of this AD, whichever occurs later, inspect the MLG support ribs for cracks at all four locations (two per wing) in accordance with the ACCOMPLISHMENT INSTRUCTIONS

section of Socata Service Bulletin No. SB 10–085, Amdt. 2, dated April 1996.

(2) If any cracks are found that are out of the tolerances specified in the maintenance manual, prior to further flight, replace the ribs with reinforced ribs, P/N TB10 11008001 and P/N TB10 11008002. Accomplish the replacement in accordance with the maintenance manual.

(3) If any cracks are found that are within the tolerances specified in the maintenance manual, prior to further flight, incorporate wing rib reinforcement kit No. OPT10 910800 in accordance with the maintenance manual.

(4) If no cracks are found, upon accumulating 3,000 landings on the MLG support ribs or within the next 100 landings after the effective date of this AD, whichever occurs later, incorporate wing rib reinforcement kit No. OPT10 910800 in accordance with the maintenance manual.

(b) For Models TB10 and TB200 airplanes, S/N 804; 807; 808; 816 through 819; 823 through 1701; 1707 through 1733; and 1737 to 1761, accomplish the following:

(1) Upon accumulating 6,000 landings on the MLG support ribs or within the next 75 landings after the effective date of this AD, whichever occurs later, inspect the MLG support ribs for cracks at all four locations (two per wing) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Socata Service Bulletin No. SB 10–085, Amdt. 2, dated April 1996.

(2) At the applicable compliance time presented below, incorporate wing rib reinforcement kit No. OPT10 920100 in accordance with the Technical Instruction of Modification, OPT10 9201–57, Reinforcement of the Main Landing Gear Support Ribs, which incorporates the following pages:

Pages	Revision level	Date
1 and 2	Amendment 1	Apr. 1996.
3 through 27.	Original Issue	Nov. 1995.

(i) Prior to further flight if any cracks are found.

(ii) Upon accumulating 7,500 landings on the MLG support ribs or within the next 100 landings after the effective date of this AD, whichever occurs later, if no cracks are found.

(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 times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 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 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to the service information referenced in this AD should be directed to SOCATA—Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; telephone: 62.41.74.26; facsimile: 62.41.74.32; or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 964–6877; facsimile: (954) 964–1668. 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.

(f) The inspections required by this AD shall be done in accordance with Socata Service Bulletin No. SB 10–085, Amdt. 2, dated April 1996. The modification required by this AD should be done in accordance with the Technical Instruction of Modification, OPT10 9201–57, Reinforcement of the Main Landing Gear Support Ribs, which incorporates the following pages:

Pages	Revision level	Date
1 and 2	Amendment 1	Apr. 1996.
3 through 27.	Original Issue	Nov. 1995.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SOCATA—Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; or the Product Support Manager, SOCATA—Groupe AEROSPATIALE, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in French AD 94–265(A)R4, dated June 19, 1996.

(g) This amendment (39–10358) becomes effective on April 3, 1998.

Issued in Kansas City, Missouri, on February 11, 1998.

Carolanne L. Cabrini,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–4243 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–108–AD; Amendment 39–10356; AD 98–04–45]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Bombardier Model CL–600–2B19 (Regional Jet Series 100) series airplanes, that currently requires revisions to the Airplane Flight Manual (AFM) to advise the flight crew of the need to perform daily checks to verify proper operation of the elevator control system, and to restrict altitude and airspeed operations under certain conditions. That AD also requires removal of all elevator flutter dampers. That AD was prompted by reports that the installation of certain shear pins may jam or restrict movement of the elevator. The actions specified by that AD are intended to prevent such jamming or restricting movement of the elevator and the resultant adverse effect on the controllability of the airplane. This amendment adds inspections of certain airplanes to detect deformation or discrepancies of the flutter damper hinge fittings and lug of the horizontal stabilizer, the elevator hinge/damper fitting, and the shear pin lugs; and requires replacement of discrepant parts with serviceable parts. This amendment also requires installation of new elevator flutter dampers, and replacement of shear pins and shear links with new, improved pins and links.

DATES: Effective April 3, 1998.

The incorporation by reference of Canadair Regional Jet Service Bulletin S.B. 601R–27–040, Revision 'B,' dated September 11, 1995, as listed in the regulations, is approved by the Director of the Federal Register as of April 3, 1998.

The incorporation by reference of Canadair Regional Jet Alert Service Bulletin S.B. A601R–27–041, dated October 28, 1994, as listed in the regulations, was approved previously by the Director of the Federal Register as of December 14, 1994 (59 FR 60888, November 29, 1994).

ADDRESSES: The service information referenced in this AD may be obtained

from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Franco Pieri, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7526; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–24–02, amendment 39–9075 (59 FR 60888, November 29, 1994), applicable to certain Bombardier Model CL–600–2B19 (Regional Jet Series 100) series airplanes, was published in the **Federal Register** on February 3, 1997 (62 FR 4941). That action proposed to continue to require the removal of the originally installed elevator dampers. That action also proposed to continue to require revisions to the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to restrict altitude and airspeed operations under conditions of single or double hydraulic system failure, and to advise the flight crew of the need to perform daily checks to verify proper operation of the elevator control system.

For certain airplanes, this new action proposes to add inspections of certain airplanes to detect deformation or discrepancies of the flutter damper hinge fittings and lug of the horizontal stabilizer, the elevator hinge/damper fitting, and the shear pin lugs; and requires replacement of discrepant parts with serviceable parts. For those and other airplanes, the proposed AD also would require installation of new elevator flutter dampers, and replacement of shear pins and shear links with new, improved pins and links.

Interim Action

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

Comments

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

Conclusion

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

Cost Impact

There are approximately 21 Bombardier Model CL–600–2B19 (Regional Jet Series 100) series airplanes of U.S. registry that will be affected by this AD.

The actions that are currently required by AD 94–24–02, and retained in this AD, take approximately 6 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the previously required actions on U.S. operators is estimated to be $7,560, or $360 per airplane. The FAA estimates that all affected U.S. operators have previously accomplished these requirements, therefore, the future cost impact of these requirements is minimal.

For operators that are required to accomplish the inspections in this new AD, it will take approximately 26 work hours per airplane to accomplish them, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the new inspection requirements of this AD on U.S. operators is estimated to be $1,560 per airplane.

The installations that are required in this AD will take approximately 12 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the cost impact of the installations required by this AD on U.S. operators is estimated to be $15,120, or $720 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–9075 (59 FR 60888, November 29, 1994), and by adding a new airworthiness directive (AD), amendment 39–10356, to read as follows:

98–04–45 Bombardier, Inc. (Formerly Canadair): Amendment 39–10356. Docket 96–NM–108–AD. Supersedes AD 94–24–02, Amendment 39–9075.

Applicability: Model CL–600–2B19 (Regional Jet Series 100) series airplanes, having serial numbers 7003 through 7054 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD.

The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of lugs and/or pins, which may increase the likelihood of jamming or restricting movement of the elevator and the resultant adverse effect on controllability of the airplane, accomplish the following:

Restatement of Requirements of AD 94–01–09

(a) Within 30 days after January 26, 1994 (the effective date of AD 94–01–09, amendment 39–8791), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following restrictions of altitude and airspeed operations under conditions of single or double hydraulic system failure; and advise the flight crew of these revised limits. Revision of the AFM may be accomplished by inserting a copy of this AD or AFM Revision 34, dated June 12, 1995, in the AFM.

SINGLE HYDRAULIC SYSTEM FAILURE

Altitude limit (maximum)	Airspeed limit (maximum)
31,000 feet	0.55 Mach (199 KIAS).
30,000 feet	0.55 Mach (204 KIAS).
28,000 feet	0.55 Mach (213 KIAS).
26,000 feet	0.55 Mach (222 KIAS).
24,000 feet	0.55 Mach (232 KIAS).
22,000 feet	0.55 Mach (241 KIAS).
20,000 feet and below.	252 KIAS.

DOUBLE HYDRAULIC SYSTEM FAILURE

Altitude limit (maximum)	Airspeed limit (maximum)
10,000 feet	200 KIAS.

Note 2: The restrictions described in the AFM Temporary Revision (TR) RJ/30, dated December 16, 1993, meet the requirements of this paragraph. Therefore, inserting a copy of TR RJ/30 in lieu of this AD in the AFM is considered an acceptable means of compliance with this paragraph.

Restatement of Requirements of AD 94–24–02

(b) Within 7 days after December 14, 1994 (the effective date of AD 94–24–02, amendment 39–9075), accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD:

(1) Until the requirements of paragraph (c)(2) of this AD are accomplished, remove the elevator dampers in accordance with Canadair Regional Jet Alert Service Bulletin S.B. A601R–27–041, dated October 28, 1994.

(2) Revise the Limitations Section of the FAA-approved AFM to include the following, which advises the flight crew of daily checks to verify proper operation of the elevator control system. Revision of the AFM may be accomplished by inserting a copy of this AD or AFM Revision 32, dated March 30, 1995, in the AFM.

Note 3: The daily check described in the AFM Temporary Revision (TR) RJ/40, dated October 28, 1994, meets the requirements of this paragraph. Therefore, inserting a copy of TR RJ/40 into the AFM in lieu of this AD is considered an acceptable means of compliance with this paragraph.

"Elevator, Before Engine Start (First Flight of Day)

(1) Elevator — Check
Travel range (to approximately ½ travel) using each hydraulic system in turn, with the other hydraulic systems depressurized."

New Requirements of This AD

(c) Within 12 months after the effective date of this AD, perform the requirements of paragraphs (c)(1) and (c)(2) of this AD, as applicable, in accordance with Canadair Regional Jet Service Bulletin S.B. 601R–27–040, Revision 'B,' dated September 11, 1995.

(1) For airplanes having serial numbers 7003 through 7049, inclusive: Perform the inspections specified in paragraphs (c)(1)(i), (c)(1)(ii), and (c)(1)(iii) of this AD in accordance with Section 2.B., Part A, of the service bulletin.

(i) Remove the shear pins and shear links of the flutter dampers and perform a visual inspection to detect any deformation or discrepancy of the flutter damper hinge fitting and lug of the horizontal stabilizer. Prior to further flight, replace any deformed or discrepant part with a serviceable part in accordance with the service bulletin.

(ii) Perform a visual inspection to detect any deformation or discrepancy of the elevator hinge/damper fitting and shear pin lugs. Prior to further flight, replace any discrepant part with a serviceable part in accordance with the service bulletin.

(iii) Perform a fluorescent penetrant inspection and a dimensional inspection to detect any deformation or discrepancy of the shear pin lugs. If any deformation or discrepancy is found on the lugs, prior to further flight, replace the elevator with a new or serviceable elevator in accordance with the service bulletin.

(2) For airplanes having serial numbers 7003 through 7054, inclusive: Install new shear pins [part number (P/N) 601R24063–953] and new elevator flutter dampers (P/N 601R75142–7) in accordance with Section 2.B., Part B, of the service bulletin:

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(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) The actions shall be done in accordance with Canadair Regional Jet Service Bulletin S.B. 601R–27–040, Revision 'B,' dated September 11, 1995, and Canadair Regional Jet Alert Service Bulletin S.B. A601R–27–041, dated October 28, 1994.

(1) The incorporation by reference of Canadair Regional Jet Service Bulletin S.B. 601R–27–040, Revision 'B,' dated September 11, 1995, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Canadair Regional Jet Alert Service Bulletin S.B. A601R–27–041, dated October 28, 1994 was approved previously by the Director of the Federal Register as of December 14, 1994 (59 FR 60888, November 29, 1994).

(3) Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in Canadian airworthiness directive CF–94–21R1, dated November 3, 1995.

(g) This amendment becomes effective on April 3, 1998.

Issued in Renton, Washington, on February 12, 1998.

Gilbert L. Thompson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–4250 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–280–AD; Amendment 39–10354; AD 98–04–43]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model

ATR72 series airplanes, that requires removal of certain landing gear attachment pins, and replacement of the pins with serviceable pins. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent wear of the attachment pins, which could result in collapse of the main landing gear.

DATES: Effective April 3, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 3, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR72 series airplanes was published in the **Federal Register** on December 9, 1997 (62 FR 64777). That action proposed to require removal of certain landing gear attachment pins, and replacement of the pins with serviceable pins.

Comments

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

Conclusion

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

Cost Impact

The FAA estimates that 39 airplanes of U.S. registry will be affected by this AD, that it will take approximately 18 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $42,120, or $1,080 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–04–43 Aerospatiale: Amendment 39–10354. Docket 97–NM–280–AD.

Applicability: Model ATR72 series airplanes; as identified in Aerospatiale Service Bulletin No. ATR72–32–1036, dated June 19, 1996, and Aerospatiale Service Bulletin No. ATR72–32–1037, dated June 19, 1996; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent wear of the landing gear attachment pins, which could result in collapse of the main landing gear (MLG), accomplish the following:

(a) Within 12 months after the effective date of this AD, remove the MLG leg hinge pins and side brace assembly center pins having the part numbers (P/N) specified in paragraph B. of the Planning Information of Aerospatiale Service Bulletin No. ATR72–32–1036, dated June 19, 1996; and replace the pins with serviceable pins, in accordance with the Aerospatiale service bulletin and Messier-Dowty Service Bulletin No. 631–32–125, dated May 7, 1996.

(b) Prior to the accumulation of 15,000 landings since the last overhaul of the MLG, or within 8 years since the last overhaul of the MLG, whichever occurs first: Remove the MLG swinging lever/barrel pins and shock absorber/universal joint hinge pins having the P/N's specified in paragraph B. of the Planning Information of Aerospatiale Service Bulletin No. ATR72–32–1037, dated June 19, 1996; and replace the pins with serviceable pins; in accordance with the Aerospatiale service bulletin and Messier-Dowty Service Bulletin No. 631–32–126, dated May 7, 1996.

Note 2: Serviceable pins include those that have been removed, inspected, and marked with green paint in accordance with Messier-Dowty Service Bulletin No. 631–32–125, dated May 7, 1996; or Messier-Dowty Service Bulletin No. 631–32–126, dated May 7, 1996; as applicable.

(c) As of the effective date of this AD, no person shall install any MLG pin having a part number identified in Aerospatiale Service Bulletin No. ATR72–32–1036, dated June 19, 1996, or Aerospatiale Service Bulletin No. ATR72–32–1037, dated June 19, 1996, on any airplane unless that pin is considered to be serviceable in accordance with the applicable service bulletin.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

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

(f) The actions shall be done in accordance with Aerospatiale Service Bulletin No. ATR72–32–1036, dated June 19, 1996; Aerospatiale Service Bulletin No. ATR72–32–1037, dated June 19, 1996; Messier-Dowty Service Bulletin No. 631–32–125, dated May 7, 1996; and Messier-Dowty Service Bulletin No. 631–32–126, dated May 7, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 96–096–029(B), dated May 9, 1996.

(g) This amendment becomes effective on April 3, 1998.

Issued in Renton, Washington, on February 12, 1998.

Gilbert L. Thompson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–4247 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–340–AD; Amendment 39–10355; AD 98–04–44]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A340 series airplanes. This action requires replacement of the groove pins on the doors of the center main landing gear (MLG) with new pins, modification of the bolt head, installation of an antirotation plate, and modification of the hinge pins on the doors of the MLG by the installation of oversize bolts. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent detachment of the center MLG door during flight, which could pose a hazard to persons or property on the ground.

DATES: Effective March 16, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 30, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–340–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A340 series airplanes. The DGAC advises that, during fatigue testing performed by the manufacturer, it was discovered that the hinge pins on the door of the center main landing gear (MLG) had broken. Further investigation has revealed that the cause of the pin failure may have been incorrect orientation of the pin. This condition, if not corrected, could result in detachment of the center MLG door during flight, which could pose a hazard to persons or property on the ground.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A340–53–4070, Revision 1, dated July 18, 1997, which describes procedures for replacement of the groove pins on the doors of the center MLG with new pins, modification of the bolt head, and installation of an antirotation plate.

In addition, Airbus has issued Service Bulletin A340–53–4031, Revision 1, dated June 10, 1997, which describes procedures for modifying the hinge pins on the doors of the center MLG by installing oversize bolts. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 97–114–060(B), dated May 7, 1997, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent detachment of the center MLG door during flight, which could pose a hazard to persons or property on the ground. This AD requires accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by

non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 16 work hours to accomplish the actions specified in Airbus Service Bulletin A340–53–4070, at an average labor rate of $60 per work hour. Parts would be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of this action would be $960 per airplane.

It would require approximately 10 work hours to accomplish the actions specified in Airbus Service Bulletin A340–53–4031, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,677 per airplane. Based on these figures, the cost impact of this action would be $2,277 per airplane.

Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. Register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the Federal Register.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97–NM–340–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

For the reasons discussed above, I certify that this action: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–04–44 Airbus Industrie: Amendment 39–10355. Docket 97–NM–340–AD.

Applicability: Model A340 series airplanes; as listed in Airbus Service Bulletins A340–53–4070, Revision 1, dated July 18, 1997, and A340–53–4031, Revision 1, dated June 10, 1997; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 detachment of the center main landing gear (MLG) door during flight, which could pose a hazard to persons or property on the ground, accomplish the following:

(a) Prior to the accumulation of 8,400 total flight cycles, or within the next 100 flight cycles after the effective date of this AD, whichever occurs later, accomplish either (a)(1) or (a)(2) below, as applicable:

(1) For airplanes listed in Airbus Service Bulletin A340–53–4070, Revision 1, dated July 18, 1997: Replace the groove pins on the doors of the center MLG with new pins, modify the bolt head, and install an antirotation plate; in accordance with the service bulletin.

(2) For airplanes listed in Airbus Service Bulletin A340–53–4031, Revision 1, dated June 10, 1997: Modify the hinge pins on the doors of the center MLG by installing oversize bolts; in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

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

(d) The actions required by this AD shall be done in accordance with Airbus Service Bulletin A340–53–4070, Revision 1, dated July 18, 1997, or Airbus Service Bulletin A340–53–4031, Revision 1, dated June 10, 1997, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 97–114–060(B), dated May 7, 1997.

(e) This amendment becomes effective on March 16, 1998.

Issued in Renton, Washington, on February 12, 1998.

Gilbert L. Thompson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–4246 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–152–AD; Amendment 39–10360; AD 98–04–49]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A320–111, –211, –212, –214, –231, –232, and –233 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A320–111, –211, –212, –214, –231, –232, and –233 series airplanes, that requires repetitive ultrasonic inspections to detect fatigue cracking in the wing/fuselage joint cruciform fittings, and corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct fatigue cracks on the wing/fuselage joint cruciform fittings, which could result in reduced structural integrity of the wing/fuselage.

DATES: Effective April 3, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 3, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Airbus Model A320–111, –211, –212, –214, –231, –232, and –233 series airplanes was published in the **Federal Register** on December 1, 1997 (62 FR 63476). That action proposed to require repetitive ultrasonic inspections to detect fatigue cracking in the wing/fuselage joint cruciform fittings, and corrective actions, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

All of the commenters support the proposed rule.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 132 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be $63,360, or $480 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–04–49 Airbus Industrie: Amendment 39–10360. Docket 97–NM–152–AD.

Applicability: Model A320–111, –211, –212, –214, –231, –232, and –233 series 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 (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 detect and correct fatigue cracks on the wing/fuselage joint cruciform fittings, which could result in reduced structural integrity of the wing/fuselage, accomplish the following:

(a) Prior to the accumulation of 28,000 total landings, or within 60 days after the effective date of this AD, whichever occurs later, perform an ultrasonic inspection to detect fatigue cracking in the wing/fuselage joint cruciform fittings, in accordance with Airbus Service Bulletin A320–57–1051, Revision 01, dated March 21, 1996.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 20,000 landings.

(2) If any crack is detected, prior to further flight, repair it in accordance with the service bulletin. Thereafter, repeat the inspection at the times specified in paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable.

(i) If the crack that was detected and repaired was greater than 2.5 mm: Repeat the inspection prior to the accumulation of 32,000 landings since accomplishment of the repair; and thereafter at intervals not to exceed 32,000 landings.

(ii) If the crack that was detected and repaired was less than or equal to 2.5 mm: Repeat the inspection prior to the accumulation of 28,000 landings since accomplishment of the repair; and thereafter at intervals not to exceed 20,000 landings.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

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

(d) The actions shall be done in accordance with Airbus Service Bulletin A320–57–1051, Revision 01, dated March 21, 1996, which contains the specified effective pages:

Page No.	Revision level shown on page	Date shown on page
1–29, 31–37, 39–40.	1	Mar. 21, 1996.
30, 38	Original	Mar. 30, 1993.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 96–299–094(B), dated December 18, 1996.

(e) This amendment becomes effective on April 3, 1998.

Issued in Renton, Washington, on February 13, 1998.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification. Service.

[FR Doc. 98–4400 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–274–AD; Amendment 39–10361; AD 98–04–50]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and F.28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and F.28 Mark 0100 series airplanes, that requires modification of the wing leading edge torsion box. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent a possible ignition hazard due to accumulation of water and fuel between the front spar and auxiliary spar, which could result in increased risk of an in-flight fire.

DATES: Effective April 3, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 3, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Fokker Model F.28 Mark 0070 and F.28 Mark 0100 series airplanes was published in the **Federal Register** on November 28, 1997 (62 FR 63291). That action proposed to require modification of the wing leading edge torsion box.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

One commenter supports the proposed rule.

Request To Extend Compliance Time

One commenter requests that the proposed compliance time for accomplishment of the modification be extended from 12 months to 18 months after the effective date of this AD. The commenter states that the 18-month compliance time would be in agreement with the industry-accepted time limit for AD's requiring minor modifications, and would allow the work to be accomplished during normally scheduled maintenance programs. The FAA infers that the commenter considers that the adoption of the proposed compliance time of 12 months would require operators to schedule, at additional expense, special times for the accomplishment of this modification.

The FAA does not concur with the commenter's request to extend the compliance time. In developing an

appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but also the manufacturer's and foreign airworthiness authority's recommendations regarding an appropriate compliance time, and an appropriate interval of time that parallels the normally scheduled maintenance for the majority of affected operators.

In consideration of all of these factors, and in consideration of the amount of time that has already elapsed since issuance of the original NPRM, the FAA has determined that further delay of this modification is not appropriate. However, under the provisions of paragraph (b) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted that substantiate that such an adjustment would provide an acceptable level of safety.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 129 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required action, 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 $30,960, or $240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–04–50 Fokker: Amendment 39–10361. Docket 97–NM–274–AD.

Applicability: Model F.28 Mark 0070 and Model F.28 Mark 0100 series 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 (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 a possible ignition hazard due to accumulation of water and fuel between the front spar and auxiliary spar, which could result in increased risk of an in-flight fire, accomplish the following:

(a) Within 12 months after the effective date of this AD, modify the wing leading edge torsion box, in accordance with Fokker Service Bulletin SBF100–57–034, dated December 20, 1996.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

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

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

(d) The actions shall be done in accordance with Fokker Service Bulletin SBF100–57–034, dated December 20, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Dutch airworthiness directive BLA No. 1996–153(A), dated December 31, 1996.

(e) This amendment becomes effective on April 3, 1998.

Issued in Renton, Washington, on February 13, 1998.

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–4412 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–SW–09–AD; Amendment 39–10363; AD 98–05–01]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model SA–366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Eurocopter France Model SA–366G1 helicopters, with certain main rotor head frequency adapters

(frequency adapters) installed. This proposal requires inspecting the frequency adapter to determine if a certain frequency adapter is installed, and if so, removing and discarding the frequency adapter and replacing it with an airworthy frequency adapter before further flight. This amendment is prompted by a report of disbonding of the metal center section of a frequency adapter from the elastomer, caused by a lack of adherence during the production process. The actions specified by this AD are intended to prevent vibrations caused by disbonding of the center section of a frequency adapter from the elastomer, that could result in loss of control of the helicopter.

EFFECTIVE DATE: April 3, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Mathias, Aerospace Engineer, Rotorcraft Standards Staff, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5123, fax (817) 222–5961.

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 Eurocopter France Model SA–366G1 helicopters was published in the **Federal Register** on August 26, 1997 (62 FR 45183). That action proposed to require inspecting the frequency adapter to determine if a certain frequency adapter is installed, and if so, removing and discarding the frequency adapter and replacing it with an airworthy frequency adapter before further flight.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except that Note 4 is added to this rule to provide a reference to the French AD. The FAA has determined that this change will neither increase the economic burden on an operator nor increase the scope of the AD.

The FAA estimates that 91 helicopters of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $5,200 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $505,960.

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 a new airworthiness directive to read as follows:

AD 98–05–01 Eurocopter France: Amendment 39–10363. Docket No. 97–SW–09–AD.

Applicability: Model SA–366G1 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required within the next 100 hours time-in-service or 6 months after the effective date of this AD, whichever occurs first, unless accomplished previously.

To prevent vibrations caused by disbonding of the center section of a frequency adapter from the elastomer, that could result in loss of control of the helicopter, accomplish the following:

(a) Determine the part number, serial number, and date of manufacture of the main rotor head frequency adapter (frequency adapter).

(b) After making the determination in paragraph (a) and before further flight, if frequency adapter, part number (P/N) 704A33–640–031 (E1T2624–01A), or delivered in pairs under the P/N 365A31–1858–01, manufactured before April 1, 1991, with serial number (S/N) equal to or less than 8188; or P/N 704A33–640–046 (E1T3023–01), or delivered in pairs under the P/N 365A31–1858–02, manufactured before April 1, 1991, with S/N equal to or less than 3122 is installed, remove the frequency adapter and replace it with an airworthy frequency adapter.

Note 2: Eurocopter France SA–366 Service Bulletin No. 01.23, dated May 9, 1996, pertains to this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, FAA Rotorcraft Directorate, Rotorcraft Standards Staff. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

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

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 96–116–019(B), dated June 19, 1996.

Issued in Fort Worth, Texas, on February 19, 1998.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 98–4979 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–38–AD; Amendment 39–10364; AD 98–05–02]

RIN 2120–AA64

Airworthiness Directives; Cessna Model 750 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Cessna Model 750 airplanes. This action requires repetitive lubrication of the aileron feel cartridge assembly shaft. This action also requires replacement of the roll feel and centering bungee assembly with an improved assembly, which constitutes terminating action for the repetitive lubrication. This amendment is prompted by reports of partial to full jamming of the aileron control circuit during flight of the airplane. The actions specified in this AD are intended to prevent the possibility of accumulation of ice on the aileron feel cartridge assembly shaft, which could result in jamming of the aileron control circuit, and consequent reduced controllability of the airplane.

DATES: Effective March 16, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 16, 1998.

Comments for inclusion in the Rules Docket must be received on or before April 28, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–38–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Cessna Aircraft Co., P.O. Box 7706, Wichita, Kansas 67277. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Joel Ligon, Aerospace Engineer, Systems and Propulsion Branch, ACE–116W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4138; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: The FAA recently received reports of four separate incidents of partial to full jamming of the aileron control circuit during flight of Cessna Model 750 airplanes. In each instance, control of the airplane was maintained by reversion to the backup manual control of the flight controls, yaw input, or by application of secondary roll control input. In the reported occurrences, the affected airplanes were exposed to precipitation on the ground prior to flight, or had encountered precipitation while in flight. Investigation revealed that water contamination and subsequent accretion of ice on the center aileron roll feel and centering assembly can prevent free movement of the bungee shaft, which may cause jamming of the aileron control circuit. This condition, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

Cessna has issued Citation Alert Service Letter ASL750–12–02, dated September 29, 1997, which describes procedures for repetitive lubrication of the aileron feel cartridge assembly shaft.

The FAA has reviewed and approved Cessna Citation Service Bulletin 750–27–10, dated January 16, 1998, which includes Supplemental Data to Service Bulletin 750–27–10, dated January 16, 1998, which describes procedures for replacement of the roll feel and centering bungee assembly with an improved assembly that would prevent ice accumulation on the aileron feel cartridge assembly shaft. Accomplishment of this replacement eliminates the need for the repetitive lubrications of the aileron feel cartridge assembly shaft.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on airplanes of the same type design, this AD is being issued to prevent the possibility of accumulation of ice on the aileron feel cartridge assembly shaft, which could result in jamming of the aileron control circuit, and consequent reduced controllability of the airplane. This AD requires accomplishment of the actions specified in the alert service letter and the service bulletin described previously, except as discussed below.

Differences Between the AD and the Relevant Service Bulletin

Operators should note that, although the service bulletin recommends accomplishing the replacement within 90 days after the release of the service bulletin, the FAA has determined that an interval of 90 days would not address the identified unsafe condition in a timely manner. In developing an appropriate compliance time for this AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the replacement. In light of all of these factors, the FAA finds 60 days to be an appropriate compliance time for initiating the required actions in that it represents the maximum interval of time allowable for affected airplanes to continue to operate without compromising safety.

Determination of Rule's Effective Date

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to

modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98–NM–38–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–05–02 Cessna Aircraft Company: Amendment 39–10364. Docket 98–NM–38–AD.

Applicability: Model 750 airplanes, serial numbers 0001 through 0053 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the possibility of the accumulation of ice on the aileron feel cartridge assembly shaft, which could result in jamming of the aileron control circuit, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 10 hours time-in-service after the effective date of this AD, lubricate the aileron feel cartridge assembly shaft in accordance with Cessna Citation Alert Service Letter ASL750–12–02, dated September 29, 1997. Thereafter, repeat the action at intervals not to exceed 30 days until the requirements of paragraph (b) are accomplished.

(b) Within 60 days after the effective date of this AD, replace the roll feel centering bungee assembly with an improved bungee assembly in accordance with Cessna Citation Service Bulletin 750–27–10, dated January 16, 1998, which includes Supplemental Data to Service Bulletin 750–27–10, dated January 16, 1998. Accomplishment of this replacement constitutes terminating action for the repetitive actions required by paragraph (a) of this AD.

(c) Airplanes on which the replacement required by paragraph (b) of this AD is performed within the compliance time specified in paragraph (a) of this AD are not required to accomplish the action required by paragraph (a).

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

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

(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) The actions shall be done in accordance with Cessna Citation Alert Service Letter ASL750–12–02, dated September 29, 1997; and Cessna Citation Service Bulletin 750–27–10, dated January 16, 1998, which includes Supplemental Data to Service Bulletin 750–27–10, dated January 16, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Cessna Aircraft Co., P.O. Box 7706, Wichita, Kansas 67277. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 16, 1998.

Issued in Renton, Washington, on February 23, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–5197 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ANM–22]

RIN 2120–AA66

Modification of VOR Federal Airway V–204; Yakima, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on December 30, 1997 (Airspace Docket No. 97–ANM–22). In that rule, the airway legal description contained an inadvertent error. This action corrects that error.

EFFECTIVE DATE: February 27, 1998.

FOR FURTHER INFORMATION CONTACT: William C. Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION: **Federal Register** Document 97–33866, Airspace Docket No. 97–ANM–22, published on December 30, 1997 (62 FR 67711), modified a portion of V–204 by reducing the width of the Federal airway from 4 to 3 nautical miles north of the airway centerline. However, the legal description contained superfluous information. This action corrects the legal description by removing the unnecessary information.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace designation for VOR Federal Airway V–204, published in the **Federal Register** on December 30, 1997 (62 FR 67711); **Federal Register** Document 97–33866, and incorporated by reference in 14 CFR 71.1, is corrected as follows:

§ 71.1 [Corrected]

On page 67712, in the second column, near the middle of the page, beginning on the fourth line of the description of V–204, remove the following text: "INT Yakima 087° and Pasco, WA, 269° radials;"

Issued in Washington, DC, on February 25, 1998.

John S. Walker,

Program Director for Air Traffic Airspace Management.

[FR Doc. 98–5270 Filed 2–25–98; 2:18 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–97–135]

RIN 2115–AA97

Safety Zone: Swift Creek Channel, Freeport, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone that includes all waters within 200 yards of the Loop Parkway Bridge which spans Swift Creek channel, Freeport, NY. The safety zone is needed to facilitate the construction of the new loop parkway bridge. Entry into this safety zone is prohibited unless authorized by the Captain of the Port, Long Island Sound, New Haven, CT.

EFFECTIVE DATE: This temporary regulation is effective on January 9, 1998, from 4 p.m. until April 30, 1998.

ADDRESSES: Documents relating to this temporary final rule are available for inspection and copying at U.S. Coast Guard Group/MSO Long Island Sound, 120 Woodward Ave, New Haven, CT 06512. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be faxed to this address. The fax number is (203) 468–4445.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander T.J. Walker, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4444.

SUPPLEMENTARY INFORMATION:

Regulatory History

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective immediately. Due to the need to ensure vessel safety, this office had insufficient time to publish proposed rule in advance of the event. Publishing a NPRM and delaying its effective date would effectively suspend work on the new bridge which would be contrary to the public interest.

Background and Purpose

At 4 p.m. on January 9, 1998 COTP Long Island Sound established a safety zone to prevent vessels from transitting the Swift Creek channel beneath the Loop Parkway bridge as a result of the construction of the new bridge.The safety zone is needed to facilitate the building of the center of the bridge and to protect construction personnel and the maritime community. Entry into or movement within this zone is prohibited unless authorized by the Captain of the Port.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Entry into this zone will be prohibited until April 30, 1998. Although this regulation prevents traffic from transiting a portion of Swift Creek Channel, Freeport, NY, the effect of this regulation will not be significant for several reasons: There are alternate routes around the channel; the closure is during the off-season for recreational boating; and extensive, advance maritime advisories have been made of the channel closure and will continue to be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include: (1) Small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields; and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard finds that this rule will not have a significant impact on a substantial number of small entities. If however, you think that your business or organization qualifies as a small entity and that this rule will have a significant impact upon your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

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

Federalism

The Coast Guard has analyzed this action under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this rule and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, as revised by 59 FR 38654, July 29, 1994, this rule is categorically excluded from further environmental documentation.

A Categorical Exclusion Determination and an Environmental Analysis Checklist are included in the docket and are available for inspection or copying at the location indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A temporary section, § 165.T01–135, is added to read as follows:

§ 165.T01–135 Swift Creek Channel, Freeport, NY.

(a) *Location.* The safety zone includes all waters surrounding the Loop Parkway Bridge where it spans Swift Creek channel, within a 200 yard distance on either side of the bridge.

(b) *Effective date.* This section is effective on January 9, 1998, from 4 p.m. until April 30, 1998, unless terminated sooner by the Captain of the Port, Long Island Sound.

(c) *Regulations.* The general regulations contained in § 165.23 apply.

Dated: January 9, 1998.

P.K. Mitchell,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 98–5114 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego, 98–006]

RIN 2115–AA97

Safety Zone: Mission Bay, San Diego, CA; Oceanside Harbor, Oceanside, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones in the navigable waters of the channel entrances to Mission Bay, San Diego, CA, and Oceanside Harbor, Oceanside, CA, respectively. Both of these safety zones have been established for the same reason: To safeguard vessels from the severe swell and waves that are being encountered at the channel entrances to Mission Bay and Oceanside Harbor. The safety zones will consist of all navigable waters located within a 400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty, and within a 400 yard circular radius surrounding the north jetty at the Oceanside Harbor entrance, respectively.

The safety zones are established to restrict vessel capsizing, groundings, and other navigational mishaps that may occur due to severe weather and navigation conditions currently being encountered at the channel entrances to Mission Bay and Oceanside Harbor. Entry into, transiting through, or anchoring within these zones is prohibited unless authorized by the Captain of the Port. The Captain of the Port retains the discretion to authorize entry into, transit through, or anchoring within these zones as weather and navigation conditions permit.

DATES: This temporary rule becomes effective at 7:30 a.m. (PST) on February 17, 1998, and runs until 8 p.m. (PST) on March 31, 1998.

ADDRESSES: Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101–1064.

FOR FURTHER INFORMATION CONTACT: Lt. Michael Arguelles, U.S. Coast Guard Marine Safety Office San Diego at (619) 683–6484.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of its effective date would be contrary to the public interest because emergency weather and navigation conditions require the immediate closure of both of these respective areas.

Background and Purposes

These safety zones have both been established for the same reason: To safeguard vessels from severe swell and waves that are being encountered at the channel entrances to Mission Bay and Oceanside Harbor. The safety zones will consist of all navigable waters located within a 400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty, and within a 400 yard circular radius surrounding the north jetty at the Oceanside Harbor entrance, respectively. The safety zones will be in place from 7:30 a.m. (PST) on February 17, 1998, until 8 p.m. (PST) on March 31, 1998, unless canceled earlier by the Captain of the Port.

Discussion of Regulation

This regulation is necessary to safeguard vessels from the severe swell and waves that are being encountered at the channel entrances to Mission Bay and Oceanside Harbor. The safety zones will be enforced by U.S. Coast Guard personnel and local authorities working in conjunction with U.S. Coast Guard personnel. No persons or vessels will be allowed to enter into, transit through, or anchor within the safety zones unless authorized by the Captain of the Port. The Captain of the Port retains the discretion to authorize entry into, transit through, or anchoring within these zones as weather and navigation conditions permit.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). Due to the short duration and limited scope of the implementation of this safety zone, the Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of Department of Transportation is unnecessary.

Collection of Information

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

Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, it will have no significant environmental impact and its is categorically excluded from further environmental documentation. A categorical exclusion determination and an environmental analysis check list have been completed and are available

for inspection and copying at the address listed in **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbor, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, subpart F of part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for 33 CFR part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new temporary § 165.T11–018 is added to read as follows:

§ 165.T11–048 Safety Zone: Mission Bay, San Diego, CA; Oceanside Harbor, Oceanside, CA.

(a) *Location.* These two safety zones will consist of all navigable waters located within a 400 yard circular radius surrounding the end of the Mission Bay Channel entrance north jetty, and within a 400 yard circular radius surrounding the north jetty at the Oceanside Harbor entrance, respectively.

(b) *Effective Date.* This temporary regulation becomes effective at 7:30 a.m. (PST) on February 17, 1998, and runs until 8 p.m. (PST) on March 31, 1998, unless canceled earlier by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within these zones is prohibited unless authorized by the Captain of the Port.

Dated: February 17, 1998.

J.A. Watson IV,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 98–5106 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 05–98–004]

RIN 2115–AE84

Regulated Navigation Area Regulation: Ice Operations in Chesapeake Bay

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: By this direct final rule, the Coast Guard is removing a regulation for an ice navigation season Regulated Navigation Area (RNA) within the northern portion of Chesapeake Bay and its tributaries, including the Chesapeake and Delaware Canal. The Coast Guard is removing the regulation because it believes the regulation places unnecessary general restrictions on vessels, which can more appropriately be imposed individually on a case-by-case basis.

DATES: This rule is effective on May 28, 1998, unless the Coast Guard receives written adverse comments or written notice of intent to submit adverse comments on or before April 28, 1998. If the Coast Guard receives a written adverse comment or written notice of intent to submit a written adverse comment, the Coast Guard will publish a timely withdrawal of all or part of this Direct Final Rule.

ADDRESSES: Comments may be mailed to Commander, U.S. Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226–1797, or may be delivered to the same address between 7:30 and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (410) 576–2547. Comments will become part of this docket and will be available for inspection or copying at the above address, between 7:30 and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Brooks Minnick, U.S. Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226, (410) 576–2585.

SUPPLEMENTARY INFORMATION:

Request for Comments

Any comments must identify the names and address of the person submitting the comment, specify the rulemaking docket (CGD 05–98–004) and the specific section of this rule to which each comment applies, and give the reason for each specific comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05–55, because this rule removes a regulatory burden and no adverse comments are anticipated. If no adverse comments or written notices of intent to submit adverse comment are received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, approximately 30 days prior to the effective date, the Coast Guard will publish a document in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives written adverse comments or written notices of intent to submit adverse comment, the Coast Guard will publish a document announcing withdrawal of all or part of this direct final rule. If adverse comments apply to only part of this rule, and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comments were received. The part of this rule that was the subject of adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of adverse comments, a separate Notice of Proposed Rulemaking (NPRM) will be published and a new opportunity for comment provided.

A comment is considered "adverse" if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

Background and Purpose

Ice conditions frequently exist during the winter months on the northern portion of Chesapeake Bay and its tributaries, including the Chesapeake and Delaware Canal. Severe ice conditions may threaten the safety of persons, vessels and the environment. In the past, the Coast Guard annually activated by a notice of implementation, a Regulated Navigation Area (RNA) in which the Captain of the Port (COTP) Baltimore imposed certain operational restrictions on vessels in response to ice conditions. COTP Baltimore is the only zone in the Coast Guard that has an established RNA to control vessel movement during the ice season.

Recent practice has been to place restrictions in effect continuously through the winter months because it is difficult to forecast exact dates when severe ice conditions may begin and end. The Coast Guard now believes that a regulation that imposes general, continuous restrictions on all applicable vessels is unnecessary. The Coast Guard believes that prudent mariners can

adequately decide, based on prevailing ice conditions, whether to transit, taking into account individual vessel handling characteristics and specifications. If necessary to enhance safety, however, the Captain of the Port Baltimore may still impose restrictions on individual vessels on a case-by-case basis. This change will also make procedures in the COTP Baltimore zone consistent with other zones' ice season procedures.

The Captain of the Port Baltimore plans to establish a hot line that mariners can call for information about ice conditions and recommendations about which channels to transit. Because the ice season varies with the weather, Activities Baltimore will announce by Broadcast Notice to Mariners and publication in Local Notice to Mariners the start of the hot line and the phone number to call. The information about the hot line will be announced at least four times daily, and the broadcasts will continue throughout the ice season.

Discussion of Rules

This direct final rule removes the regulation in 33 CFR 165.503 that established a Regulated Navigation Area in the Chesapeake Bay during the ice season, typically between December and March of each year.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. If has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

This direct final rule removes a regulation that imposed restrictions on vessels identified in 33 CFR 165.510(c) that transited in the described Regulated Navigation Area between December and March. Therefore, the Coast Guard finds that this rule will not have a significant economic impact on a substantial number of small entities. Any comments submitted in response to this finding will be evaluated under the criteria described earlier in the preamble for comments.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.lB, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 33 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

§ 165.503 [Removed]

2. Remove § 165.503.

Dated: February 11, 1998.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 98–5105 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 222

Delegations of Authority

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends Postal Service regulations on delegation of authority to bring this regulation in line with the Postal Service's current Human Resources organizational structure.

EFFECTIVE DATE: March 30, 1998.

FOR FURTHER INFORMATION CONTACT: Beth Campbell, Employment and Placement Specialist, Human Resources, (202) 268–3973.

SUPPLEMENTARY INFORMATION: Amendment of § 222.5(a)(7) is needed to identify delegation level consistent with the Human Resources organizational structure.

The Manager, Selection, Evaluation, and Recognition is making this revision. This is a change in agency rules of organization that does not substantially affect any rights or obligations of private parties. Therefore, it is appropriate for their adoption by the Postal Service to become effective immediately.

List of Subjects in 39 CFR Part 222

Authority delegations (Government agencies).

Accordingly, the Postal Service adopts this amendment to 39 CFR part 222 as specifically set forth below:

PART 222—[AMENDED]

1. The authority citation for part 222 continues to read as follows:

Authority: 39 U.S.C. 203, 204, 401(2), 402, 403, 404, 409; Inspector General Act of 1978, as amended (Pub. L. No. 95–452, as amended), 5 U.S.C. App. 3.

§ 222.5 [AMENDED]

2. Section 222.5(a)(7) is amended by striking "EAS–16 and above" and inserting "EAS–15 and above".

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98–5012 Filed 2–26–98; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 63

[FRL–5963–8]

Technical Amendments to National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins; Correction of Effective Date Under Congressional Review Act (CRA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction of effective date under CRA.

SUMMARY: On September 12, 1996 (61 FR 48207), the Environmental Protection Agency published in the **Federal Register** a final rule promulgating national emission standards for hazardous air pollutants (NESHAP) from existing and new plant sites that emit organic hazardous air pollutants (HAP) identified on the EPA's list of 189 HAP during manufacture of Group IV polymers and resins. The September 12, 1996, document stated the rule would be effective September 12, 1996. On January 14, 1997, and June 6, 1997, EPA amended this rule to change some of the compliance dates. This document corrects the effective date of the rule to February 27, 1998 to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808, and amends certain compliance dates.

EFFECTIVE DATE: This rule is effective on February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Tom Eagles, OAR, at (202) 260–9766

SUPPLEMENTARY INFORMATION:

I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated September 12, 1996, by operation of law, the rule did not take effect on September 12, 1996, as stated therein. The two documents of January 14, 1997, and June 6, 1997, however, were submitted to Congress and GAO as required under CRA. Now that EPA has discovered its error, the rule is being submitted to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

Certain compliance dates in the September 12, 1996, final rule were amended in a direct final rule published January 14, 1997 (62 FR 1835) which was effective on March 5, 1997, and by a direct final rule published June 6, 1997, (62 FR 30993) which was effective on July 27, 1997. Because of the change in the effective date of the September 12, 1996, final rule made in this document, the compliance dates for new affected sources in 40 CFR 63.1311(b), and existing affected sources in 40 CFR 63.1311(d) and (d)(1), are being amended to be the effective date of this amendment. Except to the extent compliance dates are amended by this document, the compliance dates in the September 12, 1996, final rule, as amended by the January 14, 1997, and June 6, 1997, direct final rules, remain unchanged.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date and compliance dates of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter, and because EPA must amend certain compliance dates as a result of the amended effective date. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since September 12, 1996, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2).

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the September 12, 1996, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office; however, in accordance with 5 U.S.C. 808(2), this rule is effective on February 27, 1998. This rule is not a "major rule" as defined in 5 U.S.C. 804(2).

This final rule only amends the effective date of the underlying rule and related compliance dates; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended dates. Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of publication of the amendment.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 6, 1998.

Carol Browner,

Administrator.

For reasons set out in the preamble, part 63 of title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

2. Section 63.1311 is amended by revising paragraphs (b), (d) introductory text, and (d)(1) introductory text to read as follows:

§ 63.1311 Compliance schedule and relationship to existing applicable rules.

* * * * *

(b) New affected sources that commence construction or reconstruction after March 29, 1995, shall be in compliance with this subpart upon initial start-up or February 27, 1998, whichever is later, as provided in § 63.6(b), except that new affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is poly(ethylene terephthalate) (PET) shall be in compliance with § 63.1331 upon initial start-up or by September 12, 1999, whichever is later.

* * * * *

(d) Except as provided for in paragraphs (d)(1) through (d)(6) of this section, existing affected sources shall be in compliance with § 63.1331 no later than February 27, 1998 unless a request for a compliance extension is granted pursuant to section 112(i)(3)(B) of the Act, as discussed in § 63.182(a)(6).

(1) Compliance with the compressor provisions of § 63.164 shall occur no later than February 27, 1998 for any compressor meeting one or more of the criteria in paragraphs (d)(1)(i) through (d)(1)(iii) of this section if the work can be accomplished without a process unit shutdown, as defined in § 63.161:

* * * * *

[FR Doc. 98–4940 Filed 2–26–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[AK 17–1705; FRL–5971–4]

Clean Air Act Reclassification; Fairbanks, Alaska Nonattainment Area; Carbon Monoxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this document EPA is making a final finding that the Fairbanks North Star Borough, Alaska, carbon monoxide (CO) nonattainment area has not attained the CO national ambient air quality standards (NAAQS) by December 31, 1995, the Clean Air Act (CAA) mandated attainment date for moderate nonattainment areas. This finding is based on EPA's review of monitored air quality data for compliance with the CO NAAQS. As a result of this finding, the Fairbanks North Star Borough CO nonattainment area is reclassified as a serious CO nonattainment area by operation of law. As a result of the reclassification, the State is to submit within 18 months from the effective date of this action a new State Implementation Plan (SIP) demonstrating attainment of the CO NAAQS as expeditiously as practical but no later than December 31, 2000, the CAA attainment date for serious areas.

EFFECTIVE DATE: This action is effective March 30, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Montel Livingston, Office of Air Quality, U.S. Environmental Protection Agency, Region 10, Seattle, Washington, (206) 553–0180.

SUPPLEMENTARY INFORMATION:

I. Background

A. CAA Requirements and EPA Actions Concerning Designation and Classifications

The Clean Air Act Amendments of 1990 (CAA) were enacted on November 15, 1990. Under section 107(d)(1)(C) of the CAA, each CO area designated nonattainment prior to enactment of the 1990 Amendments, such as the Fairbanks North Star Borough nonattainment area, was designated nonattainment by operation of law upon enactment of the 1990 Amendments. Under section 186(a) of the CAA, each CO area designated nonattainment under section 107(d) was also classified by operation of law as either "moderate" or "serious" depending on the severity of the area's air quality problem. CO areas with design values between 9.1 and 16.4 parts per million (ppm), such as the Fairbanks nonattainment area, were classified as moderate. These nonattainment designations and classifications were codified in 40 CFR part 81. See 56 FR 56694 (November 6, 1991).

States containing areas that were classified as moderate nonattainment by operation of law under section 107(d) were required to submit SIPs designed to attain the CO NAAQS as expeditiously as practicable but no later than December 31, 1995.[1]

B. Effect of Reclassification

CO nonattainment areas reclassified as serious are required to submit, within 18 months of the area's reclassification, SIP revisions providing for attainment of the CO NAAQS as expeditiously as practicable but no later than December 31, 2000. In addition, the State must submit a SIP revision that includes: (1) a forecast of vehicle miles traveled (VMT) for each year before the attainment year and provisions for annual updates of these forecasts; (2) adopted contingency measures; and (3) adopted transportation control measures and strategies to offset any growth in CO emissions from growth in VMT or number of vehicle trips. See CAA sections 187(a)(7), 187(a)(2)(A), 187(a)(3), 187(b)(2), and 187(b)(1). Finally, upon the effective date of this reclassification, contingency measures in the moderate area plan for the Fairbanks nonattainment area must be implemented.

C. Attainment Determinations for CO Nonattainment Areas

EPA makes attainment determinations for CO nonattainment areas based upon whether an area has two years (or eight consecutive quarters) of clean air quality data.[2] Section 179(c)(1) of the CAA states that the attainment determination must be based upon an area's "air quality as of the attainment date."

EPA determines a CO nonattainment area's air quality status in accordance with 40 CFR 50.8 and EPA policy.[3] EPA has promulgated two NAAQS for CO: an 8-hour average concentration and a 1-hour average concentration. Because there were no violations of the 1-hour standard in the Fairbanks nonattainment area, this document addresses only the air quality status of the Fairbanks nonattainment area with respect to the 8-hour standard. The 8-hour CO NAAQS requires that not more than one non-overlapping 8-hour average in any consecutive two-year period per monitoring site can exceed 9.0 ppm (values below 9.5 are rounded down to 9.0 and they are not considered exceedances). The second exceedance of the 8-hour CO NAAQS at a given monitoring site within the same two-year period constitutes a violation of the CO NAAQS.

D. Proposed Finding of Failure to Attain

On August 8, 1997 EPA proposed to find that the Fairbanks North Star Borough CO nonattainment area had failed to attain the CO NAAQS by the applicable attainment date. 62 FR 42717. Fairbanks did not have two

[1] The moderate area SIP requirements are set forth in section 187(a) of the CAA and differ depending on whether the area's design value is below or above 12.7 ppm. The Fairbanks area has a design value below 12.7 ppm. 40 CFR 81.302.

[2] See generally memorandum from Sally L. Shaver, Director, Air Quality Strategies and Standards Division, EPA, to Regional Air Office Directors, entitled "Criteria for Granting Attainment Date Extensions, Making Attainment Determinations, and Determinations of Failure to Attain the NAAQS for Moderate CO Nonattainment Areas," October 23, 1995 (Shaver memorandum).

[3] See memorandum from William G. Laxton, Director, Technical Support Division, entitled "Ozone and Carbon Monoxide Design Value Calculations", June 18, 1990. See also Shaver memorandum.

consecutive clean years of CO data. This proposed finding was based on air quality data showing violations of the CO NAAQS at three monitoring sites during 1995, with the number of readings exceeding the 8 hour standard totaling 19. For the specific data considered by EPA in making this proposed finding, see 62 FR 42719.

E. Reclassification to a Serious Nonattainment Area

EPA has the responsibility, pursuant to sections 179(c) and 186(b)(2) of the CAA, for determining whether the Fairbanks North Star Borough CO nonattainment area attained the CO NAAQS by December 31, 1995. Under section 186(b)(2)(A), if EPA finds that the area has not attained the CO NAAQS, the area is reclassified as serious by operation of law. There were 26 CO exceedances recorded in the years 1994–1995. Additional control strategies are needed to further reduce CO concentrations in order to attain the CO standard. Pursuant to section 186(b)(2)(B) of the Act, EPA is publishing this notice to identify the Fairbanks area as failing to attain the standard and therefore reclassified as serious by operation of law.

II. Response to Comments on Proposed Finding

During the public comment period on EPA's proposed finding, EPA received several comments. Below is EPA's response to all substantive comments received.

Air Quality Monitoring Data

A commenter represented an association which had undertaken a detailed review of the air quality monitoring data from a variety of areas around the country using the Aerometric Information Retrieval System data base. Specifically, the report alleged that the Fairbanks North Star Borough Air Quality Division does not monitor the ambient air temperature within their CO monitor instrument enclosures to ensure that the station temperature remained within the 20–30 degree C range specified by the EPA reference method designation for the TECO 48 CO analyzers used at the sites where exceedances were recorded. Thus, the report concluded, these exceedances were measured by equipment that was being operated under untested specifications for which the analyzer has not been certified and are therefore open to question.

Response: EPA Region 10 prepared a report dated August 27, 1997 (located in our docket), regarding the quality of CO monitoring data collected in Fairbanks for the time period 1994 through 1996. The study focused on time periods when CO exceedances occurred (27 times at three sites in Fairbanks during the time period 1994 through 1996). The evaluation relied upon EPA monitoring guidelines in 40 CFR Part 58, the Quality Assurance Handbook for Air Pollution Measurement Systems—Volume II: Ambient Air Specific Methods (Red book), and manufacturer recommended operations guidelines for CO analyzers. CO monitoring data, precision, and accuracy data used in EPA's analysis were extracted from the EPA Aerometric Information Retrieval System. Zero, span checks, audit results, site logs, and strip charts were obtained from ADEC and the local air pollution control agencies in Fairbanks. Specifications for the operation of individual CO analyzers were obtained from the instrument manufacturers and from the EPA list of air monitoring reference and equivalent methods.

The analysis revealed that ADEC and the Fairbanks North Star Borough have closely followed EPA regulations and guidelines in the collection and quality assurance of CO monitoring data. While the building environment where the monitors were located was not monitored 24 hours a day for every day of the year to show the area was always controlled to 20°–30° C, the analysis showed that:

(a) all monitors were operated indoors.

(b) all buildings containing monitors controlled their indoor temperatures to values within the specified 20°–30° during the workday.

(c) ADEC's quality assurance program verified that monitors were operating properly during periods of standard exceedances. The strip chart data used to identify any suspect behavior of the analyzers was investigated. No "drift" or "cycling" of readings were found on the strip charts. The strip charts showed that the instruments were operating properly at all times during periods of standard exceedances.

(d) ADEC configured their CO monitors to show that both precision and accuracy checks exceeded required frequencies for all sites in Fairbanks for the entire time period of 1994–1996.

(e) At least eight exceedances were recorded in Fairbanks during 8 hour periods when the buildings in which the monitors were located were being heated to employee "comfort" temperatures (usually at the low end of the 20°–30° range).

(f) No exceedances of the 8 hour NAAQS occurred on weekends during this time period.

For these reasons, EPA has concluded that it is very unlikely that enclosure temperature has caused CO levels in Fairbanks to be "over measured" to the extent that a violation of the 8 hour NAAQS could not be confidently demonstrated. EPA's view is that ADEC's data is of high quality and clearly shows repeated exceedances of the CO NAAQS. EPA has no reason to question any of the CO exceedances measured during the 1994 through 1996 time period. Questions have arisen that monitor readings could have been influenced by temperature fluctuations in the buildings where the instruments were operated. Although no daily temperatures were measured in the rooms where monitors were housed, information from the building managers shows that temperatures were maintained at a comfort level for workers in all of the buildings where monitors were housed. The indoor temperatures were well within the range of temperatures that the instrument manufacturers recommend for operation of CO monitors. Also, outside temperatures in Fairbanks were considerably above normal during times of standard exceedances which would minimize a lowering of temperatures indoors even if thermostats were lowered. In addition, no CO exceedances occurred on weekends when thermostats in some buildings could be lowered slightly. For these reasons it is unlikely that CO exceedances were influenced by fluctuations in building temperatures.

Unique Weather Conditions

Several commenters felt that Fairbanks should be given an allowance or exemption from the serious status because of the severity and consistency of its cold weather, as well as the intensity and regularity of its temperature inversions.

Response: EPA prepared a report, dated August 27, 1997, and which is part of the docket, showing CO violations and outside temperature data by monitor location for all the dates exceedances were recorded during 1995. Fairbanks outside temperatures in 1995 were considerably above normal during times of CO air quality standard exceedances (i.e., highs recorded at +44, +34, +32, +30, +29, etc.). Thus, CO exceedances occur in Fairbanks at varying degrees of winter temperatures, not just very low winter temperatures.

Stagnation and inversions are frequent climatological occurrences that must be considered in evaluating whether a control program is adequate to attain and maintain the NAAQS. Meteorological events such as these are

almost never accepted as justification for waiving the NAAQS. Inversions occur very frequently, are usually short-lived, and disperse shortly after sunrise. Because inversions are expected to occur frequently and are part of normal weather patterns, they are not considered special events warranting exemptions from reclassification.

In some parts of the United States, stagnation episodes usually persist for an extended period of time, and they can affect an entire air basin. While stagnations may not occur frequently, they are not uncommon; therefore, they are not considered sufficiently exceptional to waive application of the NAAQS.

Number of Violations Declining—Why Reclassify?

Commenters asked why Fairbanks is being reclassified when air quality has improved over the last 10–15 years; is reclassification necessary?

Response: Reclassification does not mean that the air quality in Fairbanks has deteriorated. Congress established the attainment dates of reclassification requirements to allow additional planning time to meet the CO NAAQS. The attainment date under the CAA of 1990 for a serious CO nonattainment area is December 31, 2000, and authorizes more time for Fairbanks North Star Borough, together with ADEC, to devise an air pollution control plan to meet the CO air quality standard. EPA recognizes the progress Fairbanks has achieved thus far toward improving air quality and decreasing the ambient levels of CO. However, Congress mandated reclassification under section 186(b) of the CAA in specific circumstances, and the Administrator does not have flexibility to decide otherwise once EPA determines the area has failed to meet the CO NAAQS. Fairbanks currently has an inspection and maintenance program as its base control measure. The general public will have the opportunity to comment on additional control measures that would be most effective towards improving air quality in Fairbanks.

Timeliness of Reclassification Notice

A commenter stated concern that it is unrealistic to expect a community like Fairbanks to complete the planning and implementation of control measures necessary to achieve the NAAQS by a December 31, 2000 deadline. If this determination and notice requirement were published by June 30, 1996 as envisioned in the Clean Air Act, Fairbanks would have had four years to plan and implement a revised CO strategy and achieve attainment.

Response: Language in the 1996 budget legislation, section 308, H.R. 1099, restricted EPA from taking reclassification action for Fairbanks within six months after the applicable attainment date of December 31, 1995: "Sec. 308. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act * * * with respect to any moderate nonattainment area in which the average daily temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the EPA to the State of Alaska to make progress toward meeting the CO standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas." In the meantime, Fairbanks had no violations of the CO standard in 1996. However, in 1997, while EPA began the reclassification process, CO violations were once again repeated.

When a nonattainment CO area such as Fairbanks is reclassified, the timetable given for planning requirements allows the state 18 months from the date of final reclassification to submit its new SIP revisions to EPA. In the meantime, the adopted CO contingency measure is implemented immediately to strengthen the air quality control measures already in place. The CAA defines specific timetables by which nonattainment areas must meet the requirements for moderate and serious CO classified areas. These requirements include attainment deadlines, area classifications, and the required provisions of the SIP's for these nonattainment areas. The revised general requirements for all SIPs appear early in Title I of the CAA. It is unlikely that significant regulatory changes would occur affecting stationary sources in that section 187(c)(1) of the Act only requires redefining "major stationary source" if stationary sources "contribute significantly" to CO levels, i.e., if a facility by itself would cause a violation of the national CO standard. No existing facility in the nonattainment area meets this criterion and it seems unlikely that a new facility, which would emit a large amount of CO, would meet such a standard unless it were sited in an area already identified as prone to CO buildup in the nonattainment area.

EPA feels that by working closely with the Borough and ADEC, an approvable plan meeting reclassification requirements can be developed and taken through the public hearing process in a timely way.

III. Today's Action

EPA is today taking final action to find that the Fairbanks North Star Borough CO nonattainment area did not attain the CO NAAQS by December 31, 1995, the CAA attainment date for moderate CO nonattainment areas. As a result of this finding, the Fairbanks North Star Borough CO nonattainment area is reclassified by operation of law as a serious CO nonattainment area as of the effective date of this document. This finding is based upon air quality data showing exceedances of the CO NAAQS during 1995. The Fairbanks North Star Borough CO nonattainment area was not eligible for an extension from the mandated attainment date of December 31, 1995.

IV. Executive Order (E.O.) 12866

Under E.O. 12866, 58 FR 51735 (October 4, 1993), EPA is required to determine whether regulatory actions are significant and therefore should be subject to OMB review, economic analysis, and the requirements of the Executive Order. The Executive Order defines a "significant regulatory action" as one that is likely to result in a rule that may meet at least one of the four criteria identified in section 3(f), including, under paragraph (1), that the rule may "have an annual effect on the economy of $100 million or more or adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities".

The Agency has determined that the finding of failure to attain finalized today would result in none of the effects identified in section 3(f). Under section 186(b)(2) of the CAA, findings of failure to attain and reclassification of nonattainment areas are based upon air quality considerations and must occur by operation of law in light of certain air quality conditions. They do not, in and of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by classifications that, in turn, are triggered by air quality values, findings of failure to attain and reclassification cannot be said to impose a materially adverse impact on State, local, or tribal governments or communities.

V. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. As discussed in section IV of this document, findings of failure to attain and reclassification of nonattainment areas under section 186(b)(2) of the CAA do not in-and-of-themselves create any new requirements. Therefore, I certify that today's action does not have a significant impact on small entities.

VI. Unfunded Mandates Act

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

EPA believes, as discussed above, that the finding of failure to attain and reclassification of the Fairbanks nonattainment area are factual determinations based upon air quality considerations and must occur by operation of law and, hence, do not impose any Federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act.

VII. Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 20, 1998.

Chuck Findley,

Acting Regional Administrator, Region 10.

For the reasons set out in the preamble, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

2. In section 81.302, the table for "Alaska-Carbon Monoxide" is amended for the Fairbanks area by replacing "moderate" with "serious" under the classification column to read as follows:

§ 81.302 Alaska.

* * * * *

ALASKA—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * *	*	*	*	*
Fairbanks Area, Fairbanks Election District (part), Fairbanks nonattainment area boundary.	.....	Nonattainment	Mar. 30, 1998	Serious.
* * *	*	*	*	*

[FR Doc. 98–5090 Filed 2–26–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5970–4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Browning-Ferris Industries—South Brunswick Landfill superfund site from the National Priorities List.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the deletion of the Browning-Ferris Industries—South Brunswick Landfill Site in South Brunswick Township, Middlesex County, New Jersey from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey have determined that the Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Anne Rosa, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007–1866, (212) 637–4407.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Browning-Ferris Industries—South Brunswick Landfill Site, South Brunswick Township, Middlesex County, New Jersey.

A Notice of Intent to Delete for this Site was published in the **Federal**

Register on *November 6, 1997* (62 FR 60058). The closing date for comments on the Notice of Intent to Delete was *December 8, 1997*. No comments were received therefore, EPA has not prepared a Responsiveness Summary.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, and Water supply.

Dated: February 2, 1998.

William J. Muszynski,

Acting Regional Administrator.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the entry for the South Brunswick Landfill site in South Brunswick, NJ.

[FR Doc. 98–4817 Filed 2–26–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

42 CFR Part 61

RIN 0991–AA96

Service Fellowships

AGENCY: Office of the Secretary, HHS.

ACTION: Interim final rule with request for comments.

SUMMARY: The Department of Health and Human Services (HHS) is amending the regulations governing service fellowships by revising the current authority citation, extending the time limitation on initial appointments from 2 years to 5 years, permitting extensions of appointments for up to 5 years rather than year-to-year, and deleting obsolete references to the Surgeon General. These changes are being made to provide HHS health agencies with greater flexibility to recruit and retain talented scientists and to update obsolete references.

DATES: *Effective Date:* February 27, 1998. *Comment Date:* The Secretary is requesting written comments on this interim final rule which must be received on or before April 28, 1998.

ADDRESSES: Written comments on the interim final rule may be sent to Jerry Moore, NIH Regulations Officer, National Institutes of Health, 31 CENTER DR MSC 2075, BETHESDA, MD 20892–2075. Comments may also be sent electronically by facsimile (301–402–0169) or by e-mail (jm40z@nih.gov).

FOR FURTHER INFORMATION CONTACT: Jerry Moore at the address above or by telephone (301) 496–4607; (not a toll-free number). For information with regard to service fellowships contact Edie Bishop, Office of Human Resource Management, National Institutes of Health, 31 CENTER DR MSC 0424, BETHESDA, MD 20892–0424, telephone (301) 402–9484 (not a toll-free number.

SUPPLEMENTARY INFORMATION: Section 207(g) of the Public Health Service Act, as amended, authorizes the Secretary to designate individual scientists, other than Commissioned Officers of the Public Health Service (PHS), to receive fellowships; to be appointed for duty with the Service and compensated without regard to the civil service classification laws; to hold their fellowships under conditions prescribed therein; and to be assigned for studies or investigations either in the United States or foreign countries during the terms of their fellowships.

Consistent with the legislative intent of the PHS Act, § 61.32 of the implementing regulations codified at 42 CFR Part 61, states that service fellowships "may be provided to secure the services of talented scientists for a period of limited duration for health-related research, studies, and investigations where the nature of the work or the character of the individual's services render customary employing methods impracticable or less effective."

Section 61.38 currently restricts initial fellowship appointments to a period not to exceed two years, with extensions on a year-to-year basis. HHS is amending § 61.38 of the service fellowship regulations to make time limitations more flexible. Specifically, HHS is extending the current time limitation on initial appointments from 2 to 5 years, and revising the requirements with respect to extensions to permit extensions for up to 5 years rather than year-to-year. These changes are being made to provide HHS health agencies with greater flexibility to recruit and retain their scientists. It is anticipated that the increased flexibility will provide for simplified recruitment and classification. Employment will continue to be linked to scientific excellence as determined by agency peer review processes.

The authority citation and the references to the Surgeon General in § 61.33, § 61.34, § 62.35, § 61.36, § 61.37, and § 61.38 are being revised to reflect that the authority for the service fellowships are vested in the Secretary, § 61.30 is amended to remove the paragraph designations and the definition for the term "Surgeon General" and to add the definition for the term "Secretary," and § 61.34 is amended to remove clause (b) and redesignate clause (c) as (b) to reflect current policy.

Notice and public comment and delayed effective date have been waived for these amendments because it has been found for good cause in accordance with 5 U.S.C. 553(b)(B) that notice and comment are "impracticable, unnecessary or contrary to the public interest." Notice and comment are unnecessary and contrary to the public interest because the changes in the duration of service fellowship appointments will not in any way adversely affect service fellowship recipients or others, and the other changes are not substantive or remove obsolete requirements regarding the qualifications of applicants. Extending the permissible duration of the fellowships will make it possible for the Public Health Service to better fulfill the purpose of encouraging and promoting research through the fellowships and provide a broader range of research options for the fellows. For the same reasons, this regulation is effective immediately. This will enable both the Public Health Service and the service fellows to benefit promptly from appointments of longer duration. Applicants for fellowships or recipients do not need any lead time to prepare for the changes because all application requirements and conditions of the

appointment remain the same. The only substantive change is that the permissible duration of the appointment is extended.

Although the amendments are published as an interim final rule and are effective immediately, the Secretary requests comments on the regulations. The Secretary will consider all comments and thereafter will promptly publish a final rule.

The following statements are provided for public information.

Executive Order No. 12866

Executive Order No. 12866, Regulatory Planning and Review, requires that all regulatory actions reflect consideration of the costs and benefits they generate, and that they meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If an action is deemed to fall within the scope of the definition of the term "significant regulatory action" contained in § 3(f) of the Order, a pre-publication review by the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA) is necessary. This interim final rule was reported to OIRA, and it was deemed not to be a significant regulatory action.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. chapter 6) requires that regulatory actions be analyzed to determine whether they will have a significant economic impact on a substantial number of small entities. The Secretary certifies that this interim final rule will not have a significant economic impact on a substantial number of small entities and, therefore, a regulatory flexibility analysis, as defined under the Regulatory Flexibility Act of 1980 is not required. This rule applies to individuals who apply for and may receive service fellowships. The rule does not apply or affect "small entities" as that term is defined in 5 U.S.C. 601.

Paperwork Reduction Act

This interim final rule does not contain any information collection requirements that are subject to OMB approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

List of Subjects in 42 CFR Part 61

Fellowships.

Approved: November 6, 1997.

Harold Varmus,

Director, National Institutes of Health.

Dated: February 12, 1998.

Donna Shalala,

Secretary.

Accordingly, subpart B of part 61 of title 42 of the Code of Federal Regulations is amended to read as set forth below.

PART 61—FELLOWSHIPS

Subpart B—Service Fellowships

1. The authority citation to subpart B is revised to read as follows:

Authority: 42 U.S.C. 209, 210, 216.

2. Section 61.30 is revised to read as follows:

§ 61.30 Definitions.

As used in this part:

Continental United States does not include Hawaii or Alaska.

Secretary means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved may be delegated.

Service Fellowship is one which requires the performance of services, either full or part time, for the Public Health Service.

3. Sections 61.33, 61.34, 61.35, and 61.36 are revised to read as follows:

§ 61.33 Establishment of service fellowships.

All service fellowships shall be established by the Secretary. In establishing a service fellowship, or a series of service fellowships, the Secretary shall prescribe in writing the conditions (in addition to those provided in the regulations in this part) under which service fellows will be appointed and will hold their fellowships.

§ 61.34 Qualifications.

Scholastic and other qualifications shall be prescribed by the Secretary for each service fellowship, or series of service fellowships. Each individual appointed to a service fellowship shall:

(a) Have presented satisfactory evidence of general suitability, including professional and personal fitness; and

(b) Possess any other qualifications as reasonably may be prescribed.

§ 61.35 Method of application.

Application for a service fellowship shall be made in accordance with procedures established by the Secretary.

§ 61.36 Selection and appointment of service fellows.

The Secretary shall:

(a) Prescribe a suitable professional and personal fitness review and an examination of the applicant's qualifications;

(b) Designate in writing persons to receive service fellowships; and

(c) Establish procedures for the appointment of service fellows.

3a. Section 61.37a is amended by redesignating the undesignated paragraph following paragraph (b)(3) as paragraph (b)(4), and revising paragraphs (a), (b) introductory text, and newly designated (b)(4) to read as follows:

§ 61.37 Stipends, allowances, and benefits.

(a) *Stipends.* Service fellows shall be entitled to such stipend as is authorized by the Secretary for each service fellowship or series of service fellowships.

(b) *Travel and transportation allowances.* Under conditions prescribed by the Secretary, an individual appointed as a service fellow may be authorized personal travel allowances or transportation and per diem, travel allowances or transportation for his or her immediate family, and transportation of household goods and personal effects, in conjunction with travel authorized by the Secretary.

* * * * *

(4) A service fellow shall be entitled to travel allowances or transportation and per diem while traveling on official business away from his or her permanent duty station during the term of the fellowship. Except as otherwise provided herein, a service fellow shall be entitled to travel and transportation allowances authorized in this part at the same rates as may be authorized by law and regulations for other civilian employees of the Public Health Service. If a service fellow dies during the term of a fellowship, and the place of residence that was left by the service fellow to accept the fellowship was outside the continental United States, the payment of expenses of preparing the remains for burial and transporting them to the place of residence for interment may be authorized. In the case of deceased service fellows whose place of residence was within the continental United States, payment of the expenses of preparing the remains and transporting them to the place of residence for interment may be authorized as provided for other civilian employees of the Public Health Service.

* * * * *

4. Section 61.38 is revised to read as follows:

§ 61.38 Duration of service fellowships.

Initial appointments to service fellowships may be made for varying periods not in excess of 5 years. Such an appointment may be extended for varying periods not in excess of 5 years for each period in accordance with procedures and requirements established by the Secretary.

[FR Doc. 98–4837 Filed 2–26–98; 8:45 am]

BILLING CODE 4140–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7683]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Associate Director finds that the delayed effective dates would be contrary to the public interest. The Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U. S. C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date
New Eligibles—Emergency Program			
Georgia: Screven County, unincorporated areas	130160	Jan. 6, 1998.	
Arkansas: Guion, town of, Izard County	050248	.....do	Mar. 18, 1977.
Nebraska: Campbell, village of, Franklin County	310256	.....do	Aug. 22, 1975.
Georgia: Atkinson County, unincorporated areas	130558	Jan. 13, 1998.	
Iowa: Harrison County, unincorporated areas	190143	Jan. 14, 1998.	
Michigan:			
Wilcox, township of, Newaygo County	261013	Jan. 15, 1998.	
Springvale, township of, Emmet County	261017	.....do.	
Lenox, township of, Macomb County	261014	.....do.	
St. Charles, township of, Saginaw County	261015	.....do.	
Union, township of, Branch County	261016	.....do.	
North Dakota: Dickey County, unincorporated areas	380701	Jan. 22, 1998.	

State/location	Community No.	Effective date of eligibility	Current effective map date
Texas: Mingus, city of, Palo Pinto County	480518	Jan. 28, 1998	May 2, 1975.
New Eligibles—Regular Program			
California: Pacific Grove, city of, Monterey County	060201	Jan. 12, 1998	NSFHA.
Florida: [1] Deltona, city of, Volusia County	120677	Jan. 22, 1998	Feb. 2, 1996.
Reinstatements			
Pennsylvania: Fleetwood, borough of, Berks County	420133	Apr. 17, 1975, Emerg; Feb. 2, 1989, Reg; Dec. 5, 1997, Susp; Jan. 15, 1998, Rein.	Dec. 5, 1997.
Wisconsin: Ephraim, village of, Door County	550611	Dec. 26, 1986, Emerg., Nov. 1, 1995, Withd., Jan. 15, 1998, Rein.	Dec. 5, 1995.
Pennsylvania:			
Caernarvon, township of, Berks County	421055	Nov. 26, 1974, Emerg., Jan. 16, 1981, Reg., Dec. 5, 1997, Susp., Jan. 21, 1998, Rein.	December 5, 1997.
Exeter, township of, Berks County	421063	Sept. 27, 1974, Emerg., Mar. 15, 1982, Reg., Dec. 5, 1997, Susp., Jan. 27, 1998, Rein.	Do.
Withdrawn			
Ohio: Creston, village of, Wayne County	390575	Oct. 17, 1994, Reg., Jan. 15, 1998, Withd	May 3, 1993.
Regular Program Conversions			
Region I			
Connecticut: Westport, town of, Fairfield County	090019	Jan. 7, 1998, Suspension Withdrawn	January 7, 1998.
Maine: Richmond, town of, Sagadahoc County	230121	.....do	Do.
Region II			
New Jersey: Island Heights, borough of, Ocean County.	340374	.....do	Do.
Region V			
Michigan:			
Broomfield, township of, Isabella County	260815	.....do	Do.
Chippewa, township of, Isabella County	260824	.....do	Do.
Coe, township of, Isabella County	260819	.....do	Do.
Deerfield, township of, Isabella County	260816	.....do	Do.
Denver, township of, Isabella County	260817	.....do	Do.
Fremont, township of, Isabella County	260818	.....do	Do.
Isabella, township of, Isabella County	260820	.....do	Do.
Mount Pleasant, city of, Isabella County	260104	.....do	Do.
Rolland, township of, Isabella County	260422	.....do	Do.
Sherman, township of, Isabella County	260822	.....do	Do.
Union, charter township of, Isabella County	260812	.....do	Do.
Vernon, township of, Isabella County	260825	.....do	Do.
Wise, township of, Isabella County	260823	.....do	Do.
Region VI			
Arkansas: Ashdown, city of, Little River County	050129	.....do	Do.
Region VIII			
Utah: St. George, city of, Washington County	490177	.....do	Do.
Region IX			
California:			
Ferndale, city of, Humboldt County	060445	.....do	Do.
St. Helena, city of, Napa County	060208	.....do	Do.
Region II			
New York: Yonkers, city of, Westchester County	360936	Jan. 21, 1998, Suspension Withdrawn	Jan. 21, 1998.
Region III			
Pennsylvania: Castanea, township of, Clinton County	420322	.....do	Do.
Region IV			
Florida: Century, city of, Escambia County	120084	.....do	Do.
North Carolina:			
Surf City, town of, Pender & Onslow Counties	370186	.....do	Do.
Topsail Beach, town of, Pender County	370187	.....do	Do.
Tennessee:			
Jackson, city of, Madison County	470113	.....do	Do.
Madison County, unincorporated areas	470112	.....do	Do.
Region V			
Illinois: Lake in the Hills, village of, McHenry County	170481	.....do	Do.
Ohio: Butler County, unincorporated areas	390037	.....do	Do.
Region X			
Idaho:			

State/location	Community No.	Effective date of eligibility	Current effective map date
Blackfoot, city of, Bingham County	160019	.....do	Do.
Bingham County, unincorporated areas	160018	.....do	Do.

[1] The City of Deltona has adopted the Volusia County (CID# 125155) Flood Insurance Rate Map dated February 2, 1996.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Supp.—Suspension; With.—Withdrawn; NSFHA—Non Special Flood Hazard Area.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: February 13, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98–5177 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–05–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872

Contracting by Negotiation

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Interim rule.

SUMMARY: This is an interim rule amending the NASA FAR Supplement (NFS) parts to conform to the regulatory changes effected by Federal Acquisition Circular (FAC) 97–02, FAR Part 15 Rewrite; reflect the expiration of the waiver to the requirement to publish synopsis in the Commerce Business Daily for certain acquisitions under NASA's MidRange procedures; and specify that the NASA Acquisition Internet Service (NAIS) is the Agency Internet site for posting solicitations and other acquisition information.

DATES: This rule is effective February 27, 1998. All comments on this rule should be in writing and must be received by April 28, 1998.

ADDRESSES: Tom O'Toole, Code HK, NASA Headquarters, 300 E Street, SW., Washington, DC 20456–0001.

FOR FURTHER INFORMATION CONTACT: Tom O'Toole, (202) 358–0478.

SUPPLEMENTARY INFORMATION:

A. Background

FAC 97–02, published in the **Federal Register** (62 FR 51224) on September 30, 1997, completely revised FAR part 15, Contracting by Negotiation. The final rule allowed agencies to delay implementation until January 1, 1998. The NASA FAR Supplement (NFS) is in substantive compliance with the revised FAR, but extensive redesignation of NFS subparts and sections is required for structural conformance. Accordingly, NFS part 1815, Contracting by Negotiation, is revised in its entirety, and parts 1852, Solicitation Provisions and Contract Clauses, and 1853, Forms, are amended. Regulatory references in other parts are also amended to reflect revised FAR numbering. In addition, NASA is revising its MidRange procedures in part 1871 to reflect the expiration of the waiver of the requirement to publish synopses in the Commerce Business Daily for certain acquisitions under NASA's MidRange procedures. Previously, these synopses had been posted only on the Internet. Finally, changes are made to indicate that the NASA Acquisition Internet Service (NAIS) is the single Agency Internet site for posting solicitations and other acquisition information. NASA considers all these revisions to be either administrative or editorial, and no significant changes in Agency policy are implemented.

B. Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

C. Interim Rule

In accordance with 41 U.S.C. 418b(d), NASA has determined that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This determination is made on the following bases: (1) The required implementation date of the revised FAR part 15 is January 1, 1998; (2) NFS part 1815 coverage is of critical importance to the effective and efficient accomplishment of NASA acquisitions; and (3) the substance of the NFS coverage was published previously for public comment in the **Federal Register** (61 FR 52325) on October 7, 1996.

Lists of Subjects in 48 CFR Parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872

Government procurement.

Deidre A. Lee,

Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872 are amended as follows:

1. The authority citation for 48 CFR Parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1801—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. In section 1801.106, paragraph (1) is revised to read as follows:

1801.106 OMB approval under the Paperwork Reduction Act. (NASA paragraphs (1) and (2))

(1) NFS requirements. The following OMB control numbers apply:

NFS segment	OMB control No.
1819	2700–0073
1819.72	2700–0078
1827	2700–0052
1843	2700–0054
NF 533	2700–0003
NF 667	2700–0004
NF 1018	2700–0017

* * * * *

PART 1802—DEFINITIONS OF WORDS AND TERMS

3. In section 1802.101, the following definition is added in alphabetical order to read as follows:

1802.101 Definitions.

NASA Acquisition Internet Service (NAIS) means the Internet service (URL: hhtp://procurement.nasa.gov) NASA uses to broadcast its business opportunities, procurement regulations, and associated information.

PART 1804—ADMINISTRATIVE MATTERS

Subpart 1804.5—[Added]

4. Subpart 1804.5 is added to read as follows:

Subpart 1804.5—Electronic Commerce in Contracting

1804.570 NASA Acquisition Internet Service (NAIS).

1804.570–1 General.

The NASA Acquisition Internet Service (NAIS) provides an electronic means for posting procurement synopses, solicitations, procurement regulations, and associated information on the Internet.

1804.570–2 Electronic posting system.

(a) The NAIS Electronic Posting System (EPS) enables the NASA procurement staff to:

(1) Electronically create and post synopses on the Internet and in the Commerce Business Daily (CBD); and

(2) Post solicitation documents and other procurement information on the Internet.

(b) The EPS maintains an on-line index linking the posted synopses and solicitations for viewing and downloading.

(c) The EPS shall be used to:

(1) Create and post all synopses in accordance with FAR part 5 and NFS 1805; and

(2) Post all competitive solicitation files, excluding large construction and other drawings, for acquisitions exceeding $25,000.

(d) The NAIS is the official site for solicitation postings. In the event supporting materials, such as program libraries, cannot be reasonably accommodated by the NAIS, Internet sites external to NAIS may be established after coordination with the Contracting Officer. Such sites must be linked from the NAIS business opportunities index where the solicitations reside. External sites should not duplicate any of the files residing on the NAIS.

PART 1805—PUBLICIZING CONTRACT ACTIONS

1805.201 [Removed]

5. Section 1805.201 is removed.

6. In section 1805.207, paragraph (a) is added to read as follows:

1805.207 Preparation and transmittal of synopses. (NASA supplement paragraph (a))

(a) Synopses shall be transmitted in accordance with 1804.570.

PART 1815—CONTRACTING BY NEGOTIATION

7. Part 1815 is revised to read as follows:

PART 1815—CONTRACTING BY NEGOTIATION

Subpart 1815.2—Solicitation and Receipt of Proposals and Information

1815.201 Exchanges with industry before receipt of proposals.
1815.203 Requests for proposals.
1815.203–70 Installation reviews.
1815.203–71 Headquarters reviews.
1815.204 Contract format.
1815.204–2 Part I—The Schedule.
1815.204–5 Part IV—Representations and instructions.
1815.204–70 Page limitations.
1815.207 Handling proposals and information.
1815.207–70 Release of proposal information.
1815.207–71 Appointing non-Government evaluators as special Government employees.
1815.208 Submission, modification, revision, and withdrawal of proposals.
1815.209 Solicitation provisions and contract clauses.
1815.209–70 NASA solicitation provisions.

Subpart 1815.3—Source Selection

1815.300 Scope of subpart.
1815.300–70 Applicability of subpart.
1815.303 Responsibilities.
1815.304 Evaluation factors and significant subfactors.
1815.304–70 NASA evaluation factors.
1815.305 Proposal evaluation.
1815.305–70 Identification of unacceptable proposals.
1815.305–71 Evaluation of a single proposal.
1815.306 Exchanges with offerors after receipt of proposals.
1815.307 Proposal revisions.
1815.308 Source selection decision.
1815.370 NASA source evaluation boards.

Subpart 1815.4—Contract Pricing

1815.403 Obtaining cost or pricing data.
1815.403–1 Prohibition on obtaining cost or pricing data.
1815.403–170 Acquisitions with the Canadian Commercial Corporation (CCC).
1815.403–3 Requiring information other than cost or pricing data.
1815.403–4 Requiring cost or pricing data.
1815.404 Proposal analysis.
1815.404–2 Information to support proposal analysis.
1815.404–4 Profit.
1815.404–470 NASA structured approach for profit or fee objective.
1815.404–471 Payment of profit or fee under letter contracts.
1815.406 Documentation.
1815.406–1 Prenegotiation objectives.
1815.406–170 Content of the prenegotiation position memorandum.
1815.406–171 Installation reviews.
1815.406–172 Headquarters reviews.
1815.406–3 Documenting the negotiation.
1815.407 Special cost or pricing areas.
1815.407–2 Make-or-buy programs.
1815.408 Solicitation provisions and contract clauses.
1815.408–70 NASA solicitation provisions and contract clauses.

Subpart 1815.5—Preaward, Award, and Postaward Notifications, Protests, and Mistakes

1815.504 Award to successful offeror.
1815.506 Postaward debriefing of offerors.
1815.506–70 Debriefing of offerors—Major System acquisitions.

Subpart 1815.6—Unsolicited Proposals

1815.602 Policy.
1815.604 Agency points of contact.
1815.606 Agency procedures.
1815.606–70 Relationship of unsolicited proposals to NRAs.
1815.609 Limited use of data.
1815.609–70 Limited use of proposals.
1815.670 Foreign proposals.

Subpart 1815.70—Ombudsman

1815.7001 NASA Ombudsman Program.
1815.7002 Synopses of solicitations and contracts.
1815.7003 Contract clause.

Authority: 42 U.S.C. 2473(c)(1).

Subpart 1815.2—Solicitation and Receipt of Proposals and Information

1815.201 Exchanges with industry before receipt of proposals. (NASA supplements paragraphs (c) and (f))

(c)(6)(A) Except for acquisitions described in 1815.300–70(b) contracting officers shall issue draft requests for proposals (DRFPs) for all competitive negotiated acquisitions expected to exceed $1,000,000 (including all options or later phases of the same project). DRFPs shall invite comments from potential offerors on all aspects of the draft solicitation, including the requirements, schedules, proposal instructions, and evaluation approaches. Potential offerors should be specifically requested to identify unnecessary or inefficient requirements. When considered appropriate, the statement of work or the specifications may be issued in advance of other solicitation sections.

(B) Contracting officers shall plan the acquisition schedule to include adequate time for issuance of the DRFP, potential offeror review and comment, and NASA evaluation and disposition of the comments.

(C) When issuing DRFPs, potential offerors should be advised that the DRFP is not a solicitation and NASA is not requesting proposals.

(D) Whenever feasible, contracting officers should include a summary of the disposition of significant DRFP comments with the final RFP.

(E) The procurement officer may waive the requirement for a DRFP upon written determination that the expected benefits will not be realized given the name of the supply or service being acquired. The DRFP shall not be waived because of poor or inadequate planning.

(f)(i) Upon release of the formal RFP, the contracting officer shall direct all personnel associated with the acquisition to refrain from communicating with prospective offerors and to refer all inquiries to the contracting officer or other authorized representative. This procedure is commonly known as a "blackout notice" and shall not be imposed before release of the RFP. The notice may be issued in any format (e.g., letter or electronic) appropriate to the complexity of the acquisition.

(ii) Blackout notices are not intended to terminate all communication with offerors. Contracting officers should continue to provide information as long as it does not create an unfair competitive advantage or reveal proprietary data.

1815.203 Requests for proposals.

1815.203–70 Installation reviews.

(a) Installations shall establish procedures to review all RFPs before release. When appropriate given the complexity of the acquisition or the number of offices involved in solicitation review, centers should consider use of a single review meeting called a Solicitation Review Board (SRB) as a streamlined alternative to the serial or sequential coordination of the solicitation with reviewing offices. The SRB is a meeting in which all offices having review and approval responsibilities discuss the solicitation and their concerns. Actions assigned and changes required by the SRB shall be documented.

(b) When source evaluation board (SEB) procedures are used in accordance with 1815.370, the SEB shall review and approve the RFP prior to issuance.

1815.203–71 Headquarters reviews.

For RFPs requiring Headquarters review and approval, the procurement officer shall submit ten copies of the RFP to the Associate Administrator for Procurement (Code HS). Any significant information relating to the RFP or the planned evaluation methodology omitted from the RFP itself should also be provided.

1815.204 Contract format.

1815.204–2 Part I—The Schedule. (NASA supplements paragraph (c))

(c) To the maximum extent practicable, requirements should be defined as performance based specifications/statements of work that focus on required outcomes or results, not methods of performance or processes.

1815.204–5 Part IV—Representations and Instructions. (NASA supplements paragraph (b))

(b) The information required in proposals should be kept to the minimum necessary for the source selection decision.

1815.204–70 Page limitations.

(a) Technical and contracting personnel will agree on page limitations for their respective portions of an RFP. Unless approved in writing by the procurement officer, the page limitation for the contracting portion of an RFP (all sections except Section C, Description/specifications/work statement) shall not exceed 150 pages, and the page limitation for the technical portion (Section C) shall not exceed 200 pages. Attachments to the RFP count as part of the section to which they relate. In determining page counts, a page is defined as one side of a sheet, 8½" x 11", with at least one inch margins on all sides, using not smaller than 12-point type. Foldouts count as an equivalent number of 8½" x 11" pages. The metric standard format most closely approximating the described standard 8½" x 11" size may also be used.

(b) Page limitations shall also be established for proposals submitted in competitive acquisitions. Accordingly, technical and contracting personnel will agree on page limitations for each portion of the proposal. Unless a different limitation is approved in writing by the procurement officer, the total initial proposal, excluding title pages, tables of content, and cost/price information, shall not exceed 500 pages using the page definition of 1815.204–70(a). Firm page limitations shall also be established for final proposal revisions, if requested. The appropriate page limitations for final proposal revisions should be determined by considering the complexity of the acquisition and the extent of any discussions. The same page limitations shall apply to all offerors. Pages submitted in excess of specified limitations will not be evaluated by the Government and will be returned to the offeror.

1815.207 Handling proposals and information.

1815.207–70 Release of proposal information.

(a) NASA personnel participating in any way in the evaluation may not reveal any information concerning the evaluation to anyone not also participating, and then only to the extent that the information is required in connection with the evaluation. When non-NASA personnel participate, they shall be instructed to observe these restrictions.

(b)(1) Except as provided in paragraph (b)(2) of this section, the procurement officer is the approval authority to disclose proposal information outside the Government. This authorization may be granted only after compliance with FAR 37.2 and 1837.204, except that the determination of unavailability of Government personnel required by FAR 37.2 is not required for disclosure of proposal information to JPL employees.

(2) Proposal information in the following classes of proposals may be disclosed with the prior written approval of a NASA official one level above the NASA program official responsible for overall conduct of the evaluation. The determination of unavailability of Government personnel required by FAR 37.2 is not required for disclosure in these instances.

(i) NASA Announcements of Opportunity proposals;

(ii) Unsolicited proposals;

(iii) NASA Research Announcement proposals;

(iv) SBIR and STTR proposals.

(3) If JPL personnel, in evaluating proposal information released to them by NASA, require assistance from non-JPL, non-Government evaluators, JPL must obtain written approval to release the information in accordance with paragraphs (b)(1) and (b)(2) of this section.

1815.207–71 Appointing non-Government evaluators as special Government employees.

(a) Except as provided in paragraph (c) of this section, non-Government evaluators, except employees of JPL, shall be appointed as special Government employees.

(b) Appointment as a special Government employee is a separate action from the approval required by paragraph 1815.207–70(b) and may be processed concurrently. Appointment as a special Government employee shall be made by:

(1) The NASA Headquarters personnel office when the release of proposal information is to be made by a NASA Headquarters office; or

(2) The installation personnel office when the release of proposal information is to be made by the installation.

(c) Non-Government evaluators need not be appointed as special Government employees when they evaluate:

(1) NASA Announcements of Opportunity proposals;

(2) Unsolicited proposals;

(3) NASA Research Announcement proposals; and

(4) SBIR and STTR proposals.

1815.208 Submission, modification, revision, and withdrawal of proposals. (NASA supplements paragraph (b))

(b) The FAR late proposal criteria do not apply to Announcements of Opportunity (see 1872.705–1 paragraph VII), NASA Research Announcements (see 1852.235–72), and Small Business Innovative Research (SBIR) Phase I and Phase II solicitations, and Small Business Technology Transfer (STTR) solicitations. For these solicitations, proposals or proposal modifications received from qualified firms after the latest date specified for receipt may be considered if a significant reduction in cost to the Government is probable or if there are significant technical advantages, as compared with proposals previously received. In such cases, the project office shall investigate the circumstances surrounding the late submission, evaluate its content, and submit written recommendations and findings to the selection official or a designee as to whether there is an advantage to the Government in considering it. The selection official or a designee shall determine whether to consider the late submission.

1815.209 Solicitation provisions and contract clauses. (NASA supplements paragraph (a))

(a) The contracting officer shall insert FAR 52.215–1 in all competitive negotiated solicitations.

1815.209–70 NASA solicitation provisions.

(a) The contracting officer shall insert the provision at 1852.215–77, Preproposal/Pre-bid Conference, in competitive requests for proposals and invitations for bids where the Government intends to conduct a prepoposal or pre-bid conference. Insert the appropriate specific information relating to the conference.

(b) The contracting officer shall insert the clause at 1852.214–71, Grouping for Aggregate Award, in solicitations when it is in the Government's best interest not to make award for less than specified quantities solicited for certain items or groupings of items. Insert the item numbers and/or descriptions applicable for the particular acquisition.

(c) The contracting office shall insert the clause at 1852.214–72, Full Quantities, in solicitations when award will be made only on the full quantities solicited.

(d) The contracting officer shall insert the provision at 1852.215–81, Proposal Page Limitations, in all competitive requests for proposals.

Subpart 1815.3—Source Selection

1815.300 Scope of subpart.

1815.300–70 Applicability of subpart.

(a)(1) Except as indicated in paragraph (b) of this section, NASA competitive negotiated acquisitions shall be conducted as follows:

(i) Acquisitions of $50 million or more—in accordance with FAR 15.3 and this subpart.

(ii) Other acquisitions—in accordance with FAR 15.3 and this subpart except section 1815.370.

(2) Estimated dollar values of acquisitions shall include the values of multiple awards, options, and later phases of the same project.

(b) FAR 15.3 and this subpart are not applicable to acquisitions conducted under the following procedures:

(1) MidRange (see part 1871).

(2) Announcements of Opportunity (see part 1872).

(3) NASA Research Announcements (see 1835.016–70).

(4) The Small Business Innovative Research (SBIR) program and the Small Business Technology Transfer (STTR) pilot program under the authority of the Small Business Act (15 U.S.C. 638).

(5) Architect and Engineering (A&E) services (see FAR 36.6 and 1836.6).

1815.303 Responsibilities. (NASA supplements paragraphs (a) and (b))

(a) The SSA shall be established at the lowest reasonable level for each acquisition. Notwithstanding the FAR designation of the contracting officer as SAA, the SSA for center acquisitions shall be established in accordance with center procedures. For acquisitions designated as Headquarters selections, the SSA will be identified as part of the Master Buy Plan process (see 1807.71).

(b)(i) The source selection authority (SSA) is the Agency official responsible for proper and efficient conduct of the source selection process and for making the final source selection decision. The SSA has the following responsibilities in addition to those listed in the FAR:

(A) Approve the evaluation factors, subfactors, and elements, the weight of the evaluation factors and subfactors, and any special standards of responsibility (see FAR 9.104–2) before release of the RFP, or delegate this authority to appropriate management personnel;

(B) Appoint the source selection team. However, when the Administrator will serve as the SSA, the Official-in-Charge of the cognizant Headquarters Program Office will appoint the team; and

(C) Provide the source selection team with appropriate guidance and special instructions to conduct the evaluation and selection procedures.

(b)(2) Approval authorities for Acquisition Plans and Acquisition Strategy Meetings are in accordance with 1807.103.

1815.304 Evaluation factors and significant subfactors.

1815.304–70 NASA evaluation factors.

(a) Typically, NASA establishes three evaluation factors: Mission Suitability, Cost/Price, and Past Performance. Evaluation factors may be further defined by subfactors. Although discouraged, subfactors may be further defined by elements. Evaluation subfactors and any elements should be structured to identify significant discriminators, or "key swingers"—the essential information required to support a source selection decision. Too many subfactors and elements undermine effective proposal evaluation. All evaluation subfactors and elements should be clearly defined to avoid overlap and redundancy.

(b) Mission Suitability factor. (1) This factor indicates the merit or excellence of the work to be performed or product to be delivered. It includes, as appropriate, both technical and management subfactors. Mission Suitability shall be numerically weighted and scored on a 1000-point scale.

(2) The Mission Suitability factor may identify evaluation subfactors to further define the content of the factor. Each Mission Suitability subfactor shall be weighted and scored. The adjectival rating percentages in 1815.305(a)(3)(A) shall be applied to the subfactor weight to determine the point score. The number of Mission Suitability subfactors is limited to four. The Mission Suitability evaluation subfactors and their weights shall be identified in the RFP.

(3) Although discouraged, elements that further define the content of each subfactor may be identified. Elements, if used, shall not be numerically weighted and scored. The total number of elements is limited to eight. Any Mission Suitability elements shall be identified in the RFP.

(4) For cost reimbursement acquisitions, the Mission Suitability evaluation shall also include the results of any cost realism analysis. The RFP shall notify offerors that the realism of proposed costs may significantly affect their Mission Suitability scores.

(c) Cost/Price factor. This factor evaluates the reasonableness and, if necessary, the cost realism, of proposed costs/prices. The Cost/Price factor is not numerically weighted or scored.

(d) Past Performance factor. (1) This factor indicates the relevant quantitative and qualitative aspects of each offeror's record of performing services or delivering products similar in size, content, and complexity to the requirements of the instant acquisition.

(2) The RFP shall instruct offerors to submit data (including data from relevant Federal, State, and local governments and private contracts) that can be used to evaluate their past performance. Typically, the RFP will require:

(i) A list of contracts similar in size, content, and complexity to the instant acquisition, showing each contract number, the type of contract, a brief description of the work, and a point of contact from the organization placing the contract. Normally, the requested contracts are limited to those received in the last three years. However, in acquisitions that require longer periods to demonstrate performance quality, such as hardware development, the time period should be tailored accordingly.

(ii) The identification and explanation of any cost overruns or underruns, completion delays, performance problems, and terminations.

(3) The contracting officer may start collecting past performance data before proposal receipt. One method for early evaluation of past performance is to request offerors to submit their past performance information in advance of the proposal due date. The RFP could also include a past performance questionnaire for offerors to send their previous customers with instructions to return the completed questionnaire to the Government. Failure of the offeror to submit its past performance information early or of the customers to submit the completed questionnaires shall not be a cause for rejection of the proposal nor shall it be reflected in the Government's evaluation of the offeror's past performance.

1815.305 Proposal evaluation. (NASA supplements paragraphs (a) and (b))

(a) Each proposal shall be evaluated to identify and document:

(i) Any deficiencies;

(ii) All strengths and weaknesses, classified as significant or insignificant;

(iii) The numerical score and/or adjectival rating of each Mission Suitability subfactors and for the Mission Suitability factor in total;

(iv) Cost realism, if appropriate;

(v) The Past Performance evaluation factor; and

(vi) Any technical, schedule, and cost risk. Risks may result from the offeror's technical approach, manufacturing plan, selection of materials, processes, equipment, etc., or as a result of the cost, schedule, and performance impacts associated with their approaches. Risk evaluations must consider the probability of success, the impact of failure, and the alternatives available to meet the requirements. Risk assessments shall be considered in determining Mission Suitability strengths, weaknesses, deficiencies, and numerical/adjectival ratings. Identified risk areas and the potential for cost impact shall be considered in the cost or price evaluation.

(a)(1) Cost or price evaluation.

(A) Cost or pricing data shall not be requested in competitive acquisitions. See 1815.403–1(b)(1) and 1815.403–3(b).

(B) When contracting on a basis other than firm-fixed-price, the contracting officer shall perform price and cost realism analyses to assess the reasonableness and realism of the proposed costs. A cost realism analysis will determine if the costs in an offeror's proposal are realistic for the work to be performed, reflect a clear understanding of the requirements, and are consistent with the various elements of the offeror's technical proposal. The analysis should include:

(a) The probable cost to the Government of each proposal, including any recommended additions or reductions in materials, equipment, labor hours, direct rates, and indirect rates. The probable cost should reflect the best estimate of the cost of any contract which might result from that offeror's proposal.

(b) The differences in business methods, operating procedures, and practices as they affect cost.

(c) A level of confidence in the probable cost assessment for each proposal.

(C) The cost realism analysis may result in adjustments to Mission Suitability scores in accordance with the procedure described in 1815.305(a)(3)(B).

(a)(2) Past performance evaluation.

(A) The Past Performance evaluation assesses the contractor's performance under previously awarded contracts.

(B) The evaluation may be limited to specific areas of past performance considered most germane for the instant acquisition. It may include any or all of the items listed in FAR 42.1501, and/or any other aspects of past performance considered pertinent to the solicitation requirements or challenges. Regardless of the areas of past performance selected for evaluation, the same areas shall be evaluated for all offerors in that acquisition.

(C) Questionnaires and interviews may be used to solicit assessments of the offerors's performance, as either a prime or subcontractor, from the offeror's previous customers.

(D) All pertinent information, including customer assessments and any offeror rebuttals, will be made part of the source selection records and included in the evaluation.

(a)(3) Technical Evaluation.

(A) Mission Suitability subfactors and the total Mission Suitability factor shall be evaluated using the following adjectival ratings, definitions, and percentile ranges.

Adjectival rating	Definitions	Percentile range
Excellent	A comprehensive and thorough proposal of exceptional merit with one or more significant strengths. No deficiency or significant weakness exists.	91–100
Very Good	A proposal having no deficiency and which demonstrates over-all competence. One or more significant strengths have been found, and strengths outbalance any weaknesses that exist.	71–90
Good	A proposal having no deficiency and which shows a reasonably sound response. There may be strengths or weaknesses, or both. As a whole, weaknesses not off-set by strengths do not significantly detract from the offeror's response.	51–70
Fair	A proposal having no deficiency and which has one or more weaknesses. Weaknesses outbalance any strengths.	31–50

Adjectival rating	Definitions	Percentile range
Poor	A proposal that has one or more deficiencies or significant weaknesses that demonstrate a lack of overall competence or would require a major proposal revision to correct.	0–30

(B) When contracting on a cost reimbursement basis, the Mission Suitability evaluation shall reflect the results of any required cost realism analysis performed under the cost/price factor. A structured approach shall be used to adjust Mission Suitability scores based on the degree of assessed cost realism. An example of such an approach would:

(a) Establish a threshold at which Mission Suitability adjustments would start. The threshold should reflect the acquisition's estimating uncertainty (i.e., the higher the degree of estimating uncertainty, the higher the threshold);

(b) Use a graduated scale that proportionally adjusts a proposal's Mission Suitability score for its assessed cost realism;

(c) Affect a significant number of points to induce realistic pricing;

(d) Calculate a Mission Suitability point adjustment based on the percentage difference between proposed and probable cost as follows:

Services	Hardware development	Point adjustment
±5 percent	±30 percent	0
±6 to 10 percent	±31 to 40 percent	−50
±11 to 15 percent	±41 to 50 percent	−100
±16 to 20 percent	±51 to 60 percent	−150
±21 to 30 percent	±61 to 70 percent	−200
±more than 30 percent	±more than 70 percent	−300

(a)(4) The cost or price evaluation, specifically the cost realism analysis, often requires a technical evaluation of proposed costs. Contracting officers may provide technical evaluators a copy of the cost volume or relevant information from it to use in the analysis.

(b) The contracting officer is authorized to make the determination to reject all proposals received in response to a solicitation.

1815.305–70 Identification of unacceptable proposals.

(a) The contracting officer shall not complete the initial evaluation of any proposal when it is determined that the proposal is unacceptable because:

(1) It does not represent a reasonable initial effort to address the essential requirements of the RFP or clearly demonstrates that the offeror does not understand the requirements;

(2) In research and development acquisitions, a substantial design drawback is evident in the proposal, and sufficient correction or improvement to consider the proposal acceptable would require virtually an entirely new technical proposal; or

(3) It contains major technical or business deficiencies or omissions or out-of-line costs which discussions with the offeror could not reasonably be expected to cure.

(b) The contracting officer shall document the rationale for discontinuing the initial evaluation of a proposal in accordance with this section.

1815.305–71 Evaluation of a single proposal.

(a) If only one proposal is received in response to the solicitation, the contracting officer shall determine if the solicitation was flawed or unduly restrictive and determine if the single proposal is an acceptable proposal. Based on these findings, the SSA shall direct the contracting officer to:

(1) Award without discussions provided for contracting officer determines that adequate price competition exists (see FAR 15.403–1(c)(1)(ii));

(2) Award after negotiating an acceptable contract. (The requirement for submission of cost or pricing data shall be determined in accordance with FAR 15.403–1); or

(3) Reject the proposal and cancel the solicitation.

(b) The procedure in 1815.305–71(a) also applies when the number of proposals equals the number of awards contemplated or when only one acceptable proposal is received.

1815.306 Exchanges with offerors after receipt of proposals. (NASA supplements paragraphs (c), (d), and (e))

(c)(2) A total of no more than three proposals shall be a working goal in establishing the competitive range. Field installations may establish procedures for approval of competitive range determinations commensurate with the complexity or dollar value of an acquisition.

(d)(3)(A) The contracting officer shall advise an offeror if, during discussions, an offeror introduces a new deficiency or significant weakness. The offeror can be advised during the course of the discussions or as part of the request for final proposal revision.

(B) The contracting officer shall identify any cost/price elements that do not appear to be justified and encourage offerors to submit their most favorable and realistic cost/price proposals, but shall not discuss, disclose, or compare cost/price elements of any other offeror. The contracting officer shall question inadequate, conflicting, unrealistic, or unsupported cost information; differences between the offeror's proposal and most probable cost assessments; cost realism concerns; differences between audit findings and proposed costs; proposed rates that are too high/low; and labor mixes that do not appear responsive to the requirements. No agreement on cost/price elements or a "bottom line" is necessary.

(C) The contracting officer shall discuss contract terms and conditions so that a "model" contract can be sent to each offeror with the request for final proposal revisions. If the solicitation allows, any proposed technical performance capabilities above those specified in the RFP that have value to the Government and are considered proposal strengths should be discussed with the offeror and proposed for inclusion in that offeror's "model" contract. These items are not to be discussed with, or proposed to, other offerors. If the offeror declines to include these strengths in its "model" contract, the Government evaluators

should reconsider their characterization as strengths.

(e)(1) In no case shall the contacting officer relax or amend RFP requirements for any offeror without amending the RFP and permitting the other offerors an opportunity to propose against the relaxed requirements.

1815.307 Proposal revisions. (NASA supplements paragraph (b))

(b)(i) The request for final proposal revisions (FPRs) shall also:

(A) Identify any remaining deficiencies and significant weaknesses;

(B) Instruct offerors to incorporate all changes to their offers resulting from discussions, and require clear traceability from initial proposals;

(C) Require offerors to complete and execute the "model" contract, which includes any special provisions or performance capabilities the offeror proposed above those specified in the RFP;

(D) Caution offerors against unsubstantiated changes to their proposals; and

(E) Establish a page limit for FPRs.

(ii) Approval of the Associate Administrator for Procurement (Code HS) is required to reopen discussions for acquisitions of $50 million or more. Approval of the procurement officer is required for all other acquisitions.

(iii) Proposals are rescored based on FPR evaluations. Scoring changes between initial and FPRs shall be clearly traceable.

1815.308 Source selection decision. (NASA paragraphs (1), (2) and (3))

(1) All significant evaluation findings shall be fully documented and considered in the source selection decision. A clear and logical audit trail shall be maintained for the rationale for ratings and scores, including a detailed account of the decisions leading to the selection. Selection is made on the basis of the evaluation criteria established in the RFP.

(2) Before aware, the SSA shall sign a source selection statement that clearly and succinctly justifies the selection. Source selection statements must describe: the acquisition; the evaluation procedures; the substance of the Mission Suitability evaluation; and the evaluation of the Cost/Price and Past Performance factors. The statement also addresses unacceptable proposals, the competitive range determination, late proposals, or any other considerations pertinent to the decision. The statement shall not reveal any confidential business information. Except for certain major system acquisition competitions (see 1815.506–70), source selection statements shall be releasable to competing offerors and the general public upon request. The statement shall be available to the Debriefing Official to use in postaward debriefings of unsuccessful offerors and shall be provided to debriefed offerors upon request.

(3) Once the selection decision is made, the contracting officer shall award the contract.

1815.370 NASA source evaluation boards.

(a) The source evaluation board (SEB) procedures shall be used for those acquisitions identified in 1815.300–700(a)(1)(i).

(b) *General.* The SEB assists the SSA by providing expert analyses of the offerors' proposals in relation to the evaluation factors, subfactors, and elements contained in the solicitation. The SEB will prepare and present its findings to the SSA, avoiding trade-off judgments among either the individual offerors or among the evaluation factors. The SEB will not make recommendations for selection to the SSA.

(c) *Designation.* (1) The SEB shall be comprised of competent individuals fully qualified to identify the strengths, weaknesses, and risks associated with proposals submitted in response to the solicitation. The SEB shall be appointed as early as possible in the acquisition process, but not later than acquisition plan or acquisition strategy meeting approval.

(2) While SEB participants are normally drawn from the cognizant installation, personnel from other NASA installations or other Government agencies may participate. When it is necessary to disclose the proposal (in whole or in part) outside the Government, approval shall be obtained in accordance with 1815.207–70.

(3) When Headquarters retains SSA authority, the Headquarters Office of Procurement (Code HS) must concur on the SEB appointments. Qualifications of voting members, including functional title, grade level, and related SEB experience, shall be provided.

(d) *Organization.* (1) The organization of an SEB is tailored to the requirements of the particular acquisition. This can range from the simplest situation, where the SEB conducts the evaluation and factfinding without the use of committees or panels/consultants (as described in paragraphs (d)(4) and (5) of this section) to a highly complex situation involving a major acquisition where two or more committees are formed and these, in turn, are assisted by special panels or consultants in particular areas. The number of committees or panels/consultants shall be kept to a minimum.

(2) The SEB Chairperson is the principal operating executive of the SEB. The Chairperson is expected to manage the team efficiently without compromising the validity of the findings provided to the SSA as the basis for a sound selection decision.

(3) The SEB Recorder functions as the principal administrative assistant to the SEB Chairperson and is principally responsible for logistical support and recordkeeping of SEB activities.

(4) An SEB committee functions as a factfinding arm of the SEB, usually in a broad grouping of related disciplines (e.g., technical or management). The committee evaluates in detail each proposal, or portion thereof, assigned by the SEB in accordance with the approved evaluation factors, subfactors, and elements, and summarizes its evaluation in a written report to the SEB. The committee will also respond to requirements assigned by the SEB, including further justification or reconsideration of its findings. Committee chairpersons shall manage the administrative and procedural matters of their committees.

(5) An SEB panel or consultant functions as a factfinding arm of the committee in a specialized area of the committee's responsibilities. Panels are established or consultants named when a particular area requires deeper analysis than the committee can provide.

(6) The total of all such evaluators (committees, panels, consultants, etc. excluding SEB voting members and ex officio members) shall be limited to a maximum of 20, unless approved in writing by the procurement officer.

(e) *Voting members.* (1) Voting members of the SEB shall include people who will have key assignments on the project to which the acquisition is directed. However, it is important that this should be tempered to ensure objectivity and to avoid an improper balance. It may even be appropriate to designate a management official from outside the project as SEB Chairperson.

(2) Non-government personnel shall not serve as voting members of an SEB.

(3) The SEB shall review the findings of committees, panels, or consultants and use its own collective judgment to develop the SEB evaluation findings reported to the SSA. All voting members of the SEB shall have equal status as rating officials.

(4) SEB membership shall be limited to a maximum of 7 voting individuals. Wherever feasible, an assignment to SEB membership as a voting member shall be on a full-time basis. When not

feasible, SEB membership shall take precedence over other duties.

(5) The following people shall be voting members of all SEBs:

(i) Chairperson.

(ii) A senior, key technical representative for the project.

(iii) An experienced procurement representative.

(iv) A senior Safety & Mission Assurance (S&MA) representative, as appropriate.

(v) Committee chairpersons (except where this imposes an undue workload).

(f) *Ex officio members.* (1) The number of nonvoting ex officio (advisory) members shall be kept as small as possible. Ex officio members should be selected for the experience and expertise they can provide to the SEB. Since their advisory role may require access to highly sensitive SEB material and findings, ex officio membership for persons other than those identified in paragraph (f)(3) of this section is discouraged.

(2) Nonvoting ex officio members may state their views and contribute to the discussions in SEB deliberations, but they may not participate in the actual rating process. However, the SEB recorder should be present during rating sessions.

(3) For field installation selections, the following shall be nonvoting ex officio members on all SEBs:

(i) Chairpersons of SEB committees, unless designated as voting members.

(ii) The procurement officer of the installation, unless designated a voting member.

(iii) The contracting officer responsible for the acquisition, unless designated a voting member.

(iv) The Chief Counsel and/or designee of the installation.

(v) The installation small business specialist.

(vi) The SEB recorder.

(g) *Evaluation.* (1) If committees are used, the SEB Chairperson shall send them the proposals or portions thereof to be evaluated, along with instructions regarding the expected function of each committee, and all data considered necessary or helpful.

(2) While oral reports may be given to the SEB, each committee shall submit a written report which should include the following:

(i) Copies of individual worksheets and supporting comments to the lowest level evaluated;

(ii) An evaluation sheet summarized for the committee as a whole; and

(iii) A statement for each proposal describing any strengths, deficiencies, or significant weaknesses which significantly affected the evaluation and stating any reservations or concerns, together with supporting rationale, which the committee or any of its members want to bring to the attention of the SEB.

(3) Clear traceability must exist at all levels of the SEB process. All reports submitted by committees or panels will be retained as part of the SEB records.

(4) Each voting SEB member shall thoroughly review each proposal and any committee reports and findings. The SEB shall rate or score the proposals for each evaluation factor and subfactor according to its own collective judgment. SEB minutes shall reflect this evaluation process.

(h) *SEB presentation.* (1) The SEB Chairperson shall brief the SSA on the results of the SEB deliberations to permit an informed and objective selection of the best source(s) for the particular acquisition.

(2) The presentation shall focus on the significant strengths, deficiencies, and significant weaknesses found in the proposals, the probable cost of each proposal, and any significant issues and problems identified by the SEB. This presentation must explain any applicable special standards of responsibility; evaluation factors, subfactors, and elements; the significant strengths and significant weaknesses of the offerors; the Government cost estimate, if applicable; the offerors' proposed cost/price; the probable cost; the proposed fee arrangements; and the final adjectival ratings and scores to the subfactor level.

(3) Attendance at the presentation is restricted to people involved in the selection process or who have a valid need to know. The designated individuals attending the SEB presentation(s) shall:

(i) Ensure that the solicitation and evaluation processes complied with all applicable agency policies and that the presentation accurately conveys the SEB's activities and findings;

(ii) Not change the established evaluation factors, subfactors, elements, weights, or scoring systems; or the substance of the SEB's findings. They may, however, advise the SEB to rectify procedural omissions, irregularities or inconsistencies, substantiate its findings, or revise the presentation.

(4) The SEB recorder will coordinate the formal presentation including arranging the time and place of the presentation, assuring proper attendance, and distributing presentation material.

(5) For Headquarters selections, the Headquarters Office of Procurement (Code HS) will coordinate the presentation, including approval of attendees. When the Administrator is the SSA, a preliminary presentation should be made to the center director and to the Official-in-Charge of the cognizant Headquarters Program Office.

(i) *Recommended SEB presentation format.* (1) *Identification of the acquisition.* Identifies the installation, the nature of the services or hardware to be acquired, some quantitative measure including the Government cost estimate for the acquisition, and the planned contractual arrangement. Avoids detailed objectives of the acquisition.

(2) *Background.* Identifies any earlier phases of a phased acquisition or, as in the case of continuing support services, identifies the incumbent and any consolidations or proposed changes from the existing structure.

(3) *Evaluation factors, subfactors, and elements.* Explains the evaluation factors, subfactors, and elements, and any special standards of responsibility. Lists the relative order of importance of the evaluation factors and the numerical weights of the Mission Suitability subfactors. Presents the adjectival scoring system used in the Mission Suitability and Past Performance evaluations.

(4) *Sources.* Indicates the number of offerors solicited and the number of offerors expressing interest (e.g., attendance at a preproposal conference). Identifies the offerors submitting proposals; indicating any small businesses, small disadvantaged businesses, and women-owned businesses.

(5) *Summary of findings.* Lists the initial and final Mission Suitability ratings and scores, the offerors' proposed cost/prices, and any assessment of the probable costs. Introduces any clear discriminator, problem, or issue which could affect the selection. Addresses any competitive range determination.

(6) *Significant strengths, deficiencies, and significant weaknesses of offerors.* Summarizes the SEB's findings, using the following guidelines:

(i) Present only the significant strengths, deficiencies, and significant weaknesses of individual offerors.

(ii) Directly relate the significant strengths, deficiencies, and significant weaknesses to the evaluation factors, subfactors, and elements.

(iii) Indicate the results and impact, if any, of discussions and FPRs on ratings and scores.

(7) *Final mission suitability ratings and scores.* Summarizes the evaluation subfactors and elements, the maximum points achievable, and the scores of the offerors in the competitive range.

(8) *Final cost/price evaluation.* Summarizes proposed cost/prices and any probable costs associated with each offeror including proposed fee arrangements. Presents the data as accurately as possible, showing SEB adjustments to achieve comparability. Identifies the SEB's confidence in the probable costs of the individual offerors, noting the reasons for low or high confidence.

(9) *Past performance.* Reflects the summary conclusions, supported by specific case data.

(10) *Special interest.* Includes only information of special interest to the SSA that has not been discussed elsewhere, e.g., procedural errors or other matters that could affect the selection decision.

(j) A source selection statement shall be prepared in accordance with 1815.308. For installation selections, the installation Chief Counsel or designee will prepare the source selection statement. For Headquarters selections, the Office of General Counsel or designee will prepare the statement.

Subpart 1815.4—Contract Pricing

1815.403 Obtaining cost or pricing data.

1815.403–1 Prohibition on obtaining cost or pricing data. (NASA supplements paragraphs (b) and (c))

(b)(1) The adequate price competition exception is applicable to both fixed-price and cost-reimbursement type acquisitions. Contracting officers shall assume that all competitive acquisitions qualify for this exception.

(c)(4) Waivers of the requirement for submission of cost or pricing data shall be prepared in accordance with FAR 1.704. A copy of each waiver shall be sent to the Headquarters Office of Procurement (Code HK).

1815.403–170 Acquisitions with the Canadian Commercial Corporation (CCC).

NASA has waived the requirement for the submission of cost or pricing data when contracting with the CCC. This waiver applies through March 31, 1999. The CCC will provide assurance of the fairness and reasonableness of the proposed prices, and will also provide for follow-up audit activity to ensure that excess profits are found and refunded to NASA. However, contracting officers shall ensure that the appropriate level of information other than cost or pricing data is submitted to permit any required Government cost/price analysis.

1815.403–3 Requiring information other than cost or pricing data. (NASA supplements paragraph (b))

(b) As indicated in 1815.403–1(b)(1), the adequate price competition exception applies to all competitive acquisitions. For other than firm-fixed-price competitions, only the minimum information other than cost or pricing data necessary to ensure price reasonableness and assess cost realism should be requested. For firm-fixed-price acquisitions, the contracting officer shall not request any cost information, unless proposed prices appear unreasonable or unrealistically low given the offeror's proposed approach and there are concerns that the contractor may default.

1815.403–4 Requiring cost or pricing data. (NASA supplements paragraph (b))

(b)(2) If a certificate of current cost or pricing data is made applicable as of a date other than the date of price agreement, the agreed date should generally be within two weeks of the date of that agreement.

1815.404 Proposal analysis.

1815.404–2 Information to support proposal analysis. (NASA supplements paragraph (a))

(a)(1)(A) A field pricing report consists of a technical report and an audit report by the cognizant contract audit activity. Contracting officers should request a technical report from the ACO only if NASA resources are not available.

(B) When the required participation of the ACO or auditor involves merely a verification of information, contracting officers should obtain this verification from the cognizant office by telephone rather than formal request of field pricing support.

(C) When the cost proposal is for a product of a follow-on nature, contracting officers shall ensure that the following items, at a minimum are considered: actuals incurred under the previous contract, learning experience, technical and production analysis, and subcontract proposal analysis. This information may be obtained through NASA resources or the cognizant DCMC ACO or DCAA.

(D) Requests for field pricing assistance may be made on NASA Form 1434, Letter of Request for Pricing-Audit-Technical Evaluation Services.

1815.404–4 Profit. (NASA supplements paragraph (b))

(b)(1)(i) The NASA structured approach for determining profit or fee objectives, described in 1815.404–470, shall be used to determine profit or fee objectives for conducting negotiations in those acquisitions that require cost analysis.

(ii) The use of the NASA structured approach for profit or fee is not required for:

(a) Architect-engineer contracts;

(b) Management contracts for operation and/or maintenance of Government facilities;

(c) Construction contracts;

(d) Contracts primarily requiring delivery of material supplied by subcontractors;

(e) Termination settlements;

(f) Cost-plus-award-fee contracts (however, contracting officers may find it advantageous to perform a structured profit/fee analysis as an aid in arriving at an appropriate fee arrangement); and

(g) Contracts having unusual pricing situations when the procurement officer determines in writing that the structured approach is unsuitable.

1815.404–470 NASA structured approach for profit or fee objective.

(a) General. (1) The NASA structured approach for determining profit or fee objectives is a system of assigning weights to cost elements and other factors to calculate the objective. Contracting officers shall use NASA Form 634 to develop the profit or fee objective and shall use the weight ranges listed after each category and factor on the form after considering the factors in this subsection. The rationale supporting the assigned weights shall be documented in the PPM in accordance with 1815.406–170(d)(3).

(2)(i) The structured approach was designed for determining profit or fee objectives for commercial organizations. However, the structured approach shall be used as a basis for arriving at fee objectives for nonprofit organizations (FAR subpart 31.7), excluding educational institutions (FAR subpart 31.3), in accordance with paragraph (a)(2)(ii) of this section. (It is NASA policy not to pay profit or fee on contracts with educational institutions.)

(ii) For contracts with nonprofit organizations under which profits or fees are involved, an adjustment of up to 3 percent shall be subtracted from the total profit/fee objective. In developing this adjustment, it will be necessary to consider the following factors:

(A) Tax position benefits;

(B) Granting of financing through letters of credit;

(C) Facility requirements of the nonprofit organization; and

(D) Other pertinent factors that may work to either the advantage or disadvantage of the contractor in its position as a nonprofit organization.

(b) Contractor effort. (1) This factor takes into account what resources are necessary and what the contractor must do to meet the contract performance requirements. The suggested cost categories under this factor are for reference purposes only. The format of individual proposals will vary, but these broad categories provide a sample structure for the evaluation of all categories of cost. Elements of cost shall be separately listed under the appropriate category and assigned a weight from the category range.

(2) Regardless of the categories of cost defined for a specific acquisition, neither the cost of facilities nor the amount calculated for the cost of money for facilities capital shall be included as part of the cost base in column 1.(a) in the computation of profit or fee.

(3) Evaluation of this factor requires analyzing the cost content of the proposed contract as follows:

(i) Material acquisition (subcontracted items, purchased parts, and other material).

(A) Consider the managerial and technical efforts necessary for the prime contractor to select subcontractors and administer subcontracts, including efforts to introduce and maintain competition. These evaluations shall be performed for purchases of raw materials or basic commodities; purchases of processed material, including all types of components of standard or near-standard characteristics; and purchases of pieces, assemblies, subassemblies, special tooling, and other products special to the end item. In performing the evaluation, also consider whether the contractor's purchasing program makes a substantial contribution to the performance of a contract through the use of subcontracting programs involving many sources, new complex components and instrumentation, incomplete specifications, and close surveillance by the prime contractor.

(B) Recognized costs proposed as direct material costs, such as scrap charges, shall be treated as material for profit/fee evaluation. If intracompany transfers are accepted at price in accordance with FAR 31.205–26(e), they shall be evaluated as a single element under the material acquisition category. For other intracompany transfers, the constituent elements of cost shall be identified and weighted under the appropriate cost category, i.e., material, labor, and overhead.

(ii) Direct labor (engineering, service, manufacturing, and other labor). (A) Analysis of the various items of cost should include evaluation of the comparative quality and level of the engineering talents, service contract labor, manufacturing skills, and experience to be employed. In evaluating engineering labor for the purpose of assigning profit/fee weights, consideration should be given to the amount of notable scientific talent or unusual or scarce engineering talent needed, in contrast to journeyman engineering effort or supporting personnel.

(B) Evaluate service contract labor in a like manner by assigning higher weights to engineering, professional, or highly technical skills and lower weights to semiprofessional or other skills required for contract performance.

(C) Similarly, the variety of engineering, manufacturing and other types of labor skills required and the contractor's manpower resources for meeting these requirements should be considered. For purposes of evaluation, subtypes of labor (for example, quality control, and receiving and inspection) proposed separately from engineering, service, or manufacturing labor should be included in the most appropriate labor type. However, the same evaluation considerations as outlined in this section will be applied.

(iii) Overhead and general management (G&A). (A) Analysis of overhead and G&A includes the evaluation of the makeup of these expenses, how much they contribute to contract performance, and the degree of substantiation provided for rates proposed in future years.

(B) Contracting officers should also consider the historical accuracy of the contractor's proposed overheads as well as the ability to control overhead pool expenses.

(C) The contracting officer, in an evaluation of the overhead rate of a contractor using a single indirect cost rate, should break out the applicable sections of the composite rate which could be classified as engineering overhead, manufacturing overhead, other overhead pools, and G&A expenses, and apply the appropriate weight.

(iv) Other costs. Include all other direct costs associated with contractor performance under this item, for example, travel and relocation, direct support, and consultants. Analysis of these items of cost should include their nature and how much they contribute to contract performance.

(c) Other factors.

(1) Cost risk. The degree of risk assumed by the contractor should influence the amount of profit or fee a contractor is entitled to anticipate. For example, if a portion of the risk has been shifted to the Government through cost-reimbursement or price redetermination provisions, unusual contingency provisions, or other risk reducing measures, the amount of profit or fee should be less than for arrangements under which the contractor assumes all the risk. This factor is one of the most important in arriving at prenegotiation profit/fee objectives.

(i) Other risks on the part of the contractor, such as loss of reputation, losing a commercial market, or losing potential profit/fee in other fields, shall not be considered in this factor. Similarly, any risk on the part of the contracting office, such as the risk of not acquiring an effective space vehicle, is not within the scope of this factor.

(ii) The degree of cost responsibility assumed by the contractor is related to the share of total contract cost risk assumed by the contractor through the selection of contract type. The weight for risk by contract type would usually fall within the 0 to 3 percent range for cost-reimbursement contracts and 3 to 7 percent range for fixed-price contracts.

(A) Within the ranges set forth in paragraph (c)(1)(ii) of this subsection, a cost-plus-fixed-fee contract normally would not justify a reward for risk in excess of 0 percent, unless the contract contains cost risk features such as ceilings on overheads, etc. In such cases, up to 0.5 percent may be justified. Cost-plus-incentive-fee contracts fill the remaining portion of the range, with weightings directly related to such factors as confidence in target cost, share ratio of fees, etc.

(B) The range for fixed-price type contracts is wide enough to accommodate the various types of fixed-price arrangements. Weighting should be indicative of the price risk assumed and the end item required, with only firm-fixed-price contracts with requirements for prototypes or hardware reaching the top end of the range.

(iii) The cost risk arising from contract type is not the only form of cost risk to consider.

(A) The Contractor's subcontracting program may have a significant impact on the contractor's acceptance of risk under a particular contract type. This consideration should be a part of the contracting officer's overall evaluation in selecting a weight to apply for cost risk. It may be determined, for instance, that the prime contractor has effectively transferred real cost risk to a subcontractor, and the contract cost risk weight may, as a result, be below the range that would otherwise apply for the contract type proposed. The contract cost risk weight should not be lowered, however, merely on the basis that a

substantial portion of the contract costs represents subcontracts unless those subcontract costs represent a substantial transfer of the contractor's risk.

(B) In making a contract cost risk evaluation in an acquisition that involves definitization of a letter contract, unpriced change orders, or unpriced orders under BOAs, consideration should be given to the effect on total contract cost risk as a result of having partial performance before definitization. Under some circumstances it may be reasoned that the total amount of cost risk has been effectively reduced. Under other circumstances it may be apparent that the contractor's cost risk is substantially unchanged. To be equitable, determination of a profit/fee weight for application to the total of all recognized costs, both incurred and yet to be expended, must be made with consideration of all attendant circumstances and should not be based solely on the portion of costs incurred, or percentage of work completed, before definitization.

(2) Investment. NASA encourages its contractors to perform their contracts with a minimum of financial, facilities, or other assistance from the Government. As such, it is the purpose of this factor to encourage the contractor to acquire and use its own resources to the maximum extent possible. Evaluation of this factor should include an analysis of the contractor's facilities and the frequency of payments.

(i) To evaluate how facilities contribute to the profit/fee objective requires knowledge of the level of facilities utilization needed for contract performance, the source and financing of the required facilities, and the overall cost effectiveness of the facilities offered. Contractors furnishing their own facilities that significantly contribute to lower total contract costs should be provided additional profit/fee. On the other hand, contractors that rely on the Government to provide or finance needed facilities should receive a correspondingly lower profit/fee. Cases between the examples in this paragraph should be evaluated on their merits, with either a positive or negative adjustment, as appropriate, in the profit/fee objective. However, where a highly facilitized contractor is to perform a contract that does not benefit from this facilitization, or when a contractor's use of its facilities has a minimum cost impact on the contract, profit/fee need not be adjusted.

(ii) In analyzing payments, consider the frequency of payments by the Government to the contractor and unusual payments. The key to this weighting is proper consideration of the impact the contract will have on the contractor's cash flow. Generally, negative consideration should be given for payments more frequent than monthly, with maximum reduction being given as the contractor's working capital approaches zero. Positive consideration should be given for payments less frequent than monthly.

(3) Performance. The contractor's past and present performance should be evaluated in such areas as product quality, meeting performance schedules, efficiency in cost control (including the need for and reasonableness of costs incurred), accuracy and reliability of previous cost estimates, degree of cooperation by the contractor (both business and technical), timely processing of changes and compliance with other contractual provisions.

(4) Subcontract program management. Subcontract program management includes evaluation of the contractor's commitment to its competition program and its past and present performance in competition in subcontracting. If a contractor has consistently achieved excellent results in these areas in comparison with other contractors in similar circumstances, such performance merits a proportionately greater opportunity for profit or fee. Conversely, a poor record in this regard should result in a lower profit or fee.

(5) Federal socioeconomic programs. In addition to rewarding contractors for unusual initiative in supporting Government socioeconomic programs, failure or unwillingness on the part of the contractor to support these programs should be viewed as evidence of poor performance for the purpose of establishing this profit/fee objective factor.

(6) Special situations. (i) Occasionally, unusual contract pricing arrangements are made with the contractor under which it agrees to accept a lower profit or fee for changes or modifications within a prescribed dollar value. In such circumstances, the contractor should receive favorable consideration in developing the profit/fee objective.

(ii) This factor need not be limited to situations that increase profit/fee levels. A negative consideration may be appropriate when the contractor is expected to obtain spin-off benefits as a direct result of the contract, for example, products with commercial application.

(d) Facilities capital cost of money. (1) When facilities capital cost of money is included as an item of cost in the contractor's proposal, it shall not be included in the cost base for calculating profit/fee. In addition, a reduction in the profit/fee objective shall be made in the amount equal to the facilities capital cost of money allowed in accordance with FAR 31.205–10(a)(2).

(2) CAS 417, cost of money as an element of the cost of capital assets under construction, should not appear in contract proposals. These costs are included in the initial value of a facility for purposes of calculating depreciation under CAS 414.

1815.404–471 Payment of profit or fee under letter contracts.

NASA's policy is to pay profit or fee only on definitized contracts.

1815.406 Documentation.

1815.406–1 Prenegotiation objectives. (NASA supplements paragraph (b))

(b)(i) Before conducting negotiations requiring installation or Headquarters review, contracting officers or their representatives shall prepare a prenegotiation position memorandum setting forth the technical, business, contractual, pricing, and other aspects to be negotiated.

(ii) A prenegotiation position memorandum is not required for contracts awarded under the competitive negotiated procedures of FAR 15.3 and 1815.3.

1815.406–170 Content of the prenegotiation position memorandum.

The prenegotiation position memorandum (PPM) should fully explain the contractor and Government positions. Since the PPM will ultimately become the basis for negotiation, it should be structured to track to the price negotiation memorandum (see FAR 15.406–3 and 1815.406–3). In addition to the information described in FAR 15.406–1 and, as appropriate, 15.406–3(a), the PPM should address the following subjects, as applicable, in the order presented:

(a) Introduction. Include a description of the acquisition and a history of prior acquisitions for the same or similar items. Address the extent of competition and its results. Identify the contractor and place of performance (if not evident from the description of the acquisition). Document compliance with law, regulations and policy, including JOFOC, synopsis, EEO compliance, and current status of contractor systems (see FAR 15.406–3(a)(4)). In addition, the negotiation schedule should be addressed and the Government negotiation team members identified by name and position.

(b) Type of contract contemplated. Explain the type of contract

contemplated and the reasons for its suitability.

(c) Special features and requirements. In this area, discuss any special features (and related cost impact) of the acquisition, including such items as—

(1) Letter contract or precontract costs authorized and incurred;

(2) Results of preaward survey;

(3) Contract option requirements;

(4) Government property to be furnished;

(5) Contractor/Government investment in facilities and equipment (and any modernization to be provided by the contractor/Government); and

(6) Any deviations, special clauses, or unusual conditions anticipated, for example, unusual financing, warranties, EPA clauses and when approvals were obtained, if required.

(d) Cost analysis. For the basic requirement, and any option, include—

(1) A parallel tabulation, by element of cost and profit/fee, of the contractor's proposal and the Government's negotiation objective. The negotiation objective represents the fair and reasonable price the Government is willing to pay for the supplies/services. For each element of cost, compare the contractor's proposal and the Government position, explain the differences and how the Government position was developed, including the estimating assumptions and projection techniques employed, and how the positions differ in approach. Include a discussion of excessive wages found (if applicable) and their planned resolution. Explain how historical costs, including costs incurred under a letter contract (if applicable), were used in developing the negotiation objective.

(2) Significant differences between the field pricing report (including any audit reports) and the negotiation objectives and/or contractor's proposal shall be highlighted and explained. For each proposed subcontract meeting the requirement of FAR 15.404–3(c), there shall be a discussion of the price and, when appropriate, cost analyses performed by the contracting officer, including the negotiation objective for each such subcontract. The discussion of each major subcontract shall include the type of subcontract, the degree of competition achieved by the prime contractor, the price and, when appropriate, cost analyses performed on the subcontractor's proposal by the prime contractor, any unusual or special pricing or finance arrangements, and the current status of subcontract negotiations.

(3) The rationale for the Government's profit/fee objectives and, if appropriate, a completed copy of the NASA Form 634, Structured Approach—Profit/Fee Objective, and DD Form 1861, Contract Facilities Capital Cost of Money, should be included. For incentive and award fee contracts, describe the planned arrangement in terms of share lines, ceilings, and cost risk.

(e) Negotiation approval sought. The PPM represents the Government's realistic assessment of the fair and reasonable price for the supplies and services to be acquired. If negotiations subsequently demonstrate that a higher dollar amount (or significant term or condition) is reasonable, the contracting officer shall document the rationale for such a change and request approval to amend the PPM from the original approval authority.

1815.406–171 Installation reviews.

Each contracting activity shall establish procedures to review all prenegotiation position memoranda. The scope of coverage, exact procedures to be followed, levels of management review, and contract file documentation requirements should be directly related to the dollar value and complexity of the acquisition. The primary purpose of these reviews is to ensure that the negotiator, or negotiation team, is thoroughly prepared to enter into negotiations with a well-conceived, realistic, and fair plan.

1815.406–172 Headquarters reviews.

(a) When a prenegotiation position has been selected for Headquarters review and approval, the contracting activity shall submit to the Office of Procurement (Code HS) one copy each of the prenegotiation position memorandum, the contractor's proposal, the Government technical evaluations, and all pricing reports (including any audit reports).

(b) The required information described in paragraph (a) of this section shall be furnished to Headquarters as soon as practicable and sufficiently in advance of the planned commencement of negotiations to allow a reasonable period of time for Headquarters review. Electronic submittal is acceptable.

1815.406–3 Documenting the negotiation. (NASA supplements paragraph (a))

(a)(i) The price negotiation memorandum (PNM) serves as a detailed summary of: the technical, business, contractual, pricing (including price reasonableness), and other elements of the contract negotiated; and the methodology and rationale used in arriving at the final negotiated agreement.

(ii) A PNM is not required for a contract awarded under competitive negotiated procedures. However, the information required by FAR 15.406–3 shall be reflected in the evaluation and selection documentation to the extent applicable.

(iii) When the PNM is a "stand-alone" document, it shall contain the information required by the FAR and NFS for both PPMs and PNMs. However, when a PPM has been prepared under 1815.406–1, the subsequent PNM need only provide any information required by FAR 15.406–3 that was not provided in the PPM, as well as any changes in the status of factors affecting cost elements (e.g., use of different rates, hours, or subcontractors; wage rate determinations; or the current status of the contractor's systems).

1815.407 Special cost or pricing areas.

1815.407–2 Make-or-buy programs. (NASA supplements paragraph (e))

(e)(1) Make-or-buy programs should not include items or work efforts estimated to cost less than $500,000.

1815.408 Solicitation provisions and contract clauses.

1815.408–70 NASA solicitation provisions and contract clauses.

(a) The contracting officer shall insert the provision at 1852.215–78, Make-or-Buy Program Requirements, in solicitations requiring make-or-buy programs as provided in FAR 15.407–2(c). This provision shall be used in conjunction with the clause at FAR 52.215–9, Changes or Additions to Make-or-Buy Program. The contracting officer may add additional paragraphs identifying any other information required in order to evaluate the program.

(b) The contracting officer shall insert the clause at 1852.215–79, Price Adjustment for "Make-or-Buy" Changes, in contracts that include FAR 52.215–9 with its Alternate I or II. Insert in the appropriate columns the items that will be subject to a reduction in the contract value.

Subpart 1815.5—Preaward, Award, and Postaward Notifications, Protests, and Mistakes

1815.504 Award to successful offeror.

The reference to notice of award in FAR 15.504 on negotiated acquisitions is a generic one. It relates only to the formal establishment of a contractual document obligating both the Government and the offeror. The notice is effected by the transmittal of a fully approved and executed definitive contract document, such as the award portion of SF 33, SF 26, SF 1449, or SF

1447, or a letter contract when a definitized contract instrument is not available but the urgency of the requirement necessitates immediate performance. In this latter instance, the procedures in 1816.603 for approval and issuance of letter contracts shall be followed.

1815.506 Postaward debriefing of offerors.

1815.506–70 Debriefing of offerors—Major System acquisitions.

(a) When an acquisition is conducted in accordance with the Major System acquisition procedures in part 1834 and multiple offerors are selected, the debriefing will be limited in such a manner that it does not prematurely disclose innovative concepts, designs, and approaches of the successful offerors that would result in a transfusion of ideas.

(b) When Phase B awards are made for alternative system design concepts, the source selection statements shall not be released to competing offerors or the general public until the release of the source selection statement for Phase C/D without the approval of the Associate Administrator for Procurement (Code HS).

Subpart 1815.6—Unsolicited Proposals

1815.602 Policy. (NASA paragraphs (1) and (2))

(1) An unsolicited proposal may result in the award of a contract, grant, cooperative agreement, or other agreement. If a grant or cooperative agreement is used, the NASA Grant and Cooperative Agreement Handbook (NPG 5800.1) applies.

(2) Renewal proposals (i.e., those for the extension or augmentation of current contracts) are subject to the same FAR and NFS regulations, including the requirements of the Competition in Contracting Act, as are proposals for new contracts.

1815.604 Agency points of contact. (NASA supplements paragraph (a))

(a) Information titled "Guidance for the Preparation and Submission of Unsolicited Proposals" is available on the Internet at http://procure.msfc.nasa.gov/nashdbk.html. A deviation is required for use of any modified or summarized version of the Internet information or for alternate means of general dissemination of unsolicited proposal information.

1815.606 Agency procedures. (NASA supplements paragraphs (a) and (b))

(a) NASA will not accept for formal evaluation unsolicited proposals initially submitted to another agency or to the Jet Propulsion Laboratory (JPL) without the offeror's express consent.

(b)(i) NASA Headquarters and each NASA field installation shall designate a point of contact for receiving and coordinating the handling and evaluation of unsolicited proposals.

(ii) Each installation shall establish procedures for handling proposals initially received by other offices within the installation. Misdirected proposals shall be forwarded by the point of contact to the proper installation. Points of contact are also responsible for providing guidance to potential offerors regarding the appropriate NASA officials to contact for general mission-related inquiries or other preproposal discussions.

(iii) Points of contact shall keep records of unsolicited proposals received and shall provide prompt status information to requesters. These records shall include, at a minimum, the number of unsolicited proposals received, funded, and rejected during the fiscal year; the identity of the offerors; and the office to which each was referred. The numbers shall be broken out by source (large business, small business, university, or nonprofit institution).

1815.606–70 Relationship of unsolicited proposals to NRAs.

An unsolicited proposal for a new effort or a renewal, identified by an evaluating office as being within the scope of an open NRA, shall be evaluated as a response to that NRA (see 1835.016–70), provided that the evaluating office can either:

(a) State that the proposal is not at a competitive disadvantage, or

(b) Give the offeror an opportunity to amend the unsolicited proposal to ensure compliance with the applicable NRA proposal preparation instructions. If these conditions cannot be met, the proposal must be evaluated separately.

1815.609 Limited use of data.

1815.609–70 Limited use of proposals.

Unsolicited proposals shall be evaluated outside the Government only to the extent authorized by, and in accordance with, the procedures prescribed in, 1815.207–70.

1815.670 Foreign proposals.

Unsolicited proposals from foreign sources are subject to NMI 1362.1, Initiation and Development of International Cooperation in Space and Aeronautical Programs.

Subpart 1815.70—Ombudsman

1815.7001 NASA Ombudsman Program.

NASA's implementation of an ombudsman program is in NPG 5101.33, Procurement Guidance.

1815.7002 Synopses of solicitations and contracts.

In all synopses announcing competitive acquisitions, the contracting officer shall indicate that the clause at 1852.215–84, Ombudsman, is applicable. This may be accomplished by referencing the clause number and identifying the installation Ombudsman.

1815.7003 Contract clause.

The contracting officer shall insert a clause substantially the same as the one at 1852.215–84, Ombudsman, in all solicitations (including draft solicitations) and contracts.

PART 1816—TYPES OF CONTRACTS

8. In section 1816.402–270, paragraph (e)(1) is revised to read as follows:

1816.402–270 NASA technical performance incentives.

* * * * *

(e) * * *

(1) For a CPFF contract, the sum of the maximum positive performance incentive and fixed fee shall not exceed the limitations in FAR 15.404–4(c)(4)(i).

* * * * *

PART 1834—MAJOR SYSTEM ACQUISITION

1834.7003–1 [Amended]

9. In section 1834.7003–1, paragraph (c) is amended by adding "and 1804.570–2," after the reference "FAR 5.205,".

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

10. Part 1852 is amended as set forth below:

1852.215–73, 1852.215–74, 1852.215–75 [Removed]

11. Sections 1852.215–73, 1852.215–74 and 1852.215–75 are removed.

1852.215–77 [Amended]

12. In section 1852.215–77, the prescription "1815.407–70(d)" is revised to read "1815.209–70(a)".

1842.215–78 [Amended]

13. In section 1852.215–78, the prescription "11815.708–70(a)" is revised to read "1815.408–70(a)", the

provision date "(December 1988)" is revised to read February 1998, and in the introductory text to the provision, the reference "FAR 15.705" is revised to read "FAR 15.407–2".

1852.215–79 [Amended]

14. In section 1852.215–79, the prescription "1815.708–70(b)" is revised to read "1815.407–70(b)".

1852.215–81 [Amended]

15. In section 1852.215–81, the introductory text, provision date, and in the provision, the first sentence of paragraph (b), and paragraph (d) are revised to read as follows:

1852.215–81 Proposal page limitations.

As prescribed in 1815.209–70(d), insert the following provision:

Proposal Page Limitations

February 1998.

* * * * *

(b) A page is defined as one side of a sheet, 8½" x 11", with at least one inch margins on all sides, using not smaller than 12 point type. * * *

* * * * *

(d) If final proposal revisions are requested, separate page limitations will be specified in the Government's request for that submission.

* * * * *

1852.215–82 [Removed]

16. Section 1852.215–82 is removed.

1852.243–70 [Amended]

17. In section 1852.243–70, the clause date "(MAR 1997)" is revised to read (Insert month and year of **Federal Register** publication), and in paragraph (d)(1) to the clause, the reference "FAR 15.804–6" is revised to read "FAR 15.403–5" and the reference "FAR 15.804–2" is revised to read "FAR 15.403–4".

PART 1853—FORMS

1853.215–2 [Amended]

18. Section 1853.215–2 is redesignated as section 1853.215–70.

1853.215–70 [Amended]

19. In paragraph (a) to the newly designated section 1853.215–70, the reference "1815.970–1(a)" is revised to read "1815.404–470".

1853.232 [Amended]

20. Section 1853.232 is redesignated as section 1853.232–70.

1853.245 [Amended]

21. Section 1853.245 is redesignated as section 1853.245–70.

1853.249 [Amended]

22. Section 1853.249 is redesignated as section 1853.249–70.

PART 1871—MIDRANGE PROCUREMENT PROCEDURES

1871.103 [Amended]

23. In the first sentence to paragraph (b) of section 1871.103, the phrase "greater than the simplified acquisition threshold (SAT) (FAR Part 1813) and" is removed.

1871.104 [Amended]

24. In section 1871.104, paragraph (a) is removed, and paragraphs (b) through (e) are redesignated as paragraphs (a) through (d).

25. In the newly designated paragraph (c), the reference "FAR 15.601" is revised to read "FAR 15.306".

1871.105 [Amended]

26. In section 1871.105, paragraph (a) is revised to read as follows:

1871.105 Policy.

(a) Under MidRange procedures, pricing requirements shall be determined in accordance with FAR 15.402 and 15.403.

* * * * *

Subpart 1871.3—[Removed]

27. Subpart 1871.3 is removed.

1871.401–3 [Amended]

28. In section 1871.401–3, paragraph (a)(3) is added to read as follows:

1871.401–3 Competitive negotiated procurement not using qualitative criteria.

(a) * * *

(3) See FAR 15.304, FAR 15.305(a)(2), and 1815.305(a)(2) regarding the evaluation of past performance.

* * * * *

1871.401–4 [Amended]

29. In section 1871.401–4, paragraph (a)(4) is added to read as follows:

1871.401–4 Competitive negotiations using qualitative criteria (Best Value Selection).

(a) * * *

(4) See FAR 15.304, FAR 15.305(a)(2), and 1815.305(a)(2) regarding the evaluation of past performance.

* * * * *

1871.401–5 [Amended]

30. In section 1871.401–5, paragraph (b)(2) is revised to read as follows:

1871.401–5 Noncompetitive negotiations.

* * * * *

(b) * * *

(2) The buying team shall request pricing information in accordance with FAR 15.402 and 15.403.

* * * * *

1871.403 [Removed]

31. Section 1871.403 is removed.

1871.604–2 [Amended]

32. In section 1871.604–2, the third sentence to paragraph (a) and paragraph (d) are revised to read as follows:

1871.604–2 Determination of "Finalists".

(a) * * * Finalists will include the most highly rated offerors in accordance with FAR 15.306(c)(1) and 1815.306(c)(2). * * *

* * * * *

(d) Offerors determined not to be finalists or not selected for contract award will be electronically notified.

PART 1872—ACQUISITIONS OF INVESTIGATIONS

1872.302 [Amended]

33. In section 1872.302, paragraph (b)(1) is revised to read as follows:

1872.302 Preparatory effort.

* * * * *

(b) * * *

(1) Synopsize the AO in the Commerce Business Daily and on the NAIS prior to release.

* * * * *

1872.403–2 [Amended]

34. In paragraph (c)(2) to section 1872.403–2, the phrase "and the conditions set forth in 1815.413–2 Alternate II" is removed.

35. Amend the internal references throughout the NFS as indicated in the following table.

NFS location	Remove	Insert
1803.104–5(a)(i)	1815.612–70	1815.370
1814.201–670(d)	1815.407–70(d)	1815.209–70(a)
1816.405–270(b)(2)(ii)	FAR 15–9 and 1815.9	FAR 15.404–4, 1815.404–4 and 1815.404–470

NFS location	Remove	Insert
1817.503(a)(2)	FAR 15.405	FAR 15.201
1832.409–170(d)	1815.9	1815.404–470
1835.016–70(d)(1)	1815.508–70 and 1815.509–70	FAR 15.608, FAR 15.609, and 1815.609–70
1835.016–70(d)(2)	1815.412–70	1815.208
1835.016–70(d)(3)	FAR 15.413–2(f) and 1815.413–2	1815.207
1835.016–70(d)(3)	FAR 15.601	FAR 15.306
1835.016–70(d)(5)	FAR 15.610(e)(1)	FAR 15.306(e)
1835.016–70(d)(7)	FAR 15.1004	FAR 15.5
1844.201–2(c)(2)	FAR 15.806–2(a)(1) or (2)	FAR 15.404–3(c)
1853.242–70(g)	1815.805–5(a)(1)(E)	1815.404–2(a)(1)(D)
1871.105(f)	FAR 15.406	FAR 15.204
1871.401–3(a)(2)	FAR 52.215–16, Alternate II	FAR 52.215–1
1871.401–3(b)(4)	FAR 15.610	FAR 15.306
1871.401–4(a)(2)	FAR 52.215–16, Alternate II	FAR 52.215–1
1871.402(d)	15.402(i)	FAR 15.203(d)
1871.505 introductory text	FAR 15.1001	FAR 15.503
1871.604–3(a)	FAR 15.610	FAR 15.306
1872.505 introductory text	FAR 15.1004	FAR 15.5
1872.702(b)(1)	1815.412	1815.208
1872.705–1 paragraph VI	FAR 15.8	FAR 15.403–5

[FR Doc. 98–4853 Filed 2–26–98; 8:45 am]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Decision on Designation of Critical Habitat for the Gulf Sturgeon

AGENCIES: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce; and Fish and Wildlife Service, Interior.

ACTION: Notice of decision on critical habitat designation.

SUMMARY: The National Marine Fisheries Service (NMFS) and the Fish and Wildlife Service (FWS), collectively the Services, announce a decision on designation of critical habitat for the Gulf sturgeon (*Acipenser oxyrinchus desotoi*), a federally listed threatened species pursuant to the Endangered Species Act of 1973, as amended. Based on lack of benefit to the species, the Services have determined that critical habitat designation is not prudent. This constitutes the Services' not prudent finding for the designation of critical habitat for the Gulf sturgeon.

DATES: The finding announced in this notice was made on February 24, 1998.

ADDRESSES: Information, comments, or questions should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216; or the Regional Director, U.S. Department of Commerce, National Marine Fisheries Service, 9721 Executive Center Drive N., St. Petersburg, Florida 33702. The administrative record supporting this decision is available for public inspection, by appointment, during normal business hours at the above addresses.

FOR FURTHER INFORMATION CONTACT: Dr. Michael M. Bentzien, Assistant Field Supervisor, FWS, see **ADDRESSES** section above or telephone 904/232-2580, extension 106; or Ms. Colleen Coogan, NMFS, see **ADDRESSES** section above or telephone 813/570–5312.

SUPPLEMENTARY INFORMATION:

Background

The Gulf sturgeon (*Acipenser oxyrinchus* (=*oxyrhynchus*) *desotoi*), also known as the Gulf of Mexico sturgeon, is a nearly cylindrical fish with an extended snout, ventral mouth, chin barbels, and with the upper lobe of the tail longer than the lower. Adults range from 1.8 to 2.4 meters (m) (6 to 8 feet (ft)) in length, with adult females larger than males. It is a subspecies of Atlantic sturgeon, *Acipenser oxyrinchus* (=*oxyrhynchus*), and is distinguished from *Acipenser oxyrinchus oxyrinchus*, the East Coast subspecies, by its longer head, pectoral fins, and spleen. The Gulf sturgeon is restricted to the Gulf of Mexico and its drainages, primarily from the Mississippi River to the Suwannee River, within the States of Louisiana, Mississippi, Alabama, and Florida. Sporadic occurrences are known as far west as Texas (Rio Grande), and marine waters in Florida south to Florida Bay (Wooley and Crateau 1985, Reynolds 1993). An anadromous species, the Gulf sturgeon migrates between fresh and salt water.

The Services' involvement with the Gulf sturgeon began with monitoring and other studies of the Apalachicola River population by the FWS Panama City, Florida, Fisheries Assistance Office in 1979. The fish was included as a category 2 species in the FWS December 30, 1982 (47 FR 58454) and September 18, 1985 (50 FR 37958) vertebrate review notices and in the January 6, 1989 (54 FR 554) animal notice of review. Category 2 designation was given at that time to species for which listing as threatened or endangered was possibly appropriate, but for which additional biological information was needed to support a proposed rule. In 1980, the FWS Jacksonville, Florida, Office contracted a status survey report on the Gulf sturgeon (Hollowell 1980). The report concluded that the fish had been reduced to a small population due to overfishing and habitat loss. In 1988, the Panama City Office completed a report (Barkuloo 1988) on the conservation status of the Gulf sturgeon, recommending that the subspecies be listed as a threatened species pursuant to the Act. The Services jointly proposed the Gulf sturgeon for listing as a threatened species on May 2, 1990 (55 FR 18357). In that proposed rule, the Service maintained that designation of

critical habitat was not determinable due to the sturgeon's broad range and the lack of knowledge of specific areas utilized by the subspecies. The final rule for the Gulf sturgeon was published on September 30, 1991 (56 FR 49653). It included special rules promulgated under Section 4(d) of the Act for a threatened species, allowing taking of Gulf sturgeon in accordance with applicable State laws, for educational and scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes. The final rule found that critical habitat designation "may be prudent but is not now determinable." Further comments on the critical habitat issue were solicited from all interested parties following listing. A final decision on designation of critical habitat was to have been made by May 2, 1992.

On August 11, 1994, the Sierra Club Legal Defense Fund, Inc. (Fund), on behalf of the Orleans Audubon Society and Florida Wildlife Federation, gave written notice of their intent to file suit against the Department of the Interior for failure to designate critical habitat for the Gulf sturgeon within the statutory time limits established under the Act. The Fund filed suit (Orleans Audubon Society v. Babbitt, Civ. No. 94–3510 (E.D. La)) following a combined meeting and teleconference with the Service on October 11, 1994.

On August 23, 1995, the Services published a notice of decision (60 FR 43721) on critical habitat designation for the Gulf sturgeon. The Services determined that critical habitat designation was not prudent based on the lack of additional conservation benefit to the species.

On November 23, 1995, the above mentioned plaintiffs again gave notice of their intent to file suit against the Departments of the Interior and Commerce for failing to designate critical habitat for the Gulf sturgeon. On January 31, 1996, the Court denied both the Services' motion to dismiss the suit and the plaintiffs' motion to find the Services in contempt. On October 28, 1997, the Court rejected the plaintiffs' request for a Court order requiring the Services to designate critical habitat. The plaintiffs' motion for summary judgment was granted, with relief restricted to a remand of the matter to the agencies for further consideration based on the best scientific information available.

Critical Habitat Definition and Requirements

Critical habitat is defined in section 3(5)(A) of the Act as "(i) the specific areas within the geographic area occupied by a species * * * on which are found those physical or biological features (I) essential to the conservation of the species, and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by a species at the time it is listed * * * upon determination by the Secretary that such areas are essential for the conservation of the species." The term "conservation," as defined in Section 3(3) of the Act, means "* * * to use and the use of all methods and procedures which are necessary to bring any endangered or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary," i.e., the species is recovered and can be removed from the list of endangered and threatened species. Section 4(a)(3) of the Act requires that critical habitat be designated at the time any species is listed as an endangered or threatened species, to the extent prudent and determinable. If a final regulation listing a species finds that critical habitat is not determinable, a critical habitat designation must be made within one additional year (within two years of the date on which the species was proposed for listing).

Section 4(b)(2) of the Act requires the Services to consider the economic impact of designating any particular area as critical habitat. The Services' regulations for listing endangered and threatened species and designating critical habitat (50 CFR 424.19) require that, in analyzing such impacts, the Services identify any significant activities that would either affect an area considered for designation as critical habitat or be likely to be affected by the designation, and after proposing the designation for such an area, consider the probable economic and other impacts of the designation upon proposed or ongoing activities. An area may be excluded from critical habitat if it is determined that the economic benefits of such exclusion outweigh the conservation benefits of including the area in critical habitat. Exclusions may not be made if the failure to designate them as critical habitat would result in the extinction of the species concerned. This standard approximates the jeopardy standard of the Act, but may be less stringent because it requires a determination that the exclusion "* * * will result in the extinction * * *" rather than more probabilistic criterion "* * * likely to jeopardize the continued existence * * *" of section 7(a)(2).

If no exclusions are made to critical habitat, it should (presuming adequate biological and distributional information is available) include all areas necessary to recover the species. If areas are excluded from critical habitat for economic reasons, final critical habitat designation could range from an area just under that required for recovery to an area barely sufficient to prevent the species' extinction, and insufficient for its recovery. In summary, while the Act defines "conservation" to mean recovery of the species, section 4(b)(2) does not require the Services to designate critical habitat sufficient for the recovery of the species if economic benefits of excluding certain areas outweigh the conservation benefit to the species from their inclusion.

In accordance with the definition of critical habitat provided by section 3(5)(A)(i) of the Act, the Services' regulations (50 CFR 424.12) require the Services to consider the principal biological or physical features that are essential to the conservation of the species. General requirements of species include, but are not limited to:

(1) Space for individual and population growth, and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and generally

(5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

The regulations further require the Services to focus on principal biological or physical constituent elements within the defined area that are essential to the conservation of the species. Primary constituent elements may include, but are not limited to, roost sites, nesting grounds, spawning sites, seasonal wetland or dryland, water quality or quantity, host species or plant pollinators, geological formation, vegetation type, tide, and specific soil types.

The regulations state that a designation of critical habitat is not prudent if either of the two following situations exist:

(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species, or

(2) Such designation of critical habitat would not be beneficial to the species.

Potential benefits of critical habitat designation derive from section 7(a)(2) of the Act, which requires Federal

agencies, in consultation with the Service, to ensure that their actions are not likely to jeopardize the continued existence of listed species or to result in the destruction or adverse modification of critical habitat of such species. Implementing regulations (50 CFR 402.14) require each Federal agency to review its actions at the earliest possible time to determine whether any action may affect listed species or critical habitat. If a determination is made that a Federal action may adversely affect a listed species a formal consultation is required. All consultations result in a finding of whether or not the proposed action is likely to jeopardize the continued existence of the species, and, if critical habitat is designated, whether the action is likely to destroy or adversely modify critical habitat.

Critical habitat, by definition, applies only to Federal agency actions. 50 CFR 402.02 defines "jeopardize the continued existence of" as meaning to engage in an action that would reasonably be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. "Destruction or adverse modification" is defined as a direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical. Thus, in the section 7(a)(2) consultation process, the jeopardy analysis focuses on potential effects on the species' populations, whereas the destruction or adverse modification analysis focuses on habitat value, specifically on those constituent elements identified in the critical habitat listings in 50 CFR 17.95, 17.96 (FWS), or 226 (NMFS). However, either a jeopardy or a destruction or adverse modification biological opinion requires the Services to find an appreciable effect on both the species' survival and recovery.

Federal actions satisfying the standard for adverse modification are nearly always found to also jeopardize the species concerned, and the existence of critical habitat designation does not materially affect the outcome of consultation. Biological opinions which conclude that a Federal agency action is likely to adversely modify critical habitat but is not likely to jeopardize the species for which it is designated are extremely rare historically; none have been issued in recent years. Such situations might involve a Federal action in critical habitat outside of current range of the species, where the action would not reduce the current reproduction, distribution, or numbers of the species, but would appreciably reduce the value of critical habitat for both survival and recovery. For some highly endangered species whose survival and recovery in its current range was unlikely, and which depended on the expansion of its range and numbers into currently unoccupied habitat, the designation of unoccupied critical habitat may in certain rare instances provide additional protection to that afforded by the jeopardy standard. Since threatened species such as the Gulf sturgeon are, by definition, not currently at risk of extinction, but are rather anticipated to become so in the foreseeable future, unoccupied critical habitat would not be immediately required for their survival.

It should be noted also that regardless of critical habitat designation, Federal agencies are required by section 7(a)(1) of the Act to utilize their authorities in furtherance of the Act's purposes by carrying out conservation (i.e., recovery) activities for listed species. For no jeopardy (or no destruction or adverse modification) biological opinions, the Services may provide discretionary conservation recommendations to the consulting Federal agency to assist them in this responsibility. Recovery plans also provide guidance on specific tasks that Federal and other agencies can carry out to assist in the recovery of listed species.

Ecology of the Gulf Sturgeon

The Gulf sturgeon is an anadromous species inhabiting the Gulf of Mexico and Gulf Coast rivers from Louisiana to Florida. Adults and subadults spend eight to nine months each year in rivers where they spawn and three to four of the coolest months in estuaries or Gulf waters.

Migration

In Florida, both adults and subadults begin moving from the Gulf of Mexico into the Suwannee and Apalachicola rivers in early spring until early May (Carr 1983, Wooley and Crateau 1985, Odenkirk 1989, Clugston *et al.* 1995). River water temperatures at that time range from 16.0 °C to 23.0 °C (60.8 °F to 75.0 °F). Large females apparently prefer migrating upstream in shallow water areas, whereas deep water areas are preferred during downstream or post spawning migrations. This preference does not apply to males (Huff 1975). Downstream migration in the Apalachicola River begins in late September when water temperatures reach about 23.0 °C (75.0 °F), and extends into November (Wooley and Crateau 1985). During the fall migration from fresh to salt water, Gulf sturgeon in the Apalachicola River enter the Brothers River, a tributary located about 19.2 kilometers (km) (12.0 miles (mi)) above the Gulf of Mexico. It is believed that the Brothers River is used as a staging area for Gulf sturgeon to osmoregulate (adjust to changed salinity) prior to entering the Gulf of Mexico. The sturgeon occupy a microhabitat 8.0 to 18.0 m (26.2 to 59.0 ft) in depth with a sand and clay substrate covered with Asiatic clams (*Corbicula fluminea*) and detritus (Wooley and Crateau 1985). The fish remain in the Brothers River for an average of twelve days (Wooley and Crateau 1985, Odenkirk 1989). Very little is known about the estuarine and neritic (shallow coastal waters) habitat use of migrating Gulf sturgeon. Parauka (U.S. Fish and Wildlife Service 1997) found that subadult Gulf sturgeon immigrating from the Choctawhatchee River into the estuarine waters of Choctawhatchee Bay moved generally along the shoreline. Water depths ranged from 2.0 to 7.0 m (6.5 to 23.0 ft) with a sand and mud substrate.

Freshwater Habitat

Foster and Clugston (1997) found that telemetered Gulf sturgeon in the Suwannee River were frequently located close to springs throughout the warmest period, but none were located within a spring or the thermal plume emanating from a spring. The substrate of much of the Suwannee River is sand and limerock, especially in those areas near springs and spring runs. Wooley and Crateau (1985) reported that Gulf sturgeon in the Apalachicola River utilized the area immediately downstream from Jim Woodruff Lock and Dam (JWLD) from May through September. The area occupied consisted of the tailrace and spillway basin of JWLD and a large scour hole below the lock. The area consisted of sand and gravel substrate with water depths ranging from 6.0 to 12.0 m (19.7 to 39.4 ft). Telemetry studies conducted on Gulf sturgeon in the Choctawhatchee River found that they did not distribute themselves uniformly throughout the river and did not occupy the deepest and coolest water available (Potak *et al.* 1995). Fish remained within two primary summer holding areas staying outside the main channel where water velocities were less than the maximum available. Most fish were in water depths of 1.5 to 3.0 m (4.9 to 9.9 ft) and substrates were silt or clay. Morrow *et*

al. (in press) reported that the lower part of the West Middle River (lower Pearl River system) was an important summer habitat for juvenile and sub-adult Gulf sturgeon. The habitat is characterized with water depths ranging from 9.0 to 19.0 m (29.5 to 62.3 ft) with sluggish flows and a hard substrate of sand and gravel.

Estuarine Habitat

Mason and Clugston (1993) noted that the estuarine seagrass beds with mud and sand substrates appear to be important winter habitats for Gulf sturgeon where most of the feeding is thought to occur. Clugston *et al.* (1995) reported that the young Gulf sturgeon in the Suwannee River, weighing between 0.3 and 2.5 kilograms (kg) (0.7 to 5.5 pounds (lb)), remained in the vicinity of the river mouth and estuary during the winter and spring. Fox and Hightower (1997) captured adult Gulf sturgeon in the early spring in Choctawhatchee Bay prior to their migration into the Choctawhatchee River. Fish were collected in stationary gill nets set 455.0 m (1,500 ft) from shore at depths of 2.0 to 4.0 m (6.5 to 13.0 ft). The bay at that site is about 5.5 km (3.4 mi) wide and with depths up to 6.7 m (22.0 ft). Parauka (U.S. Fish and Wildlife Service 1997) collected 6 subadult Gulf sturgeon in the Choctawhatchee River, equipped them with acoustic tags, and monitored their movement in the estuary during the winter. Five of six fish remained in the estuary the entire winter occupying nearshore habitats, 1.2 to 4.6 m (4 to 15 ft) in depth with a sand and mud substrate.

Food Habits

Mason and Clugston (1993) reported that in the spring, immigrating subadult and adult Gulf sturgeon collected from the mouth of the Suwannee River contained gammarid, haustoriid, and other maphipods, polychaete and oligochaete annelids, lancelets, and brachiopods. However, once in fresh water, these Gulf sturgeon did not eat as evidenced by the presence of only a greenish-tinged mucus in their guts from June through October. The stomach contents of a 79.5 kg (175 lb) Gulf sturgeon collected in Choctawhatchee Bay during the winter contained adult ghost and commensal shrimp (R. Head, Gulf Coast Research Laboratory, personal communication 1997). Clugston *et al.* (1995) concluded that Gulf sturgeon appear to gain weight only during the winter and spring while in marine or estuarine waters and lose weight during the eight to nine month period while in fresh water. Carr (1983) reported that marked Gulf sturgeon from the Suwannee River gained up to 30 percent of body weight in one year but showed little or no growth when recaptured during the same season. Wooley and Crateau (1985) noted that Gulf sturgeon 80.0 to 114.0 centimeters (cm) (31.5 to 44.9 inches (in)) long that were captured and recaptured in the Apalachicola River during the summer period exhibited weight losses of 4 to 15 percent or 0.5 to 2.3 kg (1.1 to 5.1 lb).

River-Specific Fidelity

The results of tagging studies suggest that Gulf sturgeon exhibit a high degree of river fidelity. From 1981 to 1993, 4,100 fish were tagged in the Apalachicola and Suwannee rivers, with 860 fish recaptured in the river of initial collection and only 8 sub-adults exhibiting inter-river movement (Wooley and Crateau 1985, U.S. Fish and Wildlife Service and Gulf States Marine Fisheries Commission 1995, Carr *et al.* 1996, Foster and Clugston 1997). Foster and Clugston (1997) noted that telemetered Gulf sturgeon in the Suwannee River returned to the same areas as the previous summer suggesting that chemical cuing may influence distribution. Wooley and Crateau (1985) indicate that the results of tagging Gulf sturgeon in the Apalachicola River would suggest the fish are genetically or behaviorally imprinted to the chemosensory environment of their home rivers. Stabile *et al.* (1996) analyzed Gulf sturgeon populations from eight drainages along the Gulf of Mexico for genetic diversity. He noted significant differences among Gulf sturgeon stocks and suggested that they displayed region-specific affinities and may exhibit river-specific fidelity. Stabile *et al.* (1996) identified five regional or river-specific stocks (from west to east)—(1) Lake Ponchartrain and Pearl River, (2) Pascagoula River, (3) Escambia and Yellow rivers, (4) Choctawhatchee River, and (5) Apalachicola, Ochlockonee, and Suwannee rivers.

Reproduction

Gulf sturgeon are long-lived, reaching at least 42 years in age (Huff 1975). Age at sexual maturity for females ranges from 8 to 17 years, and for males from 7 to 21 years (Huff 1975). Fertilized Gulf sturgeon eggs were collected at 2 upriver locations on the Suwannee River (Marchent and Shutters 1996) and 6 upriver sites on the Pea and Choctawhatchee rivers (Fox 1997). Habitat at the egg collection sites consisted of limestone bluffs and outcroppings, cobble, limestone gravel and sand with water depths ranging from 1.4 to 7.9 m (4.5 to 26.0 ft). Water temperatures ranged from 18.3 °C to 22.0 °C (65.0 °F to 71.6 °F). Chapman *et al.* (1993) reported that three mature Gulf sturgeon had 458,080; 274,680; and 475,000 eggs and were estimated to have an average fecundity of 20,652 eggs/kg (9,366 eggs/lb).

Population

Population estimates for Gulf sturgeon in the Apalachicola River have been conducted from 1984 to 1993. During that period, estimates of fish exceeding 45.0 cm (17.7 in) in length ranged from 96 to 131 fish with a mean of 115 (F. Parauka, FWS, personal communication; U.S. Fish and Wildlife Service and Gulf States Marine Fisheries Commission 1995). In the Suwannee River, a mark/recapture study implemented from 1986 to 1994 estimated a population of 1,504 to 3,066 for Gulf sturgeon weighing between 3.0 and 81.0 kg (6.6 to 178.2 lb) (Carr *et al.* 1996). Morrow *et al.* (in press) estimated that the summer population of Gulf sturgeon in the West Middle Pearl River, 459 to 1143 mm (18 to 46 in) in length, ranged from 67 to 124 fish.

Habitat Needs

The Gulf sturgeon requires nearshore (bays and estuaries) and offshore (Gulf of Mexico) feeding areas, and freshwater rivers for spawning and resting habitat. Specific habitat needs of the Gulf sturgeon, in the context of the constituent elements discussed above, include:

1. Migration corridors which support subspecies' distribution throughout its primary range. Primary range for the Gulf sturgeon in freshwater extends from the Mississippi River to the Suwannee River in Florida (Wooley and Crateau 1985). A migration corridor is a Gulf Coast river drainage within the primary range through which sturgeon pass between marine and estuarine environments to freshwater spawning and resting sites. Records of Gulf sturgeon through sightings, incidental captures, and tagging studies have been made over the last ten years from most major drainages and a number of smaller river systems (Reynolds 1993, U.S. Fish and Wildlife Service and Gulf States Marine Fisheries Commission 1995). Tagging studies in the Apalachicola and Suwannee rivers demonstrated the high probability of recapturing fish in the same river where they were first tagged (Wooley and Crateau 1985, Foster and Clugston 1997). A small number of sub-adult fish exhibited inter-river movement; however, the data obtained from capture and recapture studies suggest that Gulf sturgeon have a high degree of river

fidelity. Stabile *et al.* (1996) noted significant genetic differences among Gulf sturgeon stocks and suggested that they displayed region-specific affinities and may exhibit river-specific fidelity which further defines an essential migratory corridor. The significance of this study to critical habitat is discussed in the section on proposed designation.

2. Silt-free, consolidated bottom substrate composed of rock, gravel or hard sand. This material can be the predominant benthic substrate in some drainages, while in others it can be more patchily distributed (U.S. Fish and Wildlife Service and Gulf States Marine Fisheries Commission 1995). This feature is often associated with springs, geologic outcroppings, and deep holes. Adult, sub-adult, and juvenile Gulf sturgeon frequent such sites and these areas are thought to be important for spawning and resting (Wooley and Crateau 1985, Odenkirk 1989, Carr *et al.* 1996, Marchent and Shutters 1996, Foster and Clugston 1997). Telemetry and tagging studies further suggest that individuals return to the same areas of the river inhabited the previous summer (Foster 1993, Carr *et al.* 1996, Foster and Clugston 1997, U.S. Fish and Wildlife Service 1989, 1990, 1991, 1992, 1993).

3. Adequate water quantity and quality for normal behavior in both fresh and brackish environments. Normal behavior includes, but is not limited to, migration of adult, subadult, and juvenile sturgeon; local movement and feeding by larval and juvenile stages; and reproduction. Natural surface and groundwater discharges influence a river's characteristic fluctuations in volume, depth, and velocity (Torak *et al.* 1993, Leitman *et al.* 1993). Migrating sturgeon and planktonic larvae are adapted to conditions in their natal rivers which affect distance traveled and survival. These demographics may be influenced by changes in the water quantity parameters (U.S. Fish and Wildlife Service and Gulf States Marine Fisheries Commission 1995).

Temperature, sediment load, and chemical constituents are important water quality features. Seasonal changes in water temperature trigger sturgeon migration into and out of rivers (Wooley and Crateau 1985). Cooler waters associated with deep holes, springs and spring runs appear to be important for spawning (Marchant and Shutters 1996, Smith and Clugston 1997) and also as refugia from ambient water temperatures during summer and fall (Carr *et al.* 1996). Sturgeon access to these springs, spring runs, and deep holes may depend upon the maintenance of stream bed elevation through the natural removal and deposition of sediment (U.S. Army Corps of Engineers 1986). Changes in flow dynamics resulting from surface and groundwater withdrawals for drinking and irrigation (Torak *et al.* 1993, Leitman *et al.* 1993), and excessive sedimentation resulting from riverbed elevation changes due to dams and other navigation activities (U.S. Army Corps of Engineers 1986) have impacted these sites.

Undesirable chemicals contaminating river water may enter sturgeon through contact with water, sediment, or food sources. Bateman and Brim (1994, 1995) found heavy metals, other inorganics, organochlorine compounds, and polycyclic aromatic hydrocarbons in juvenile and adult Gulf sturgeon from Florida. A variety of toxic effects to fish from these contaminants have been demonstrated (Mayer and Mehrle 1977, Armstrong 1979, Johnson and Finley 1980, White *et al.* 1983, Fox 1992).

Historical and Current Threats to the Species

Identified threats for the Gulf sturgeon include historic overexploitation, incidental take, habitat loss and degradation, contaminants, and potential hybridization with a non-native species, the white sturgeon (*Acipenser transmontanus*), used in aquaculture.

The Gulf sturgeon historically was considered important because its eggs and smoked flesh were valued foods, its oil was used in paints, and the swim bladder yielded isinglass, a gelatin used in food products and glues (Smith and Clugston 1994). The resulting demand produced an intense and directed fishing industry. Available landing records indicate that the principal commercial, recreational, and subsistence fisheries were in west Florida, especially in the Apalachicola and Suwannee rivers (Burgess 1963, Huff 1975, Swift *et al.* 1977, Futch 1984, Barkuloo 1988). Directed commercial harvest of Gulf sturgeon in other Gulf states was minor or incidental. Most commercial fishing occurred from the late 19th century until the 1970's, with peak catches in Florida recorded around 1900. Harvest thereafter declined swiftly and averaged around three percent of peak until the fishery collapsed by the late 1970's. From 1972 to 1990, State regulatory agencies in Alabama, Mississippi, Florida, and Louisiana enacted laws prohibiting any take of Gulf sturgeon within their jurisdictional waters.

The historic decline of Gulf sturgeon populations (Barkuloo 1988) begun by over-exploitation was later exacerbated by habitat destruction, degradation, and inaccessibility. Water control structures, high- and low-head dams, and sills within a number of river drainages throughout its range prevent or severely restrict sturgeon access to historic migration routes and spawning areas (Boschung 1976, Murawski and Pacheco 1977, Wooley and Crateau 1985, McDowell 1988). Dredging, spoil disposal, and other navigation maintenance may have adversely affected Gulf sturgeon habitats through lowering of river elevations, elimination of deep holes, and altering of rock substrates (Carr 1983, Wooley and Crateau 1985). Cool waters emanating from springs are believed to be important thermal refugia for sturgeon and other anadromous fish during warm weather (see below).

S. Carr (pers. comm.) believed that cool water habitats which appear to serve as thermal refugia during summer months may be impacted by reduction in groundwater flows. Leitman *et al.* (1993) indicated that the major spring-fed flow component of Georgia's Flint River, a major flow contributor to the Apalachicola River during low-flow periods, has been reduced since the early 1970's from groundwater and surface water irrigation withdrawals. More specifically, increased groundwater withdrawal for irrigation in southwest Georgia may result in a 30 percent reduction of discharge to streams (Hayes *et al.* 1983). These actions, in conjunction with drought, may have caused the observed reduction and cessation of water flow from several springs and spring runs in the upper Apalachicola River. Reduction of cool water flows or their complete loss during critical summer periods could subject sturgeon to increased environmental stress.

Agricultural and industrial contaminants also may be affecting fish populations. DDT and its DDD/DDE metabolites were detected in Gulf sturgeon samples collected from Florida Gulf river drainages between 1985 to 1991 (Bateman and Brim 1994). A second organochlorine insecticide, toxaphene, was detected in fish from the Apalachicola River during the same study. General organochlorine effects on fish include reproductive failure, reduced survival of young, and physiological alterations affecting their ability to withstand stress (White *et al.* 1983). DDT compounds are also known to be endocrine disrupters (Fox 1992). Toxaphene has been shown to impair reproduction, reduce growth in adults and juveniles, and alter collagen formation in fry, resulting in "broken back syndrome" (Mayer and Mehrle

1977). Bateman and Brim (1994, 1995) also detected heavy metals including arsenic, cadmium, lead, mercury, and polycyclic aromatic hydrocarbons, the latter at levels which could adversely affect development and survival of eggs and larval and juvenile fish.

Accidental or intentional introductions of cultured stocks and non-endemic species, such as the white sturgeon (*Acipenser transmontanus*), could also potentially harm wild Gulf sturgeon stocks. In addition to these anthropogenic impacts, the life history. of Gulf sturgeon complicates recovery efforts. Breeding populations take years to establish due to their advanced age at sexual maturity. The subspecies appears to be a home stream spawner, with little if any natural repopulation by migrants from other rivers.

Application of Critical Habitat Designation to Threats

Take of Gulf sturgeon is prohibited throughout its range by section 9 of the Act and by State laws. Critical habitat designation would provide no benefit to the application of these prohibitions.

Habitat loss and degradation and contaminant threats are directly related to physical and biological features essential to the conservation of the Gulf sturgeon. Additional protection from critical habitat designation would apply in the case of Federal actions that were likely to destroy or adversely modify critical habitat yet not jeopardize the continued existence of the species. The Services believe this scenario is highly unlikely. The U.S. Army Corps of Engineers' navigation maintenance activities, dam and water control construction and operations, and permitting program have the potential to affect all of the constituent elements discussed above—(1) migration corridors could be affected by dams and possibly reduced water flow, (2) bottom substrate could be affected by dredging or deposition of dredged materials, and (3) water quality could be affected by increased turbidity or changed temperature, and water quantity could be reduced. In order to trigger an adverse modification biological opinion without jeopardy, such effects would have to appreciably reduce the value of designated critical habitat for both the survival and recovery of the Gulf sturgeon without reducing its reproduction, distribution, or numbers. Most of the Corps' activities will take place in occupied habitat and a significant reduction in habitat value within occupied habitat of the Gulf sturgeon will inevitably reduce its reproduction, distribution, or numbers, thus providing the protection of the jeopardy prohibition. Unoccupied upstream habitat will still be subject to consultation, regardless of critical habitat designation, if a proposed project would affect downstream occupied habitat (e.g., changed water flows). An example would be the Flint and Chattahoochee rivers in Georgia, where the disappearance of Gulf sturgeon occurred following the construction of Jim Woodruff Dam and its locks in Florida in 1956.

On July 25, 1996, the FWS provided the Corps with a biological opinion on the proposed West Pearl River Navigation Project in Louisiana and Mississippi. The project involved dredging three river segments. The Gulf sturgeon was one of the federally listed species considered in the opinion. Regardless of the lack of designated critical habitat, the FWS considered features of the Gulf sturgeon's habitat (resuspension of sediments, spread of contaminants, turbidity increases from increased navigation, geomorphic changes) in reaching the decision that the project was not likely to jeopardize the continued existence of the Gulf sturgeon. The no jeopardy finding was based on two factors—(1) existing stable populations of the Gulf sturgeon are found in off-project portions of the Lower Pearl River Basin; and (2) The proposed project activities were localized and temporary in nature.

This biological opinion demonstrates that habitat features are an essential part of the analysis for any biological opinion under the jeopardy standard; that is, any analysis of the effects on reproduction, distribution, or numbers of the Gulf sturgeon would have to consider the effects of changes to the fish's habitat. Critical habitat designation would not have added additional protection—it would not have been possible to arrive at a destruction of adverse modification biological opinion because habitat value for both survival and recovery of the species was not appreciably reduced.

Permitting under the Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES), water quality standards, and pesticide registration have the potential to affect water quality for the Gulf sturgeon. Since the Gulf sturgeon inhabits larger channel areas, the effects of any point discharge into its habitat would likely be minimized by dilution, and the States of Louisiana, Mississippi, Alabama, and Florida set water quality standards that are believed to be protective of aquatic life. The Service believes that if current Federal water quality standards under the CWA are maintained, there will be no need to modify the State's water quality standards to protect habitat for the Gulf sturgeon. Pesticide registration would have to be evaluated on a case-by-case basis. The Services believe that, for these activities to reach the survival and recovery criteria, reproduction, distribution, or numbers of the Gulf sturgeon would be affected and that potential threats can be effectively addressed under the jeopardy standard.

Relation of Critical Habitat Designation to Recovery/Management Plan

Section 4(f)(1) of the Act requires the Services to develop and implement recovery plans for endangered and threatened species, unless such a plan would not promote the conservation of the species.

The Services classify recovery tasks according to three priorities:

(1) Priority 1 tasks are actions that must be taken to prevent extinction or to prevent the species from declining irreversibly in the foreseeable future.

(2) Priority 2 tasks are actions that must be taken to prevent a significant decline in species population, habitat quality, or some other significant negative impact short of extinction.

(3) Priority 3 tasks are all other actions necessary to meet the recovery objectives.

The section 7 consultation process is closely linked with recovery through both section 7(a)(1) and 7(a)(2). Because priority 1 and 2 tasks are closely related to a species' survival and recovery, they provide guidance on Federal activities that could result in jeopardy or destruction or adverse modification biological opinions. Priority 3 tasks provide guidance on activities that could further the conservation of the species, and which would be included by the Services as conservation recommendations, pursuant to 50 CFR 402.14(j) in biological opinions.

The Recovery/Management Plan (Plan) for the Gulf sturgeon (U.S. Fish and Wildlife Service and Gulf States Marine Fisheries Commission, 1995) was written by a recovery/management team including representatives from the affected States, the Services, the U.S. Army Corps of Engineers, the Caribbean Conservation Corporation, the University of Florida, and a commercial fisherman. The Plan was approved by the Services and the Gulf States Marine Fisheries Commission in September 1995. The basic objectives of the Plan are:

(1) In the short term, prevent further reductions of wild Gulf sturgeon populations throughout the range.

(2) For recovery, establish population levels that would allow delisting of the

Gulf sturgeon by management units based on river drainages.

(3) Establish, following delisting, a self-sustaining population that could support fishing pressure within management units.

When a recovery plan has been prepared for a species it incorporates the management actions necessary for the conservation of the species. If the recovery tasks involve Federal actions, they are subject to consultation under section 7 of the Act, either between the implementing agency and the Services or, if carried out by FWS or NMFS, within the agency.

Critical habitat designation is not included as a task in the Plan. However, since potential benefits of critical habitat designation are linked to recovery tasks through the section 7 consultation process, the Services have analyzed priority 1 and 2 recovery actions (those which are required for the survival of the Gulf sturgeon) for potential added protection if critical habitat were designated. The analysis is based on the assumption that loss of habitat value to the point of affecting survival in occupied habitat will, by definition, reduce reproduction, distribution, or numbers of the Gulf sturgeon. Critical habitat designation, therefore, will not add protection in occupied habitat because the definition of destruction or adverse modification and that of jeopardy both require an effect on survival (and recovery) of the species. The high priority tasks are summarized as follows:

Priority	Task	Habitat value affected, not reproduction, numbers, or distribution	Net benefit from critical habitat?
1	1.3.1 Develop and implement monitoring techniques	No	No.
1	2.5.3 Regulate accidental and intentional introductions	No	No.
1	2.1.2 Reduce or eliminate incidental mortality	No	No.
1	2.4.5 Restore natural river habitats	No	No.
1	2.3.1 Protect habitat with existing laws or additional laws or incentives	Potentially	No.
2	2.1.1 Effectively enforce take prohibitions	No	No.
2	1.1.1 Locate important habitats	No	No.
2	1.1.2 Characterize essential habitat areas	No	No.
2	1.2 Conduct life history studies	No	No.
2	2.2.1 Identify contaminants	No	No.
2	2.2.2 Eliminate contaminants	Potentially	No.
2	2.4.6 Coordinate consistent water projects	No	No.
2	2.4.1 Identify dam/lock sites for restoration	Yes	No.
2	2.4.4 Minimize effects of navigation projects	Potentially	No.
2	4.3 Implement projects to achieve recovery plan objectives	No	No.
2	4.2 Seek funding for recovery activities	No	No.
2	2.2.4 Eliminate impacts to water quality and quantity	Potentially	No.
2	2.2.5 Assess effects of groundwater pumping on riverine habitat	No	No.

Tasks 1.3.1, 2.5.3, 2.1.2, and 2.1.1 are not habitat related and would not benefit from critical habitat designation. Tasks 1.1.1, 1.1.2, 1.2, 2.2.1, 2.4.6, 2.4.1, 4.3, 4.2, and 2.2.5 are informational or procedural and are, therefore, also independent of potential critical habitat benefits.

Tasks 2.4.5 and 2.3.1 address both occupied and unoccupied habitat; however, there is no priority 1 or 2 task in the plan requiring additional authority for protecting unoccupied habitat. Protection of unoccupied habitat is, therefore, essential for full recovery, but not for survival of the Gulf sturgeon.

Under tasks 2.2.2, 2.2.4 and 2.4.4 navigation and water quality and quantity projects in unoccupied habitat will not affect survival of the Gulf sturgeon unless they indirectly affect its reproduction, distribution, or numbers in occupied areas. The criterion requiring harm to both "survival and recovery" is not met by projects affecting only unoccupied habitat.

Most of the Plan tasks involve activities that affect the reproduction, numbers, and distribution of the Gulf sturgeon, and, therefore, for which critical habitat designation would afford no additional protection. Tasks that would potentially receive additional protection from the section 7 prohibition on destruction or adverse modification of critical habitat are those that involve unoccupied habitat, where habitat might be reduced in value without affecting reproduction, numbers, or distribution of the Gulf sturgeon. However, habitat related tasks in the Plan involving unoccupied habitat do not meet the "survival and recovery" criterion in the definition of destruction or adverse modification. In summary, no high priority recovery plan actions (those which are designed to ensure survival of the Gulf sturgeon) have been identified that would benefit from critical habitat designation. Known or anticipated Federal agency actions that would appreciably diminish the value of critical habitat of the Gulf sturgeon (thereby invoking the destruction or adverse modification standard) would also reduce appreciably the likelihood of both the survival and recovery of the species by reducing its reproduction, numbers, or distribution (thus triggering the jeopardy standard). Both definitions require impairment of survival and recovery and are functionally equivalent.

Based on the above discussion, the Services have determined that the lack of additional conservation benefit from critical habitat designation for this species makes such designation not prudent.

References Cited

A complete list of all references cited herein is available upon request from the Jacksonville Field Office (see **ADDRESSES** section).

Authors: The primary authors of this document are Dr. Michael M. Bentzien and Mr. Francis M. Parauka, FWS; and Ms. Colleen Coogan, NMFS (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq*).

Dated: February 20, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

Dated: February 24, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–5193 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208296–7296–01; I.D. 022098B]

Fisheries of the Exclusive Economic Zone Off Alaska; Offshore Component of Pollock in the Aleutian Islands Subarea

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the proposed first seasonal allowance of pollock apportioned to vessels catching pollock for processing by the offshore component in the AI of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 23, 1998, until 2400 hrs, A.l.t., December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. processors is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(2)(ii), the proposed first seasonal allowance of pollock apportioned to vessels catching pollock for processing by the offshore component in the AI of the BSAI was established as 15,470 metric tons (mt) by the Interim 1998 Harvest Specifications of Groundfish for the BSAI (62 FR 65626, December 15, 1997).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the proposed first seasonal allowance of pollock apportioned to vessels catching pollock for processing by the offshore component in the AI of the BSAI soon will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 13,470 mt, and is setting aside the remaining 2,000 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the AI of the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent overharvesting the proposed first seasonal allowance of pollock apportioned to vessels catching pollock for processing by the offshore component in the AI of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has already taken the proposed first seasonal allowance of pollock apportioned to vessels catching pollock for processing by the offshore component in the AI of the BSAI. Further delay would only result in overharvest which would disrupt the FMP's objective of providing sufficient pollock as bycatch to support other anticipated groundfish fisheries. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Gary C. Matlock,

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

[FR Doc. 98–4971 Filed 2–23–98; 2:52 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 39
Friday, February 27, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[TM–98–00–4]

Information Meeting for National Organic Program Proposed Rule; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meetings; correction.

SUMMARY: The Agricultural Marketing Service published a document in the **Federal Register** of February 2, 1998, (63 FR 6285), concerning four public information meetings to discuss the proposed rule for the National Organic Program. The document contained an incorrect location for the March 5 session. The March 5 session will be held at the location listed below.

ADDRESSES: *March 5, 1998:* Rutgers University, Livingston Student Center, 84 Joyce Kilmer Avenue, Piscataway, New Jersey 08854, (732) 445–3561.

FOR FURTHER INFORMATION CONTACT: Eileen S. Stommes, Deputy Administrator, USDA–AMS–TM–NOP, Room 4007–So., Ag Stop 0275, P.O. Box 96456, Washington, D.C. 20090–6456. Phone (202) 690–1300.

The meeting will be held during the hours of 9 a.m. to 4 p.m.

Dated: February 25, 1998.

Eileen S. Stommes,

Deputy Administrator, Transportation and Marketing.

[FR Doc. 98–5249 Filed 2–25–98; 2:18 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket Numbers EE–RM–93–201 and EE–RM–S–97–700]

RIN 1904–AA84

Energy Conservation Program for Consumer Products: Cooking Products (Kitchen Ranges and Ovens) Energy Conservation Standards

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

ACTION: Notice of limited reopening of the record and opportunity for public comment.

SUMMARY: The Department of Energy reopens the record of its rulemaking to revise energy conservation standards for cooking products under the Energy Policy and Conservation Act for the following classes: Gas cooktops, gas ovens, and electric non-self-cleaning ovens. This notice provides an opportunity for public comment regarding supplemental analyses on the potential impact of alternative efficiency levels, written comments on these analyses, new factual information, and the principal policy options now under consideration.

DATES: Comments must be received on or before March 30, 1998.

ADDRESSES: A copy of the 1996 Draft Report on the Potential Impact of Alternative Energy Efficiency Levels for Residential Cooking Products (Draft Report), supplemental analysis, and other post comment period correspondence is available for public inspection and copying at the Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7574, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Written comments are welcome. Please submit 10 copies (no faxes) to: Kathi Epping, U. S. Department of Energy, Office of Energy Efficiency and Renewable Energy, "Energy Conservation Program for Consumer Products: Cooking Products, Docket No. EE–RM–S–97–700", EE–43, 1000 Independence Avenue, SW., Washington, DC 20585–0121.

FOR FURTHER INFORMATION CONTACT: Kathi Epping, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–43, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–7425, or Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, GC–72, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: Pursuant to section 325 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6295, the Department of Energy (DOE) proposed to revise the energy conservation standards applicable to cooking products, as well as a variety of other consumer products. 59 FR 10464 (March 4, 1994). Cooking products include conventional ranges, cooktops, and ovens and microwave ovens. Section 325(o)(2) requires that any amended standard be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. 42 U.S.C. 6295(o)(2). DOE proposed performance standards for all conventional ovens and cooktops and microwave ovens.

DOE held public hearings and received 59 comments on its proposed revisions to the cooking products energy conservation standards. After reviewing the comments, DOE concluded that a number of significant issues had been raised that required additional analysis. DOE also decided to separate the rulemaking on cooking products from the rulemakings for the other consumer products covered by the notice of proposed rulemaking.

The Department, in response to comments on the proposed rule, prepared a Draft Report containing DOE's revised analysis examining five alternative efficiency levels. The Draft Report indicated that standards based on the described venting and insulating improvements to non-self-cleaning conventional electric ovens and eliminating standing pilot lights for non-self-cleaning conventional gas ovens and conventional gas cooktops could be determined to be technologically feasible and economically justified and to save significant energy. The analysis did not support any new or more stringent

efficiency standard for any other cooking products.

On May 5, 1996, DOE distributed a copy of the Draft Report to interested parties including all of the commenters on the proposed rule on cooking products. (EE–RM–S–97–700, No. 1 and No. 2.) The Department invited comment on the Draft Report by no later than July 1, 1996. A copy of the cover letter and the Draft Report has been added to the record on file for inspection in the DOE Freedom of Information Reading Room.

In commenting on the 1994 proposed rule, AHAM argued that standards are not warranted for any product, though AHAM proposed that, if a standard is set, DOE should adopt a prescriptive design standard prohibiting standing pilot lights on conventional gas ranges in lieu of all performance standards proposed for cooking products. Significant energy savings, consistency with current standards, minimal design change, and no compliance program were cited as benefits. AHAM also commented that eliminating standing pilot lights could disproportionately affect low-income and rural consumers. (EE–RM–93–201, No. 1.)

On April 23, 1996, the American Council for an Energy Efficient Economy (ACEEE) and the Natural Resources Defense Council (NRDC) sent a letter to the Association of Home Appliance Manufacturers (AHAM) stating their support for a prescriptive design standard banning pilot lights from all conventional gas ranges. (EE–RM–S–97–700, No. 3.)

DOE received three comments on the Draft Report. NRDC recommended banning all standing pilot lights. In addition to cost effective energy savings, NRDC emphasized the health and safety benefits which would result from banning pilot lights. (EE–RM–S–97–700, No. 4.)

Betty Crocker expressed concern over the impact of standards for consumers. Betty Crocker expressed concern about the maintenance required for electric coil cooktop reflective pans and commented that an oven separator would have low consumer acceptance. (EE–RM–S–97–700, No. 5.) The results of the Draft Report indicated that neither of these design options were economically justified.

Whirlpool stated that none of the proposed design options are economically justified, several of the design options lessen consumer utility, and the energy use by ranges and ovens has declined significantly over the past two years. In addition, Whirlpool stated that the cost of compliance testing for any performance standard would offset the potential energy savings. Whirlpool did not discuss prescriptive design standards such as the elimination of pilot lights for gas products. (EE–RM–S–97–700, No. 6.)

Based on the analysis in the Draft Report and the comments received, the Department is inclined to believe the record is complete with respect to microwave ovens, electric self-cleaning ovens, and electric cooktops. The analysis in the Draft Report indicates that establishing new or revised standards for these types of cooking products is not economically justified. For example, the analysis for microwave ovens indicated paybacks exceeding the 10-year product life, increased life-cycle costs, and a negative net present value. Based on the consideration of this analysis, the Department does not expect to establish new or revised standards for these products in this rulemaking.

In addition, the analysis in the Draft Report and the comments received prompted further examination of gas cooktops, gas ovens, and electric non-self-cleaning ovens. DOE prepared an analysis to supplement the Draft Report that focuses exclusively on the possible elimination of standing pilot lights for gas products and improving non-self-cleaning conventional electric ovens by venting and insulating them like self-cleaning electric ovens. The supplemental analysis uses the latest available data from AHAM regarding the trends over time of shares of sales of non-self-cleaning conventional ovens and gas products with pilot lights. It also uses the latest utility price forecasts from the Annual Energy Outlook of the Energy Information Administration, AEO 97, and the Gas Research Institute, GRI 97. A copy of the supplemental analysis has been added to the record on file for inspection in the DOE Freedom of Information Reading Room, and DOE is sending a copy to all commenters on the proposed rule for cooking products. (EE–RM–S–97–700, No. 7.)

The Department's supplemental analysis indicates that extending the statutory prescriptive design standard banning standing pilot lights to cover all conventional gas ranges would be technically feasible and economically justified and would result in significant energy savings. The current statutory standard bans pilot lights for gas kitchen ranges and ovens equipped with an electric cord. Some consumers would need to add an electrical outlet to accommodate electrical service to a conventional gas range. While it is unknown what percent of homes do not have electrical outlets available, based on the limited data available, the Department believes that this percentage would be small. In those homes where an electrical outlet is available, the estimated first-cost increase to consumers for conventional gas ranges is $37, with life-cycle cost savings of $91–$104 and paybacks of 2.9–3.2 years. In those homes where an outlet needs to be added, the additional $90 cost of installing a new outlet [1] almost negates the savings. In homes where an electric outlet is not available, the total cost increase of $127, for conventional gas ranges, would result in life-cycle cost savings of $1–$14 with paybacks of 10–11 years.

The impacts are more substantial for separate conventional gas cooktops and ovens. For separate conventional gas cooktops, the cost increase is $116, resulting in a life-cycle cost increase of $41–48 and paybacks of 17–19 years. For separate conventional gas ovens, the cost increase of $113 results in a life-cycle cost increase of $68–$75 and paybacks of 27–32 years. Thus, the Department believes extending the ban to these separate products is not economically justified. Based on AHAM shipment data, the Department estimates the percent of separate conventional gas cooktops and separate conventional gas ovens with standing pilot lights to be approximately 3 and 0 percent, respectively, by the year 2000. Therefore, a standard extending the prohibition of standing pilot lights to include separate gas cooktops and ovens in addition to ranges results in very little incremental energy savings. Permitting separate conventional gas cooktops and ovens to use pilot lights could also accommodate special circumstances where electrical service is not practically available. Based on AHAM's comments regarding the elimination of pilot lights and the fact that no testing program would be required to implement such a prescriptive design standard, the Department believes that there would not be any significant adverse impacts on manufacturers. Given the analysis and public comments to date, the Department expects to extend the prescriptive design standard prohibiting standing pilot lights to all conventional gas ranges but not to include the extension to separate conventional gas cooktops and ovens without an electrical cord.

The Department's supplemental analysis indicates that establishing

[1] The $90 estimate for adding an electrical outlet comes from a GRI report submitted by AHAM as a comment. It was derived from an informal survey of electricians to install an outlet accessible to a gas water heater and is comprised of $50 parts and labor and $40 for a service call.

standards for electric non-self-cleaning ovens could be technically feasible and could save significant energy. However, because ovens are not tested currently and therefore performance data on specific ovens does not exist, it is unknown whether all non-self-cleaning electric ovens, if insulated and vented as their self-cleaning counterparts, would meet a specific performance standard. Consequently, there is a risk that in order to bring some electric non-self-cleaning ovens into compliance with a performance standard, manufacturers would need to use additional design options. The analysis found no other design options for either gas or electric ovens to be cost effective. Thus, the Department does not expect to establish performance standards for any cooking products including non-self-cleaning electric ovens.

The Department is changing the name for this rulemaking from "kitchen ranges and ovens" to "cooking products." This change is made because the term "kitchen ranges and ovens" does not accurately describe the products considered which include conventional ranges, cooktops and ovens and microwave ovens. To be consistent with this change, the Department expects to add a regulatory definition of "cooking products" that is the same as the existing definition of "kitchen ranges and ovens."

The Department solicits public comment on the supplemental analysis and its implications for this rulemaking, specifically with regard to the extension of the prohibition on standing pilot lights.

Issued in Washington, DC, on January 26, 1998.

Dan W. Reicher,

Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 98–5084 Filed 2–26–98; 8:45 am]

BILLING CODE 6450–01–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 33

Proposed Rulemaking Concerning Voting by Interested Members of Self-Regulatory Organization Governing Boards and Committees

AGENCY: Commodity Futures Trading Commission.

ACTION: Reopening of comment period on proposed rulemaking.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission has proposed a new Commission Regulation 1.69 which would require self-regulatory organizations ("SRO") to adopt rules prohibiting governing board, disciplinary committee, and oversight panel members from deliberating or voting on certain matters where the member had either a relationship with the matter's named party in interest or a financial interest in the matter's outcome. The proposed rulemaking also would amend Commission Regulations 1.41 and 1.63 to make modifications made necessary by proposed Commission Regulation 1.69. The proposed rulemaking was initially published for comment on January 23, 1998 (63 FR 3492) with comments on the proposal due by February 23, 1998. In response to a request from the Futures Industry Association, the Commission has determined to reopen the comment period on this proposal for an additional 30 days. The new deadline for comments on this proposed rulemaking is March 25, 1998.

Any person interested in submitting written data, views, or arguments on the proposal should submit their views and comments by the specified date to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov.

DATES: Comments must be received on or before March 25, 1998.

FOR FURTHER INFORMATION CONTACT: David P. Van Wagner, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418–5481.

Issued in Washington, DC., on this 24th day of February, 1998, by the Commodity Futures Trading Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–5061 Filed 2–26–98; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–98–002]

RIN 2115–AE46

Special Local Regulations for Marine Events; Delaware River, Philadelphia, Pennsylvania

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend permanent special local regulations established for marine events held annually in the Delaware River adjacent to Penns Landing, Philadelphia, Pennsylvania, by increasing the regulated area and by identifying specific events for which the regulated area will be in effect. This action is intended to update the regulation in order to enhance the safety of life and property during the events.

DATES: Comments must be received on or before April 28, 1998.

ADDRESSES: Comments may be mailed to Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or hand delivered to Room 119 at the same address between 7:30 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone numoer is (757) 398–6204. Comments will become part of this docket and will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT: S.L. Phillips, Project Manager, Operations Division, Auxiliary Section, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD OS–98–002) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in

view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address listed under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

33 CFR 100.509 establishes special local regulations for marine events held annually in the Delaware River adjacent to Penns Landing, Philadelphia, Pennsylvania. The purpose of these regulations is to control vessel traffic during marine events to enhance the safety of participants, spectators, and transiting vessels. In the past, these regulations were implemented at various times for various events throughout the year by publishing a notice in the **Federal Register**. The Coast Guard is concerned that the lengthy process cycle time required to implement the regulated area in this manner may unnecessarily burden event sponsors. Incorporating a table that identifies the specific events during which the regulated area will be in effect, will streamline the marine event permit process and significantly reduce process cycle time.

The majority of marine events for which the regulations will be in effect involve a parade of boats, consisting of approximately 40 to 50 vessels ranging in length from 20′ to 200′. The Coast Guard is concerned that the current size of the regulated area may not be adequate to ensure the safety of these events, because the size and number of participating vessels continues to expand. The Coast Guard is also concerned that vessel operators have had difficulty in determining the position of the existing southern boundary of the regulated area due to the lack of easily identifiable landmarks. The Walt Whitman Bridge is easily identifiable and in close proximity to the current southern boundary.

Discussion of Proposed Amendments

The Coast Guard proposes to amend the special local regulations previously established for this event area by increasing the size of the regulated area to include those waters of the Delaware River between the Benjamin Franklin Bridge and the Walt Whitman Bridge, and by incorporating a table that identifies the specific events during which the regulated area will be in effect. Since the Coast Guard Patrol Commander may stop any event to assist transit of vessels through the regulated area, normal marine traffic should not be severely disrupted.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The impact on routine navigation is expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.b.2.e(34)(h) of Commandant Instruction M16475.1b (as amended, 61 FR 13564; 27 March 1996), this proposal is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.509 is amended by revising paragraphs (a)(1), (b)(2), introductory text, and (c) and adding Table 1 to read as follows:

§ 100.509 Delaware River, Philadelphia, Pennsylvania.

(a) * * *

(1) *Regulated Area:* The waters of the Delaware River from shore to shore, bounded to the south by the Walt Whitman Bridge and bounded to the north by the Benjamin Franklin Bridge.

* * * * *

(b) * * *

(1) * * *

(2) The operator of any vessel in this area shall: * * *

* * * * *

(c) *Effective Period:* This section is effective annually for the duration of each marine event listed in Table 1, or as otherwise specified in the Coast Guard Local Notice to Mariners and a **Federal Register** notice. The Coast Guard Patrol Commander will announce by Broadcast Notice to Mariners the specific time periods during which the regulations will be enforced.

TABLE 1 OF § 100.509

Welcome America Celebration:
Sponsor: Welcome America!
Date: On or about July 4.
Columbus Day Celebration:
Sponsor: Roberts Event Group.
Date: On or about Columbus Day.
New Years Eve Celebration:
Sponsor: City of Philadelphia.
Date: December 31.

Dated: February 12, 1998.

Roger T. Rufe, Jr.,

Vice Admiral, USCG Commander Atlantic Area.

[FR Doc. 98–5103 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–98–006]

RIN 2115–AE46

Special Local Regulations for Marine Events; New Jersey Offshore Grand Prix

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend permanent special local regulations established for the New Jersey Offshore Grand Prix, a marine event held annually in the Atlantic Ocean along the coast of New Jersey between Asbury Park and Seaside Park, by identifying the specific date on which the regulated area will be in effect. This action is intended to provide more accurate notice of the date on which the event will occur.

DATES: Coments must be received on or before April 28, 1998.

ADDRESSES: Comments may be mailed to Commander (Aoax) Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or hand-delivered to Room 119 at the same address between 7:30 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398–6204. Comments will become part of this docket and will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT: S.L. Phillips, Project Manager, Operations Division, Auxiliary Section, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 05–98–006) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the address listed under **ADDRESSES.** The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register.**

Background and Purpose

The current regulations at 33 CFR 100.505 establish special local regulations for the New Jersey Offshore Grand Prix, a marine event held annually in the Atlantic Ocean along the coast of New Jersey between Asbury Park and Seaside Park. The purpose of these regulations is to control vessel traffic during the event to enhance the safety of participants, spectators, and transiting vessels. In the past, these regulations were implemented by publishing a notice in the **Federal Register.**

Discussion of Proposed Rule

The Coast Guard proposes to amend the special local regulations previously established for this event area by identifying the specific date on which the regulated area will be in effect.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This proposal merely identifies the effective date of an existing regulation and does not impose nay new restrictions on vessel traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no Collection of Information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.b.2.e (34)(h) of Commandant Instruction M16475.1b (as amended, 61 FR 13564; 27 March 1996), this proposal is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.505 is amended by revising paragraph (b) to read as follows:

§ 100.505 New Jersey Offshore Grand Prix.

* * * * *

(b) *Effective Period*: This section is effective annually on the third Wednesday in July. If the event is canceled due to weather, this section is effective the following day. The Coast Guard Patrol Commander will announce by Broadcast Notice to Mariners the specific time periods during which the regulations will be enforced.

* * * * *

Dated: February 17, 1998.

Roger T. Rufe, Jr.,

Vice Admiral, USGC Commander Atlantic Area.

[FR Doc. 98–5104 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

46 CFR Parts 25, 27, and 32

[CGD 97–064]

RIN 2115–AF53

Towing Vessel Safety

AGENCY: Coast Guard, DOT.

ACTION: Notice of public meetings; and reopening of comment period.

SUMMARY: The Coast Guard is reopening the comment period and holding two public meetings on its proposed rule to improve the safety of towing vessels and tank barges. The rule would require the installation of equipment to suppress fires on towing vessels and would strengthen current standards for anchoring or retrieving a drifting tank barge. The Coast Guard is responding to requests for public meetings and another comment period to receive additional views on the issues raised in the notice of proposed rulemaking published at 62 52057 on October 6, 1997.

DATES: Comments on the notice of proposed rulemaking must be received in or before May 11, 1998. The meeting in St. Louis, Missouri, will be held on March 23, 1998, from 9 a.m. to 5 p.m. The meeting in Newport, Rhode Island, will be held on April 9, 1998, from 9 a.m. to 5 p.m..

ADDRESSES: The St. Louis meeting will be held at the conference room accessible through entrances 2.308 and 2.206, Second Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103. The Newport meeting will be held at the Naval Education & Training Center Newport, Perry Hall, Building 440, Meyerkord Avenue, Newport, RI 02841–1644. You may send written comments to the Executive Secretary, Marine Safety Council (G–LRA) [CGD 97–064], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or deliver them to room 3406 at the same address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–267–1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Markle, Project Manager (Fire Protection), 202–267–1076; or Mr. Allen Penn, Project Manager (Emergency Control Systems), 202–267–2997, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD 97–064] and the specific section of the proposed rule to which each comment applies, and give the reasons for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change the proposed rule in view of the comments.

Public Meeting

Attendance is open to the public. Persons who are hearing-impaired may request sign translation by asking the person under **FOR FURTHER INFORMATION CONTACT** at lease one week before the meeting. With advance notice, and as time permits, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations should notify the person listed under **FOR FURTHER INFORMATION CONTACT** no later than the day before the meeting. Written material may be submitted before, during, or after the meeting. Persons unable to attend the public meetings should submit written comments as explained previously under **ADDRESSES** and **SUPPLEMENTARY INFORMATION** by May 11, 1998.

Dated: February 23, 1998.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 98–5099 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 212

RIN 0596–AB67, 0596–AB68

Administration of the Forest Development Transportation System; Temporary Suspension of Road Construction in Roadless Areas

AGENCY: Forest Service, USDA.

ACTION: Extension of public comment period on proposed interim rule and schedule of public meetings on proposed interim rule and advance notice of proposed rulemaking.

SUMMARY: On January 28, 1998, the Forest Service published in the **Federal Register** for public review and comment, a proposed interim rule that would, if adopted, temporarily suspend road construction and reconstruction in most roadless areas of the National Forest System. The public comment period was to end February 27, 1998. Several organizations have indicated that the 30-day review period is not sufficient time to review and analyze the proposed interim rule and its potential impacts on matters of interest to their organizations and have requested additional time to prepare comments. Additionally, some individuals and groups have also expressed a desire for the agency to hold public meetings on the proposed interim rule and the Advance Notice of Proposed Rulemaking (ANPR) which was also published in the **Federal Register** on January 28. Therefore, to facilitate public understanding and comment, the Forest Service has decided to extend the comment period through March 30, 1998, and to hold public meetings for the proposed interim rule and the ANPR.

DATES: Comments must be postmarked by March 30, 1998. Dates, times, and locations of the public meetings are listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: Send written comments to Director, Ecosystem Management Coordination Staff, MAIL STOP 1104, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090. Comments also may be sent via the Internet to roads/wo@fs.fed.us.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying at the Forest Service National Headquarters Offices, 14th and Independence Avenue, SW., Washington, DC. Persons wishing to inspect the comments are encouraged to

call ahead (202–205–0895) to facilitate entrance into the building.

Addresses for the public meetings are listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Gerald (Skip) Coghlan, Engineering Staff, 202–205–1400 or Rhey Solomon, Ecosystem Management Coordination Staff, 202–205–0939. Local contacts for public meetings are listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

SUPPLEMENTARY INFORMATION: On January 28, 1998, at 63 FR 4351, the Forest Service published for public review and comment a proposed interim rule that would temporarily suspend road construction and reconstruction in most roadless areas of the National Forest System. The proposed interim rule was published in association with an ANPR (63 FR 4350). In the ANPR, the Forest Service gave notice of its intention to revise the regulations concerning the management of the National Forest System transportation system to address changes in how the road system is developed, used, maintained, and funded.

Until new and improved analytical tools can be developed and implemented to evaluate the positive benefits and adverse impacts of roads, the adoption of an interim rule to temporarily suspend road construction or reconstruction within National Forest System roadless areas is viewed as critical to preserve land and resource management options. The temporary suspension of road construction and reconstruction would expire upon the application of the new and improved analysis tools or 18 months, whichever is sooner.

In response to the January 28 **Federal Register** documents, the Forest Service has received many requests for information on implications and impacts of implementing the proposed interim rule. In response to these requests, the agency is publishing, as part of this announcement, the timber data and information used to help formulate the proposed interim rule. The information available prior to the January 28 notices related only to potential affects on timber sales in inventoried roadless areas. These data are displayed in Appendix 1 and Appendix 2 at the end of this document.

The preliminary information in Appendix 1 and Appendix 2 does not account for other types of activities that may involve road construction or reconstruction and that might be affected if the proposed interim rule were adopted. Data and information are being collected on road construction and reconstruction projects proposed for such activities as access required for authorized special uses, private property, recreation, and mining and for other activities that may require construction or reconstruction of roads. In addition, data are being analyzed to evaluate the environmental and economic impacts including impacts to recreation, wildlife, fish, and watersheds. The new information will be used to evaluate and compare alternatives and environmental effects for a final interim rule. To the extent feasible, the agency will post this new information on the Forest Service internet home page at www.fs.fed.us/news/roads/.

Public Meetings

In addition to the public comment period, the agency will hold public meetings across the country for the purpose of adding to the record of public comment on the proposed interim rule. Persons who wish to comment will be provided opportunity for a brief oral comment for the record. Also, written comments may be submitted at the meeting sites. At these meetings, the public also will be able to provide comments in response to the ANPR concerning the management of the National Forest System transportation system to address changes in how the road system is developed, used, maintained, and funded. An open house format will be used. The public should be aware that, for the portion of the open houses during which persons may enter comments into the record for the interim rulemaking agency employees will be available only to answer questions to clarify the proposed interim rule.

The dates, times, and locations of the public meetings are as follows:

State	Date and time	Location	Contact person
Alaska	March 10, 2–7 p.m	Ted Ferry Civic Center, 888 Venetia Avenue, Ketchikan.	Dave Arrasmith, 907–228–6304.
Alaska	March 11, 2–7 p.m	Spenard Community Recreation Center, 2020 West 48th Avenue, Anchorage.	Anne Jeffery, 907–271–2508.
California	March 21, 9–5 p.m	Sacramento Convention Center, 1400 J Street, Sacramento.	Christie Kalkowski, 415–705–1841.
Colorado	March 17, 2–8 p.m	Grand Junction Hilton, 743 Horizon Drive, Grand Junction.	Matt Glasgow, 970–874–6674.
Colorado	March 17, 2–7 p.m	Rocky Mountain Regional Office, USDA Forest Service, 740 Simms Street, Golden.	Lynn Young, 303–275–5346.
Georgia	March 26, 6–9 p.m	Sheraton Hotel, 1850 Cotillion Drive, Atlanta.	Angela Coleman, 404–347–7226.
Idaho	March 19, 1–7 p.m	Idaho Panhandle National forests, 3815 Schreiber Way, Coeur d'Alene.	Brad Gilbert, 208–765–7438.
Idaho	March 21, 10–3 p.m	Boise Center on the Grove, 850 West Front, Boise.	Brian Harris, 208–373–4106.
Minnesota	March 19, 6–9 p.m	Earle Brown Continuing Education Center, University of Minnesota, St. Paul Campus, 1890 Buford Avenue, Room 280, St. Paul.	Mary Nordeen, 218–335–8658.
Montana	March 12, 3–8 p.m	Helena National Forest, 2880 Skyway Drive, Helena.	Jerry Adelblue, 406–449–5201, ext. 264.
Montana	March 14, 10–5 p.m	Ruby's Reserve Street Inn, 4825 North Reserve Street, Missoula.	Barb Beckes, 406–329–3809.
Montana	March 23, 6:30–9:30 p.m.	Libby City Hall, 952 East Spruce Street, Libby.	Joan Dickerson, 406–293–6211.

State	Date and time	Location	Contact person
New Hampshire	March 18, 6–9 p.m	New Hampshire Technical College, 11 Institute Drive, Concord.	Colleen Mainville, 603–528–8796.
New Mexico	March 18, 3–7 p.m	Holiday Inn Mountain View, 2020 Menaul Northeast, Albuquerque.	Al Koschmann, 505–842–3370.
North Dakota	March 12, 9–3 p.m	Expressway Suites, 180 East Bismarck Expressway, Bismarck.	Steve Williams, 701–250–4443.
Oregon	March 16, 10–4 p.m	Doubletree Hotel Lloyd Center, 1000 Northeast Multnomah, Portland.	Patty Burel, 503–808–2221.
Oregon	March 17, 10–4 p.m	National Guard Armory, 875 Southwest Simpson, Bend.	Carrie Sammons, 541–383–5536.
Oregon	March 18, 10:30–4:30 p.m.	Reston Hotel, 2300 Crater Lake Highway, Medford.	Steve Waterman, 541–858–2213.
South Dakota	March 16, 3–8 p.m	Pactola District Office, Black Hills National Forest, 803 Soo San Drive, Rapid City.	Glen McNitt, 605–673–3104.
Utah	March 21, 10–3 p.m	Provo Park Hotel, 101 West, 100 North, Provo.	Lola Murray, 801–342–5137.
Virginia	March 24, 6–9 p.m	Jefferson/George Washington, National Forests, 5162 Valleypointe Parkway, Roanoke.	Donna Wilson, 540–265–5100.
Washington	March 17, 10–4 p.m	Ramada Inn at Northgate, 2140 North Northgate Way, Seattle.	Lorette Ray, 425–744–3571.
Washington	March 18, 10–4 p.m	Four Seasons Inn, 11 West Grant Road East, Wenatchee.	Paul Hart, 509–662–4314.
Washington DC	March 19, 2–7 p.m	Holiday Inn Capitol, 550 C Street Southwest, Washington, DC.	Alan Polk, 202–205–1134.
Wyoming	March 19, 2–7 p.m	Parkway Plaza Hotel, 123 West E Street, Casper.	Stan Sylva, 307–777–6087.

Dated: February 24, 1998.

Mike Dombeck,

Chief, Forest Service.

BILLING CODE 3410–11–M

Appendix 1
Preliminary Estimates for FY 1998 Timber Sale Volume Effects of the Proposed Interim Roads Policy in Inventoried Roadless Areas

(excludes all forests with a revised land and resource management plan ROD and forests covered by the PNW Plan)
(Data Current as of January 13, 1998 /1)

REGION / FORESTS	PLANNED FY 1998 PROGRAM MMBF	PLANNED SALES WITHIN INVENTORIED ROADLESS AREAS			FY 1998 PROG. W/O ROADLESS AREA SALES MMBF
		Sales	MMBF	Road Miles	
Region 1					
Clearwater	35	1	3	0	32
Helena	12	2	9	15	3
Idaho Panhandle	63	1	2	0	61
Kootenai	90	1	1	0	89
Nez Perce	36	3	17	5	19
Region Total - All Forest	330	8	32	20	299
Region 2					
Bighorn	7	1	2	6	5
Med. Bow-Routt	20	1	2	4	18
GMUG	10	1	3	2	7
White River	17	1	4	1	13
Region Total - All Forest	180	4	11	12	169
Region 3					
Region Total - All Forest	95	0	0	0	95
Region 4					
Boise	84	3	27	16	57
Bridger Teton	10	3	4	3	5
Caribou	8	4	7	11	1
Dixie	18	3	7	4	11
Fishlake	5	6	5	3	0
Manti-LaSal	17	1	1	1	15
Payette	53	5	33	11	20
Salmon	15	5	8	5	7
Uinta	7	1	1	2	6
Region Total - All Forest	255	31	93	56	162
Region 5					
Region Total - All Forest	451	0	0	0	451
Region 6					
Colville	60	2	3	0	57
Malheur	95	4	38	0	57
Okanogan	30	4	13	14	17
Umatilla	60	2	0	0	60
Region Total - All Forest	1,005	12	55	15	950
Region 8					
Chatt-Oconee	31	1	2	0	29
Cherokee	18	3	3	0	15
NF of North Carolina	37	3	1	0	36
Region Total - All Forest	689	7	5	0	684
Region 9					
Monongahela	21	1	3	3	18
Region Total - All Forest	585	1	3	3	582
Region 10					
Region Total - All Forest	201	0	0	0	201
Total - All Forests	3,791	63	198	106	3,593

NOTES: Planned sales only include those where at least scoping has been completed, and excludes those that have been advertised or awarded.

/1 These data represent a snapshot in time and are used as estimates of future sale activities --as plans are refined and as sales are prepared, the data represented here will change. Field offices have been asked to update this information--when that data is available, it will replace the information here.

Appendix 2

January 28, 1998 Proposed Interim Roadless Policy
Preliminary Estimates of Fiscal Year 1998
National Forest Timber Sale Program Related Effects

If the proposed interim rule were adopted, some timber sale effects might occur in the short-term (i.e., some timber planned for sale in fiscal year (FY) 1998 may not be sold if the proposed rule were implemented in its current form) (Table 1). It is very difficult to estimate the program effects due to considerable variation in site-specific factors, the fact that projects are in various stages of development, the fact that some project work can be shifted away from roadless areas to sites in roaded areas and the discretionary nature of most projects from year-to-year. In the **Federal Register** notice proposing the temporary suspension, the agency stated:

> "Nationwide the agency estimates that of the 3.8 billion board feet planned for FY 1998, the volume of timber actually offered for sale will be reduced by 100-275 million board feet. Although actual amounts are very difficult to estimate, this reduction in timber volume offered could lead to corresponding reductions in employment and in payments to states. It is expected that the Intermountain and Northern Regions of the National Forest System will experience a disproportionately higher effect from the suspension than other geographic regions of the country, due to the higher dependence on roadless areas for timber production in these regions." (63 FR 4353, January 28, 1998).

The Forest Service is currently gathering additional facts related to timber proposed for sale in FY's 1998 and 1999. The updated data will be used to analyze various alternatives to the proposed interim rule that will be developed in response to public comment. With respect to the "100-275 million board feet" preliminary effects estimate in the **Federal Register** notice, the following information is relevant:[1]

- Timber Sale Levels. Approximately 100-275 million board feet (mmbf) of timber planned for sale in FY 1998 may not be offered if the proposed interim rule were implemented. Some volume might be substituted for the reduced volume, but the amount is unknown at this time. Also, some of the reduced volume might be offered in the future if requirements of the anticipated long-term policy are met.
- Effect of Administrative and Legal Challenges. While the sale preparation work for most of the sales planned in roadless areas may be completed in FY 1998, it is not possible to predict precisely how many of these sales would actually be sold and proceed as planned during the fiscal year. Timber sales in roadless areas generally result in more public controversy, leading to administrative appeals and litigation. It is estimated that up to 50 percent of the sales could be delayed beyond FY 1998 due to unresolved appeals and litigation. Accordingly, the total volume planned in

[1] Based on data current as of January 13, 1998.

roadless areas for FY 1998 has been reduced by 50 percent to arrive at the low end (100 mmbf) of the volume effect range.

- 3-Year Harvest Assumption and Effects of Market Fluctuations. This analysis assumes that sales sold in FY 1998 would take three years to harvest, starting in FY 1998--one third of the harvest would occur in each year from FY 1998-2000. Purchasers are generally given three years to complete timber sale contracts. Market fluctuations make it difficult to estimate federal receipts and other economic effects. If there were a significant decrease in lumber or other wood product prices, the volume of timber harvested in FY 1998 could be substantially less than a third of the sale volume. Price increases for wood products could produce the opposite effect.
- Volume Under Contract Effect. In FY 1997, purchasers of national forest timber harvested 3.3 billion board feet (bbf). They currently hold contracts on about 6.5 bbf of unharvested timber, some of which is scheduled for harvest in FY 1998 and also is in roadless areas. If the 100-275 mmbf is not offered for sale in FY 1998, the effects might not be immediately felt because harvesting some of the 6.5 bbf would proceed as planned, thereby further diluting the effects estimated here by spreading them over a longer time period and providing more opportunity for mitigation. The estimates for receipts, employment, and payments to states are not adjusted for the volume under contract effect--any use of volume under contract in place of the unsold sales could reduce these effects in FY 1998, although not without some corresponding reduction in the availability of timber volume in years beyond FY 1998.
- Employment. As a result of the reduced sales volume, the program would support approximately 500-1,400 fewer jobs in FY 1998. This represents approximately 2-7 percent of the total jobs associated with the current 3.8 bbf programmed for sale in FY 1998. As with receipts, the employment effect is spread over a 3-year period and similar reductions in employment could be expected for FY's 1999 and 2000. The employment figure includes estimated direct, indirect, and induced jobs based on job coefficients reported in the FY 1996 Forest Management Program Annual Report. The jobs directly attributable to the timber harvest activities average approximately 60 percent of the total employment effect (300-900 of the total jobs would be considered "direct" jobs). The employment effects take into account an estimate of the volume that mills might substitute from non-national forest lands. These estimates are based on substitution rates experienced historically by region.
- Payments to States. Payments to states could decrease by an estimated $1-4 million in FY 1998. A similar reduction in payments to states could be expected for FY's 1999 and 2000. Payment to states are assumed to be 25 percent of the estimated reduction in receipts. This analysis assumes that payments to states would continue to be linked to agency receipts. Proposals have been made to calculate payments to states based on historical levels. These proposals, if adopted, would mitigate or eliminate the effect on payments to states.

The agency plans to update and reevaluate these estimates as new data is available.

Table 1

Preliminary Estimate of FY 1998 Potential Effects of Proposed Interim Roads Policy on Planned Sales in Inventoried Roadless Areas

(Excludes all forests with a revised land and resource management plan ROD and forests covered by the PNW Plan)

(Data current as of January 13, 1998)

Forest Service Region	FY 1998 Planned Program	Planned Sales Affected by Policy	Low Volume Effect	High Volume Effect	Low Jobs Effect	High Jobs Effect	Low PTS Effect	High PTS Effect
Unit of Measure	*(mmbf)*	*(mmbf)*	*(mmbf)*	*(mmbf)*	*(jobs)*	*(jobs)*	*($million)*	*($million)*
footnotes	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*
Region 1	330	32	16	44	200	500	$0.2	$0.6
Region 2	180	11	6	15	0	0	$0.1	$0.2
Region 3	95	0	0	0				
Region 4	255	93	47	130	200	600	$0.5	$1.4
Region 5	451	0	0	0				
Region 6	1005	55	27	76	100	300	$0.5	$1.3
Region 8	689	5	3	6	0	0	$0.0	$0.1
Region 9	585	3	2	3	0	0	$0.0	$0.0
Region 10	201	0	0	0				
Agency wide	3791	198	100	275	500	1,400	$1	$4

footnotes:

mmbf = millions of board feet; mbf = thousand board feet

1 Total planned timber offered for sale program for FY 1998

2 Timber sales planned in inventoried roadless areas that are potentially affected by the interim policy

3 Low Volume Effect = the Planned Sales Volume Affected by the Policy times a subjective factor based on professional judgement that takes into consideration the fact that some of the planned sales in early stages of development may not have been offered for sale in FY 1998 due to controversy and resulting appeals/litigation.

4 High Volume Effect = the Planned Sales Volume Affected by the Policy times a subjective factor based on professional judgement that takes into account the fact that additional volume above the planned level could have been produced and would be affected by the proposed interim policy. This factor varies between the East and the West due to the higher concentration of roadless areas in the West.

5 Low Total Jobs effect represents the Low Volume Effect times jobs per mmbf less the amount of non-NF substitution expected to occur. The jobs figures take into account an estimate of the volume that mills might substitute from non-national forest lands. In addition, they assume that one-third of the volume sold in FY 1998 would have been harvest in FY 1998.

6 Same as 5 for the high volume effect.

7 Low Payments to States (PTS)effect = 25% of the low volume effect times the receipts estimate ($/mbf) from the FY 1998 budget. PTS effects are spread over 3 years--only FY 1998 effects are displayed here--similar effects could be expected for FY 1999 and 2000.

8 Same as 7 for the high volume effect.

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

RIN 0596–AB59

Land Uses; Appeal of Decisions Relating To Occupancy and Use of National Forest System Lands; Mediation of Grazing Disputes

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Forest Service requests comment on a proposed rule that would modify the agency's administrative appeal regulations relating to occupancy and use of National Forest System lands to offer mediation of certain grazing permit disputes in those States that have USDA certified mediation programs. This action is authorized by the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994. The intended effect is to incorporate mediation for certain grazing disputes into established agency dispute resolution processes. Public comment is invited and will be considered in adoption of a final rule.

DATES: Comments must be received in writing by April 28, 1998.

ADDRESSES: Send written comments to Director, Range Management Staff, Mail Stop 1103, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

The public may inspect comments received on this proposed rule in the Office of the Director, 3rd Floor, South Central Wing, Auditor's Building, 14th and Independence Avenue, NW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m. Those wishing to inspect comments are encouraged to call ahead (202/205–1462) to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Berwyn L. Brown, Range Management Staff, Forest Service, (202) 205–1457.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 502 of the Agricultural Credit Act of 1987 (Pub. L. 100–233) (7 U.S.C. 5101, *et seq.*), the Department of Agriculture offers a mediation program that provides borrowers and creditors an opportunity to resolve disputes prior to bankruptcy or litigation. This Act authorizes USDA to help States develop certified mediation programs and to participate in them.

Section 282 of Title II of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (1994 amendments) amended the 1987 Act to expand the number and type of issues subject to mediation under the State Mediation Program. One of the issues subject to mediation in the 1994 amendments was grazing on National Forest System lands. The Secretary must promulgate regulations to interpret the mediation provisions of the 1994 amendments.

Under the Secretary's grazing rules at 36 CFR 222.4, the Chief of the Forest Service may cancel a permit when one or more of the following conditions exist:

When a permittee refuses to accept modification of the terms and conditions of an existing permit (§ 222.4(a)(2)(i));

When a permittee refuses or fails to comply with eligibility or qualification requirements (§ 222.4(a)(2)(ii));

When a permittee fails to restock the allotted range after full extent of approved personal convenience non-use has been exhausted (§ 222.4(a)(2)(iv)); and

When a permittee fails to pay grazing fees within established time limits (§ 222.4(a)(2)(v)).

The provisions of this section also authorize the Chief to cancel or suspend a permit when one or more of the following conditions exist:

When a permittee fails to pay grazing fees within established time limits (§ 222.4(a)(3));

When a permittee does not comply with provisions and requirements in the grazing permit or the regulations of the Secretary of Agriculture on which the permit is based (§ 222.4(a)(4));

When a permittee knowingly and willfully makes a false statement or representation in the grazing application or amendments thereto (§ 222.4(a)(5)); and

When a permittee is convicted for failing to comply with Federal laws or regulations or State laws relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit (§ 222.4(a)(6)).

These cancellation or suspension actions are generally referred to as "permit enforcement actions" and may be appealed under part 251, subpart C, of Title 36 of the Code of Federal Regulations, which pertain generally to enforcement actions by an authorized officer regarding written instruments authorizing occupancy and use of National Forest System lands. Since only holders of such authorizations may appeal under 36 CFR part 251, subpart C, it is this rule that the Forest Service proposes to amend to incorporate a mechanism for the mediation of certain grazing disputes, as required by the 1994 amendments.

Section 5101(c)(3)(D) of the Agriculture Credit Act, as amended, specifies that, in order to be certified, States shall provide for confidential mediation sessions. This statutory requirement necessitates a rule of rather narrow parameters. The types of decisions subject to mediation under this proposed rule are not subject to public disclosure and, therefore, can be mediated in confidence, since they relate to grazing permits and involve only the Deciding Officer or designee, the holder of a term grazing permit who seeks relief from a written decision to cancel or suspend a permit, and, in some circumstances, the holder's creditors.

Holders of other written authorizations to occupy and use National Forest System lands who may appeal written decisions of Forest Service line officers (§ 251.86) will not be affected by the modifications in this proposed rule.

Proposed section 251.103 Mediation of Term Grazing Permit Disputes

This proposed rule would add a new section § 251.103 that focuses solely on mediation of certain term grazing permit disputes and integration of mediation into the appeal process.

Proposed paragraph (a) specifies that in those States with USDA certified mediation programs, any holder of a term grazing permit may request mediation as part of an administrative appeal when a Deciding Officer issues a decision to suspend or cancel a term grazing permit, in whole or in part, in accordance with 36 CFR 222.4(a)(2)(i), (ii), (iv), (v) and (a)(3)–(a)(6). The States with mediation programs currently certified by USDA for fiscal year 1998 include Alabama, Arkansas, Arizona, Florida, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

Proposed paragraph (b) of new § 251.103 would limit the parties who may participate in mediation of term grazing permit disputes to those persons directly affected by the action. Since the 1994 amendments specify that mediation sessions must be confidential, this paragraph would permit only the State certified mediator, the Deciding Officer or designee, the

holder of the term grazing permit who seeks relief from a written decision to cancel or suspend a permit, creditors of the permittee, and legal counsel to participate in a mediation. Broader participation would pose a risk to the need to maintain confidentiality.

Proposed paragraph (b) makes clear that a permittee may be accompanied or represented by legal counsel. The Forest Service will be accompanied by legal counsel only if the permittee does also. This provision is necessary to ensure that one party does not have an unfair advantage over another party in the mediation process.

Proposed paragraph (c) specifies that, when an appellant simultaneously requests mediation at the time an appeal is filed (§ 251.84), the Reviewing Officer shall immediately notify, by certified mail, all parties to the appeal that, in order to allow for mediation , the appeal is suspended for 30 calendar days. If agreement has not been reached at the end of 30 calendar days but it appears to the Deciding Officer that a mediated agreement may soon be reached, the Reviewing Officer may extend the period for mediation up to 15 calendar days from the end of the 30-day appeal suspension period. If an agreement cannot be reached under the specified time periods, the Reviewing Officer shall immediately notify, by certified mail, all parties to the appeal that mediation was unsuccessful and that the appeal procedures and timeframes are reinstated as of the date of such notice. This provision is necessary to ensure that meaningful mediation can take place and, at the same time, that the Agency's administrative review process can be completed in a timely manner in the event mediation is unsuccessful in resolving a dispute. Without fixed time periods for mediation, and adverse decision to cancel or suspend a permit for cause could be postponed indefinitely. In many cases, this delay could result in damage to National Forest System resources.

Proposed paragraph (d) specifies that, as required by the Act, mediation sessions shall be confidential. However, consistent which the public disclosure provisions of the National Environmental Policy Act and the National Forest Management Act, this proposed rule makes clear that the final terms of any mediated agreement are subject to public disclosure after mediation ends.

Proposed paragraph (e) specifies that notes and factual material from mediation sessions are not to be entered as part of the appeal record. This is consistent with the confidentiality requirement of 7 U.S.C. 5101(c)(3)(D) and with the administrative appeal procedures of 36 CFR part 251, subpart C.

Proposed paragraph (f) specifies that the United States Government shall cover only the expenses incurred by its own employees in mediation sessions. This provision recognizes USDA's ongoing contribution of annual funding through grants to the States to develop and administer state certified mediation programs, as authorized by the Agriculture Credit Improvement Act of 1992.

Proposed paragraph (g) makes explicit that, except for the purpose of authorizing a time extension or of communicating the results of mediation, the Deciding Officer, or designee, shall not discuss mediation and/or appeal matters with the Reviewing Officer.

Conforming Amendments

In order to integrate mediation with the appeal procedures of part 251, subpart C, a number of conforming amendments to other sections of subpart C are necessary. A description of these proposed revisions follows.

Proposed Revision of § 251.84 Obtaining Notice

Under this section, the Deciding Officer must give written notice of an adverse decision subject to appeal under subpart C to applicants and holders as defined in § 251.86 and to any holder of like instruments who has made a written requests to be notified of a specific decision. The notice must include a statement of the Deciding Officer's willingness to meet with applicants or holders to discuss issues (§ 251.93), specify the name and address of the officer to whom an appeal of the decision may be filed, and the deadline for filing an appeal.

The proposed rule would redesignate the current text of 0251.84 as paragraph (a) and add a new paragraph (b) to require that, when a Deciding Officer suspends or cancels a term grazing permit pursuant to 36 CFR 222.4(a)(2)(ii), (iv), (v) and (a)(3)–(a)(6) in a State with a USDA certified mediation program, the Deciding Officer must give written notice of the opportunity for the affected term grazing permit holder to request mediation.

Under proposed paragraph (b), the Deciding Officer must notify a permit holder that a request for mediation must be incorporation in the notice of appeal.

Proposed Revision of § 251.90 Content of Notice of Appeal

This section specifies the information that an appellant must include in a notice of appeal. The proposed rule would amend § 251.90(c) to allow the holder of a term grazing permit being cancelled or suspended to request mediation pursuant to § 251.103 with filing of the appeal in those States with USDA certified mediation programs.

Proposed Revision of § 251.91 Stays

Paragraph (a) of this section of the appeal rule specifies that a decision may be implemented during the appeal process, unless the Reviewing Officer grants a stay. The proposed rule would modify paragraph (a) of § 252.91 to provide for an automatic stay when a term grazing permit holder appeals a decision and simultaneously requests mediation. As provided in proposed § 251.103, in the event mediation fails, the stay would be lifted and appeal procedures and timeframes would be reinstated for the remainder of the appeal period. This requirement is necessary in order to allow for meaningful mediation prior to implementation of the decision.

Proposed Revision of § 251.92 Dismissal

This section of the appeal rule lists the actions that warrant closing an appeal record without a decision on the merits of an appeal. Under this proposed rule, paragraph (a) would be revised to provide that the Reviewing Officer would close an appeal if a mediated agreement is reached.

Paragraph (c) of this section currently provides for discretionary review of a Reviewing Officer's dismissal decision, except when a dismissal decision results from withdrawal of an appeal by an appellant or withdrawal of the initial decision by the Deciding Officer. This proposed rule would modify this paragraph to also exempt a mediated agreement from discretionary review. Without such an exemption, any mediation agreement could be reopened at the discretion of the next higher level officer and, thus, undermine resolution of issues through mediation.

Proposed Revision of § 251.93 Resolution of Issues

Paragraph (b) of this section of the appeal rule specifies that when decisions are appealed, the Deciding Officer may discuss the appeal with the appellant(s) and intervenor(s) together or separately to narrow issues, agree on facts, and explore opportunities to resolve the issues by means other than review and decision on the appeal. At the request of the Deciding Officer, the Reviewing Officer may extend the time periods for review, except at the discretionary level, and specify a

reasonable duration to allow for conduct of meaningful negotiations. This proposed rule would revise paragraph (b) by making clear that the Reviewing Officer may extend additional time to resolve grazing disputes only for 15-additional days, as provided in § 251.103.

Proposed Revision of § 251.94 Responsive Statement

Paragraph (b) of this section specifies that, unless the Reviewing Officer has granted an extension or dismissed the appeal, the Deciding Officer shall prepare a responsive statement and send it to the Reviewing Officer and all parties to the appeal within 30 days of receipt of the notice of appeal. If a mediated agreement is reached, the Reviewing Officer would close the appeal (§ 251.92), and no responsive statement would be necessary. Therefore, a conforming amendment is necessary to allow a Deciding Officer to delay the preparation of a responsive statement until mediation is concluded.

Summary

This proposed rule would implement the requirements of 7 U.S.C. 5101, as amended, by integrating a process for mediating certain types of National Forest System grazing permit disputes into the appropriate administrative appeal procedures. The proposed rule is limited in scope and applicability to holders of Forest Service term grazing permits that have been cancelled or suspended in those States with USDA certified mediation program.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not a significant rule. This rule will not have an annual effect of $100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This rule will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients of such programs. Accordingly, this proposed rule is not subject to OMB review under Executive Order 12866.

Moreover, this proposed rule has been considered in light of the limited number of States and grazing permits involved and the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), and it is hereby certified that this action will not have a significant economic impact on a substantial number of small entities as defined by that Act. The proposed rule does not compel small entities to do anything. Election of mediation of grazing disputes is strictly at the option of an individual permittee. The requirements of the proposed rule are the minimum necessary to protect the public interest, are not administratively burdensome or costly to meet, and are well within the capability of individuals and small entities to perform.

Controlling Paperwork Burdens on the Public

This proposed rule does not contain any new recordkeeping or reporting requirements or other new information collection requirements as defined in 5 CFR part 1320 and, therefore, imposes no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq) and implementing regulations at 5 CFR part 1320 do not apply.

Environmental Impact

This proposed rule would establish uniform direction to allow for mediation of certain types of grazing disputes. Section 31.1b of Forest Service Handbook 1909.15 (57 FR 41380; September 18, 1992) excludes from documentation in an environmental assessment or impact statement "rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions." The agency's preliminary assessment is that this proposed rule falls within this category of actions and that no extraordinary circumstances exist which would require preparation of an environmental assessment or environmental impact statement. A final determination will be made upon adoption of the final rule.

Civil Justice Reform Act

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule were adopted, (1) all state and local laws and regulations that are in conflict with this proposed rule or which would impede its full implementation would be preempted; (2) no retroactive effect would be given to this proposed rule; and (3) it would not require administrative proceedings before parties may file suit in court challenging its provisions.

No Takings Implications

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630, and it has been determined that the rule does not pose the risk of a taking of Constitutionally-protected private property.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of this proposed rule on State, local, and tribal governments and the private sector. This proposed rule does not compel the expenditure of $100 million or more by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

List of Subjects in 36 CFR Part 251

Electric power, Mineral resources, National forests, Public lands-rights-of-way, Water resources.

Therefore, for the reasons set forth in the preamble, Subpart C of Part 251 of Title 36 of the Code of Federal Regulations is proposed to be amended as follows:

PART 251—LAND USES

Subpart C—Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands

1. The authority citation for subpart C is revised to read as follows:

Authority: 7 U.S.C. 5101–5106; 16 U.S.C. 472, 551.

§ 251.84 [Amended]

2. Amend § 251.84 by designating the existing text as paragraph (a) and by adding a paragraph (b) to read as follows:

§ 251.84 Obtaining notice.

* * * * *

(b) In States with USDA certified mediation programs, a Deciding Officer shall also give written notice of the opportunity for the affected term grazing permit holder to request mediation of decisions to suspend or cancel term grazing permits, in whole or in part, pursuant to 36 CFR 222.4(a)(2)(i), (ii), (iv), (v) and (a)(3) through (a)(6). Such notice must inform the permit holder that, if mediation is desired, the permit holder must request mediation as part of the filing of an appeal.

§ 251.90 [Amended]

3. Amend § 251.90 by revising paragraph (c) to read as follows:

§ 251.90 Content of notice of appeal.

* * * * *

(c) An appellant may also include one or more of the following in a notice of appeal: a request for oral presentation (§ 251.97); a request for stay of implementation of the decision pending decision on the appeal (§ 251.91); or, in those States with a USDA certified mediation program, a request for mediation of grazing permit cancellations or suspensions pursuant to § 251.103.

4. Amend § 251.91 by revising paragraph (a) to read as follows:

§ 251.91 Stays.

(a) A decision may be implemented during the appeal process, unless the Reviewing Officer grants a stay or unless a term grazing permit holder appeals a decision and simultaneously requests mediation pursuant to § 251.103. In the case of mediation requests, a stay is granted automatically upon receipt of the notice of appeal for the duration of the mediation period as provided in § 251.103 of this subpart.

* * * * *

5. Amend § 251.92 by adding a new paragraph (a)(8) and by revising paragraph (c) to read as follows:

§ 251.92 Dismissal.

(a) * * *

(8) A mediated agreement is reached (§ 251.103).

* * * * *

(c) A Reviewing Officer's dismissal decision is subject to discretionary review at the next administrative level as provided for in § 251.87(d) of this subpart, except when a dismissal decision results from withdrawal of an appeal by an appellant, withdrawal of the initial decision by the Deciding Officer, or a mediated resolution of the dispute.

6. Amend § 251.93 by revising paragraph (b) to read as follows:

§ 251.93 Resolution of issues.

* * * * *

(b) When decisions are appealed, the Deciding Officer may discuss the appeal with the appellant(s) and intervenor(s) together or separately to narrow issues, agree on facts, and explore opportunities to resolve the issues by means other than review and decision on the appeal, including mediation pursuant to § 251.103. At the request of the Deciding Officer, the Reviewing Officer may extend the time period to allow for meaningful negotiations, except for appeals under review at the discretionary level. In the event of mediation of a grazing dispute under § 251.103, the Reviewing Officer may extend the time for mediation only as provided in § 251.103.

* * * * *

7. Amend 251.94 by revising paragraph (b) to read as follows:

§ 251.94 Responsive statement.

* * * * *

(b) *Timeframe.* Unless the Reviewing Officer has granted an extension or dismissed the appeal, or unless mediation has been requested under this subpart, the Deciding Officer shall prepare a responsive statement and send it to the Reviewing Officer and all parties to the appeal within 30 days of receipt of the notice of appeal. Where mediation occurs but fails to resolve the issues, the Deciding Officer shall prepare a responsive statement and send it to the Reviewing Officer and all parties to the appeal within 30 days of the reinstatement of the appeal timeframes (§ 251.103(c)).

* * * * *

8. Add a new § 251.103 to subpart c to read as follows:

§ 251.103 Mediation of term grazing permit disputes.

(a) *Decisions subject to mediation.* In those States with USDA certified mediation programs, any holder of a term grazing permit may request mediation, if a Deciding Officer issues a decision to suspend or cancel a term grazing permit, in whole or in part, as authorized by 36 CFR 222.4(a)(2) (i), (ii), (iv), (v), and (a)(3) through (a)(6).

(b) *Parties.* Notwithstanding the provisions addressing parties to an appeal at 36 CFR 251.86, only the following may participate in mediation of term grazing permit disputes under this section:

(1) A mediator authorized to mediate under a USDA state certified mediation program;

(2) The Deciding Officer who made the decision being mediated, or designee;

(3) The holder whose term grazing permit is the subject of the Deciding Officer's decision and who has requested mediation in the notice of appeal;

(4) The holder's creditors, if applicable; and

(5) Legal counsel, if applicable. The Forest Service will have legal counsel participate only if the permittee chooses to have legal counsel.

(c) *Timeframe.* When an appellant simultaneously requests mediation at the time an appeal is filed (§ 251.84), the Reviewing Officer shall immediately notify, by certified mail, all parties to the appeal that, in order to allow for mediation, the appeal is suspended for 30 calendar days from the date of the Reviewing Officer's notice. If agreement has not been reached at the end of 30 calendar days, but it appears to the Deciding Officer that a mediated agreement may soon be reached, the Reviewing Officer may notify, by certified mail, all parties to the appeal that the period for mediation is extended for a period of up to 15 calendar days from the end of the 30-day appeal suspension period. If a mediated agreement cannot be reached under the specified timeframes, the Reviewing Officer shall immediately notify, by certified mail, all parties to the appeal that mediation was unsuccessful, that the stay granted during mediation is lifted, and that the timeframes and procedures applicable to an appeal (§ 251.89) are reinstated as of the date of such notice.

(d) *Confidentiality.* Mediation sessions shall be confidential; moreover, dispute resolution communications, as defined in 5 U.S.C. 571(5), shall be confidential. However, the terms of a final mediated agreement are subject to public disclosure.

(e) *Records.* Notes taken or factual material received during mediation sessions are not to be entered as part of the appeal record.

(f) *Cost.* The United States Government shall cover only the incurred expenses of its own employees in mediation sessions.

(g) *Exparte Communications.* Except to request a time extension or communicate the results of mediation pursuant to paragraph (d) of this section, the Deciding Officer, or designee, shall not discuss mediation and/or appeal matters with the Reviewing Officer.

Dated: February 12, 1998.

Robert Lewis, Jr.,

Acting Associate Chief.

[FR Doc. 98–5102 Filed 2–26–98; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AJ03

Reconsideration of Denied Claims

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans Affairs' "Medical" regulations by adding a new section to set forth reconsideration procedures available if requested by an individual or entity who made a claim for benefits administered by the Veterans Health Administration and who disagrees with the initial decision denying the claim. It is anticipated that these procedures would not only allow for more reflective decisions at the local level but would also allow some disputes to be resolved without the need for further appeal to the Board of Veterans Appeals.

DATES: VA must receive comments on or before April 28, 1998.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900–AJ03." All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Troy L. Baxley, Health Administration Service (10C3), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington DC, 20420, telephone (202) 273–8301. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: This document proposes to amend the "Medical" regulations (38 CFR part 17) by adding a new § 17.133 to set forth reconsideration procedures available if requested by an individual or entity who made a claim for benefits administered by the Veterans Health Administration (VHA) (e.g., reimbursement for non-VA care not authorized in advance, reimbursement for beneficiary travel expenses, reimbursement for home improvements or structural alterations) and who disagrees with the initial decision denying the claim in whole or in part. These procedures would not be mandatory and a claimant may choose to appeal the denied claim to the Board of Veterans Appeals pursuant to 38 USC 7105 without using the new reconsideration procedures. The new reconsideration procedures would not be applicable in those cases where other specific reconsideration procedures apply. For example, there are specific reconsideration provisions applicable to denied claims for CHAMPVA and spina bifida benefits.

As set forth in the text portion of this document, the reconsideration procedures would provide for a written request for reconsideration, reasons why the decision is in error, submission of any new and relevant information, opportunity for an informal meeting (with transcription upon request), and a written decision.

This informal reconsideration procedure would allow for more reflective decisions at the local level and would allow some disputes to be resolved without the need for further appeal to the Board of Veterans Appeals.

This regulation would supersede manual provisions for appeals of VHA decisions found at M–1, Part I, Chap. 1, Section X. The manual provisions are outdated and confusing, and included references to specific procedures that were previously rescinded.

Paperwork Reduction Act of 1995

The Office of Management and Budget (OMB) has determined that proposed 38 CFR 17.133 contains collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Accordingly, under section 3507(d) of the Act, VA has submitted a copy of this rulemaking action to OMB for its review of the collections of information.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments on the proposed collections of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies mailed or hand-delivered to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900–AJ03".

Reconsideration of Denied Claims—Section 17.133

Title: Reconsideration process available if requested by an individual or entity who made a claim for benefits administered by the Veterans Health Administration and who disagrees with the initial decision denying the claim in whole or in part.

Summary of collection of information: The provisions of proposed 38 CFR 17.133 would add a new informal voluntary review process to existing appellate rights procedures. The person or entity requesting reconsideration would be required to submit such request to the Director of the VA healthcare facility of jurisdiction. It must be submitted in writing within one year of the date of the initial decision. The request must state why the decision is in error and include any new and relevant information not previously considered. The request for reconsideration may include a request for a meeting with the VA decisionmaker, the claimant, and the claimant's representative (if the claimant wishes to have a representative present). Such a meeting shall only be for the purpose of discussing the issues and shall not include formal procedures (such as presentation and cross-examination of witnesses). The meeting will be taped and transcribed by VA, if requested by the claimant, and a copy of the transcription shall be provided to the claimant. After reviewing the matter, the decisionmaker (the Chief, Health Administration Service, or equivalent) shall issue a written decision that affirms, reverses, or modifies the initial decision.

Description of need for information and proposed use of information: The information proposed to be collected under 17.133 appears to be necessary to initiate the reconsideration process.

Description of likely respondents: Individuals or other entities who make a claim for benefits administered by VHA and are denied.

Estimated number of respondents: 101,652.

Estimated frequency of responses: one time.

Estimated total annual reporting and recordkeeping burden: 16,942 hours.

Estimated annual burden per collection: 10 minutes per item.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;

• Enhancing the quality, usefulness, and clarity of the information to be collected; and

• Minimizing the burden of the collections of information on those who are to respond, including responses through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulations.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of the proposed rule would not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Although the adoption of the proposed rule could affect small businesses, it would not have a significant impact on any small business. Therefore, pursuant to 5 U.S.C. 605(b), the proposed rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

There are no Catalog of Federal Domestic Assistance program numbers.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: February 23, 1998.

Togo D. West, Jr.,

Acting Secretary.

For the reasons set forth in the preamble, 38 CFR part 17 is proposed to be amended as follows:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501(a), 1721, unless otherwise noted.

2. In part 17, an undesignated center heading and § 17.133 are added to read as follows:

RECONSIDERATION OF DENIED CLAIMS

§ 17.133 Procedures.

(a) *Scope.* This section sets forth reconsideration procedures available to an individual or entity who made a claim for benefits administered by the Veterans Health Administration (VHA) and who disagrees with the initial decision denying the claim in whole or in part. These procedures are not mandatory, and a claimant may choose to appeal the denied claim to the Board of Veterans Appeals pursuant to 38 U.S.C. 7105 without utilizing the provisions of this section. These procedures do not apply when other regulations providing reconsideration procedures do apply (e.g., CHAMPVA (38 CFR 17.84), spina bifida (38 CFR 17.904)). Otherwise, this section applies to all claims for VHA benefits (e.g., reimbursement for non-VA care not authorized in advance, reimbursement for beneficiary travel expenses, reimbursement for home improvements or structural alterations, etc.). Submitting a request for reconsideration shall constitute a notice of disagreement for purposes of filing a timely notice of disagreement under 38 U.S.C. 7105(b).

(b) *Process.* A request for reconsideration under this section must be submitted in writing to the Director of the healthcare facility of jurisdiction within one year of the date of the initial decision. The request must state why it is concluded that the decision is in error and must include any new and relevant information not previously considered. Any request for reconsideration that does not identify the reason for the dispute will be returned to the sender without further consideration. The request for reconsideration may include a request for a meeting with the VA decisionmaker, the claimant, and the claimant's representative (if the claimant wishes to have a representative present). Such a meeting shall only be for the purpose of discussing the issues and shall not include formal procedures (such as presentation and cross-examination of witnesses). The meeting will be taped and transcribed by VA if requested by the claimant and a copy of the transcription shall be provided to the claimant. After reviewing the matter, the decisionmaker (the Chief, Health Administration Service, or equivalent) shall issue a written decision that affirms, reverses, or modifies the initial decision.

Note to § 17.133: The final decision of the decisionmaker will inform the claimant of further appellate rights for an appeal to the Board of Veterans Appeals.

(Authority: 38 U.S.C. 511)

[FR Doc. 98–5122 Filed 2–26–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 414

RIN 1006–AA40

Offstream Storage of Colorado River Water and Interstate Redemption of Storage Credits in the Lower Division States

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of proposed rulemaking; extension of deadline for comments.

SUMMARY: The Bureau of Reclamation (Reclamation) published a notice of proposed rulemaking on December 31, 1997 (62 FR 68491), which included the text of a proposed rule titled, "Offstream Storage of Colorado River Water and Interstate Redemption of Storage Credits in the Lower Division States." That notice specified that comments on the proposed rule must be received by Reclamation on or before March 2, 1998. Reclamation will extend the comment deadline an additional 32 days, until close of business on Friday, April 3, 1998.

DATES: Any comments must be received by Reclamation on or before April 3, 1998, in accordance with the criteria set forth in the December 31, 1997, notice of proposed rulemaking (62 FR 68491).

FOR FURTHER INFORMATION CONTACT: Mr. Dale Ensminger, telephone (702) 293–8659 or fax (702) 293–8042.

SUPPLEMENTARY INFORMATION: Reclamation received several requests for an extension of the deadline for comments on the proposed rule. In the interest of encouraging public participation, Reclamation is extending the deadline for written comments. If you have already prepared written comments to meet the March 2, 1998, deadline, you may supplement or replace those comments with an additional written response.

Dated: February 20, 1998.

William E. Rinne,

Area Manager, Boulder Canyon Operations Office.

[FR Doc. 98–5032 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS–117; Notice 4]

RIN 2137–AC87

Low-Stress Hazardous Liquid Pipelines Serving Plants and Terminals

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to exclude from RSPA's safety regulations for hazardous liquid pipelines low-stress pipelines regulated for safety by the U.S. Coast Guard and certain low-stress pipelines less than one mile long serving plants and terminals. Difficulties involving compliance with RSPA's regulations do not appear warranted by risk and may cause operating errors that impair safety. It is RSPA's policy toward effective government to eliminate duplicative and unnecessarily burdensome regulations.

DATES: RSPA invites interested persons to submit comments by close of business April 28, 1998. Late comments will be considered as far as practicable.

ADDRESSES: Send comments in duplicate to the Dockets Unit, Room 8421, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh St., SW, Washington, D.C. 20590. Comments should identify the docket and the notice number stated in the heading of this notice. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard. All comments and docketed material will be available for inspection and copying in Room 8421 between 8:30 a.m. and 5 p.m. each business day.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow at (202) 366–4559 or furrowl@rspa.dot.gov. For copies of this notice or other material in the docket, contact the Dockets Unit at (202) 366–5046.

SUPPLEMENTARY INFORMATION:

I. Background

When RSPA's safety regulations for hazardous liquid [1] pipelines (49 CFR part 195) were first published, the regulations did not apply to low-stress pipelines [2] (34 FR 15473; Oct. 4, 1969). In recent years, however, during a time of increased environmental awareness, critical accidents involving low-stress pipelines led Congress to restrict DOT's discretion to except these lines from regulation. So, in an amendment to the pipeline safety laws, Congress directed the Secretary of Transportation not to except from regulation a hazardous liquid pipeline facility only because the facility operates at low internal stress (49 U.S.C. § 60102(k)).

In response to this change in the law, RSPA extended the Part 195 regulations to cover certain low-stress pipelines (Docket No. PS–117; 59 FR 35465; July 12, 1994). Except for onshore rural gathering lines and gravity-powered lines, the following categories of low-stress pipelines were brought under the regulations: pipelines that transport highly volatile liquids, pipelines located onshore and outside rural areas, pipelines located offshore, and pipelines located in waterways that are currently used for commercial navigation (§ 195.1(b)(3)). Because the rulemaking record showed that many low-stress pipelines probably were not operated and maintained consistent with Part 195 requirements, operators were allowed to delay compliance of their existing lines until July 12, 1996 (§ 195.1(c)).

II. Interfacility Transfer Lines

A. Description

The largest proportion of low-stress pipelines brought under Part 195 consisted of interfacility transfer lines (about two-thirds of the pipelines and one-third of the overall mileage). The remainder included trunk lines and gathering lines located outside rural areas.

Interfacility transfer lines move hazardous liquids locally between facilities such as truck, rail, and vessel transportation terminals, manufacturing plants (including petrochemical plants), and oil refineries, or between these facilities and associated storage or long-distance pipeline transportation.[3] The lines usually are short, averaging about a mile in length. Typically they are operated in association with other transfer piping on the grounds of the industrial plants and terminals they serve.

B. Related Federal Regulations

Segments of interfacility transfer lines located on the grounds of industrial plants and transportation terminals are subject to the Process Safety Management regulations of the Occupational Safety and Health Administration (OSHA) (29 CFR 1910.119). These regulations, which involve hazard analysis and control, operating and maintenance procedures, and personnel training, are intended to reduce the risk of fires and explosions caused by the escape of hazardous chemicals from facility processes.

Although on-grounds segments of interfacility transfer lines generally are excepted from Part 195 (§ 195.1(b) (6) and (7)),[4] the on-grounds segment and regulated off-grounds segment of a line function together as a unit. Thus, OSHA's Process Safety Management regulations, though applicable only to on-grounds segments, affect the operation of off-grounds segments. And, similarly, compliance with part 195 for off-grounds segments affects operation of the unregulated on-grounds segments.

In addition, most transfer lines between vessels and marine transportation-related facilities are subject to safety regulations of the U.S. Coast Guard (33 CFR parts 154 and 156). The Coast Guard applies these regulations to transfers of hazardous liquid from the dock loading arm or manifold up to the first valve after the line enters the Spill Prevention Control and Countermeasure (SPCC) containment or secondary containment if the facilities are not protected by SPCC plans.

C. Compliance Difficulties

Information we received in response to Notice 1 of Docket PS–117 (55 FR 45822; Oct. 31, 1990) showed that bringing interfacility transfer lines into full compliance with part 195 would be difficult for many operators. The primary difficulty is that their lines are not installed and operated on the basis of part 195 standards. For example,

[1] "Hazardous liquid" means petroleum, petroleum products, or anhydrous ammonia.

[2] "Low-stress pipeline" means a hazardous liquid pipeline that is operated in its entirety at a stress level of 20 percent or less of the specified minimum yield strength (SMYS) of the line pipe.

[3] The interfacility transfer lines did not include piping that connect high-stress pipelines with surge tanks located at plants and terminals. This piping was already subject to the part 195 regulations as part of the pipeline systems for which the tanks relieve surges.

[4] Segments of interfacility transfer lines on plant or terminal grounds are subject to Part 195 if the segment connects a regulated pipeline (including off-grounds segments of interfacility transfer lines) to a surge tank or other device necessary to control the operating pressure of the regulated pipeline.

considering the short length and low operating stress of the lines, additional pipe wall thickness is often used instead of cathodic protection to resist expected corrosion. But, regardless of this feature, under part 195, cathodic protection systems would have to be developed and installed as required. Other part 195 requirements that may not bring commensurate benefits for short, low-stress transfer lines involve modifying operations and maintenance manuals, installing pressure control equipment, and establishing programs to carry out drug and alcohol rules under 49 CFR part 199. Also, operating personnel would have to be trained to carry out part 195 requirements.

After publication of the Final Rule in Docket PS–117, we learned about another significant compliance difficulty. Transfer line operators and their representatives said that coping with the separate federal regulatory regimes of RSPA, OSHA, and the Coast Guard over transfer lines was a strain on resources. As explained above, OSHA's Process Safety Management regulations and RSPA's part 195 standards have an overlapping effect on operation of interfacility transfer lines. This overlap results in analogous administrative costs for records, procedures, and manuals. Worse yet it creates opportunities for mistakes when operating personnel have to meet different requirements with similar objectives.

For transfers between vessels and marine transportation-related facilities, the Coast Guard safety regulations compound the RSPA-OSHA overlap problem. Moreover, applying part 195 to these marine terminal transfer lines duplicates agency efforts within DOT. It also leaves the industry uncertain which DOT safety standards apply to particular facilities. So the upshot of these separate regulatory regimes of RSPA, OSHA, and the Coast Guard is not only the added costs of meeting separate requirements directed at similar safety objectives, but also possible confusion of operating personnel.

The low-stress pipeline regulations also present RSPA and its cooperating State agencies with related compliance difficulties. Carrying out adequate compliance inspections on interfacility transfer lines would require a significant increase in resources. We estimate that about 11,000 miles of low-stress pipelines are now under part 195, with over a third of the mileage composed of short interfacility transfer lines. Just the job of finding and educating the many operators of these short lines would likely be a major, protracted effort.

D. Stay of Enforcement

We weighed these industry and government compliance difficulties against the need for risk reduction on low-stress interfacility transfer lines. Our conclusion was that the potential benefits of complying with part 195 do not justify the compliance difficulties if the line is short and does not cross an offshore area or a commercially navigable waterway, or if the line is regulated by the Coast Guard. There were several reasons for this decision. First, RSPA's pipeline safety data do not show that short interfacility transfer lines have been a source of significant safety problems. Another reason was that the low operating hoop stress of interfacility transfer lines is itself a safeguard against several accident causes. And, from the consequence perspective, a short length means the potential spill volume would be limited should an accident occur. Also, public exposure is typically limited in the industrial areas where most low-stress interfacility transfer lines are located. For marine transfer lines, the risk is reduced even further by the Coast Guard regulations and inspection force. At the same time, except for Coast Guard regulated lines, the potential of transfer lines crossing offshore or a commercially navigable waterway to cause environmental harm tipped the scale toward continued compliance with part 195.

In view of the above considerations, we became concerned that the continued application of part 195 to Coast Guard regulated lines and other short interfacility transfer lines not crossing an offshore area or a commercially navigable waterway was not in the public interest. Consequently, we announced a stay of enforcement of part 195 against these lines (61 FR 24245; May 14, 1996). The stay applies to low-stress pipelines that are regulated by the Coast Guard or that extend less than 1 mile outside plant or terminal grounds without crossing an offshore area or any waterway currently used for commercial navigation. The stay will remain in effect until modified or until the part 195 regulations are finally revised as a result of the present action.

Since announcement of the stay, we have not received any request to lift it. More important, we have explained this new enforcement policy at two public meetings of the Technical Hazardous Liquid Pipeline Safety Advisory Committee, a statutory panel that reviews RSPA's pipeline safety program. We also explained our plan to revise the part 195 regulations consistent with the stay. Neither the Committee members nor the public attendees raised any significant objection to the enforcement policy or planned rule change. Further, State agencies who cooperate with RSPA in enforcing safety standards over interfacility transfer lines have not objected to the stay.

E. Direct Final Rule

Following publication of the stay of enforcement, we issued a direct final rule to expand the low-stress pipeline exclusion under § 195.1(b)(3) to include interfacility transfer lines that are covered by the stay (62 FR 31364; June 9, 1997).

The direct final rule changed § 195.1(b)(3) to read as follows:

(b) This part does not apply to—

* * * * *

(3) Transportation through the following low-stress pipelines:

(i) An onshore pipeline or pipeline segment that—

(A) Does not transport HVL;

(B) Is located in a rural area; and

(C) Is located outside a waterway currently used for commercial navigation;

(ii) A pipeline subject to safety regulations of the U.S. Coast Guard; and

(iii) A pipeline that serves refining, manufacturing, or truck, rail, or vessel terminal facilities, if the pipeline is less than 1 mile long (measured outside facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation;

* * * * *

The procedures governing issuance of direct final rules are in 49 CFR 190.339. These procedures provide for public notice and opportunity for comment subsequent to publication of a direct final rule. They also provide that if an adverse comment or notice of intent to file an adverse comment is received, RSPA will issue a timely notice in the **Federal Register** to confirm that fact and withdraw the direct final rule in whole or in part. Under the procedures, RSPA may then incorporate the adverse comment into a subsequent direct final rule or may publish a notice of proposed rulemaking.

Four persons submitted comments on the direct final rule: American Petroleum Institute (API), California Department of Fish and Game (CDF&G), California Independent Petroleum Association (CIPA), and Western States Petroleum Association (WSPA). API made an editorial comment, while CIPA and WSPA argued that the direct final rule should be expanded to also exclude from part 195 short low-stress pipelines serving production shipping facilities in urban areas.

However, CDF&G opposed the direct final rule. This State agency contended the Coast Guard's regulations are not an

adequate substitute for RSPA's because the Coast Guard regulations do not specify a hold time for pressure tests, do not apply to transfer lines that only serve small vessels (less than 250 barrels of cargo capacity), and do not require cathodic protection to guard against corrosion. CDF&G also said the exclusion of short plant and terminal transfer lines should apply only if a discharge would not impact marine waters of the United States.

Because of the adverse comment from CDF&G, we withdrew the direct final rule (62 FR 52511; October 8, 1997). As a result, § 195.1(b)(3) remains as it was before issuance of the direct final rule. In the withdrawal notice, we said we would follow up the withdrawal with a notice of proposed rulemaking based on the direct final rule and the comments we received on it. The present action is that notice of proposed rulemaking.

F. Proposed Rule

In commenting on the direct final rule, API suggested we clarify that a low-stress pipeline would be excluded from part 195 if it comes under any one of the three categories of excluded low-stress pipelines ((i), lines previously excluded; (ii), lines subject to Coast Guard regulations; and (iii), certain lines serving plants and terminals). API further suggested that replacing the word "and" between categories (ii) and (iii) with the word "or" would accomplish this objective. In addition to adopting this comment, to avoid any further misunderstanding, we are proposing to modify the introductory phrase of § 195.1(b)(3) to read "transportation through any of the following low-stress pipelines."

CIPA and WSPA argued that our rationale for excluding certain short transfer lines serving refineries, manufacturing plants, and truck, rail, or vessel terminals applies equally to similar transfer lines serving production shipping facilities in urban areas. These two commenters also said that until the direct final rule was published, many of their members thought the stay of enforcement covered these transfer lines (otherwise known as gathering lines) located in urban areas because of the reference to low-stress pipelines outside "plant" grounds in the operative words of the stay.

Despite the parallels these commenters drew, we are not proposing to exclude from part 195 short low-stress pipelines serving production shipping facilities in urban areas. First of all, we never intended the stay to apply to urban gathering lines.[5] Our notice of the stay discussed part 195 compliance problems associated with short transfer lines that interconnect refineries; manufacturing plants; petrochemical plants; truck, rail, or vessel transportation terminals; and long-distance pipelines. It is within this context that the term "plant" was used. Also, when the notice of the stay referred to gathering lines, the context distinguished gathering lines from other kinds of transfer lines. Moreover, the primary reason for the stay, as well as the direct final rule, was the overlapping effect of part 195 and OSHA's Process Safety Management regulations (29 CFR 1910.119) on plant and terminal transfer lines. However, these OSHA regulations do not apply to oil production operations. So, although there may be similarities between urban gathering lines and transfer lines covered by the stay, the absence of an overlap with the OSHA regulations significantly weakens CIPA's and WSPA's argument for excluding short urban gathering lines from part 195. Not only do the OSHA regulations not compound the difficulties these lines may have in meeting part 195, neither can the OSHA regulations be counted on to lower the risk of the lines. And this latter point is even more important because urban gathering lines are not as likely to exist in uninhabited industrial areas as are the transfer lines covered by the stay.

We share CDF&G's concern that any exclusion of plant and terminal transfer lines not increase the risk to marine waters. But we do not agree that the Coast Guard's regulations do not afford as much protection as RSPA's. Although the Coast Guard's regulations do not specify a hold time for pressure tests and do not require cathodic protection, they do require that existing transfer lines be pressure tested annually to at least 150 percent of the pipeline's maximum allowable working pressure. This requirement is more rigorous than RSPA's pressure testing standard (subpart E of part 195) for low-stress pipelines. Not only does the RSPA standard exempt most existing low-stress pipelines (49 CFR 195.302(b)(3)), low-stress transfer lines that are subject to testing under the standard only have to be tested once to no more than 125 percent of maximum operating pressure. We also believe the higher safety margin of the Coast Guard test (50% above maximum allowable working pressure) and the higher frequency of testing, with on-scene Coast Guard inspection, makes the lack of a cathodic protection requirement less important. As to the concern over transfers to small capacity vessels, any low-stress marine transfer lines that are not subject to Coast Guard regulations would continue to be covered by part 195, unless they are otherwise excluded under § 195.1(b)(3).

In light of CDF&G's comment about the impact on marine waters of plant and terminal transfer lines, we also considered broadening in this notice the provision in the direct final rule that kept under part 195 short lines crossing offshore or commercially navigable waters. As mentioned above, our reason for not excluding these short pipelines from regulation was their potential for environmental harm. This potential is increased by the presence of the lines in important water resources and by the vulnerability of the lines to outside force damage. In weighing the need for risk reduction against the difficulties of compliance with part 195, we decided this increased potential for environmental harm was reason enough to keep the lines under part 195. CDF&G's suggestion to exclude short lines only if a discharge would not impact marine waters would possibly keep even more lines under part 195; for example, lines that are proximate to, but do not cross, marine waters. But unlike lines crossing offshore or commercially navigable waterways, we do not believe that as a whole these additional short lines pose a level of risk that outweighs their compliance difficulties. Therefore, the proposed rule would exclude from part 195 the same low-stress pipelines that were covered by the direct final rule.

III. Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Policies and Procedures

The Office of Management and Budget (OMB) does not consider this action to be a significant regulatory action under Section 3(f) of Executive Order 12866 (58 FR 51735; October 4, 1993). Therefore, OMB has not reviewed this final rule document. DOT does not consider this action significant under its regulatory policies and procedures (44 FR 11034; February 26, 1979).

RSPA prepared a study of the costs and benefits of the Final Rule that extended part 195 to cover certain low-stress pipelines (Final Regulatory Evaluation, Docket No. PS–117). That study, which encompassed short or Coast Guard regulated interfacility transfer lines, showed that the Final Rule would result in net benefits to society, with a benefit to cost ratio of 1.5.

[5] Rural gathering lines are excluded from part 195 by § 195.1(b)(4).

The Final Regulatory Evaluation determined costs and benefits of the Final Rule on a mileage basis. But while costs were evenly distributed, most of the expected benefits were projected from accident data that did not involve short or Coast Guard regulated interfacility transfer lines. Since the present action affects only these lines, it is reasonable to believe the action will reduce more costs than benefits. Thus, the present action should enhance the net benefits of the Final Rule. Because of this likely economic effect, a further regulatory evaluation of the Final Rule in Docket No. PS–117 or of the present action is not warranted.

B. Regulatory Flexibility Act

Low stress interfacility transfer lines covered by the present action are associated primarily with the operation of refineries, petrochemical and other industrial plants, and materials transportation terminals. In general, these facilities are not operated by small entities. Nonetheless, even if small entities operate low-stress interfacility transfer lines, their costs will be lower because this action reduces compliance burdens. Therefore, based on the facts available about the anticipated impact of this rulemaking action, I certify, pursuant to Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this rulemaking action will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12612

RSPA has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612 (52 FR 41685). RSPA has determined that the action does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

D. Paperwork Reduction Act

This action reduces the pipeline mileage and number of operators subject to part 195. Consequently, it reduces the information collection burden of part 195 that is subject to review by OMB under the Paperwork Reduction Act of 1995. OMB has approved the information collection requirements of part 195 through May 31, 1999 (OMB No. 2137–0047).

E. Unfunded Mandates Reform Act of 1995

This proposed rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

List of Subjects in 49 CFR Part 195

Ammonia, Carbon dioxide, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, RSPA proposes to amend 49 CFR part 195 as follows:

PART 195—[AMENDED]

1. The authority citation for Part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. In § 195.1, the introductory text of paragraph (b) is republished, and paragraph (b)(3) would be revised to read as follows:

§ 195.1 Applicability.

* * * * *

(b) This part does not apply to—

* * * * *

(3) Transportation through any of the following low-stress pipelines:

(i) An onshore pipeline or pipeline segment that—

(A) Does not transport HVL;

(B) Is located in a rural area; and

(C) Is located outside a waterway currently used for commercial navigation;

(ii) A pipeline subject to safety regulations of the U.S. Coast Guard; or

(iii) A pipeline that serves refining, manufacturing, or truck, rail, or vessel terminal facilities, if the pipeline is less than 1 mile long (measured outside facility grounds) and does not cross an offshore area or a waterway currently used for commercial navigation;

* * * * *

Issued in Washington, D.C. on February 23, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 98–5115 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–60–P

Notices

Federal Register
Vol. 63, No. 39
Friday, February 27, 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

Forest Service

South Babione Project, Bighorn National Forest, Sheridan and Johnson Counties WY

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: The Forest Service is cancelling notice for preparation of an environmental impact statement on a proposal to harvest timber in the South Babione area, located on the Bighorn National Forest within Sheridan and Johnson Counties, Wyoming. The notice of intent was published in Volume 62 No. 167, page 45619 on August 28, 1997.

FOR FURTHER INFORMATION CONTACT: Craig Yancey, Tongue District Ranger, Bighorn National Forest, 1969 South Sheridan Avenue, Sheridan, Wyoming 82801 or (307) 672–0751.

SUPPLEMENTARY INFORMATION: Since August, 1997, when the Bighorn National Forest published the Notice of Intent to prepare an environmental impact statement to harvest timber in the South Babione area, the Forest Service has proposed to revise the regulations concerning the management of the national forest transportation system to address changes in how the road system is developed, used, maintained and funded.

On January 28, 1998, the Forest Service published notice in the **Federal Register** to suspend temporarily road construction and reconstruction in most roadless areas of the national forest system. The South Babione area is in a RARE II roadless area. The project area is located south of Forest Development Road 299 and west of Antler Creek. The project area covers approximately 5,000 acres.

This project is cancelled until a long range policy and rulemaking for the Forest Service transportation system is developed.

Abigail Kimbell, Forest Supervisor, is the Responsible Official for decisions on timber harvest.

Dated: February 13, 1998.

Abigail R. Kimbell,

Forest Supervisor.

[FR Doc. 98–5108 Filed 2–26–98; 8:45 am]

BILLING CODE 3410–11–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Notice of Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, D.C. on Tuesday and Wednesday, March 10–11, 1998 at the times and location noted below.

DATES: The schedule of events is as follows:

Monday, March 9, 1998

1:00 p.m.–3:30 p.m.—Tour of MCI Arena

Tuesday, March 10, 1998

9:00 a.m.–Noon and 1:30–3:30 p.m.—Committee of the Whole—Architectural Barriers Act Guidelines (Closed Meeting)

3:30 p.m.–5:00 p.m.—Committee of the Whole—Recreation Guidelines Notice of Proposed Rulemaking (Closed Meeting)

Wednesday, March 11, 1998

9:00 p.m.–9:45 p.m.—Planning and Budget Committee

9:45 p.m.–11:30 a.m.—Technical Programs Committee

1:00 p.m.–2:30 p.m.—Board Meeting

ADDRESSES: The meetings will be held at: Marriott at Metro Center, 775 12th Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–5434, ext. 14 (voice) and (202) 272–5449 (TTY).

SUPPLEMENTARY INFORMATION: At the Board meeting, the Access Board will consider the following agenda items. Specific voting items are noted next to each committee report.

Open Meeting

- Executive Director's Report.
- Approval of the Minutes of the September 10, 1997 and January 14, 1998 Board Meetings.
- Planning and Budget Committee Report—Fiscal Year 1998 Spending Plan, Fiscal Year 1999 Budget Status, and Agency Goals—Progress Report.
- Technical Programs Committee Report—Report on Access to Toilet and Bath Facilities Project, Status Report on Fiscal Year 1996–1998 Research Projects, and Status of Technical Assistance Materials.

Closed Meeting

- Committee of the Whole Report—Architectural Barriers Act Guidelines.
- Committee of the Whole Report—Recreation Guidelines Notice of Proposed Rulemaking (voting).

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 98–5085 Filed 2–26–98; 8:45 am]

BILLING CODE 8150–01–P

ASSASSINATION RECORDS REVIEW BOARD

Sunshine Act Meeting

DATE: March 10, 1998.

PLACE: ARRB, 600 E Street, NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Review and Accept Minutes of Closed Meeting
2. Review of Assassination Records
3. Other Business

CONTACT PERSON FOR MORE INFORMATION: Eileen Sullivan, Press Officer, 600 E Street, NW, Second Floor, Washington, DC 20530. Telephone: (202) 724–0088; Fax: (202) 724–0457.

T. Jeremy Gunn,

Executive Director.

[FR Doc. 98–5292 Filed 2–25–98; 12:56 pm]

BILLING CODE 6118–01–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

EFFECTIVE DATE: March 30, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On October 17, November 7, December 19, 1997, January 5, 9 and 16, 1998, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (62 FR 54041, 60218, 66597 63 FR 202, 1422 and 2659) of proposed additions to and deletions from the Procurement List.

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Office and Miscellaneous Supplies
(Requirements for Hurlburt Field Air Force Base, Florida)

Office and Miscellaneous Supplies
(Requirements for the Naval Support Activity Memphis, Millington, Tennessee)

Fly Tent, Nylon, Polyurethane Coated
8340–00–102–6370
8340–01–185–5512

Services

Grounds Maintenance, Veterans Affairs Medical Center, Menlo Park, California

Janitorial/Custodial, Naval Air Station Atlanta, 1000 Halsey Avenue, Marietta, Georgia

Janitorial/Custodial, Department of Veterans Affairs Service and Distribution Center, Building #37—Warehouse, Hines, Illinois

Janitorial/Custodial, Defense Finance and Accounting Service (DFAS), Rome, New York

Janitorial/Custodial, Administrative (versus Industrial) Areas (approximately 150 buildings), Tinker Air Force Base, Oklahoma

Janitorial/Custodial, U.S. Army Reserve Center, Buildings 3270 A & B, Charleston, South Carolina

Laundry Service, Naval Hospital, San Diego, California

Mailing Service, Department of Housing and Urban Development, Albany, New York

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodities are hereby deleted from the Procurement List:

Napkin, Junior Dispenser
8540–01–350–6419

Napkin, Paper, Various
8540–01–350–6418

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–5094 Filed 2–26–98; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 30, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial

number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Office and Miscellaneous Supplies
(Requirements for the Westover Air Force Reserve Base, Chicopee, MA) NPA: In-Sight, Providence, Rhode Island

Candle Shipper, Spring Scents
M.R. 508
NPA: South Texas Lighthouse for the Blind, Corpus Christi, Texas

Fuel Kit and Oil Filter Element
2945–00–019–0280
NPA: Coastal Center for Developmental Services, Inc., Savannah, Georgia

Services

Administrative Services

National Center for Toxicological Research
3900 NCTR Road
Jefferson, Arkansas
NPA: Jenkins Memorial Children's Center and Jenkins Industries, Inc., Pine Bluff, Arkansas

Janitorial/Custodial

Marine Corps Air Base
Camp Pendleton, California
NPA: Job Options, Inc., San Diego, California

Janitorial/Custodial

Veterans Integrated Support Network 16
Ridgeland, Mississippi
NPA: Goodwill Industries of Mississippi, Jackson, Mississippi

Janitorial/Custodial

National Park Service
Visitor Center and Headquarters
Tupelo, Mississippi
NPA: Allied Enterprises of Oxford, Oxford, Mississippi

Janitorial/Custodial

Naval and Marine Corps Reserve Center
Rochester, New York
NPA: Lifetime Assistance, Inc., Rochester, New York

Janitorial/Custodial

Basewide (except Commissary, Hospital and Base Industrial Areas)
Minot Air Force Base, North Dakota
NPA: Minot Vocational Adjustment Workshop, Inc., Minot, North Dakota

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–5095 Filed 2–26–98; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 30, 1998.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Janitorial/Custodial

Buildings 300 and 301
Robins Air Force Base, Georgia
NPA: Goodwill Industries of Middle Georgia, Inc., Macon, Georgia.

Operation of Postal Service Center

Charleston Air Force Base, South Carolina
NPA: Goodwill Industries of Lower SC, Inc., Charleston, South Carolina.

Janitorial/Custodial

VA Outpatient Clinic
Mobile, Alabama
NPA: Lakeview Center, Inc., Pensacola, Florida.

Janitorial/Custodial

Postwide
Fort Belvoir, Virginia
NPA: The Chimes, Inc., Baltimore, Maryland.

Beverly L. Milkman,

Executive Director.

[FR Doc. 98–5096 Filed 2–26–98; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No. 971230315–7315–01]

Termination of Certification of Eligibility-Team One USA, Inc.

AGENCY: Economic Development Administration (EDA), Department of Commerce (DoC).

ACTION: Notice.

SUMMARY: The Economic Development Administration (EDA) hereby gives Notice pursuant to Title II, Chapter 3 of the Trade Act of 1975, as amended (19 U.S.C. 2341 *et seq.*) (Trade Act) and EDA's rules at 13 CFR 315 that pursuant to the provisions of the Trade Act at

section 2342, the Certification of Eligibility awarded to Team One USA, Inc., (TeamOne) Keyport, Washington, on July 17, 1997, is for good cause shown, terminated effective [insert date of publication in the FR]. TeamOne has been notified by certified return receipt mail of EDA's intent to terminate this eligibility for its failure to meet the production and sales criteria set forth in the Trade Act and EDA's implementing regulations at 13 CFR part 315.

Appeal procedures are set forth in the Trade Act at section 2391 and 13 CFR 315.11. Any party having a substantial interest in the proceedings may request a public hearing on this matter. A request for a hearing must be delivered by hand or registered mail to the Coordinator, Trade Adjustment and Technical Assistance, Room 7317, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, by no later than the close of business of the tenth calendar day following the publication of this Notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which this action is taken is 11.313 Economic Development—Trade Adjustment Assistance.

Dated: February 2, 1998.

Phillip A. Singerman,

Assistant Secretary for Economic Development.

[FR Doc. 98–5033 Filed 2–26–98; 8:45 am]

BILLING CODE 3510–24–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility to Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give firms an opportunity to Comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 01/16/97–02/15/98

Firm name	Address	Date petition accepted	Product
Century Manufacturing, Inc	4858 U.S. Route 35, East, West Alexandria, OH 45381.	01/23/98	Stainless Steel Tanks for Use by the Beverage Industry.
Ponderay Valley Fibre, Inc	137 5th Street, USK, WA	01/23/98	Wood Chips.
Pacific Metal Tech., Inc	22614 66th Avenue South, Kent, WA 98032.	01/26/98	Bicycle Caliper and Cantilever Brakes, Frames, Forks, Parts and Accessories.
Gabris Surgical Corp	1432 North Great Neck Road, Virginia Beach, VA 23454.	01/26/98	Surgical Instruments and Cannulas.
Trager Manufacturing Co., Inc	90 South Dearborn Street, Seattle, WA 98134.	02/02/98	Backpacks, Briefcases and Similar Travel Bags.
Service Plastics, Inc	1850 Touhy Avenue, Elk Grove Village, IL 60007.	02/02/98	Injection Molded Plastic Cabinets, Housewares, Service Racks, Stands and Bases.
Capitol Manufacturing Company, Inc.	710 Locust Street, Fayetteville, NC 28302.	02/02/98	Picture Frame Moldings and Picture Frames.
Price Manufacturing Company	372 North Smith Avenue, Corona, CA 91720.	02/02/98	Fasteners for Aircraft Fuselage Rivets, and Automotive Airbag.
Amyx Manufacturing Limited Partnership.	648 Missouri Avenue, West Plains, MO 65775.	02/06/98	Wooden Chairs and Turnings.
Johansen Brothers Shoe Company, Inc.	983 Gardenview Office Parkway, St. Louis, MO 63141.	02/06/98	Women and Men's Shoes.
Darman Manufacturing Company, Inc.	1410 Lincoln Avenue, Utica, NY 13502.	02/06/98	Cloth Roll Towel Dispensers, Winding and Unwinding Equipment.
Charles Emerson	RD #1, Box 337, Alfred Station, NY 14803.	02/09/98	Bulk Maple Syrup and Maple Cream and Sugar, Hay and Gravel.
P.B. & H. Moulding Corporation	124 Pickard Drive East, Syracuse, NY 13211.	02/09/98	Wood Molding Picture Frames.
Florence Eiseman, Inc	342 North Water Street, Milwaukee, WI 53202.	02/09/98	Children's Apparel.
Henson Garment Company, Inc	125 Paradise Boulevard, Athens, GA 30607.	02/10/98	Men's Apparel.
Ross & White Company	1090 Alexander Court, Cary, IL 60013.	02/10/98	Wash Systems for Motor Vehicles.
Sea Hawk Seafood, Inc	1900 W. Nickerson Street, Seattle, WA 98119.	02/11/98	Fresh and Frozen Salmon.
Hasty Bake, Inc	7656 East 46th Street, Tulsa, OK 74145.	02/11/98	Bar-B-Que Pits.
Tasnet, Inc	5271 102nd Avenue North, Pinellas Park, FL 33782.	02/11/98	Softwear and Automation Tools for Electric Utility Companies.
River Ltd	115 Anawan Street, Fall River, MA 02721.	02/17/98	Women's Slacks and Shorts.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States to articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in

sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: February 17, 1998.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 98–5053 Filed 2–26–98; 8:45 am]

BILLING CODE 3510–24–M

DEPARTMENT OF COMMERCE

International Trade Administration

Application of License To Enter Watches and Watch Movements into the Customs Territory of the United States

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 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. Phone number: (202) 482–3272.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: Faye Robinson, Statutory Import Programs Staff, Room 4211, U.S. Department of Commerce, Washington, DC 20230; Phone number: (202) 482–3526, and fax number: (202) 482–0949.

SUPPLEMENTARY INFORMATION:

I. Abstract

Pub. L. 97–446, as amended by Pub. L. 103–465, requires the Department of Commerce and the Interior to administer the distribution of duty-exemptions and duty-refunds to watch producers in the U.S. insular possessions and the Northern Mariana Islands. The primary consideration in collecting information is the enforcement of the law and the information gathered is limited to that necessary to prevent abuse of the program and to permit a fair and equitable distribution of its benefits. Form ITA–334P is the principal program form used for recording the annual operational data on the basis of which program entitlements are distributed among the producers (and the provision of which to the Departments constitutes their annual application for these entitlements).

II. Method of Collection

The Department of Commerce sends Form ITA–334P to each watch producer annually. A company official completes the form and returns it to the Department of Commerce.

III. Data

OMB Number: 0625–0040.
Form Number: ITA–334P.
Type of Review: Revision-Regular Submission.
Affected Public: Business or other for-profit.
Estimated Number of Respondents: 5.
Estimated Time Per Response: 1 hour.
Estimated Total Annual Burden Hours: 5 hours.
Estimated Total Annual Costs: The estimated annual cost for this collection is $30,125.00 ($125 for respondents and $30,000 for federal government (included are most administration costs of program)).

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 costs) 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 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: February 24, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 98–5100 Filed 2–26–98; 8:45 am]

BILLING CODE: 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Watch Duty-Exemption Program Forms

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2) (A)).

DATES: Written comments must be submitted on or before April 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. Phone number: (202) 482–3272.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: Faye Robinson, Statutory Import Programs Staff, Room 4211, U.S. Department of Commerce, Washington, DC 20230; Phone number: (202) 482–3526, and fax number: (202) 482–0949.

SUPPLEMENTARY INFORMATION:

I. Abstract

Pub. L. 97–446, as amended by Pub. L. 103–465, requires the Department of Commerce and the Interior to administer the distribution of duty-exemptions and duty-refunds to watch producers in the U.S. insular possessions and the Northern Mariana Islands. The primary consideration in collecting information is the enforcement of the law and the information gathered is limited to that necessary to prevent abuse of the program and to permit a fair and equitable distribution of its benefits. Form ITA–340P provides the data to assist in verification of duty-free shipments and make certain the allocations are not exceeded. Forms

ITA–360P and ITA–361P are necessary to implement the duty-refund program.

II. Method of Collection

The Department of Commerce issues Form ITA–360P to each watch producer annually. No information is requested unless the recipient wishes to transfer the certificate. Form ITA–361P is obtained from the Department of Commerce and must be completed each time a certificate holder wishes to obtain a portion, or all, of the duty-refund authorized by the certificate. The form is then sent to the Department of Commerce for validation and returned to the producer. Form ITA–340P may be obtained from the territorial government or may be produced by the company in an approved computerized format or any other medium or format approved by the Department of Commerce and the Interior. The form is completed for each duty-free shipment of watches and watch movements into the U.S. and a copy is transmitted to the territorial government. Only if entry procedures are not transmitted electronically through Customs' automated broker interface, do the regulations require a copy of the permit be sent to Customs along with other entry paperwork.

III. Data

OMB Number: 0625–0134.

Form Number: ITA–340P, 360P, 361P.

Type of Review: Revision-Regular Submission.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 5.

Estimated Time Per Response: 10 minutes.

Estimated Total Annual Burden Hours: 83 hr. 10 min.

Estimated Total Annual Costs: The estimated annual cost for this collection is $10,831.67 ($831.67 for respondents and $10,000 for federal government (included are some administration costs of program)).

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 costs) 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 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: February 24, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

(FR Doc. 98–5101 Filed 2–26–98; 8:45 am)

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation 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 revocation in part.

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

EFFECTIVE DATE: February 27, 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, N.W., Washington, D.C. 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 January anniversary dates. The Department also received timely requests to revoke in part the antidumping duty orders on certain cut-to-length carbon steel plate and corrosion-resistant carbon steel plate from Canada, and elemental sulphur from Canada. The request for revocation in part with respect to certain cut-to-length carbon steel plate and corrosion-resistant carbon steel plate from Canada was inadvertently omitted from initiation notice (62 FR 50292, September 25, 1997), and the request for revocation in part with respect to elemental sulphur from Canada was inadvertently omitted from the previous initiation notice (63 FR 3702, January 26, 1998).

Initiation of Review

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 January 31, 1999.

	Period to be reviewed
Antidumping Duty Proceedings	
Canada: Brass Sheet & Strip A–122–601 ..... Wolverine Tube (Canada), Inc.	1/1/97–12/31/97
France: Anhydrous Sodium Metasilicate (ASM) A–427–098 ..... Rhode-Poulene, S.A.	1/1/97–12/31/97
Republic of Korea: Welded Stainless Steel Pipe,* A–580–810 ..... SeAH Steel Corporation.	1/1/97–12/31/97
*Inadvertently omitted from previous notice.	
The People's Republic of China: Potassium Permanganate,* A–570–001	1/1/97–12/31/97

	Period to be reviewed
Guizhou Provincial Chemical I/E Corp. Zunyi Chemical Factory. *If one of the above named companies does not qualify for a separate rate, all other exporters of potassium permanganate 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.	
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 351.211 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 19 CFR 351.221(c)(1)(i).

Dated: February 20, 1998.

Louis Apple,

Acting Deputy Assistant Secretary, Group II, Import Administration.

[FR Doc. 98–5178 Filed 2–26–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration, Commerce

Export Trade Certificate of Review

ACTION: Notice of issuance of an Amended Export Trade Certificate of Review, Application No. 95–2A006.

SUMMARY: The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to Water and Wastewater Equipment Manufacturers Association ("WWEMA") on June 21, 1996. Notice of issuance of the Certificate was published in the **Federal Register** on July 12, 1996 (61 FR 36708).

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (1997).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

Export Trade Certificate of Review No. 95–00006, was issued to Water and Wastewater Equipment Manufacturers Association on June 21, 1996 (61 FR 36708, July 12, 1996), and previously amended on May 20, 1997 (62 FR 29104, May 29, 1997).

WWEMA's Export Trade Certificate of Review has been amended to:

1. Add the following company as a new "Member" of the Certificate within the meaning of Section 325.2(1) of the Regulations (15 CFR 325.2(1)): Conservatek Industries, Inc. of Conroe, Texas;

2. Delete ABB Kent Meters, Inc. of Ocala, Florida and Galaxy Environmental Corporation of Warminster, Pennsylvania as Members of the Certificate; and

3. Change the listing of the company name for the current Member "Capital Controls Co., Inc." to the new listing "The Capital Controls Group".

The effective date of the amended certificate is November 26, 1997. A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Dated: February 23, 1998.

Morton Schnabel,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 98–5060 Filed 2–26–98; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration, Commerce

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review, Application No. 89–3A018.

SUMMARY: The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to Outdoor Power Equipment Institute, Inc. ("OPEI") on March 19, 1990. Notice of issuance of the Certificate was published in the **Federal Register** on March 26, 1990 (55 FR 11041).

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to

issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (1997).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the Federal Register. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

Export Trade Certificate of Review No. 89–3A018, was issued to Outdoor Power Equipment Institute, Inc. on March 19, 1990 (55 FR 11041, March 26, 1990), and previously amended on July 6, 1990 (55 FR 29398, July 19, 1990).

OPEI's Export Trade Certificate of Review has been amended. The only change in the OPEI Certificate was in its membership. The members of the OPEI Certificate are currently as follows: Ariens Company, Brillion, WI; Deere & Company for the activities of its division, Worldwide Lawn & Grounds Care Division, Moline, IL; Dixon Industries, Inc. A Blount Company, Coffeyville, KS; Excel Industries, Inc., Hesston, KS; Exmark Manufacturing Company, Inc., Beatrice, NE; Frigidaire Home Products, Augusta, GA; Garden Way, Inc., Rensselaer, NY; Hoffco, Inc., Richmond, IN; Honda Power Equipment Manufacturing, Inc., Swepsonville, NC; Howard Price Turf Equipment, Chesterfield, MO; Ingersoll Equipment Company, Inc., Winnecone, WI; Kut-Kwick Corporation, Brunswick, GA; Maxim Manufacturing Corporation, Sebastopol, MS; MTD Products, Inc., Valley City, OH; Murray Inc., Brentwood, TN; Ransomes, Inc., Johnson Creek, WI; Scag Power Equipment, Inc., Mayville, WI; Simplicity Manufacturing, Inc., Port Washington, WI; Solo Incorporated, Newport News, VA; Southland Mower Company, Selma, AL; Textron, Inc. for the activities of Bunton, a division of Jacobsen, a division of Textron, Inc., Louisville, KY; Toro Company, The, Minneapolis, MN; and Yazoo Manufacturing Company, Inc., Jackson, MS.

The effective date of the amended certificate is September 16, 1997. A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Dated: February 23, 1998.

Morton Schnabel,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 98–5062 Filed 2–26–98; 8:45 am]

BILLING CODE 3510–DR–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Public Comment Period on the Elimination of the Paper Visa Requirement with the Government of Malaysia

February 23, 1998.

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

ACTION: Seeking public comments on the elimination of the paper visa requirement with the Government of Malaysia.

FOR FURTHER INFORMATION CONTACT: Lori Mennitt, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3821.

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 Electronic Visa Information System (ELVIS) allows foreign governments to electronically transfer shipment information to the U.S. Customs Service on textile and apparel shipments subject to quantitative restrictions. On November 9, 1995, a notice was published in the Federal Register (60 FR 56576) seeking public comments on the implementation of ELVIS. Subsequently, documents published on April 17, 1997 (62 FR 18758) announced that the Government of Malaysia, starting on May 1, 1997, would begin an ELVIS test implementation phase. This test phase does not eliminate the requirement for a valid paper visa to accompany each shipment for entry into the United States.

As a result of successful use of the dual visa system, preparations are under way to move beyond the current dual system to the paperless ELVIS system with Malaysia. However, exempt goods will still require a proper and correct exempt certification.

The Committee for the Implementation of Textile Agreements is requesting interested parties to submit comments on the elimination of the paper visa requirement for Malaysia and utilization of the ELVIS system exclusively. Comments must be received on or before April 28, 1998. Comments may be mailed to Troy H. Cribb, Chairman, Committee for the Implementation of Textile Agreements, room 3001, U.S. Department.of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

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

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–4976 Filed 2–26–98; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Proposed Amendments to Chicago Mercantile Exchange Butter Futures Contract Regarding Locational Price Differentials

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of proposed amendments.

SUMMARY: The Chicago Mercantile Exchange (CME or Exchange) has proposed amendments to Chicago Mercantile Exchange butter futures contract which will revise the contract's locational price differentials. The proposal was submitted under the Commission's 45-day Fast Track procedures. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purpose of the Commodity Exchange Act.

DATES: Comments must be received on or before March 16, 1998.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to

secretary@cftc.gov. Reference should be made to the CME butter contract.

FOR FURTHER INFORMATION, CONTACT: Please contact John Bird of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, telephone (202) 418–5274. Facsimile number: (202) 418–5527. Electronic mail: jbird@cftc.gov.

SUPPLEMENTARY INFORMATION: Under the existing butter futures contract, delivery may be made from approved domestic facilities located within the 48 contiguous states of the U.S. The par delivery area includes Chicago and all locations east of the western boundaries of lower Michigan, Indiana, Kentucky, Tennessee, and Mississippi. Deliveries outside the par delivery area currently are subject to discounts which increase by $.005 per pound for every 400 miles west of Chicago, beginning at $.005 for locations up to 400 miles outside Chicago, and ending at $.025 per pound for locations beyond 1600 miles.

Under the proposed amendments, the futures contract's par delivery location will consist of Chicago only. All other locations would be subject to discounts based on the following schedule: (1) locations up to 400 miles outside Chicago, at a discount of $.010 per pound; (2) locations between 400 and 800 miles outside Chicago, at a discount of $.020 per pound; (3) locations between 800 and 1200 miles outside Chicago, at a discount of $.025 per pound; (4) locations between 1200 and 1600 miles outside Chicago, at a discount of $.030 per pound; (5) locations between 1600 and 2000 miles outside Chicago, at a discount of $.040 per pound; and (6) locations greater than 2000 miles outside Chicago, at a discount of $.045 per pound. The CME proposes to apply the amendments to all newly listed contract months, commencing with the February 1999 contract month.

The Exchange states that the current price differentials "no longer accurately reflect the true level of price differentials that exist during the majority of the year and are no longer based on the majority of cash butter transactions that occur in locations outside of Chicago." The CME indicated that the proposed par delivery location and locational price differentials for alternative delivery points were selected based on the Exchange's analysis of quoted cash butter price differences between Chicago and California, prevailing transportation rates for shipping butter from West Coast locations to Chicago, and information obtained from industry sources. The Exchange also notes that the proposed locational price differentials conform to the locational differentials specified for the Exchange's spot call market for butter.

The proposed amendments were submitted pursuant to the Commission's Fast Track procedures for streamlining the review of futures contract rule amendments (62 FR 10434). Under those procedures, the proposal, absent any contrary action by the Commission, may be deemed approved at the close of business on April 6, 1998, 45 days after receipt of the proposal. In view of the limited review period provided under the Fast Track procedures, the Commission has determined to publish for public comment notice of the availability of the terms and conditions for 15 days, rather than 30 days as provided for proposals submitted under the regular review procedures.

The Commission is specifically requesting comment on the extent to which the proposal conforms to the Commission's policy on the establishment of locational price differentials. That policy provides that locational price differentials specified in futures contracts should reflect normal commercial price differences between the delivery points specified for the contracts. When cash market conditions result in unstable price relationships among delivery points, the policy provides that locational price differentials be set at levels that fall within the range of values commonly observed or expected to occur in the future.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Copies of the proposed amendments can be obtained through the Office of the Secretariat by mail at the above address, by phone at (202) 418–5100, or via the internet on the CFTC website at www.cftc.gov under "What's Pending".

Other materials submitted by the CME in support of the proposal may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1997)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments, or with respect to other materials submitted by the CME, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on February 23, 1998.

John R. Mielke,

Acting Director.

[FR Doc. 98–5059 Filed 2–26–98; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Headquarters Air Force, Air Force Personnel Center, Officer Accession Branch.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Officer Accessions Branch, Air Force Personnel Center, announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of 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 enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

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

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Air Force Personnel Center, Officer Accessions Branch (DPPAO), ATTN: Mr. Stephen Mohacey, or Ms. Blanche Rigney, 550 C Street West, Suite 10, Randolph Air Force Base TX 78159–4712.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and

associated collection instruments, please write to the above address or call: Mr. Stephen Mohacey, or Ms. Blanche Rigney at 210–652–4382.

Title, Associated Form, and OMB Number: "Application for Appointment as Reserves of the Air Force or USAF without Component," Air Force Form 24, OMB Number 0701–0096.

Needs and Uses: The information collection requirement is necessary for providing information to determine if applicant meets qualifications established for appointment as a Reserve (ANGUS and USAFR) or in the USAF without component. Use of the SSN is necessary to make positive identification of an applicant and his or her records.

Affected Public: Individuals and Households.

Annual Burden Hours: 1,116.

Number of Respondents: 3,350.

Responses per Respondent: 1.

Average Burden per Response: 20 minutes.

Frequency: On Occasion.

SUPPLEMENTARY INFORMATION: The information contained on AF Form 24 supports the Air Force as it applies to direct appointment (procurement) programs for civilian and military applicants. It provides necessary information to determine if an applicant meets qualifications established for appointment to fill authorized ANGUS and USAFR position vacancies and active duty requirements. Eligibility requirements are outlined in Air Force Instruction 36–2005.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–5120 Filed 2–26–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Headquarters Air Force, Officer Accession Branch, Air Force Personnel Center.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Officer Accessions Branch, Air Force Personnel Center, announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of 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 enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

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

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to: Air Force Personnel Center, Officer Accessions Branch (DPPAO), ATTN: Mr. Stephen Mohacey, or Ms. Blanche Rigney, 550 C Street West, Suite 10, Randolph Air Force Base TX 78159–4712.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call: Mr. Stephen Mohacey, or Ms. Blanche Rigney at 210–652–4382.

Title, Associated Form, and OMB Number: "Application for Training Leading to a Commission in the United States Air Force," Air Force Form 56, OMB Number 0701–0001.

Needs and Uses: The information collection requirement is necessary for providing information to determine if applicant meets qualifications established for training leading to a commission. Air Force selection boards use the information to determine suitability for officer training. If the information was not collected, Air Force efforts to select qualified applicants would be severely hampered. Use of the SSN is necessary to make positive identification of an applicant and his or her records.

Affected Public: Individuals and Households.

Annual Burden Hours: 967.

Number of Respondents: 2,900.

Responses Per Respondent: 1.

Average Burden Per Response: 20 minutes.

Frequency: On Occasion.

SUPPLEMENTARY INFORMATION: Information contained on AF Form 56 supports that Air Force as it applies to officer training (procurement) programs for civilian and military applicants. It is imperative that only persons fully qualified for receipt of Air Force commissions are selected for the training leading to commissioning. Data supports the Air Force in verifying the eligibility of applicants and in the selection of those best qualified for dedication of funding and training resources. Eligibility requirements are outlined in Air Force Instruction 36–2013.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–5121 Filed 2–26–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for the Disposal of Portions of the Former Homestead Air Force Base (AFB), Florida

The United States Air Force (Air Force) and the Federal Aviation Administration (FAA) will prepare an SEIS analyzing the proposed transfer of airfield and airfield-related properties at the former Homestead AFB. The SEIS will supplement the 1994 EIS titled Disposal and Reuse of Homestead Air Force Base, Florida. It will be used by the Air Force and the FAA in making decisions concerning the proposed disposal of the property. The Air Force and the FAA will be the lead agencies for preparing the SEIS. The National Park Service, the Fish and Wildlife Service, and the Environmental Protection Agency will be cooperating agencies.

The SEIS will address the potential environmental impacts of the disposal and reuse of surplus airfield facilities made available by the realignment of Homestead AFB pursuant to the Defense Base Closure and Realignment Act. The Air Force seeks to transfer the facilities in a manner that supports local plans for economic revitalization of South Florida and protects Biscayne Bay and the nearby national parks. The SEIS will address the proposed transfer of a one-runway airport and airport facilities at the former base. It also will address the potential environmental impacts of any reasonable disposal alternatives and include possible mitigation measures.

The scoping period for this SEIS formally begins with this Notice of Intent and will extend through April 30, 1998. The Air Force and FAA invite the participation of federal, state, and local agencies, any affected Indian tribal governments, organizations, and interested persons. Several public scoping meetings will be held at a time and location to be announced at a later

date. The purpose of such meetings is to provide a public forum for officials and the community to provide information and comments and to identify environmental issues and concerns that should be addressed in the SEIS. During the meetings the Air Force and FAA will provide information on the proposal to dispose of the property, describe the process to be used in preparing the SEIS, and ask for input on the scope of the SEIS including any reasonable alternatives to the proposed disposal. In addition to the public scoping meetings, written input is welcome, and informal meetings may be scheduled if requested.

To ensure sufficient time to adequately consider public inputs on issues to be included in the SEIS, comments should be presented to the Air Force and FAA in meetings or forwarded to the address listed below by April 30, 1998. For further information concerning the SEIS, please contact: AFBCA/EX, Attn: M. J. Jadick, Homestead AFB SEIS, 1700 N. Moore Street, Suite 2300, Arlington, VA 22209–2802, 703) 696–5529.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–5118 Filed 2–26–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Engineering and Environmental Laboratory (INEEL).

DATES: Tuesday, March 17, 1998 from 8:00 a.m. to 6:00 p.m., Mountain Standard Time (MST). Wednesday, March 18, 1998 from 8:00 a.m. to 5:00 p.m., MST. There will be public comment sessions on Tuesday, March 17, 1998 from 5:00 p.m. to 6:00 p.m. MST and Wednesday, March 18, 1998 from 1:00 p.m. to 1:30 p.m. MST.

ADDRESSES: Quality Inn 1555 Pocatello Creek Road, Pocatello, Idaho 83201.

FOR FURTHER INFORMATION CONTACT: INEEL Information (1–800–708–2680) or Wendy Green Lowe, Jason Associates Corp. (208–522–1662).

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: The EM SSAB, Idaho will discuss the Draft Focus on 2006 Plan, Proposed Plan for Test Area North Remediation, Work Plan for Pit 9, amendments to Board procedures, Board agendas for the next 12 months, Snake River Alliance concerns regarding the Advanced Mixed Waste Treatment Project, 100-Year Flood Plain Report, and committee reports. The board will also receive a presentation on Idaho State University Research Endeavors at INEEL. For a most current copy of the agenda, contact Woody Russell, DOE-Idaho, (208) 526–0561, or Wendy Green Lowe, Jason Associates Corp., (208) 522–1662. The final agenda will be available at the meeting.

Public Participation: The two-day meeting is open to the public, with public comment sessions scheduled for Tuesday, March 17, 1998 from 5:00 p.m. to 6:00 p.m. MST and Wednesday, March 18, 1998 from 1:00 p.m. to 1:30 p.m. MST. The Board will be available during this time period to hear verbal public comments or to review any written public comments. If there are no members of the public wishing to comment or no written comments to review, the board will continue with it's current discussion. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the INEEL Information line or Wendy Green Lowe, Jason Associates Corp., at the addresses or telephone numbers listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Charles M. Rice, INEEL Citizens' Advisory Board Chair, 477 Shoup Ave., Suite 205, Idaho Falls, Idaho 83402 or by calling Wendy Green Lowe, the Board Facilitator, at (208) 522–1662.

Issued at Washington, DC on February 23, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–5081 Filed 2–26–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Monticello

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board, Monticello Site.

DATE AND TIME: Wednesday, April 15, 1998, 6:00 p.m.–8:00 p.m.

ADDRESSES: San Juan County Courthouse, 2nd Floor Conference Room, 117 South Main, Monticello, Utah 84535.

FOR FURTHER INFORMATION CONTACT: Audrey Berry, Public Affairs Specialist, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO, 81502 (970) 248–7727.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to advise DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: Update on future land use, Monticello surface and groundwater, and project status, and reports from subcommittees on local training and hiring, and health and safety.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Audrey Berry's office at the address or telephone number listed above Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to

present their comments at the end of the meeting.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Audrey Berry, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO 81502, or by calling her at (303) 248–7727.

Issued at Washington, DC, on February 23, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–5080 Filed 2–26–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1827–000]

Allegheny Power Service Corporation, on Behalf of Monongahela Power Company, the Potomac Edison Company and West Penn Power Company (Allegheny Power); Notice of Filing

February 23, 1998.

Take notice that on February 11, 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. 39 to add three (3) 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 February 10, 1998, to The Energy Authority, Inc., Northern Indiana Public Service Company, and South Carolina Electric & Gas Company.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission and all parties of record.

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 March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5009 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1825–000]

American Electric Power Service Corporation; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, The American Electric Power Service Corporation (AEPSC), tendered for filing executed service agreements under the AEP Companies' Open Access Transmission Service Tariff (OATT). The OATT has been designated as FERC Electric Tariff Original Volume No. 4, effective July 9, 1996. AEPSC requests waiver of notice to permit the Service Agreements to be made effective for service billed on and after January 13, 1998.

AEPSC also filed a notice to terminate service agreement under AEP Companies' FERC Electric Tariff Original Volume No. 1, pursuant to request of Delhi Energy Services, Inc.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5007 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1821–000]

Bollinger Energy Corporation; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Bollinger Energy Corporation petitioned the Commission for acceptance of Bollinger Energy Corporation 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.

Bollinger Energy Corporation intends to engage in wholesale and retail electric power and energy purchases and sales as a marketer. Bollinger Energy Corporation is not in the business of generating or transmitting electric power. Bollinger Energy Corporation is a Maryland Corporation and owns Chesapeake Transit, Inc., which is a trucking company that transports a small portion of Bollinger Energy Corporation's petroleum sales in one 3,800 gallon tank truck to Bollinger Energy Corporation customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Secretary, 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 March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not service to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on

file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5003 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1831–000]

Carolina Power & Light Company; Notice of Filing

February 23, 1998.

Take notice that on February 12, 1998, Carolina Power & Light Company (Carolina), tendered for filing executed Service Agreements between Carolina and the following Eligible Entities: American Municipal Power—Ohio; NGE Generation, Inc.; and Associated Electric Cooperative, Inc. Service to each 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.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copes of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5019 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1822–000]

Cinergy Services, Inc.; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Cinergy Services, Inc. (Cinergy) tendered for filing a service agreement under Cinergy's Power Sales Standard Tariff (the Tariff) entered into between Cinergy and NGE Generation, Inc., (NGE).

Cinergy and NGE are requesting an effective date of one day after the filing of this Power Sales Service Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests must be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. An person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5004 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1829–000]

Eastern Pacific Energy; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Eastern Pacific Energy (EPE), applied to the Commission for acceptance of EPE 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.

EPE intends to engage in wholesale electric power and energy purchases and sales as a marketer.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5017 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. SA98–3–000, SA98–4–000 and SA98–5–000]

Edgar W. White; Notice of Petitions for Adjustment

February 23, 1998.

Take notice that on February 18, 1998, Edgar W. White (White), filed petitions for adjustment under Section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),[1] in Docket Nos. SA98–3–000, SA98–4–000, and SA98–5–000. In his petitions, White requests: (1) To be relieved of his obligation to make Kansas ad valorem tax refunds to three interstate pipeline companies, with respect to his interest in various wells; (2) to be relieved of the obligation, as operator, to make such refunds for the other interest owners in those wells, otherwise required by the Commission's September 10, 1997, order in Docket Nos. GP97–3–000, GP97–4–000, GP97–5–000, and RP97–369–000;[2] and (3) if this relief is not granted, that he be authorized to amortize the refund obligations. White's petitions are on file with the Commission and open to public inspection.

The Commission's September 10, order on remand from the D.C. Circuit Court of Appeals[3] directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission's September 10, order also provided that first sellers could, with

[1] 15 U.S.C. § 3142(c) (1982).

[2] See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

[3] *Public Service Company of Colorado* v. *FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96–954 and 96–1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).

the Commission's prior approval, amortize their Kansas ad valorem tax refunds over a 5-year period, although interest would continue to accrue on any outstanding balance.

[Docket No. SA98–3–000]

In this petition, White asserts that requiring him to make the refunds sought by Williams Gas Pipeline Central, Inc. [formerly: Williams Natural Gas Company] (Williams) would constitute the taking of property without due process.

White's SA98–3–000 petition pertains to one well in Morton County, Kansas. White became the operator of the well and bought a single lease in the gas unit, which gave White approximately a 10 percent interest in the well. White asserts that leases in this gas unit should have the same 6-year statute of limitations for the retention of records as Federal leases do under U.S. Code 30 Section 1713. Noting that Kansas law imposes a 5-year statute of limitations on any contract in writing, White also suggests that there should be a statute of limitations on the refunds sought by Williams, and that the time period should have run out by now. White further asserts that the doctrine of "Laches" should apply, i.e., that "after an unreasonable period of time elapses, no action can be brought." White also claims that there is no way he can collect a refund from certain deceases prior owners, or their heirs.

[Docket No. SA98–4–000]

In this petition, White asserts that requiring him to make the refunds sought by Colorado Interstate Gas Company (CIG) would constitute the taking of property without due process.

White's SA98–4–000 petition pertains to six wells in Morton County, Kansas. White became the operator of these wells, and states that he bought-out one of the other three original owners, which gave White a 66 percent interest in these six wells. White adds that, although he initially made distributions to an unspecified number of royalty owners, the mineral rights reverted to the United States Government in 1987. White states that since that time, he has been making royalty payments to the Minerals Management Service, in Denver, Colorado, and that he has lost all contact with the former owners. White claims that there is no way he can collect a refund from prior owners, that he has nothing to withhold from, and that he does not know the whereabouts of the prior owners. White also asserts that the 6-year statute of limitations for retaining records under U.S. Code 30 Section 1713 should apply to these wells, since all of the leasehold have been entirely Federal since 1987. Noting the aforementioned 5-year, Kansas statute of limitations on written contracts, White asserts that there should be a statute of limitations on the refunds sought by CIG, and that the doctrine of Laches should apply to these refunds.

[Docket No. SA98–5–000]

In this petition, White asserts that requiring him to make the refunds sought by Panhandle Eastern Pipe Line Company (Panhandle) would constitute the taking of property without due process.

White's SA98–5–000 petition pertains to four wells in Morton County, Kansas. White became the operator of these wells, and states that he holds a 50 percent interest in the four wells. White asserts that these leases should have the same 6-year statute of limitations on the retention of records as Federal leases do under U.S. Code 30 Section 1713. White adds that the royalty ownership of the Schweizer No. 3 well reverted to the United States Government in 1987, that he has been making payments to the Minerals Management Service, in Denver, Colorado, since that time, and that he has had no contact with the prior minerals owners since May of 1987. White asserts that there is no way he can collect a refund from the prior owners. White also claims that there is no way he can collect a refund from certain deceased prior owners, or their heirs. Noting the aforementioned 5-year, Kansas statute of limitations on written contracts, White asserts that there should be a statute of limitations on the refunds sought by Panhandle, and that the doctrine of Laches should apply to these refunds.

In view of the above, White requests to be relieved of: (1) His obligation to make Kansas ad valorem tax refunds to Williams, CIG and Panhandle, with respect to this interest the subject wells; and (2) the obligation, as operator, to make such refunds for the other interest owners, on the basis that paying the refunds would cause him a special hardship, that requiring him to make all of the refunds is inequitable, and that requiring him to make all of the refunds unfairly distributes the refund burden. In the alternative, if the Commission will not grant the relief requested, White requests that he be authorized to amortize the refund obligations.

Any person desiring to be heard or to make any protest with reference to any of these petitions should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5029 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1828–000]

FirstEnergy Corp. and Pennsylvania Power Company; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, FirstEnergy Corp., tendered for filing on behalf of itself and Pennsylvania Power Company, a Service Agreement for Network Integration Service under the Pennsylvania Retail Pilot with Energis Resources pursuant to the FirstEnergy System Open Access Tariff. This Service Agreement will enable the party to obtain Network Integration Service under the Pennsylvania Retail Pilot in accordance with the terms of the Tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5010 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1813–000]

Fitchburg Gas and Electric Light Company; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Fitchburg Gas and Electric Light Company (Fitchburg), tendered for filing a service agreement between Fitchburg and Montaup Electric Company for service under Fitchburg's Market-Based Power Sales Tariff. This Tariff was accepted for filing by the Commission on September 25, 1997, in Docket No. ER97–2463–000. Fitchburg requests an effective date of January 13, 1998.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4995 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1830–000]

Idaho Power Company; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Idaho Power Company (ICP), tendered for filing with the Federal Energy Regulatory Commission a Service Agreement under Idaho Power Company FERC Electric Tariff, Third Revised, Volume No. 1, between Amoco Energy Trading Corporation and Idaho Power Company.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 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 motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5018 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DR98–53–000]

Kansas City Power & Light Company; Notice of Filing

February 23, 1998.

Take notice that on February 18, 1998, Kansas City Power & Light Company, filed a request for approval of depreciation rates for accounting purposes only pursuant to Section 302 of the Federal Power Act. The proposed rates were approved for retail purposes by the Kansas Corporation Commission (KCC), effective January 1, 1998. Kansas City Power & Light Company requests that the Commission allow the proposed depreciation rates to become effective as of January 1, 1998, for accounting purposes also.

Any person desiring to be heard or to protest said application 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 or protests should be filed on or before March 23, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4994 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1826–000]

Kansas City Power & Light Company; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Kansas City Power & Light Company (KCPL), tendered for filing a Service Agreement dated January 27, 1998, between KCPL and American Electric Power. KCPL proposes an effective date of February 2, 1998 and requests a waiver of the Commission's notice requirement to allow the requested effective date. This Agreement provides for the rates and charges for Short-term Firm Transmission Service.

In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order No. 888–A in Docket No. OA97–636–000.

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 March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5008 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1815–000]

Louisville Gas and Electric Company; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Louisville Gas and Electric Company (LG&E) tendered for filing an unexecuted Service Agreement between LG&E and Western Resources, Inc., under LG&E's Rate Schedule GSS.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4997 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1819–000]

Louisville Gas and Electric Company; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Louisville Gas and Electric Company (LG&E), tendered for filing an unexecuted Purchase and Sales Agreement between LG&E and Tenaska Power Services under LG&E's Rate Schedule GSS.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5001 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1820–000]

Louisville Gas and Electric Company; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Louisville Gas and Electric Company (LG&E), tendered for filing an unexecuted Service Agreement between LG&E and Illinois Power Company under LG&E's Rate Schedule GSS.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5002 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES98–20–000]

MDU Resources Group, Inc.; Notice of Filing

February 23, 1998.

Take notice that on February 19, 1998, MDU Resources Group, Inc. (MDU Resources), a corporation organized under the laws of the State of Delaware and qualified to transact business in the States of Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Bismarck, North Dakota, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act (Act), seeking an Order (a) authorizing the issuance of up to $200,000,000 worth of Common Stock, par value $3.33 (the Common Stock), and (b) exempting MDU Resources from the competitive bidding requirements and the negotiated placement requirements of the Act if Common Stock is issued directly to a seller or sellers of a business and/or its assets as consideration for the acquisition of such business and/or assets.

The securities are proposed to be issued from time to time over a two-year period.

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 motions or protests should be filed on or before March 23, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5027 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1817–000]

Minnesota Power & Light Company; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Minnesota Power & Light Company and Superior Water, Light and Power Company, tendered for filing a signed Service Agreement for Firm Point-to-Point Transmission Service and Specifications for Long-Term Firm Point-to-Point Service with Minnkota Power Cooperative under its Transmission Service Agreement to satisfy its filing requirements under this tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4999 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG98–6–000]

Natural Gas Pipeline Company of America; Notice of Filing

February 23, 1998.

Take notice that on February 17, 1998, Natural Gas Pipeline Company of America (Natural), filed its compliance plan and revised standards of conduct in response to the Commission's January 16, 1998, Order, 82 FERC ¶ 61,038 (1998).

Natural states that it has served copies of its revised standards of conduct upon all of its jurisdictional customers, all interested state Commissions and each person on the official service list compiled by the Secretary in the proceeding relating to Docket No. RP97–232–000.

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 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before March 10, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5028 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1836–000]

New Century Services, Inc.; Notice of Filing

February 23, 1998.

Take notice that on February 12, 1998, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Non-Firm Point-to-Point Transmission Service between the Companies and AMOCO Energy Trading Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5024 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1835–000]

New Century Services, Inc.; Notice of Filing

February 23, 1998.

Take notice that on February 12, 1998, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Non-Firm Point-to-Point Transmission Service between the Companies and American Electric Power Service Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5023 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1837–000]

New Century Services, Inc.; Notice of Filing

February 23, 1998.

Take notice that on February 12, 1998, New Century Services, Inc., on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Non-Firm Point-to-Point Transmission Service between the Companies and OGE Energy Resources, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5025 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–229–000]

Northern Natural Gas Company; Notice of Application

February 23, 1998.

Take notice that on February 13, 1998, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP98–229–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by sale to K N Gas Gathering, Inc. (KN), certain pipeline and receipt and delivery point facilities, with appurtenances, located in Texas County, Oklahoma and Seward County, Kansas and certain services rendered thereby, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that it would convey to KN, facilities consisting of approximately 33 miles of pipeline with diameters ranging between 10 and 24 inches, all receipt and delivery points located along the length of the pipelines, and all other appurtenant facilities.

Northern states further that the facilities would be conveyed to KN for an estimated purchase price of $1,632,216 at the time of closing.

Any person desiring to be heard or any person desiring to make any protest with reference to said application should on or before March 16, 1998, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4992 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1824–000]

Pacific Energy & Development Corporation; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Pacific Energy & Development Corporation (Pacific), petitioned the Commission for acceptance of Pacific Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and waiver of certain Commission Regulations.

Pacific intends to engage in wholesale electric power and energy purchases and sales as a marketer. Pacific is not engaged in the business of generating or transmitting electric power. Pacific has no affiliates. All of the outstanding stock of Pacific is owned by William R. Connors, an individual residing in the state of Washington.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5006 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1833–000]

PacifiCorp; Notice of Filing

February 23, 1998.

Take notice that on February 12, 1998, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Non-Firm and Short-Term Firm Point-to-Point Transmission Service Agreements with American Electric Power Co., Inc. (AEP) under PacifiCorp's FERC Electric Tariff, First Revised Volume No. 11.

Copies of this filing were supplied to AEP, the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464–6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5021 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1816–000]

Portland General Electric Company; Notice of Filing

February 23, 1998.

Take notice that on February 11, 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), executed Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with American Electric Power Service Corporation.

Pursuant to 18 CFR 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 35.3 to allow the Service Agreement to become effective January 22, 1998.

A copy of this filing was caused to be served upon American Electric Power Service Corporation as noted in the filing letter.

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 March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4998 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1838–000]

Public Service Company of New Mexico; Notice of Filing

February 23, 1998.

Take notice that on February 12, 1998, Public Service Company of New Mexico (PNM), submitted for filing executed service agreements, for point-to-point transmission service under the terms of PNM's Open Access Transmission Service Tariff with Colorado Springs Utilities (2 agreements, dated February 5, 1998, for Non-Firm and Firm Service). PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

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 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5026 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–240–000]

Southern Natural Gas Company; Notice of Request Under Blanket Authorization

February 23, 1998.

Take notice that on February 17, 1998, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563, filed a prior notice request with the Commission in Docket No. CP98–240–000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate a delivery point in Bibb County, Georgia, under Southern's blanket certificates issued in Docket Nos. CP82–406–000 and CP88–316–000 pursuant to Section 7 of the NGA, all as more fully set forth in the request which is open to the public for inspection.

Southern proposes to construct and operate a delivery point on its system which would include a meter station with three 8-inch orifice meters, one 2-inch rotary meter, two 6-inch regulators, 350 feet of 8-inch diameter connecting pipe between the tap and the meter station and other appurtenant facilities, for the delivery of natural gas to Georgia Power Company (Georgia Power). Southern states that Georgia Power would reimburse Southern for the estimated $647,000 in construction cost for the proposed facilities.

Southern states that it would deliver up to 66,237 MMBtu equivalent of natural gas per day to Georgia Power at the proposed delivery point. Southern

states that it would transport gas on an interruptible basis pursuant to Rate Schedule IT of Southern's FERC Gas Tariff.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, 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 NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, 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 NGA.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4993 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1834–000]

United Regional Energy, LLC; Notice of Filing

February 23, 1998.

Take notice that on February 12, 1998, United Regional Energy, LLC, filed pursuant to Part 35 of the Commission's Rules and Regulations under 18 CFR 35.16, a Notice of Succession in Ownership. United Regional Energy, LLC, succeeds United Regional Energy Corp., and in so doing United Regional Energy, LLC, adopts FERC Electric Rate Schedule No. 1.

United Regional Energy, LLC, is not affiliated with any generation or transmission facilities, nor does it have an electric utility affiliation with a franchised service territory.

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 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5022 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1814–000]

Unitil Power Corp.; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Unitil Power Corp. (UPC), tendered for filing a service agreement between UPC and Montaup Electric Company for service under UPC's Market-Based Power Sales Tariff. This Tariff was accepted for filing by the Commission on September 25, 1997, in Docket No. ER97–2460–000. UPC requests an effective date of January 13, 1998, for the service agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4996 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1832–000]

Vermont Electric Power Company, Inc., Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Vermont Electric Power Company, Inc. (VELCO), submitted four non-firm point-to-point service agreements establishing the following as customers under the terms of VELCO's Local Open Access Transmission Tariff: Constellation Power Source, Inc., NP Energy, Inc., New York State Electric & Gas Corporation and Cinergy Capital & Trading, Inc. VELCO also filed a revised Index of Customers.

VELCO asks that these service agreements become effective as of the respective dates of the agreements and that the revised Index become effective as of December 19, 1997, (the date of the most recent of the four service agreements). Accordingly, VELCO requests waiver of the Commission's notice requirements. Copies of this filing were served on the four customers and the Vermont Department of Public Service and the Vermont Public Utility Board.

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 285.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5020 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1818–000]

Wisconsin Public Service Corporation; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, Wisconsin Public Service Corporation, tendered for filing an executed service agreement with Madison Gas & Electric under its Market-Based Rate Tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C.

20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5000 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1823–000]

The XERXE Group; Notice of Filing

February 23, 1998.

Take notice that on February 11, 1998, The XERXE Group (TXG), petitioned the Commission for acceptance of TXG 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.

TXG intends to engage in wholesale electric power and energy purchases and sales as a marketer. TXG is not in the business of generating or transmitting electric power. TXG is a wholly-owned subsidiary of TXG Buggy Whips Manufacturing Corporation, which, through its affiliates, produces farm equipment and produces and distributes building supplies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 6, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–5005 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL98–27–000, et al.]

Delmarva Power & Light Company, et al.; Electric Rate and Corporate Regulation Filings

February 20, 1998.

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

1. Delmarva Power & Light Company

[Docket No. EL98–27–000]

Take notice that on February 9, 1998, Delmarva Power & Light Company tendered for filing a motion to collect PJM network transmission service charges from the City of Dover, for the period April 1, 1997 through April 1, 1998.

Comment date: March 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Berkshire Power Company LLC

[Docket No. EG98–27–000]

Take notice that on February 18, 1998, Berkshire Power Company LLC (Berkshire), 200 High Street, Boston, Massachusetts 02110, filed with the Federal Energy Regulatory Commission (Commission) an amended application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Berkshire is a Massachusetts limited liability company that proposes to construct and own a two hundred seventy-two (272) megawatt natural gas-fired electric generation facility, including ancillary and appurtenant structures, on a site in the town of Agawam, Massachusetts. Berkshire states that it will be engaged directly, or indirectly through one or more affiliates, as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning and/or operating, all or part of one or more eligible facilities and selling electric energy at wholesale.

Comment date: March 13, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the amended application.

3. Sithe Framingham LLC

[Docket No. EG98–41–000]

Take notice that on February 11, 1998, Sithe Framingham LLC, 450 Lexington Avenue, 37th Floor, New York, NY 10017 (Sithe Framingham), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Sithe Framingham will own an electric generating facility with a capacity of approximately 33 MW located in Framingham, Massachusetts.

Comment date: March 6, 1998, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Sithe Mystic LLC

[Docket No. EG98–46–000]

Take notice that on February 11, 1998, Sithe Mystic LLC, 450 Lexington Avenue, 37th Floor, New York, NY 10017 (Sithe Mystic), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Sithe Mystic will own an electric generating facility with a capacity of approximately 990 MW located in Everett, Massachusetts.

Comment date: March 6, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. Duke Power Company

[Docket No. ER97–2398–002]

Take notice that on February 9, 1998, Duke Power Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: March 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. PJM Interconnection, L.L.C.

[Docket ER98–1794–000]

Take notice that on February 10, 1998, the PJM Interconnection L.L.C. (PJM), filed on behalf of the Members of the LLC, membership applications of CMS Marketing, Services and Trading. PJM requests an effective date on the day after this Notice of Filing is received by FERC.

Comment date: March 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Chicago Housing Authority

[Docket No. TX98–1–000]

Take notice that on February 17, 1998, Chicago Housing Authority tendered for filing an amendment in the above-referenced docket.

Comment date: March 6, 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. 98–4990 Filed 2–26–98; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5489–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 09, 1998 through February 13, 1998 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 11, 1998 (62 FR 16154).

Draft EISs

ERP No. D–AFS–E65024–KY Rating EC2, Daniel Boone National Forest Off-Highway Vehicle (OHV) Management Policy, Modification, Several Counties, KY.

Summary: EPA expressed environmental concerns about effective implementation of the proposed action.

ERP No. D–AFS–L65296–OR Rating EO2, Crown Pacific Limited Partnership Land Exchange Project, Implementation, Consolidate Land Ownership and Enhance Future Resource, Deschutes, Fremont and Winema National Forests, Deschutes, Jefferson, Klamath and Lake Counties, OR.

Summary: EPA expressed environmental objections over the proposed land exchanges. EPA suggests that the final EIS offer a wider range of alternatives and fully disclose impact from the no-action and preferred action alternatives.

ERP No. DD–NPS–K61029–CA Rating LO, Yosemite Valley Comprehensive Implementation Plan, General Management Plan, Yosemite National Park, Mariposa, Madera and Tuolumne Counties, CA.

Summary: EPA expressed no objection to the proposed action.

ERP No. D1–NPS–K61123–CA Rating LO, Backcounty and Wilderness Management Plan, General Management Plan Amendment, Joshua Tree National Park, Riverside and San Bernardino Counties, CA.

Summary: EPA expressed a lack of objections to the proposed action.

Dated: February 24, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–5131 Filed 2–26–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5489–3]

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 February 16, 1998 Through February 20, 1998 Pursuant to 40 CFR 1506.9.

EIS No. 980045, FINAL EIS, COE, LA, Mississippi River—Gulf Outlet (MRGO) New Lock and Connecting Channels Replacement and Construction for Connection to the Mississippi River, Implementation, Orleans and St. Bernard Parishes, LA, Due: March 30, 1998, Contact: Richard Boe (504) 862–1505.

EIS No. 980046, DRAFT EIS, DOA, MN, SD, Lincoln-Pipestone Rural Water (LPRW), Development and Expansion of Existing System North/Lyon County Phase and Northeast Phase Expansion Project, Yellow Medicine, Lincoln and Lyon Counties, MN and Deuel County, SD, Due: April 13, 1998, Contact: Mark S. Plank (202) 720–1649.

EIS No. 980047, FINAL EIS, NPS, MA, Cape Cod National Seashore General Management Plan, Implementation, Barnstable County, MA, Due: March 30, 1998, Contact: Maria Burks (508) 349–3785.

EIS No. 980048, FINAL EIS, BLM, CO, Plateau Creek Pipeline Replacement Project, Operation and Maintenance, Ute Water Conservancy District, Right-of-Way Permit, Mesa County, CO, Due: March 30, 1998, Contact: Dave Stevens (970) 244–3009.

EIS No. 980049, FINAL EIS, FHW, MD, US 113 Planning Study, Transportation Improvement from south of Snow Hill, Maryland to Delaware State Line, Funding and COE Section 404 Permit, Worcester County, MD, Due: March 30, 1998, Contact: Ms. Renee Sigel (410) 962–4342.

EIS No. 980050, REVISED DRAFT EIS, DOI, TT, Palau Compact Road Construction, Revision to Major Transportation and Communication Link on the Island of Babeldaob, Implementation, Funding, Republic of Palau, Babeldaob Island, Trust Territory of the Pacific Islands, Due: March 30, 1998, Contact: Allen Chin (808) 438–6974.

EIS No. 980051, FINAL SUPPLEMENT, NOA, CA, Monterey Bay National Marine Sanctuary Management Plan, Updated Information, To Amend the Designation Document and Regulations to Allow Jade Collecting in the Sanctuary, San Mateo, Santa Cruz and Monterey Counties, CA, Due: March 30, 1998, Contact: Elizabeth Moore (301) 713–3141.

EIS No. 980052, DRAFT EIS, COE, CA, Hansen Dam Water Conservation and Supply Study, Flood Protection, Implementation, Los Angeles County, CA, Due: April 13, 1998, Contact: David Compas (213) 452–3850.

EIS No. 980053, DRAFT EIS, FHW, IA, US–63, Eddyville Bypass Transportation Improvements, Funding and COE Section 404 Permit, the City of Eddyville, Mahaska, Monroe and Wapello Counties, IA, Due: April 14, 1998, Contact: Robert Lee (515) 233–7300.

EIS No. 980054, FINAL EIS, BLM, WY, Jonah Field II Natural Gas Development Project, Exploration, Development and Production, Applications for Permit to Drill, Right-of-Way Grant, COE Section 404

Permit and NPDES Permit, Pinedale Resource Area and Green River Resource Area, Rock Spring District, Sublette County, WY, Due: March 30, 1998, Contact: Jon Johnson (307) 775–6161.

EIS No. 980055, LEGISLATIVE DRAFT EIS, BLM, AL, Squirrel River Wild and Scenic River Suitability Study, Designation and Non-Designation, National Wild and Scenic Rivers System, AL, Due: April 28, 1998, Contact: Susan Will (907) 474–2338.

EIS No. 980056, FINAL EIS, AFS, ID, Paradise Integrated Resource Management Project, Implementation, To Commercial Thin and Timber Salvage Harvest Boise National Forest, Mountain Home Ranger District, Elmore County, ID, Due: March 30, 1998, Contact: Frank Marsh (208) 587–7961.

EIS No. 980057, DRAFT EIS, FTA, OR, WA, South/North Corridor Project, Improvements to the Existing Urban Transportation, Funding, Multnomah, Clackamas and Washington Counties, OR and Clark County, WA, Due: April 24, 1998, Contact: Nick Hockens (206) 220–7954.

Dated: February 24, 1998.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–5132 Filed 2–26–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5972–1]

Water Conservation Plan Guidelines Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 17–18, 1998, the Water Conservation Plan Guidelines Subcommittee of the Local Government Advisory Committee will hold a meeting in Washington, D.C. Section 1455 of the Safe Drinking Water Act, as amended, requires EPA to publish guidelines for water conservation plans for three size ranges of public water systems. The Subcommittee will discuss EPA's draft water conservation plan guidelines for public water systems, including the section of the draft guidelines which provides information to States on implementation of the guidelines. States may require water systems to submit a water conservation plan consistent with EPA's guidelines as a condition of receiving a loan from a State Drinking Water Loan Fund. The Subcommittee meeting is open and all interested persons are invited to attend on a space-available basis. Members of the public interested in attending the Subcommittee meeting should call the Designated Federal Official to reserve space.

DATES: The Subcommittee meeting will be held from 8:30 a.m. to 5:00 p.m. on Tuesday, March 17, 1998, and from 8:30 a.m. to 12:00 noon on Wednesday, March 18, 1998.

ADDRESSES: The meeting will be held at the Park Hyatt Hotel, 1201 24th Street, NW, Washington, D. C. 20037. Requests for a summary of the meeting can be obtained by writing to John E. Flowers, U. S. Environmental Protection Agency, Office of Wastewater Management (Mail Code 4204), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Official for this Subcommittee is John E. Flowers. He is the point of contact for information concerning any Subcommittee matters and can be reached by calling (202) 260–7288.

Dated: February 23, 1998.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 98–5089 Filed 2–26–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Privacy Act of 1974: Systems of Records

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice of a new system of records.

SUMMARY: This notice meets the requirements of the Privacy Act of 1974 regarding the publication of an agency's notice of systems of records. It documents the establishment of a new FCC's system of records.

DATES: Written comments on the proposed new system should be received by March 30, 1998. Office of Management and Budget, which has oversight responsibility under the Privacy Act to review the system, may submit comments on or before April 8, 1998. The proposed system shall be effective without further notice on April 8, 1998, unless the FCC receives comments that require a contrary determination. As required by 5 U.S.C. 552a(o) of the Privacy Act, the FCC submitted reports on this altered system to both Houses of Congress.

ADDRESSES: Comments should be mailed to Judy Boley, Privacy Act Officer, Performance Evaluation and Records Management, Room 234, FCC, 1919 M Street, NW., Washington, DC 20554. Written comments will be available for inspection at the above address between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Judy Boley, Privacy Act Officer, Performance Evaluation and Records Management, Room 234, FCC, 1919 M Street, NW., Washington, DC 20554, (202) 418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), this document sets forth notice of the existence, character and content of the system of records maintained by the FCC. This agency previously gave complete notice of its systems of records by publication in the **Federal Register** on May 18, 1992, 57 FR 21091. This notice is a summary of more detailed information which may be viewed at the location and hours given in the **ADDRESSES** section above.

The proposed new system is as follows:

FCC/CIB–4, "Telephone and Electronic Contacts." This system is used by Commission personnel to handle and process complaints and inquires received from individuals, companies, and other entities.

FCC/CIB–4

SYSTEM NAME:

Telephone and Electronic Contacts.

SYSTEM LOCATION:

Federal Communications Commission (FCC), Compliance and Information Bureau, National Call Center, Gettysburg, PA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or entities who have made complaints or inquires.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaints and related information, company or business replies to complaints, letters of inquiry and Commission letters regarding or responding to such complaints and inquiries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 4(i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C 154(i) and (j).

PURPOSE(S):

These records are used by Commission personnel to handle, respond and process inquires received

from individuals, companies and other entities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Where there is an indication of a violation or potential violation of any statute, regulation, rule, or order, records from this system may be referred and disclosed to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation or order.

2. A record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or any other administrative body.

3. A record from this system of records may be referred and disclosed to the Department of Justice or in a proceeding before a court or any adjudicative body when:

(a) The United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission, is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Commission determines that the disclosure is relevant or necessary to the litigation.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in the stand alone computer database.

RETRIEVABILITY:

Records are retrieved by telephone number, name of caller, address, subject or reason for call.

SAFEGUARDS:

The stand alone computer is stored within a secured area.

RETENTION AND DISPOSAL:

The records are retained in this Commission and then destroyed according to the record schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Call Center, CIB, FCC, Gettysburg, PA.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager indicated above.

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to records about themselves should contact the system manager indicated above.

An individual requesting access must also follow FCC Privacy Act regulations regarding verification of identity and access to records (47 CFR 0.554 and 0.555).

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the system manager indicated above.

An individual requesting amendment must also follow the FCC Privacy Act regulations regarding verification of identity and amendment of records (47 CFR 0.556 and 0.557).

RECORD SOURCE CATEGORIES:

The individual to whom the information applies.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–5065 Filed 2–26–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting; 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 10:03 a.m. on Tuesday, February 24, 1998, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's liquidation and supervisory activities.

In calling the meeting, the Board determined, on motion of Director Joseph H. Neely (Appointive), seconded by Director Ellen S. Seidman (Director, Office of Thrift Supervision), concurred in by Ms. Leann Britton, acting in the place and stead of Director Eugene A. Ludwig (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)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B) and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street NW., Washington, DC.

Dated: February 24, 1998.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 98–5231 Filed 2–25–98; 11:13 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1203–DR]

State of California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA–1203–DR), dated February 9, 1998, and related determinations.

EFFECTIVE DATE: February 9, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 9, 1998, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of California, resulting from severe winter storms and flooding beginning on February 2, 1998, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93–288 as amended, ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, reimbursement for debris removal and emergency protective measures under the Public Assistance program, and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Dorothy M. Lacey of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of California to have been affected adversely by this declared major disaster:

Alameda, Butte, Calaveras, Colusa, Contra Costa, Glenn, Humboldt, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, Sutter, Tehama, Ventura, Yolo, and Yuba Counties for Individual Assistance and reimbursement for debris removal and emergency protective measures under the Public Assistance program (Categories A and B).

All counties within the State of California are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 98–5141 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1203–DR]

State of California; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California, (FEMA–1203–DR), dated February 9, 1998, and related determinations.

EFFECTIVE DATE: February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of California, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1998:

Amador, Fresno, Sacramento, and Solano Counties for Individual Assistance and reimbursement for debris removal and emergency protective measures under the Public Assistance program (Categories A and B).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5142 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1200–DR]

State of North Carolina; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina (FEMA–1200–DR), dated January 15, 1998, and related determinations.

EFFECTIVE DATE: February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective February 12, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5137 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1200–DR]

North Carolina; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina (FEMA–1200–DR), dated January 15, 1998, and related determinations.

EFFECTIVE DATE: February 17, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of North Carolina, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 15, 1998:

Dare County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing

Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5138 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1200–DR]

North Carolina; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina, (FEMA–1200–DR), dated January 15, 1998, and related determinations.

EFFECTIVE DATE: February 5, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of North Carolina, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 15, 1998:

Madison and Yancey Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5139 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1200–DR]

North Carolina; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina, (FEMA–1200–DR), dated January 15, 1998, and related determinations.

EFFECTIVE DATE: February 10, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of North Carolina, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 15, 1998:

Robeson County for Individual Assistance.
Haywood County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5140 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1197–DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee, (FEMA–1197–DR), dated January 13, 1998, and related determinations.

EFFECTIVE DATE: February 17, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Tennessee, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 13, 1998:

White County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5133 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1197–DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee, (FEMA–1197–DR), dated January 13, 1998, and related determinations.

EFFECTIVE DATE: February 12, 1998

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Tennessee, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 13, 1998:

Campbell, Cannon, Clay, DeKalb, Fentress, Morgan, Overton, Pickett, Putnam, Scott, and Warren Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing

Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5134 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1197–DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA–1197–DR), dated January 13, 1998, and related determinations.

EFFECTIVE DATE: February 12, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective February 12, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5135 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1197–DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA–1197–DR), dated January 13, 1998, and related determinations.

EFFECTIVE DATE: February 5, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Tennessee, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 13, 1998:

Johnson County for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–5136 Filed 2–26–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Eagle USA Airfreight, Inc., 15350 Vickery Road, Houston, TX 77032, Officers: James R. Crane, President, John McVaney, Exec. Vice President

VAI Freight Forwarding, Inc., 8807 N.W. 23 Street, Miami, FL 33172–2419, Officers: Mitchell E. Asher, President, Marylou Harwood, Vice President

Marina-Ocean Air International, 811 Grandview Drive, So. San Francisco, CA 94080, Marina Perez, Mark W. Palasits, Partnership

Dated: February 24, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98–5046 Filed 2–26–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Board hereby gives notice that it has submitted to the Office of Management and Budget (OMB) on behalf of the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Board (the agencies) a request for approval of the information collection system described below. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before March 30, 1998.

ADDRESSES: Comments, which should refer to the OMB control number, should be addressed to the OMB desk officer for the Board: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503. Comments should also be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act Submission (OMB 83-I), supporting

statement, and other documents that have been submitted to OMB for review and approval may be requested from the agency clearance officer, whose name appears below.Mary M. McLaughlin, Federal Reserve Board Clearance Officer (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. For Telecommunications Device for the Deaf (TDD) users only, Dorothea Thompson, (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Proposal to request approval from OMB of the extension, with revision, of the following report:

1. Report title: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks
Form number: FFIEC 002
OMB control number: 7100-0032
Frequency of Response: Quarterly
Reporters: U.S. branches and agencies of foreign banks
Number of respondents: 513
Total Annual Responses: 2,052
Estimated average hours per response: 23.25
Annual reporting hours: 47,709

General description of report: This information collection is mandatory (12 U.S.C. 3105(c)(2), 1817(a)(1) and (3), and 3102(b)). Except for select sensitive items, this information collection is not given confidential treatment (5 U.S.C. 552(b)(8)). Small businesses (that is, small U.S. branches and agencies of foreign banks) are affected.

Abstract: On November 4, 1997, the Board published on behalf of the three agencies, a notice in the *Federal Register* (62 FR 59704) describing in detail and inviting comment on the proposed changes to this collection of information. This notice provides the public with the opportunity to obtain, review, and comment on, the Board's supporting statement.

On a quarterly basis, all U.S. branches and agencies of foreign banks (U.S. branches) are required to file detailed schedules of assets and liabilities in the form of a condition report and a variety of supporting schedules. This balance sheet information is used to fulfill the supervisory and regulatory requirements of the International Banking Act of 1978. The data are also used to augment the bank credit, loan, and deposit information needed for monetary policy purposes. The Federal Reserve System collects and processes this report on behalf of all three agencies.

Current Actions: Effective with the March 31, 1998, report date, the existing data collected on Schedule A, item 4.b for balances due from "Other banks in foreign countries and foreign central banks" would be modified to exclude data on balances due from banks in the U.S. branches' home country. This modified data would be collected in renumbered item 4.c. A new item 4.b for balances due from "Banks in home country and home country central bank" would be added. The Agencies are also proposing to add a new memorandum item to Schedule RAL for pledged securities. The new item would identify the amount of U.S. government securities included in Schedule RAL items 1.b.(1), "U.S. Treasury securities," and 1.b.(2), "U.S. Government agency obligations," that are pledged to secure deposits, repurchase transactions, borrowings, or for any other purpose.

The Board received one letter of comment in response to the notice published in the *Federal Register* requesting comment on the proposed revisions to the FFIEC 002 for 1998. The commenter supported the proposed changes. In addition, the agencies received five comment letters from commercial banks in response to the proposed changes related to the reporting of investment securities with high price volatility on the domestic commercial bank Reports of Condition and Income (Call Report)(FFIEC 031-034; OMB No. 7100-0036). Similar to the Call Report proposal, the agencies proposed to replace existing items on "high-risk mortgage securities" and "structured notes" in the FFIEC 002 with items covering certain mortgage-backed securities and all other securities whose price volatility exceeds a specified threshold level under a specified interest rate scenario. This reporting change was intended to enhance the FFIEC 002 data used in the monitoring of interest rate risk. However, the proposal did not describe the specific test that respondents would have to use to measure price volatility for purposes of the revised items.

After considering the comments, the agencies and the FFIEC decided not to implement that proposed Call Report change in 1998. For purposes of reporting consistency, the FFIEC will not implement the change to the FFIEC 002 in 1998. The existing items on "high-risk mortgage securities" and "structured notes" would continue to be collected during 1998. Changes to these items can be reconsidered for implementation at some future date after the industry has had an opportunity for notice and comment on a more specific proposal. In the interim, the agencies' staffs will study alternatives for obtaining data on highly price sensitive securities, including the related reporting burden, based on how such data is intended to be used in the agencies' monitoring systems and interest rate risk testing procedures.

Board of Governors of the Federal Reserve System, February 23, 1998.

William W. Wiles,

Secretary of the Board.

[FR Doc. 98–5044 Filed 2–26–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 23, 1998.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 90 Hennepin Avenue, P.O. Box 291, Minneapolis, Minnesota 55480-0291:

1. N.A. Corporation, Roseville, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of North American Banking Company, Roseville, Minnesota, a *de novo* bank.

B. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Keene Bancorp, Inc., 401(k) Employee Stock Ownership Plan & Trust, Keene, Texas; to acquire 41.37 percent of the voting shares of Keene Bancorp, Inc., Keene, Texas, and thereby indirectly acquire First State Bank of Keene, Keene, Texas.

Board of Governors of the Federal Reserve System, February 23, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–4981 Filed 2-26-98; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 26, 1998.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. F.N.B. Corporation, Hermitage, Pennsylvania, and Southwest Banks, Inc., Naples, Florida; to acquire 100 percent of the voting shares of Seminole Bank, Seminole, Florida, and Southwest Interim National Bank No. 4, N.A., Seminole, Florida.

Board of Governors of the Federal Reserve System, February 24, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–5092 Filed 2–26–98; 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, March 4, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., 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: February 25, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–5278 Filed 2–25–98; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Submission to OMB Under Delegated Authority

Background

Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Chief, Financial Reports Section—Mary M. McLaughlin—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829)

OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7860)

Final approval under OMB delegated authority of the extension for three years, with revision, of the following reports:

1. Report titles: Uniform Application for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer; Uniform Termination Notice for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer

Agency form numbers: FR MSD-4, FR MSD-5

OMB Control numbers: 7100-0100, 7100-0101

Frequency: On occasion

Reporters: State member banks, bank holding companies, and foreign dealer banks engaging in activities as municipal securities dealers, and persons who are or seek to be associated with such dealers as municipal securities principals or representatives

Annual reporting hours: 369 (FR MSD-4), 94 (FR MSD-5)

Estimated average hours per response: 1.00 (FR MSD-4), 0.25 (FR MSD-5)

Number of respondents: 369 (FR MSD-4), 377 (FR MSD-5)

Small businesses are not affected.

General description of reports: These information collections are mandatory (15 U.S.C. 78o-4, 78q, and 78u) and are given confidential treatment under the Freedom of Information Act (5 U.S.C. 552(b)(6)). The collection of the data on the FR MSD-4 and FR MSD-5 is compiled in a "system of records" within the meaning of the Privacy Act (5 U.S.C. 552a(a)(5)).

Abstract: Rule G-7, "Information Concerning Associated Persons," of the Municipal Securities Rulemaking Board (MSRB) requires a person who is or seeks to be associated with a municipal securities dealer to provide certain background information to the dealer, and conversely, requires the dealer to

obtain such information. The FR MSD-4 collects information, such as personal history and professional qualifications, on an employee whom the dealer wishes to assume the duties of a municipal securities principal or representative. The FR MSD-5 collects the date of, and the reason for termination of, such an employee and whether there occurred any investigations or actions by agencies or securities industry self regulating organizations (SROs) involving the associated person during the period of employment.

The FR MSD-4 instructions were revised as follows:

1. References to the rules and regulations of the Board, the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC) in instruction 2 were removed;

2. Text was added to instruction 3.a that "a State branch or agency of a foreign bank" must file with the Federal Reserve;

3. A filing deadline was added to instruction 5; and 4. a grandfather clause (instruction 15) was removed.

The FR MSD-5 was revised by adding to instruction 3.a that "a State branch or agency of a foreign bank" must file with the Federal Reserve. These revisions ensure conformity with reporting forms issued by the OCC and the FDIC and do not change the information collected.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

1. Report title: Transfer Agent Registration and Amendment Form
Agency form number: FR TA-1
OMB Control number: 7100-0099
Frequency: on occasion
Reporters: State member banks and their subsidiaries, bank holding companies, and certain nondeposit trust company subsidiaries of bank holding companies who are, or wish to register as, transfer agents
Annual reporting hours: 28
Estimated average hours per response: 1.25 (registrations); 0.17 (amendments)
Number of respondents: 41
Small businesses are not affected.

General description of report: This information collection is mandatory (sections 17A(c), 17(a), and 23(a) of the Securities Exchange Act, as amended (15 USC §§78q-1(c)(1) and (2), 78q(a)(3), and 78w(a)(1)) and is not given confidential treatment.

Abstract: The Securities Exchange Act requires any person acting as a transfer agent to register and to amend registration information as it changes. State member banks and their subsidiaries, bank holding companies, and certain nondeposit trust company subsidiaries of bank holding companies register with the Federal Reserve by submitting Form TA-1. The information collected includes the company name, all business addresses, and several questions about the registrant's proposed activities as a transfer agent. The Federal Reserve uses the information, which is available to the public upon request, to act upon registration applications and to aid in performing supervisory duties.

Final approval under OMB delegated authority of the implementation of the following reports:

1. Report title: Central Bank Survey of Foreign Exchange and Derivatives Market Activity
Agency form number: FR 3036
OMB Control number: 7100-0285
Frequency: one-time survey
Reporters: The turnover portion of the survey includes all financial institutions that are significant dealers in the foreign exchange market in the United States. The derivatives outstanding portion of the survey covers a smaller set of firms because market making in derivatives markets is more concentrated.
Effective Date: Turnover survey: April 1-30, 1998; Derivatives outstanding survey: June 30, 1998.
Annual reporting hours: 8,187
Estimated average hours per response: Pre-survey questionnaire: 5 minutes; Turnover survey: 50 hours; Derivatives outstanding survey: 15 hours for FR 2436 respondents (there are proposed to be thirteen), 60 hours for others
Number of respondents: Pre-survey questionnaire and turnover survey: 144; Derivatives outstanding survey: 26.
Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(a)(2), 353-359, and 3105(c)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: The Central Bank Survey of Foreign Exchange and Derivatives Market Activity is part of an ongoing triennial series. The data from the survey provide information about the size and structure of the global markets for foreign exchange and financial derivatives transactions. The Federal Reserve is one of forty-four central banks conducting surveys. Aggregate results from each central bank's survey will be provided to the Bank for International Settlements, which will compile global market statistics. The survey will be conducted by the Federal Reserve Bank of New York.

The survey has two parts, a turnover survey and a survey of outstanding derivatives contracts. The changes from the 1995 survey are intended to reduce the reporting burden. The most significant revisions are those made to the derivatives outstandings part of the survey to align it with the Semiannual Report of Derivatives Activity (FR 2436) which is discussed below.

2. Report title: Semiannual Report of Derivatives Activity
Agency form number: FR 2436
OMB Control number: 7100-0286
Effective Date: June 30, 1998
Frequency: semiannual
Reporters: large U.S. dealers of over-the-counter (OTC) derivatives
Annual reporting hours: 2,600
Estimated average hours per response: 100
Number of respondents: 13
Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(a), 353-359, and 461) and will be given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: The FR 2436 will collect derivatives market statistics from a sample of thirteen large U.S. dealers of OTC derivatives. The report will collect information on notional amounts and gross market values of the volumes outstanding of broad categories of foreign exchange, interest rate, equity- and commodity-linked over-the-counter derivatives instruments across a range of underlying currencies, interest rates, and equity markets.

This collection of information will complement the ongoing triennial Survey of Foreign Exchange and Derivatives Market Activity (FR 3036) and will be implemented concurrently with the 1998 FR 3036. The FR 2436 will collect similar data on the outstanding volume of derivatives, but not on derivatives turnover. As with the FR 3036, the Federal Reserve will conduct this report in coordination with other central banks and will forward the aggregated data furnished by U.S. reporters to the Bank for International Settlements, which will publish global market statistics that are aggregations of national data.

3. Report title: 1998 Survey of Consumer Finance
Agency form number: FR 3059
OMB Control number: 7100-0287
Effective Date: June 1, 1998
Frequency: One-time survey
Reporters: U.S. families
Annual reporting hours: 6,900
Estimated average hours per response: 1.5
Number of respondents: 4,600
Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. §§ 225a, 1821, 1828(c), 1842, and

1843) and is given confidential treatment (5 U.S.C. 552(b)(6)).

Abstract: The 1998 Survey of Consumer Finances is the sixth triennial Survey of Consumer Finance since 1983, the beginning of the current series. This survey is the only source of representative information on the structure of U.S. families' finances. The survey, to be conducted between June and December 1998, will collect data on the assets, debts, income, work history, pension rights, use of financial services, and attitudes of a sample of U.S. families.

Board of Governors of the Federal Reserve System, February 23, 1998.

William W. Wiles,

Secretary of the Board.

[FR Doc. 98–5043 Filed 2–26–98; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Public Information Collection Requirement Submitted to the Office of Management and Budget for Clearance

AGENCY: Administration on Aging.

SUMMARY: The Administration on Aging (AoA), Department of Health and Human Services, in compliance with the Paperwork Reduction Act (Public Law 96–511), is submitting to the Office of Management and Budget for clearance and approval an information collection instrument, namely, Performance (Progress) Reports for Title IV Grantees.

Type of Request: Extension of currently approved collection.

Use: Consistent with 45 CFR Part 74, Subpart J, the AoA requires grantees funded under Title IV of the Older Americans Act to report on the performance of their projects. The report is used by the AoA to review and monitor the grantee's progress in achieving project objectives, provide advice and assistance, and to take corrective action as necessary.

Frequency: Semiannually.

Respondent: Title IV grantees.

Estimated Number of Respondents: 60.

Estimated Burden Hours: 20 hours for each semiannual report.

Additional Information: Each progress report, typically 5 pages in length, is expected to cover the following subjects: recent major activities and accomplishments; problems encountered; significant findings and events; dissemination activities; and activities planned for the next 6 months.

Written comments and recommendations for the proposed information collection should be sent to the following address on or before March 30, 1998: Administration on Aging, Wilbur J. Cohen Federal Building, 330 Independence Avenue, SW, Washington, DC 20201, ATTN: Alfred P. Duncker.

Dated: February 19, 1998.

William F. Benson,

Acting Principal Deputy Assistant Secretary for Aging.

[FR Doc. 98–5011 Filed 2–26–98; 8:45 am]

BILLING CODE 4150–40–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Clinical Laboratory Improvement Advisory Committee, of the Centers for Disease Control and Prevention (CDC), of the Department of Health and Human Services, has been renewed for a two-year period beginning February 19, 1998, through February 19, 2000.

For further information, contact Edward L. Baker, M.D., Executive Secretary, Clinical Laboratory Improvement Advisory Committee, CDC, 1600 Clifton Road, NE, M/S G–25, Atlanta, GA 30333, telephone 770/488–2402 or fax 770/488–2420.

Dated: February 19, 1998.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–5039 Filed 2–26–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Fernald Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Fernald Health Effects Subcommittee.

Times and Dates: 1 p.m.–9 p.m., March 18, 1998; 8:30 a.m.–5 p.m., March 19, 1998.

Place: The Plantation, 9660 Dry Fork Road, Harrison, Ohio 45020, telephone 513/367–5610.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) was given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community, American Indian Tribes, and labor concerns pertaining to CDC's and ATSDR's public health activities and research at this DOE site. The purpose of this meeting is to provide a forum for community, American Indian Tribal, and labor interaction and serve as a vehicle for community concern to be expressed as

advice and recommendations to CDC and ATSDR.

Matters To Be Discussed: Agenda items include presentations from the National Center for Environmental Health (NCEH), the National Institute for Occupational Safety and Health and ATSDR on updates regarding the progress of current studies.

Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Steven A. Adams, Radiation Studies Branch, Division of Environmental Hazards and Health, NCEH, CDC, 4770 Buford Highway, NE, M/S F–35, Atlanta, Georgia 30341–3724, telephone 770/488–7040, FAX 770/488–7044.

Dated: February 19, 1998.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–5038 Filed 2–26–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Allergenic Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Allergenic Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA regulatory issues.

Date and Time: The meeting will be held on March 24, 1998, 1 p.m. to 4:30 p.m. by teleconference.

Location: Food and Drug Administration, Bldg. 29, conference room 121, 8800 Rockville Pike, Bethesda, MD. This meeting will be held by telephone conference call. A speaker phone will be provided in the conference room to allow public participation in the meeting.

Contact Person: William Freas or Sheila D. Langford, Center for Biologics Evaluation and Research (HFM–21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314 or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12388. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will receive an update on the status of standardized grasses and discuss how candidate allergens for future standardization should be identified.

Procedure: On March 24, 1998, from 1 p.m. to 3 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 18, 1998. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal presentations should notify the contact person before March 18, 1998, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On March 24, 1998, from 3 p.m. to 4 p.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)). This portion of the meeting will be closed to hear and review trade secret and/or confidential information on pending investigational new drugs.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 20, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–5049 Filed 2–26–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92F–0392]

Hoechst Aktiengesellschaft; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 2B4344) proposing that the food additive regulations be amended to provide for the safe use of polyhydric alcohol esters and calcium salts of oxidatively refined (Gersthofen process) montan wax acids as lubricants for all polymers intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 7, 1993 (58 FR 3027), FDA announced that a food additive petition (FAP 2B4344) had been filed by Hoechst Aktiengesellschaft, c/o 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 178.3770 *Polyhydric alcohol esters of oxidatively refined (Gersthofen process) montan wax acids* (21 CFR 178.3770) to provide for the safe use of polyhydric alcohol esters and calcium salts of oxidatively refined (Gersthofen process) montan wax acids as lubricants for all polymers intended for use in contact with food. Hoechst Aktiengesellschaft has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 12, 1998.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–5129 Filed 2–26–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: The Health Education Assistance Loan (HEAL) *Program:* Physicians's Certification of Borrower's Total and Permanent Disability Form (OMB No. 0915–0204)

—Extension and Revision—The Health Education Assistance Loan (HEAL) program provides federally-insured loans to students in schools of allopathic medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, pharmacy, public health, allied health, or chiropractic, and graduate students in health administration or clinical psychology. Eligible lenders, such as banks, savings and loan associations, credit unions, pension funds, State agencies, HEAL schools, and insurance companies, make HEAL loans which are insured by the Federal Government against loss due to borrower's death, disability, bankruptcy, and default. The basic purpose of the program is to assure the availability of funds for loans to eligible students who need to borrow money to pay for their educational loans.

The HEAL borrower, the borrower's physician, and the holder of the loan completes the Physician's Certification form to certify that the HEAL borrower meets the total and permanent disability provisions.

The HEAL program is being phased out and no new loans will be made after September 30, 1998 unless reauthorization is enacted. We are, however, requesting a 3-year extension of the OMB approval of the HEAL Physician's Certification of Borrower's Total and Permanent Disability Form, HRSA–539 because this form will be used throughout the repayment period for existing loans. The Department uses this form to obtain information about disability claims which includes the following: (1) the borrower's consent to release medical records to the Department of Health and Human Services and to the holder of the borrower's HEAL loans, (2) pertinent information supplied by the certifying physician, (3) the physician's certification that the borrower is unable to engage in any substantial gainful activity because of a medically determinable impairment that is expected to continue for a long and indefinite period of time or to result in death, and (4) information from the lender on the unpaid balance. Failure to submit the required documentation will result in disapproval of a disability claim. The form is being revised to make submission of medical documentation mandatory rather than optional.

The estimate of burden for the Physician's Certification form is as follows:

Type of respondent	Number of respondents	Responses per respondent	Number of responses	Hours per response	Total burden hours
Borrower	100	1	100	5 minutes	8
Physician	100	1	100	90 minutes	150
Loan Holder	32	3.1	100	10 minutes	17
Total	232		300		175

Written comments and recommendations concerning the proposed information collection should be sent on or before March 30, 1998 to: Laura Oliven, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: February 24, 1998.

Jane Harrison,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 98–5051 Filed 2–26–98; 8:45 am]

BILLING CODE 4150–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Availability of the HRSA Competitive Grants Preview; Correction

AGENCY: Health Resources and Services Administration, HHS.

ACTION: General notice; Correction.

SUMMARY: On October 9, 1997 (62 FR 52892), HRSA published a general notice announcing the Availability of the HRSA Competitive Grants Preview. This notice corrects information on new grant awards which appeared in that general notice, FR Doc. 97–26645, on page 52907. In the sections on the Rural Outreach Grant Program and Rural Network Development Grant Program, under the headings "Estimated Number of Awards", it was indicated that approximately 10–12 new Rural Health Outreach Grants and approximately 10–15 New Rural Network Developments Grants would be awarded in FY 1998. The revised estimate is that no more than 6–10 new competing grants will be funded in FY 1998 for these two programs combined.

Dated: February 23, 1998.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 98–5052 Filed 2–26–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: February 23, 1998.

Time: 3 p.m.

Place: Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Jean Speas, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301–443–1340.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: February 20, 1998.

LaVeen Ponds,

Acting Committee Management Officer, NIH.

[FR Doc. 98–5107 Filed 2–26–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–0525.

Proposed Project: Development and Implementation of Opioid Treatment Program Accreditation, New

OMB approval will be sought for information collections related to the development and implementation of opioid treatment program (OTP) accreditation by the Commission on Accreditation of Rehabilitation Facilities, under contract to the Center for Substance Abuse Treatment, SAMHSA. CSAT and other Federal agencies are proposing the planning and developing of an accreditation process for OTPs. The proposed project will focus on developing standards and procedures, training surveyors and accrediting up to 170 OTPs. The information collections include an Accreditation Application, Accreditation Standards, Site Visit Performance Questionnaire, Site Visit Process Questionnaire, and Performance Improvement Plan. The estimated annualized burden for this four-year project is summarized below.

	Number of respondents	Number of responses/ respondent	Hours/response	Total burden hours	Total annualized burden hours
Accreditation Application	170	1	2	340	85
Accreditation Standards	170	1	60	10,200	2,550
Site Visit Performance Questionnaire	170	1	0.5	85	21
Site Visit Process Questionnaire	170	1	0.5	85	21
Performance Improvement Plan	170	1	3	510	128
Total				11,220	2,805

Proposed Project: Confidentiality of Alcohol and Drug Abuse Patient Records, Extension

SAMHSA will seek an extension of OMB approval of the information disclosure and recordkeeping requirements in the regulation, Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR part 2). Statute (42 U.S.C. 290dd–2) requires Federally conducted, regulated, or directly or indirectly assisted alcohol and drug abuse programs to keep patient records confidential. The regulation implements the statute. Information requirements are: (1) Written disclosure to patients, and (2) documenting "medical personnel" status of recipient of a disclosure to meet a medical emergency. The estimated annualized burden is shown below.

	Number of respondents	Number of responses/ respondent	Hours/response	Annualized burden hours
Disclosure: 42 CFR 2.22	10,000	150	0.017	22,500
Recordkeeping: 42 CFR 2.51	10,000	1.5	0.250	3,750
Total				26,250

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Send comments to Deborah Trunzo, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received on or before April 28, 1998.

Dated: February 20, 1998.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 98–5030 Filed 2–26–98; 8:45 am]

BILLING CODE 4162–20–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4235–N–44]

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.

EFFECTIVE DATE: February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, Department of Housing and Urban Development, Room 7256, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1226; TDD 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 the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD

publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: February 19, 1998.

Kenneth C. Williams,

Deputy Assistant Secretary for Grant Programs.

[FR Doc. 98–4858 Filed 2–26–98; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4322–N–01]

Statement of Policy on Disclosure of Mortgage Loan Sales Information

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of FOIA Mortgage Loan Sales Policy.

SUMMARY: This notice sets forth the policy of the Department of Housing and Urban Development regarding information that will be provided when responding to Freedom of Information Act requests for information on the Department's Mortgage Loan Sales Program. This notice sets forth that policy and its rationale.

EFFECTIVE DATE: February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Irwin P. Raij, Assistant Managing Attorney, FOIA Division, Room 10250, Department of Housing and Urban Development, 451 Seventh Street SW, Washington DC 20410; telephone (202) 708–3866 (this is not a toll-free number). Speech or hearing impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The purposes of the Department of Housing and Urban Development's mortgage loan sales program are to (1) reduce losses to the Federal Housing Administration (FHA) fund and provide the greatest return to U.S. taxpayers; (2) reduce the inventory of Department-held mortgages; (3) improve mortgage loan servicing and rental services for residents of projects by returning the mortgage loans secured by these mortgages to the private sector; and (4) improve the servicing of the Department's insured mortgages to minimize losses to the FHA fund. (See, also, the mortgage sales notices published by HUD in the **Federal Register** on July 14, 1995 (60 FR 36336); July 24, 1996 (61 FR 38467); November 15, 1996 (61 FR 58585); and July 7, 1997 (62 FR 86298, July 7, 1997.))

This notice sets forth the Department's policy pertaining to the release of records regarding those bids that the Department or its contractors have received to date under its mortgage loan sale program. When requested to provide records pursuant to the Freedom of Information Act (FOIA), the Department will produce relevant records in its files including, where available: (1) All potential bidders receiving bid materials; (2) all successful bidders and their successful bids and the mortgage loans attributable to such bids; (3) all unsuccessful bidders and their unsuccessful bids and the mortgage loans attributable to such bids; (4) the aggregate proceeds the Department received from the sale; and (5) the aggregate number of bidders.

Members of the public submitting FOIA requests pursuant to this notice should be advised that many of the original relevant records pertaining to HUD's Mortgage Loan Sales Program were compiled by contractors, and were not in the custody of, or subject to the control of HUD. Therefore, HUD's files may not contain complete records pertaining to mortgage loan sales.

A significant period of time has elapsed between the Department's last mortgage sale and the present. Thus, release of these records does not have material adverse consequences upon the economic interests of the participants of those mortgage sales. Moreover, this policy strikes a balance among the Department's policy of disclosing as much information as possible to the public within the spirit of the FOIA and harm to the U.S. taxpayer by restricting the Department's ability to meet its policy objectives, as stated above, and the mandates of section 203(k) of the Housing and Community Development Amendments of 1978, as amended. See 12 U.S.C. 1701z–11.

Dated: February 20, 1998.

Nicolas Retsinas,

Assistant Secretary for Housing Federal Housing Commissioner.

[FR Doc. 98–4868 Filed 2–26–98; 8:45 am]

BILLING CODE 4210–27–P

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–839466

Applicant: Richard Nelson Beckert, Addison, TX.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargu dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–838345

Applicant: Columbus Zoological Gardens, Powell, OH.

The applicant requests a permit to import one male captive-born Pygmy chimpanzee (*Pan paniscus*) from Zoologico de Morelia, Morelia, Michoacan, Mexico for the purpose of enhancement of the survival of the species through captive propagation.

PRT–839520

Applicant: Ringling Bros. and Barnum & Bailey, Vienna, VA.

The applicant requests a permit to export and reimport captive born Asian elephants (*Elephas maximus*), tigers (*Panthera tigris*), and a leopard (*Panthera pardus*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

PRT–839376

Applicant: Jeffrey Covey, Scottsdale, AZ.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–839378

Applicant: Randolph S. Young, DDS, Yorba Linda, CA.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–839359

Applicant: Robert H. Karbowski, Bena MN.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

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 on or before March 30, 1998.

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: February 23, 1998.

Mary Ellen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–4988 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 USC 1531 *et seq.*).

Permit No. 779910

Applicant: William E. Haas, San Diego, California

The applicant requests an amendment to his permit to: take (harass by survey; capture, mark, release; relocate) the southwestern arroyo toad (*Bufo microscaphus californicus*) in Orange, Riverside, San Diego, and Imperial Counties, California; take (locate and monitor nests; capture, band, color-band, release) the least Bell's vireo (*Vireo bellii pusillus*) throughout its range; take (harass by survey) the light-footed clapper rail (*Rallus longirostris levipes*) in San Diego County, California; take (capture, measure, and release) the Pacific pocket mouse (*Perognathus longimembris pacificus*) throughout its range; and take (capture, measure, and release) the Stephens' kangaroo rat (Dipodomys stephensi) throughout its range in California in conjunction with presence or absence surveys, population monitoring, and ecological research for the purpose of enhancing their survival.

Permit No. 796012

Applicant: Foster Wheeler Environmental Corporation, Sacramento, California

The applicant requests an amendment to its permit to take (harass by survey, capture and release, collect voucher specimens) the Riverside fairy shrimp (*Streptocephalus wootoni*) and San Diego fairy shrimp (*Branchinecta sandiegonensis*) throughout the species' range in California in conjunction with presence or absence surveys and scientific research for the purpose of enhancing their survival.

Permit No. 825576

Applicant: Richard N. Wales Jr., Tustin, California

The applicant requests a permit to take (capture, measure, and release) the southwestern arroyo toad (*Bufo microscaphus californicus*) in conjunction with ecological research in Orange, Los Angeles, San Diego, San Bernardino, and Riverside Counties, California, for the purpose of enhancing its survival.

Permit No. 804203

Applicant: Steve Myers, Riverside, California

The applicant requests an amendment to his permit to take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with population monitoring and removal of brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests throughout the species range in California, and take (capture, handle, and release) the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) in conjunction with presence or absence surveys and population monitoring in San Bernardino and Riverside Counties, California, for the purpose of enhancing their survival.

Permit No. 745541

Applicant: Stephen J. Montgomery, San Diego, California

The applicant requests an amendment to his permit to take (capture, handle, and release) the Amargosa vole (*Microtus californicus scirpensis*) in conjunction with life history studies in Inyo County, California, and the Ash Meadows National Wildlife Refuge, Nevada, for the purpose of enhancing its survival.

Permit No. 839480

Applicant: Richard Zembal, Laguna Niguel, California

The applicant requests an amendment to his permit to take (harass by survey; capture, band, color-band, and release; collect eggs and capture juveniles; and translocate) the light-footed clapper rail (*Rallus longirostris levipes*) in Orange, San Diego, and Los Angeles Counties, California, in conjunction with ecological research, population monitoring, augmenting existing populations by translocating eggs, and developing a captive breeding protocol at the Chula Vista Nature Center, San Diego, California, for the purpose of enhancing its survival. The ecological and population monitoring were previously authorized under subpermit Zembrl-5.

Permit No. 838091

Applicant: Michael S. Cooperman, Corvallis, Oregon

The applicant requests a permit to take (capture, collect, and sacrifice) larvae of the Lost River sucker (*Deltistes luxatus*) and the shortnose sucker (*Chasmistes brevirostris*) in conjunction with ecological research and life history studies in southern Oregon for the purpose of enhancing their survival.

Permit No. 832945

Applicant: Lisa M. Kegarice, San Bernardino, California

The applicant requests an amendment to her permit to take (harass by survey) the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) in conjunction with presence or absence surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. 813545

Applicant: Brock Ortega, Encinitas, California

The applicant requests an amendment to his permit to take (harass by survey, collect and sacrifice) the Riverside fairy shrimp (*Streptocephalus wootoni*), San Diego fairy shrimp (*Branchinecta*

sandiegonensis), and vernal pool fairy shrimp (*Branchinecta lynchi*) in conjunction with presence and absence surveys and population monitoring in San Diego, Riverside, and Orange Counties, California, for the purpose of enhancing their survival.

Permit No. 817400

Applicant: East Bay Regional Park District, Oakland, California

The applicant requests an amendment to his permit to take (harass by survey using a motorized boat) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with presence or absence surveys in Alameda and Contra Costa Counties, California, for the purpose of enhancing its survival.

Permit No. 785564

Applicant: Parsons Harland Bartholomew & Associates, Sacramento, California

The applicant requests an amendment to his permit to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with presence or absence surveys throughout the species range in California for the purpose of enhancing its survival.

Permit No. 839093

Applicant: Thomas Wang, San Francisco, California

The applicant requests a permit to take (harass by survey; mark larvae) the mission blue butterfly (*Icaricia icarioides missionensis*) in conjunction with scientific research in San Mateo County, California, for the purpose of enhancing its survival.

Permit No. 815537

Applicant: Karen Swaim, Livermore, California

The applicant requests a permit amendment to take (capture, handle, and release) the Alameda whipsnake (*Masticophis lateralis euryxanthus*) and to take (harass by survey) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardi*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) throughout the range of the species in California in conjunction with presence or absence surveys, general aquatic surveys, and scientific research for the purpose of enhancing their survival.

Permit No. 836517

Applicant: Chet McGaugh, Riverside, California

The applicant requests a permit amendment to take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with population monitoring and removal of brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests throughout the species' range in California for the purpose of enhancing its survival.

Permit No's. 832717, 794784, 797665

Applicants: Rodrick Dossey, El Cajon, California; Affinis, El Cajon, California; RECON, San Diego, California

The applicants request a permit amendment to take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys and ecological research throughout the species' range in California, for the purpose of enhancing its survival.

Permit No. 810768

Applicant: Harmsworth Associates, Dove Canyon, California

The applicant requests a permit amendment to take (harass by survey; nest monitor) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with presence or absence surveys and nest monitoring throughout the species' range in California, for the purpose of enhancing its survival.

Permit No. 801346

Applicant: Geoffrey L. Rogers, San Diego, California

The applicant requests a permit amendment to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with presence or absence surveys in San Diego, Orange, Imperial, and Riverside Counties, California, for the purpose of enhancing its survival.

Permit No. 839211

Applicant: Marnie Crook, Redland, California

The applicant requests a permit to take (capture, handle, and release) the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) in conjunction with presence or absence surveys and population monitoring in San Bernardino County, California, for the purpose of enhancing its survival.

Permit No. 839483

Applicant: University of Nevada, Reno, Nevada

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*) and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with the collection of soil samples at the Beale Air Force Base and Jepson Prairie Reserve, California, for the purpose of enhancing their survival.

Permit No. 839578

Applicant: David Evans and Associates, Inc., Bellevue, Washington

The applicant requests a permit to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) throughout the states of Utah and Nevada in conjunction with presence or absence surveys for the purpose of enhancing its survival.

DATES: Written comments on these permit applications must be received on or before March 30, 1998.

ADDRESSES: Written data or comments should be submitted to the Chief, Division of Consultation and Conservation Planning, Ecological Services, Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. Please refer to the respective permit number for each application when submitting comments. All comments, including names and addresses, received will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: 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 within 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: February 20, 1998.

William F. Shake,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98–5037 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for Corrections Corporation of America, California City Prison Project, Kern County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Corrections Corporation of America of Nashville, Tennessee, has

applied to the Fish and Wildlife Service for an incidental take permit pursuant to the Endangered Species Act of 1973, as amended (Act). The Service proposes to issue an incidental take permit for the federally threatened desert tortoise (*Gopherus agassizii*) at the proposed California City Prison Project site, located in Kern County, California. Corrections Corporation of America has requested that the Service include the Mojave ground squirrel (*Spermophilus mohavensis*), a species listed as threatened by the State of California, and the burrowing owl (*Athene cunicularia*), a California species of special concern, as covered species in the Habitat Conservation Plan submitted with their application. This notice announces the availability of the permit application and the Environmental Assessment for the proposed action. The permit application includes the Habitat Conservation Plan for the California City Prison Project and an Implementing Agreement. The Service specifically requests comment on the appropriateness of the "No Surprises" assurances contained in this application. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: Written comments on the permit application, Habitat Conservation Plan, Environmental Assessment, and Implementing Agreement should be received on or before March 30, 1998.

ADDRESSES: Comments regarding the application or adequacy of the Environmental Assessment and Implementing Agreement should be addressed to the Field Supervisor, Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. Written comments may also be sent by facsimile to (805) 644–3958. Individuals wishing copies of the documents should immediately contact the Service's Ventura Fish and Wildlife Office at the above referenced address or facsimile, or at the telephone number listed below. Documents will also be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Denise Washick, Fish and Wildlife Biologist, at the above address or call (805) 644–1766.

SUPPLEMENTARY INFORMATION: The "take" of threatened and endangered species is prohibited under Section 9 of the Act and its implementing regulations. "Take" is defined, in part, as killing, harming or harassing listed species, including significant habitat modification that results in death of or injury to listed species. Under limited circumstances, the Service may issue permits to take listed species if such taking is incidental to otherwise lawful activities. Regulations governing permits are found at Title 50, Code of Federal Regulations, sections 17.22 and 17.32.

The Service proposes to issue a section 10(a)(1)(B) permit to the applicant for incidental take of the desert tortoise, Mojave ground squirrel, and the burrowing owl (covered species) during the construction and operation of the prison. The proposed development of the prison would result in a permanent loss of habitat for the covered species as the project site is bladed and the vegetative communities are permanently removed during the construction of the prison. The construction and operation of the prison could directly and indirectly affect the covered species.

Background Information

Corrections Corporation of America proposes the construction and operation of a new 2,304-bed medium security prison facility located on undeveloped land in the northern one-half of section 13 of Township 32 South, Range 38 East in California City, Kern County, California. The proposed prison would occupy approximately 105 acres of a 320-acre property characterized by creosote bush scrub vegetation. This site is known to support a population of the threatened desert tortoise and may support populations of Mojave ground squirrels and burrowing owls, the latter species being listed as threatened and sensitive, respectively, by the State of California.

The proposed action would authorize the incidental take of all desert tortoises on the 105-acre site in the form of harassment as a result of being moved out of harm's way. Additionally, two desert tortoises may be taken in the form of direct mortality associated with construction and operational activities and travel on the access road. Burrowing owls are unlikely to be killed or injured by the proposed action. If Mojave ground squirrels are present on the site, they would likely be killed during the initial grading of the construction areas. The proposed acquisition and management of the habitat off-site would be the primary means of compensating for the loss of habitat and direct take of the Mojave ground squirrel and burrowing owl.

The Habitat Conservation Plan proposes several measures to mitigate and minimize the effects of the prison development on the desert tortoise. Before construction activities commence, an amount of habitat of the covered species equal to that being destroyed will be purchased and placed in management for recovery of the desert tortoise. A fence to prevent desert tortoises from entering the construction site will be constructed under the supervision of a biologist and the area enclosed by the fence will be systematically searched. All desert tortoises found will be relocated to adjacent habitat in a manner consistent with current handling procedures and guidelines. Workers at the construction site will be educated about the status of the desert tortoise and procedures to take if desert tortoises are found during work activities or while traveling on access roads. The Corrections Corporation of America or their contractor will ensure that trash is handled in a way that does not lure predators of the desert tortoise into the area or increase their presence on-site.

In compliance with the National Environmental Policy Act, the Environmental Assessment examines the environmental consequences of four alternatives. These include the proposed action, a smaller project that would impact 40 acres, an alternate site that would also require the issuance of a section 10(a)(1)(B) permit for the incidental take of the desert tortoise, and a no take alternative.

This notice is provided pursuant to section 10(a)(1)(B) of the Act and Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6). The Service will evaluate the application, its associated documents, and submitted comments to determine whether the application meets the requirements of law. If the Service determines that the requirements are met, a permit will be issued for the incidental take of the listed species. A final decision on permit issuance will be made no sooner than 30 days from the date of this notice.

Dated: February 23, 1998.

David L. McMullen,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98–5054 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Letters of Authorization To Take Marine Mammals

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of Letters of Authorization to take marine mammals incidental to oil and gas industry activities.

SUMMARY: In accordance with section 101(a)(5) of the Marine Mammal Protection Act of 1972, as amended, and the U.S. Fish and Wildlife Service implementing regulations [50 CFR 18.27(f)(3)], notice is hereby given that Letters of Authorization to take polar bears incidental to oil and gas industry exploration, development, and production activities have been issued to the following companies:

Company	Activity	Location	Date issued
ARCO Alaska, Inc.	Development.	Alpine Dev Project.	Jan. 27, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Bridges at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362–5148 or (907) 786–3810.

SUPPLEMENTARY INFORMATION: Letters of Authorization were issued in accordance with U.S. Fish and Wildlife Service Federal Rules and Regulations "Marine Mammals; Incidental Take During Specified Activities" (58 FR 60402; November 16, 1993); modified and extended (60 FR 42805; August 17, 1995).

Dated: February 10, 1998.

Robyn Thorson,

Acting Regional Director.

[FR Doc. 98–4413 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Amendment to Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved amendments to Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment V to the Gaming Compact Between the Confederated Tribes of the Umatilla Indian Reservation and the State of Oregon, which was executed on December 22, 1997.

DATES: This action is effective February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: February 19, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–5071 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approval for Amendment III to Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment III to the Tribal-State Compact For Regulation of Class III Gaming Between the Confederated Tribes of Siletz Indians Tribe and the State of Oregon, which was executed on December 30, 1997.

DATES: This action is effective February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: February 19, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–5072 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment III to the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon Gaming Compact, which was executed on December 30, 1997.

DATES: This action is effective February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: February 19, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–5073 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–02–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. § 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment III to the Tribal-State Compact for Regulation of Class III Gaming between the Coquille Indian Tribe and the State of Oregon which was executed on December 30, 1997.

DATES: This action is effective February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4068.

Dated: February 19, 1998.
Kevin Gover,
Assistant Secretary—Indian Affairs.
[FR Doc. 98–5074 Filed 2–26–98; 8:45 am]
BILLING CODE 4310–02–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment IV to the Tribal-State Compact for Regulation of Class III Gaming Between The Klamath Tribes and the State of Oregon, which was executed on December 31, 1997.

DATES: This action is effective February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: February 18, 1998.
Kevin Gover,
Assistant Secretary—Indian Affairs.
[FR Doc. 98–5070 Filed 2–26–98; 8:45 am]
BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–060–1430–01; CACA 7291, CACA 7294, and CACA 7313]

Termination of Classifications of Public Lands for Small Tract Classification Numbers 236, 243, and 388, and Opening Order; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates, in their entirety, the following three classifications, which classified public lands for disposition pursuant to the Small Tract Act of June 1, 1938: CACA 7291—Small Tract Classification Number 236, CACA 7294—Small Tract Classification Number 243, CACA 7313—Small Tract Classification Number 388 The Small Tract Act of June 1, 1938 was repealed by the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), which contained provisions providing broad authority that replaced the repealed act. Of the 1,000 acres described under the above described classifications, 774.375 acres have been conveyed out of public ownership pursuant to the Small Tract Act of June 1, 1938. The mineral estates of those conveyed lands were reserved to the United States. Until appropriate rules and regulations are issued by the Secretary of the Interior, the reserved minerals on the conveyed lands will not be subject to location under the U.S. mining laws. A total of 225.625 acres still remain in public ownership. Those lands will be opened to the operation of the public land laws including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All of the lands have been and remain open to the operation of the mineral leasing laws. The terminations are necessary to facilitate the completion of a pending land exchange. The lands, remaining in public ownership, will be opened to exchange only, because they are currently segregated from the public land laws, including the mining laws, by the pending land exchange.

EFFECTIVE DATE: Termination of the classifications are effective on February 27, 1998. The public lands will be opened to entry at 10 a.m. on March 30, 1998.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office (CA–931.4), 2135 Butano Drive, Sacramento, California 95825–0451; telephone number 916–978–4675.

SUPPLEMENTARY INFORMATION:

1(a). CACA 7291—Small Tract Act Classification Number 236

T. 9 N., R. 2 W., San Bernardino Meridian
Sec. 12, W½NW¼NE¼.

The area described contains 20 acres in San Bernardino County.

On September 15, 1950, 20 acres of public land (as described above) were classified as suitable for lease under the Act of June 1, 1938, as amended (43 U.S.C. 682a–e). The classification decision was published in the **Federal Register** on October 7, 1950 (15 FR 6790). The land was segregated from all appropriation under the public land laws, including mineral location under the general mining laws. The land has been and will remain open to the mineral leasing laws.

Of the 20 acres originally classified, 18.125 acres have been conveyed out of public ownership, with 1.875 acres remaining in public ownership. The mineral estates of those conveyed lands were reserved to the United States.

(b). CACA 7294—Small Tract Act Classification Number 243

T. 9 N., R. 2 W., San Bernardino Meridian
Sec. 11, S½.
sec. 12, S½N½ and S½.

The area described contains 800 acres in San Bernardino County.

On October 6, 1950, 800 acres of public land (as described above) were classified as suitable for lease under the Act of June 1, 1938, as amended (43 U.S.C. 682a–e). The classification decision was published in the **Federal Register** on October 20, 1950 (15 FR 7032). The land was segregated from all appropriation under the public land laws, including mineral location under the general mining laws. The land has been and will remain open to the mineral leasing laws.

Of the 800 acres originally classified, 648.75 acres have been conveyed out of public ownership, with 151.25 acres remaining in public ownership. The mineral estates of those conveyed lands were reserved to the United States.

(c). CACA 7313—Small Tract Act Classification Number 388

T. 9 N., R. 2 W., San Bernardino Meridian
Sec. 11, W½NE¼NE¼, NW¼NE¼, S½NE¼, and SW¼NW¼.

The area described contains 180 acres in San Bernardino County.

On October 28, 1953, 180 acres of public land (as described above) were classified as suitable for lease under the Act of June 1, 1938, as amended (43 U.S.C. 682a–e). The classification decision was published in the **Federal Register** on November 4, 1953 (16 FR 6971). The land was segregated from all appropriation under the public land laws, including mineral location under the general mining laws. The land has been and will remain open to the mineral leasing laws.

Of the 180 acres originally classified, 107.50 acres have been conveyed out of public ownership, with 72.50 acres remaining in public ownership. The mineral estates of those conveyed lands were reserved to the United States.

2. Pursuant to the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq.*), and the regulations contained in 43 CFR 2091.7–1(b)(2), Small Tract Act Classification Numbers 236, 243, and 388 are hereby terminated in their

entirety. The classifications no longer serve a needed purpose as to the lands described above.

3. Until appropriate rules and regulations are issued by the Secretary of the Interior, the reserved minerals on 774.375 acres of conveyed lands, as described above, will not be subject to location under the U.S. mining laws.

4. At 10 a.m. on March 30, 1998, 225.625 acres of public lands, as described above, will be opened to the operation of the public land laws generally, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on March 30, 1998 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. At 10 a.m. on March 30, 1998, 225.625 acres of public lands, as described above, will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this notice under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

Dated: February 18, 1998.

Ed Hastey,

State Director.

[FR Doc. 98–5041 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–020–08–1220–00–241A]

Notice of Availability of the Squirrel River Draft Environmental Impact Statement

SUMMARY: The Northern District of the Bureau of Land Management in Alaska has prepared a draft environmental impact statement on a proposal to make the Squirrel River, located in northwestern Alaska, a component of the national wild and scenic rivers system. The draft EIS is available February 27, 1998. The Wild and Scenic Rivers Act identifies the Squirrel River in Section 5(a), and requires the Department of the Interior to conduct a study on the suitability of the river as a worthy addition to the national system. That authority was delegated to the BLM. A draft environmental impact statement has been prepared because the National Environmental Protection Act calls for the preparation of draft and final environmental impact statements whenever a proposal results from a study process required by statute.

Dates and Locations: Written comments must be received or postmarked on or before April 28, 1998. Public meetings will be held at:

Kiana, Alaska: April 9, 1998; old City Office. Open House 10:30 a.m. to 12:30 p.m.; Public meeting begins 1 p.m.

Kotzebue, Alaska: April 10, 1998, Alaska Technical Center. Open House 9 a.m. to 12:30 p.m.; Public Meeting begins 1 p.m.

Fairbanks, Alaska: April 16, 1998; BLM-Northern District Office Building, 1150 University Ave. Open House 2 to 5 p.m.; Public Meeting begins 5 p.m.

FOR FURTHER INFORMATION CONTACT: General information: Susan Will, (907) 474–2338. Technical information: Lon Kelly, (907) 474–2368. Public meetings in Kiana and Kotzebue: Randy Meyers, (907) 442–3430.

SUPPLEMENTARY INFORMATION: An electronic version of the document is available on the Internet at: http://aurora.ak.blm.gov/squirrel.

Copies of the Draft Environmental Impact Statement can be obtained by writing to: Bureau of Land Management, 1150 University Ave., Fairbanks, AK, 99709–3899; or by calling 1–800–437–7021 or (907) 474–2200.

Dated: February 20, 1998.

Lon Kelly,

Squirrel River Coordinator.

[FR Doc. 98–5040 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–910–0777–30]

BLM Nevada State Office Moves From 850 Harvard Way, Reno, NV to 1340 Financial Blvd., Reno, NV 89502, on March 10, 1998

AGENCY: Bureau of Land Management, Interior.

ACTION: Bureau of land management Nevada State Office Move Location and date.

SUMMARY: The Bureau of Land Management's Nevada State Office will move March 10, 1998, to 1340 Financial Blvd. Near McCarran and Mill Streets. The public room at 850 Harvard Way will close for business at noon, March 10, 1998, and will reopen at 1340 Financial Blvd. on March 16, 1998.

FOR FURTHER INFORMATION CONTACT: Atanda Clinger, Records Administrator, Public Contact and Records Sub-Unit, Bureau of Land Management Nevada State Office, 850 Harvard Way, Reno, Nevada, 89502–2055, telephone for 850 Harvard Way, 702–785–6632, for 1340 Financial Blvd., 702–861–6400.

Dated: February 20, 1998.

Jo Simpson,

Chief, External Affairs, BLM Nevada State Office.

[FR Doc. 98–5034 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–010–1430–00; –N–41566–40]

Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management.

ACTION: Recreation and Public Purpose Lease/Conveyance.

SUMMARY: The following public lands in Clark County, Nevada, have been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The lands are needed for development of a Senior High School.

Mount Diablo Meridian, Nevada

T.22 S., R. 60 E.,
Section 9, SW¼NE¼

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe, and well be subject to:

1. Easements in accordance with the City of North Las Vegas Transportation Plan and as stated by letter to the Bureau of Land Management dated November 17, 1997.

2. All valid and existing rights.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purpose Act, leasing under the mineral leasing laws and disposal under the mineral material disposal laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the District Manager, Las Vegas District, 4765 Vegas Drive Las Vegas, Nevada, 89108.

Classification Comments

Interested parties may submit comments involving the suitability of the land for the senior high school. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for a school site.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: February 17, 1998.

Mark R. Chatterton,

Assistant District Manager, Non-Renewable Resources, Las Vegas, Nevada.

[FR Doc. 98–5075 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ030–1010–00; AZA–29861]

Notice of Intent To Amend the Kingman Resource Management Plan

AGENCY: Bureau of Land Management.

ACTION: Notice of intent.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976, the Bureau of Land Management, Kingman Field Office, Arizona, will be preparing an EIS-level plan amendment to the Kingman Resource Management Plan. The plan amendment will assess impacts of proposed changes to land tenure classification decisions and resource management of federal lands in Mohave County in western Arizona.

DATES: Written comments will be accepted until April 1, 1998.

ADDRESSES: Comments should be sent to the Team Leader, Hualapai Mountain Project, Bureau of Land Management, Kingman Field Office, 2475 Beverly Ave., Kingman, Arizona 86401–3629.

FOR FURTHER INFORMATION CALL: Don McClure, phone: (520) 692–4400.

SUPPLEMENTARY INFORMATION: The planning area will include both public and non-public land in Mohave County in western Arizona, encompassing approximately 150,000 acres.

On June 11, 1997, Arizona BLM published a notice of intent to prepare an EIS-level analysis for a proposed land exchange near Kingman, Arizona, referred to as the Hualapai Mountain Exchange. As the offered and selected lands became more clearly defined during development of the draft EIS, it became apparent that adjustments in land tenure decisions of the Kingman Resource Management Plan would also be needed. The amendment is needed because approximately 15,000 acres selected by the Proponent were not identified for disposal in the Kingman Resource Management Plan by Township, Range, and Section. Also, the Proponent for the land exchange selected lands within the White Margined Penstemon Area of Critical Environmental Concern (ACEC). The boundary of the ACEC will not change but the amount of acreage of designated ACEC lands will change. The language used for designating the ACEC was for the public acres within the boundary and not the boundary itself. The proposed change in the acreage of the ACEC involves approximately 1800 acres going out of public ownership with approximately 3950 acres coming into public ownership. The 1800 acres would lose its designation as ACEC lands while the approximately 3950 acres would be designated as part of the ACEC.

Proposed modifications to the Kingman Resource Management Plan will be integrated with the proposed Hualapai Mountain Exchange, and the impacts thereof will be presented in a single EIS-level analysis. The interdisciplinary EIS team will consist of specialists representing wildlife, recreation, minerals, archaeology, lands, surface protection, vegetation, range, soil and watershed, social and economic conditions. Specialists with other expertise will be added if needed.

Description of Possible Alternatives

Reasonable alternatives including the no-action alternative will be analyzed in the EIS. One alternative will be selected as the agency-preferred alternative before the draft environmental impact statement is released for public review.

Anticipated Issues and Criteria

Some issues expected to be addressed by the plan amendment include the following: proposed land tenure adjustments, and proposed management of lands and resources acquired by BLM through the proposed exchange.

The following criteria are proposed to guide resolution of the issues: actions must comply with laws, executive, orders, and regulations; consider long-term benefits to the public in relation to short-term benefits; be reasonable and achievable; use of the best available scientific information; use an interdisciplinary approach to land management; and contribute to or sustain the productivity and diversity of natural systems and the health of the land.

Other Relevant Information

A comprehensive public participation plan has been prepared. The interested public will be involved throughout the plan amendment process. The tentative project schedule is as follows:

Begin Public Comment Period on Draft Environmental Impact Statement—April 1998

File Final Environmental Impact Statement—September 1998

Record of Decision—January 1999.

Public Input Requested

Comments should address issues to be considered, if the planning criteria are adequate for the issues, feasible and reasonable alternatives to examine, and relevant information having a bearing on the EIS-level plan amendment.

Dated: February 20, 1998.

John R. Christensen,

Field Manager.

[FR Doc. 98–5036 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–030–1110–00; NMNM 95104]

Notice of Intent To Prepare A Resource Management Plan (RMP) Amendment; Socorro Resource Area, New Mexico

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to prepare an Environmental Assessment (EA)/RMP amendment and an invitation for public participation.

SUMMARY: The BLM will prepare an EA/RMP Amendment for the purpose of addressing impacts of implementing a proposed 20-year withdrawal of 5,607.52 acres of public land in Socorro County, New Mexico from settlement, sale, location and entry under the general land laws, including the mining laws. The public is invited to participate in this planning effort with the identification of additional issues and planning criteria. The purpose of the proposed withdrawal is protection of desert bighorn sheep habitat.

DATES: Comments must be received on or before March 30, 1998.

ADDRESSES: Written comments should be sent to the EA/RMP Amendment Team Leader, BLM, Socorro Resource Area Office, 198 Neel Ave., NW, Socorro, NM 87801.

FOR FURTHER INFORMATION CONTACT: Lois Bell, BLM Socorro Resource Area at (505) 835–0412.

SUPPLEMENTARY INFORMATION: The proposed action is to amend the existing Socorro RMP to allow for the withdrawal of 5,607.52 acres of public land in the vicinity of Devil's Backbone in Socorro County, New Mexico described as:

New Mexico Principal Meridian,

T. 5 S., R. 3 W.,
Sec. 16, lots 5 to 8, inclusive, N½ and N½S½;
Secs. 21, 28, 29 and 32.
T. 6 S., R. 3 W.,
Sec. 4, lots 3 and 4, inclusive, and SW¼;
Sec. 9, W½;
Sec. 15, W½;
Sec. 16;
Sec. 22, NE¼, N½NW¼, SE¼NW¼, E½SW¼, and SE¼.
T. 5 S., R. 4 W.,
Sec. 25, E½.

The areas described aggregate 5,607.52 acres in Socorro County, New Mexico.

Types of Issues Anticipated

1. Does the existing Socorro RMP provide adequate protection for desert bighorn sheep habitat in the Devil's Backbone area?

2. Is a withdrawal necessary to properly protect desert bighorn sheep habitat in the Devil's Backbone area?

Criteria to Guide Development of the Planning Action

The following planning criteria were identified to help guide the resolution of issues.

Non-Discretionary Criteria

1. The proposed action must comply with laws, executive orders and regulations.

2. The proposed action must be reasonable and achievable with available technology.

Discretionary Criteria

1. Identify areas and resource values critical to desert bighorn sheep habitat in the area of Devil's Backbone.

2. Determine how critical wildlife habitat values should best be managed in the Devil's Backbone area.

Disciplines To Be Represented on Interdisciplinary Team

The plan amendment will be prepared by an interdisciplinary team consisting of an archaeologist, environmental coordinator, geologist, range land management specialist, realty specialist, recreation planner, surface protection specialist and a wildlife biologist.

Kind and Extent of Public Participation To Be Provided

A copy of this notice will be published in a local newspaper. Public participation will be in the form of written comments submitted to the Socorro Resource Area Office.

Location and Availability of Documents Relative to the Planning Process

All pertinent information is available in the BLM Socorro Resource Area Office, 198 Neel Avenue, Socorro, New Mexico 87801 and is available for public review weekdays during regular office hours, from 7:45 a.m. to 4:30 p.m.

Dated: February 20, 1998.

Linda S.C. Rundell,

District Manager.

[FR Doc. 98–5035 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–VC–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Notice of Consultation Meeting

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of consultation meeting.

SUMMARY: This notice announces that MMS will hold a meeting to consult with industry before setting up criteria to implement a disqualification provision in the proposed rule on Postlease Operations Safety, published on February 13, 1998 (63 FR 7335). A new regulation has been proposed to provide criteria that MMS will consider, individually or collectively, in evaluating whether to disqualify operators with repeat poor safety performance. MMS may also disapprove or revoke a company's status as a designated operator.

DATES: MMS will hold the meeting on March 24, 1998, from 8:00 a.m. to 12 noon at the location listed in the **ADDRESSES** section. Preregistration will be held at 7:30 a.m.

ADDRESSES: Sheraton Crown Hotel, 15700 JFK Blvd., Houston, Texas 77032, telephone: (713) 442–5100.

FOR FURTHER INFORMATION CONTACT: Dough Slitor, Performance and Safety Branch at (703) 787–1591.

Dated: February 23, 1998.

E.P. Danenberger,

Cheif, Engineering and Operations Division.

[FR Doc. 98–5087 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Proposed Rule Making for Offstream Storage of Colorado River Water and Interstate Redemption of Storage Credits in the Lower Division States

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of draft programmatic environmental assessment (DPEA); extension of deadline for comments.

SUMMARY: The Bureau of Reclamation (Reclamation) published a notice of availability of a DPEA on December 31,

1997 (62 FR 68465). That notice specified how to obtain a copy of the DPEA and stated that comments on the DPEA will be accepted through March 2, 1998. Reclamation will extend the comment deadline an additional 32 days, until close of business on Friday, April 3, 1998.

DATES: Any comments must be received by Reclamation on or before April 3, 1998, in accordance with the criteria set forth in the December 31, 1997, notice of availability of the DPEA (62 FR 68465).

FOR FURTHER INFORMATION CONTACT: Mr. James Green, telephone (702) 293–8519 or fax (702) 293–8146.

SUPPLEMENTARY INFORMATION: Reclamation received several requests for an extension of the deadline for comments on the DPEA. In the interest of encouraging public participation, Reclamation is extending the deadline for written comments. If you have already prepared written comments to meet the March 2, 1998, deadline, you may supplement or replace those comments with an additional written response.

Dated: February 20, 1998.

William E. Rinne,

Area Manager, Boulder Canyon Operations Office.

[FR Doc. 98–5031 Filed 2–26–98; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF JUSTICE

Notice of Consent Decree Under the Resource Conservation and Recovery Act

Notice is hereby given that a consent decree in *United States* v. *Metech International, Inc.*, Civil Action No. 98–085T (D.R.I.) was lodged with the United States District Court for the District of Rhode Island on February 18, 1998.

In this action the United States sought injunctive relief and civil penalties under Sections 3008 (a) and (g) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6928 (a) and (g), against Metech International, Inc. ("Metech," formerly known as Boliden Metech, Inc.) The consent decree resolves these claims.

The consent decree requires Metech to: Comply with specified provisions of RCRA, including limits on the manner and duration of storage of hazardous waste and requirements to make certain waste determinations; make specified process changes in Metech's leaching department; apply for a variance from the definition of solid waste for certain solid materials generated by Metech; and pay a civil penalty to the United States of up to $300,000.

The Department of Justice will accept written comments relating to the proposed consent decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States* v. *Metech International, Inc.* (D.R.I.), DJ # 90–7–1–840.

Copies of the proposed consent decree may be examined at the Office of the United States Attorney, 10 Dorrance Street, Tenth Floor, Providence, Rhode Island 02903; at the U.S. Environmental Protection Agency, Region I, One Congress Street, Boston, Massachusetts 02203; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the consent decree may also be obtained in person or by mail at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. When requesting a copy of the consent decree by mail, please enclose a check in the amount of $24.25 for a copy including exhibits, or $14.75 for a copy excluding exhibits (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 98–5016 Filed 2–26–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Advanced Lead-Acid Battery Consortium

Notice is hereby given that, on January 15, 1998, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Advanced Lead-Acid Battery Consortium ("ALABC"), a program of International Lead Zinc Research Organization, Inc., filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Bridgestone Corporation, Tokyo, JAPAN; Dowa Mining Co., Tokyo, JAPAN, FIAMM SpA, Montecchio, ITALY; Industrial Technical Research Institute, TAIWAN, R.O.C.; Matsushita, Osaka, JAPAN; Metaleurop Recherche, Fontenay-sous-Bois Cedex, FRANCE; Mitsubishi Materials Corp., Saitma, JAPAN; Nippon Mining & Metals, Tokyo, JAPAN; Shin Kobe Electric Machine, Tokyo, JAPAN; and Teledyne Continential Motors, Redlands, CA have withdrawn from the ALABC.

No other changes have been made in either the membership or planned activity of the Consortium. Membership in the Consortium remains open and ALABC intends to file additional written notification disclosing any future changes in membership.

On June 15, 1992, the ALABC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 29, 1992, 57 FR 33522. The last notification was filed with the Department on July 24, 1997. A notice was published in the **Federal Register** on October 16, 1997, 62 FR 62074.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–5013 Filed 2–26–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Key Recovery Alliance ("KRA")

Notice is hereby given that, on October 20, 1997, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Key Recovery Alliance ("KRA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) The identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiff's to actual damages under specified circumstances. Pursuant to § 6(b) of the Act, the identities of the parties are: Apple Computer, Inc., Cupertino, CA; Cylink Corporation, Sunnyvale, CA; Data Securities International, Inc., San Diego, CA; Digital Equipment Corporation, Nashua, NH; Golden Star Technology, Inc.,

Cerritos, CA; Information Resource Engineering, Inc., Baltimore, MD; Intel Corporation, Hillsboro, OR; International Business Machines, Inc., Somers, NY; Motorola, Scottsdale, AZ; NCR, West Columbia, SC; Novell Inc., Provo, UT; Sourcefile, Atlanta, GA; Sun Microsystems, Inc., Mountain View, CA; Trusted Information Systems, Inc., McLean, VA.

KRA was formed for the following purposes: (a) Stimulate global electronic commerce by encouraging the harmonization of market driven solutions available globally for secure communication using strong encryption; (b) serve as a focal point for industry efforts to develop commercially acceptable solutions for recovery of encrypted information; (c) determine interoperability concerns and potential architectural solutions among key recovery technologies and non-key recovery technologies; (d) support the development of a global infrastructure that supports recovery of encrypted information and (e) promote the implementation, deployment and use of interoperable key recovery technologies in the market. In furtherance of the foregoing purposes, KRA may undertake research, development, analysis, testing, study, and experimentation concerning or relating to key recovery technologies, and it may engage in the collection, exchange and analysis of research information concerning key recovery technologies.

Additional parties may become members of KRA. KRA will file supplemental written notifications disclosing all new members.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–5014 Filed 2–26–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Michigan Materials and Processing Institute

Notice is hereby given that, on December 16, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Michigan Materials and Processing Institute ("MMPI"), has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. The following companies were recently accepted as Class A Shareholders in MMPI, Lambda Technologies, Inc., Morrisville, NC and Vehicle Recycling Partnership, Southfield, MI. Applied Sciences, Inc., Cedarville, OH and Cybernet Systems Corporation, Ann Arbor, MI are no longer Class A Shareholders in MMPI.

No other changes have been made in the membership or planned activity of the group research project. Membership in this group research project remains open, and MMPI intends to file additional written notifications disclosing all changes in shareholders.

On August 7, 1990, MMPI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 6, 1990, 55 FR 36710.

The last notification was filed with the Department on April 15, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 22, 1997, 62 FR 28066.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–5015 Filed 2–26–98; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 98–2]

Teodoro A. Ando, M.D.; Revocation of Registration

On May 23, 1997, the Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Teodoro A. Ando, M.D., (Respondent) of Montoursville, Pennsylvania. The Order to Show Cause notified him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AA8218249, and deny any pending applications for renewal of his registration pursuant to 21 U.S.C. 823(f) and 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the Commonwealth of Pennsylvania.

Subsequently, Respondent filed a request for a hearing. While this request was not timely filed, the Government indicated that it did not object to the untimeliness of Respondent's request for a hearing, and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. On October 23, 1997, Judge Bittner issued an Order for Prehearing Statements. On November 13, 1997, the Government filed a Motion for Summary Disposition and Request for Extension of Time to File Prehearing Statement, alleging that Respondent is without state authority to handle controlled substances in the Commonwealth of Pennsylvania. By order dated November 20, 1997, Judge Bittner provided Respondent with an opportunity to file a response to the Government's motion. No response was received from Respondent.

On December 19, 1997, Judge Bittner issued her Opinion and Recommended Decision finding that Respondent lacked authorization to handle controlled substances in the Commonwealth of Pennsylvania; granting the Government's Motion for Summary Disposition; and recommending that Respondent's DEA Certificate of Registration be revoked. Neither party filed exceptions to her opinion, and on January 22, 1998, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Acting Deputy Administrator finds that by affidavit dated October 27, 1997, the custodian of records for the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, State Board of Medicine stated that Respondent's license was revoked on March 11, 1996, and remained revoked as of the date of the affidavit. Respondent did not offer any evidence to the contrary, and therefore the Acting Deputy Administrator finds that Respondent is not currently authorized to practice medicine in the Commonwealth of Pennsylvania. The Acting Deputy Administrator further finds it reasonable to infer that Respondent is also not authorized to handle controlled substances in the Commonwealth of Pennsylvania, where he is currently registered with DEA to handle controlled substances.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21

U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.*, 62 FR 16193 (1997); *Demetris A. Green, M.D.*, 61 FR 60728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51104 (1993).

Here it is clear that Respondent is not authorized to practice medicine or handle controlled substances in the Commonwealth of Pennsylvania. Since Respondent lacks this state authority, he is not entitled to a DEA registration in that state.

In light of the above, Judge Bittner properly granted the Government's Motion for Summary Disposition. Here, the parties did not dispute the fact that Respondent is unauthorized to handle controlled substances in Pennsylvania. Therefore, it is well-settled that when no question of material fact is involved, a plenary, adversary administrative proceeding involving evidence and cross-examination of witnesses is not obligatory. See *Phillip E. Kirk, M.D.*, 48 FR 32887 (1983); *aff'd sub nom Kirk* v. *Mullen*, 749 F.2d 297 (6th Cir. 1984); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO*, 549 F.2d 634 (9th Cir. 1977); *United States* v. *Consolidated Mines & Smelting Co.*, 44 F.2d 432 (9th Cir. 1971).

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration AA8218249, previously issued to Teodoro A. Ando, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective March 30, 1998.

Dated: February 20, 1998.

Peter F. Gruden,

Acting Deputy Administrator.

[FR Doc. 98–4975 Filed 2–26–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Eric Jones, M.D.; Revocation of Registration; Denial of Request To Modify Registration

On September 18, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Eric E. Jones, M.D., (Respondent) of Atlanta, Georgia, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BJ2942440, deny any pending applications for modification of his registration to change his address to Georgia, and deny any pending applications for renewal of such registration under 21 U.S.C. 823(f) and 824(a)(1) and (a)(3). The Order to Show Cause alleged that Respondent materially falsified his application for renewal of his DEA Certificate of Registration and that he was not currently authorized to handle controlled substances in the State of Georgia.

By letter dated December 15, 1997, Respondent waived his right to a hearing, but submitted a written statement regarding this matter pursuant to 21 CFR 1301.43(c). In addition, the Director of Morehouse School of Medicine's Family Medicine Residency Program submitted a letter in support of Respondent. The Acting Deputy Administrator hereby enters his final order in this matter based upon the investigative file and Respondent's written statement pursuant to 21 CFR 1301.43(e) and 1301.46.

The Acting Deputy Administrator finds that by final order dated June 28, 1994, the Maryland Board of Physician Quality Assurance (Maryland Board) suspended Respondent's license to practice medicine for three years, but stayed the suspension and placed Respondent on probation for a period of three years subject to various terms and conditions. One reason for the Board's action was Respondent's failure to disclose on his renewal application for his Maryland medical license that his clinical privileges and employment at a local hospital had been terminated for disciplinary reasons.

On March 6, 1995, Respondent executed an application for a new DEA Certificate of Registration. The application was preprinted with an address for Respondent in Los Angeles, California. Respondent had crossed out that address and handwritten in an address in Washington, D.C. The Acting Deputy Administrator considers this a request by Respondent to modify his address on his registration to Washington, D.C.

One question on the application, hereinafter referred to as "the liability question," asks, "Has the applicant ever been convicted of a crime in connection with controlled substances under State or Federal law, or ever surrendered or had a Federal controlled substance registration revoked, suspended, restricted or denied, or ever had a State professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation?" Respondent answered "no" to this question.

On February 4, 1997, Respondent submitted a request to further modify his registration by changing his address to a location in Atlanta, Georgia. Respondent noted on this request that, "I do not hold a Georgia License." A letter from the Georgia Composite State Board of Medical Examiners dated August 11, 1997, states that "Eric E. Jones is not now nor has he ever been licensed as a physician in the State of Georgia."

The Deputy Administrator may revoke or suspend a DEA Certificate of Registration under 21 U.S.C. 824(a), upon a finding that the registrant:

(1) Has materially falsified any application filed pursuant to or required by this subchapter or subchapter II of this chapter;

(2) Has been convicted of a felony under this subchapter or subchapter II of this chapter or any other law of the United States, or of any State relating to any substance defined in this subchapter as a controlled substance;

(3) Has had his State license or registration suspended, revoked, or denied by component State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances or has had the suspension, revocation, or denial of his registration recommended by competent State authority;

(4) Has committed such acts as would render his registration under section 823 of this title inconsistent with the public interest as determined under such section; or

(5) Has been excluded (or directed to be excluded) from participation in a program pursuant to section 1320a–7(a) of Title 42.

The Acting Deputy Administrator finds that Respondent is not currently authorized to practice medicine in the State of Georgia, where he wants to modify his DEA registration. Respondent, in his written statement, concedes that he does not possess a Georgia medical license. The Acting Deputy Administrator further finds that since Respondent is not currently authorized to practice medicine in the State of Georgia, it is reasonable to infer that he is not currently authorized to handle controlled substances in that state.

The DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in

which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here it is clear that Respondent is not currently authorized to handle controlled substances in the State of Georgia. Therefore, Respondent is not entitled to a DEA registration in that state and his request for modification of his registration to an address in Georgia must be denied.

Regarding the revocation of Respondent's DEA Certificate of Registration under 21 U.S.C. 824(a)(1), the Acting Deputy Administrator finds that DEA has previously held that in finding that there has been a material falsification of an application, it must be determined that the applicant knew or should have known that the response given to the liability question was false. See *Bobby Watts, M.D.*, 58 FR 4699 (1993); *Herbert J. Robinson, M.D.*, 59 FR 6304 (1994).

Respondent states in his written statement that, "the material falsification of my application for DEA Certificate renewal was a grave and profound error of ignorance of the facts concerning the nature of the determination made by the Maryland Board. It was a serious error of omission because I understood the three year probation as a 'second change' in this matter, and the stayed suspension as not equivalent, in fact, to an outright suspension of my license. It was because of this misunderstanding on my behalf that I did not include this information on the DEA Certificate renewal application in March of 1995. I had no intent to beguile or manipulate; profoundly I did not know or tru[sic] understand."

The Acting Deputy Administrator finds that Respondent's explanation does not relieve him of his responsibility to properly answer the liability question. The fact that Respondent viewed his being placed on probation by the Maryland Board as "a second change" is irrelevant. Respondent does not deny that he knew that his license was placed on probation. Likewise, his contention that he did not understand is not credible. Respondent knew or should have known that his Maryland medical license was placed on probation for three years. Therefore, the Acting Deputy Administrator concludes that by answering "no" to the liability question, Respondent materially falsified his March 6, 1995 renewal application.

The Director of Morehouse School of Medicine's Family Medicine Residency Program submitted a letter on behalf of Respondent, stating that Respondent "has always been very honest about his status with licensing organizations." The Acting Deputy Administrator concludes that the Director's support does not negate the fact that Respondent is not currently authorized to handle controlled substances in Georgia or that he materially falsified his application for renewal of his DEA Certificate of Registration.

The Acting Deputy Administrator finds that since Respondent did not offer any other explanation for the falsification of his application or any mitigating evidence, revocation of Respondent's DEA Certificate of Registration is warranted. Even if Respondent did not intentionally falsify his application, his negative answer to the liability question demonstrates a lack of attention to detail and carelessness, both of which are of great concern to the Acting Deputy Administrator. This is made even more troublesome by the fact that part of the basis for the Maryland Board's action was that Respondent failed to disclose certain information on his application for renewal of his medical license. If anything, Respondent should have been even more careful in answering questions on his applications.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in his by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BJ2942440, issued to Eric E. Jones, M.D., be, and it hereby is, revoked. The Acting Deputy Administrator furthers orders that Dr. Jones' request to modify his registration, and any pending applications for renewal of such registration, be, and they hereby are, denied. This order is effective March 30, 1998.

Dated: February 20, 1998.

Peter F. Gruden,

Acting Deputy Administrator.

[FR Doc. 98–4973 Filed 2–26–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Rafael A. Segrera, D.O. Revocation of Registration

On June 5, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Rafael A. Segrera, D.O., of Odebolt, Iowa, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration BS1828788, under 21 U.S.C. 824(a)(3), and deny any pending applications for registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that he is not currently authorized to handle controlled substances in the State of Iowa. The order also notified Dr. Segrera that should no request for a hearing be filed within 30 days of receipt, his hearing right would be deemed waived.

The DEA received a signed receipt indicating that the order was received by Dr. Segrera on June 12, 1997. No request for a hearing or any other reply was received by the DEA from Dr. Segrera or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Segrera is deemed to have waived his hearing right. After considering relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on October 20, 1994, the Board of Medical Examiners of the State of Iowa (Board) issued an Order of Summary Suspension of Dr. Segrera's license to practice osteopathic medicine and surgery. Following a hearing, the Board indefinitely suspended Dr. Segrera's license effective February 23, 1996. Thereafter, by letter dated March 18, 1996, the Iowa Board of Pharmacy Examiners notified Dr. Segrera of the suspension of his Iowa controlled substance registration.

The Acting Deputy Administrator finds that Dr. Segrera is not currently authorized to handle controlled substances in the State of Iowa, where he is registered with DEA. The DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.*, 62 FR 16,193 (1997); *Demetris A. Green, M.D.*, 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.*, 58 FR 51,104 (1993).

Here it is clear that Dr. Segrera is not currently authorized to handle controlled substances in the State of

Iowa. Therefore, Dr. Segrera is not entitled to a DEA registration in that state.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BS1828788, previously issued to Rafael A. Segrera, D.O., be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective March 30, 1998.

Dated: February 20, 1998.

Peter F. Gruden,

Acting Deputy Administrator.

[FR Doc. 98–4974 Filed 2–26–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Statistics; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Request OMB Emergency Approval; Application to Register the Annual Survey of Jails, Form CJ–5.

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (BJS) has submitted the following information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. OMB approval has been requested by December 2, 1997. If granted, the emergency approval is only valid for 180 days. All comments and/or questions pertaining to this pending request for emergency approval must be directed to OMB, Office of Information and Regulatory Affairs, Attention: Patrick Boyd, (202) 395–5871, Department of Justice Desk Officer, Washington, DC 20503. You may also submit comments to Mr. Boyd via facsimile and (202) 395–7285.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until; April 28, 1998. During the 60-day regular review all comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Allen J. Beck, Ph.D., Chief, Corrections Statistics, Bureau of Justice Statistics, U.S. Department of Justice, 810 Seventh Street, NW, Washington, DC 20531. Your comments should address one or more of the following four points.

(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 agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Annual Survey of Jails.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form CJ–5. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: County and City jail authorities. The "Annual Survey of Jails" (AJS) is the only collection effort that provides an ability to maintain important jail statistics in years between the jail censuses. The AJS enables the Bureau; Federal, State, and local correctional administrators; legislators; researchers; and planners to track growth in the number of jails and their capacities nationally; as well as, track changes in the demographics and supervision status of the jail population and the prevalence of crowding.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 825 respondents at .75 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Annual burden hours are 619.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Allen J. Beck, Ph.D., Chief, Corrections Statistics, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, NW, Washington, DC 20531 (202–616–3277).

If additional information is required contact Robert B. Briggs, Clearance Officer, U.S. Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: February 23, 1998.

Robert B. Briggs,

Department Clearance Officer, U.S. Department of Justice.

[FR Doc. 98–5042 Filed 2–26–98; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting Notice

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92–463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, Time and Place: March 17, 1998, 10:00 a.m., U.S. Department of Labor, C5525, Seminar Room 5, 200 Constitution Ave., NW., Washington, DC 20210.

Purpose: The meeting will include a review and discussion of current issues which influence U.S. trade policy. Potential U.S. negotiating objectives and bargaining positions in current and anticipated trade negotiations will be discussed. Pursuant to section 9(B) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9)(B) it has been determined that the meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions. Accordingly, the meeting will be closed to the public.

For further information, contact: Jorge Perez-Lopez, Director, Office of International Economic Affairs, Phone: (202) 219–7597.

Signed at Washington, DC, this 23rd day of February 1998.

Andrew J. Samet,

Deputy Under Secretary, International Affairs.

[FR Doc. 98–5125 Filed 2–26–98; 8:45 am]

BILLING CODE 4510–28–M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

New General Wage Determination Decision

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and States:

Volume VII

California
CA980041 (Feb. 27, 1998)

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

None

Volume II

Delaware
DE980002 (Feb. 13, 1998)
DE980005 (Feb. 13, 1998)
Pennsylvania
PA980013 (Feb. 13, 1998)

Volume III

None

Volume IV

Illinois
IL980024 (Feb. 13, 1998)
IL980031 (Feb. 13, 1998)
IL980032 (Feb. 13, 1998)
IL980037 (Feb. 13, 1998)
IL980045 (Feb. 13, 1998)
IL980046 (Feb. 13, 1998)
IL980054 (Feb. 13, 1998)
Michigan
MI980005 (Feb. 13, 1998)
MI980012 (Feb. 13, 1998)
MI980031 (Feb. 13, 1998)
MI980046 (Feb. 13, 1998)
MI980047 (Feb. 13, 1998)
MI980062 (Feb. 13, 1998)
MI980072 (Feb. 13, 1998)
MI980083 (Feb. 13, 1998)

Volume V

Iowa
IA980069
Missouri
MO980023 (Feb. 13, 1998)
MO980024 (Feb. 13, 1998)
MO980028 (Feb. 13, 1998)
MO980030 (Feb. 13, 1998)
MO980032 (Feb. 13, 1998)
MO980034 (Feb. 13, 1998)
MO980035 (Feb. 13, 1998)
MO980036 (Feb. 13, 1998)
MO980037 (Feb. 13, 1998)
MO980038 (Feb. 13, 1998)
Texas
TX980003 (Feb. 13, 1998)
TX980005 (Feb. 13, 1998)
TX980010 (Feb. 13, 1998)
TX980063 (Feb. 13, 1998)

Volume VI

Wyoming
WY980009 (Feb. 13, 1998)

Volume VII

None

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, DC 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, DC, this 20th day of February 1998.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 98–4747 Filed 2–26–98; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Safety Defects, Examination, Correction and Records

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Safety Defects, Examination, Correction and Records. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or others forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the FOR FURTHER INFORMATION CONTACT section of this notice.

DATES: Submit comments on or before April 28, 1998.

ADDRESSES: Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to psilvey@msha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT: George M. Fesak, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mr. Fesak can be reached at gfesak@msha.gov (Internet E-mail), (703) 235–8378 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Title 30 CFR Sections 56.13015 and 57.13015 require compressed-air receivers and other unfired pressure vessels be inspected by inspectors holding a valid National Board Commission and in accordance with the applicable chapters of the National Board Inspection Code, a manual for Boiler and Pressure Vessels Inspectors, 1979. Safety defects found on compressed-air receivers and other unfired pressure vessels could cause injuries and fatalities in the mining industry. Records of inspections are kept in accordance with the requirements of the National Board Inspection Code and the records are made available to the Secretary or his authorized representative.

Title 30 CFR Sections 56.13030 and 57.13030 require that fired pressure vessels (boilers) be equipped with safety devices approved by the American Society of Mechanical Engineers to protect against hazards from overpressure, flameouts, fuel interruptions and low water level. These sections also require that records of inspection and repairs be retained by the mine operator in accordance with the requirements of the ASME Boiler and Pressure Vessel Code and the National Board Inspection Code (progressive records—no limit on retention time) and shall be made available to the Secretary or his authorized representative.

Title 30 CFR Sections 56.14100 and 57.14100 require equipment operators to inspect equipment, machinery, and tools that are to be used during a shift for safety defects before the equipment is placed in operation. Defects affecting safety are required to be corrected in a timely manner. In instances where the defect makes continued operation of the equipment unsafe, the standards require removal from service, tagging to identify that it is out of use, and repair before use is resumed.

Title 30 CFR Sections 56.18002 and 57.180002 require that a competent person designated by the operator shall examine each working place at least once each shift for conditions which may adversely affect safety or health. A record of such examinations shall be kept by the operator for a period of one year and shall be made available for review by the Secretary or his authorized representative.

II. Current Actions

The records are used by industry management and maintenance personnel to ensure that defects are not overlooked, that repairs are made, and to monitor when and how often maintenance is performed on certain equipment. Additionally, the inspection records denote any hazards that were discovered and how the hazards or unsafe conditions were abated. Federal inspectors use the records to ensure that unsafe conditions are identified early and corrected.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Safety Defects, Examination, Correction and Records.

OMB Number: 1219–0089.

Affected Public: Business of other for-profit.

Cite/reference	Total respondents	Frequency	Total responses	Average time per response (minutes)	Burden hours
56/57.13015	1,745	Annually	1,745	10	291
56/57.13030	3,140	Annually	3,140	10	524
56/57.14100	11,000	Daily	10,522,828	5	876,902
56/57.18002	11,000	Daily	2,738,630	12	547,726
Totals			13,266,343		1,425,443

Estimated Total Burden Cost: $37,061,518.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 24, 1998.

George M. Fesak,

Director, Program Evaluation and Information Resources.

[FR Doc. 98–5117 Filed 2–26–98; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 98–5]

Agency Information Collection Activities: Proposed Collection; Comment Request; Cotton Dust

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collections instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently the Occupational Safety and Health Administration is soliciting comments concerning the proposed extension of the information collection request for the Cotton Dust Standard 29 CFR 1910.1043. A copy of the proposed information collection request (ICR) can be obtained by contacting the employee listed below in the addresses section of this notice. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Written comments must be sumbitted by April 28, 1998.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR 98–5, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW, Washington, DC 20210, telephone number (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Adrian Corsey, Directorate of Health Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3718, telephone (202) 219–7075. A copy of the referenced information collection request is available for inspection and copying in the Docket Office and will be mailed immediately to persons who request copies by telephoning Adrian Corsey at (202) 219–7075 extension 105 or Barbara Bielaski at (202) 219–8076 extension 142. For electronic copies of the Information Collection Request on Cotton Dust, contact OSHA's WebPage on the Internet at http://www.osha.gov/ and click on standards.

SUPPLEMENTARY INFORMATION:

I. Background

The Cotton Dust standard and its information collection requirements provide protection for employees from the adverse health effects associated with occupational exposure to Cotton Dust. The standard requires that employers establish a compliance program, including exposure monitoring and medical surveillance records. These records are used by employees, physicians, employers and OSHA to determine the effectiveness of the employers' compliance efforts. Also the standard requires that OSHA have access to various records to ensure that employers are complying with the disclosure provisions.

Type of Review: Extension.

Agency: Occupational Safety and Health Administration.

Title: Cotton Dust 29 CFR 1910.1043.

OMB Control Number: 1218–0061.

Affected Public: Business or other for-profit, Federal government, State and Local governments.

Total Respondents: 597.

Frequency: On occasion.

Fatal Responses: 451,225.

Average Time per Response: Ranges from 5 minutes to maintain records to 1.5 hours for an employee to have a medical exam.

Estimated Total Burden Hours: 132,221.

Total Annualized capital/startup costs: 0.

Total initial annual costs (operating/maintaining systems or purchasing services): $12,111,320.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection. The comments will become a matter of public record.

Signed at Washington, DC, this 20 day of February, 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 98–5116 Filed 2–26–98; 8:45 am]

BILLING CODE 4510–26–M

INTERNATIONAL BOUNDARY AND WATER COMMISSION NOTICE

Notice of Public Meeting

AGENCY: Border Environment Cooperation Commission (BECC).

ACTION: Notice of Public Meeting.

SUMMARY: This notice announces the XV public meeting of the BECC Board of Directors on Tuesday, March 31, 1998, from 10:00 a.m.–2:00 p.m. at the Airport Marriott Hotel on 1600 Airway Blvd., telephone (915) 779–3300.

FOR FURTHER INFORMATION CONTACT: M.R. Ybarra, Secretary, United States Section, International Boundary and Water Commission, telephone: (915) 832–4105; or Angeles Villarreal, Public Participation Officer, Border Environment Cooperation Commission, P.O. Box 221648, El Paso, Texas 79913, telephone: (011–52–16) 25–91–60; fax: (011–52–16) 25–26–99; e-mail: becc@cocef.interjuarez.com.

SUPPLEMENTARY INFORMATION: The U.S. Section, International Boundary and Water Commission, on behalf of the Border Environment Cooperation Commission (BECC), cordially invites the public to attend the XV Public Meeting of the Board of Directors on Tuesday, March 31, from 10:00 a.m.–2:00 p.m., at the Airport Marriott Hotel in El Paso, Texas.

Proposed Agenda, 10:00 a.m.–2:00 p.m.

1. Approval of Agenda (Action)
2. Approval of Minutes of Meeting of January 7, 1998 (Action)
3. Manager's Report (Information)
4. Executive Committee Report (Information)
5. Sustainable Development Committee Report (Information)
6. Review of Projects for Certification (Action)
   - Wastewater System Improvements Project for Reynosa, Tamaulipas
   - Potable Water System Improvements Project for Del Rio, Texas
7. Public Comments

Anyone interested in submitting written comments to the Board of Directors on any agenda item should send them to the BECC 15 days prior to the public meeting. Anyone interested in making a brief statement to the Board may do so during the public meeting.

Dated: February 23, 1998.

M.R. Ybarra,

Secretary, U.S. IBWC.

[FR Doc. 98–5047 Filed 2–26–98; 8:45 am]

BILLING CODE 4710–03–P

NATIONAL GAMBLING IMPACT STUDY COMMISSION

Notice of Public Meeting

AGENCY: National Gambling Impact Study Commission.

ACTION: Notice of public meeting.

DATES: Monday, March 16, 8:30 a.m. to 10:30 p.m., and Tuesday, March 17, 8:30 a.m. to 6:00 p.m.

ADDRESSES: The meeting site will be: The Westin, Copley Place, 10 Huntington Avenue, Boston, MA.

Written comments can be sent to the Commission at 800 North Capitol Street, N.W., Suite 450, Washington, D.C. 20008.

STATUS: The meeting will be open to the public both days.

SUMMARY: At its second on-site meeting the National Gambling Impact Study Commission, established under Pub. L. 104–169, dated August 3, 1996, will hear presentations from invited panels of speakers, conduct site visits, receive public comment, and conduct its normal meeting business.

CONTACT PERSON: For further information contact Amy Ricketts at (202) 523–8217 or write to 800 North Capitol St., N.W, Suite 450, Washington, D.C. 20002.

SUPPLEMENTARY INFORMATION: The meeting agenda will include presentations from State and local officials; testimony from invited panels of experts on who plays lotteries, who wins and loses, lottery operations, and an introduction to Native American gaming; site visits to Foxwoods casino and lottery sales locations; normal meeting business; and an open forum period for public comment.

The meeting will recess at 5:00 p.m. on March 16, while the Commissioners go on site visits. An open forum for public participation will be held from 4:00 p.m. to 5:45 p.m. on March 17 on items relevant to the Commission's work; the Commission is particularly interested in comments on lotteries and Native American gaming. Anyone wishing to make an oral presentation at the meeting must speak with Mr. Doug Seay by telephone at (202) 523–8217 no later than 5:00 p.m. on Wednesday, March 11, 1998. No requests will be accepted before 9:00 a.m. (EST) the day this notice appears in the **Federal Register**.

Open forum participants will be asked to provide name, organization (if applicable), address, and telephone number. No requests will be accepted via mail, facsimile, voice-mail or e-mail. A waiting list will be compiled once the allotted number of slots becomes filled. Oral presentations will be limited to three (3) minutes per speaker. If this is not enough time to complete comments, please restrict the three minutes to a summary of your comments and bring a typed copy of full comments to file with the Commission. Persons speaking at the forum are requested, but not required, to supply twenty (20) copies of their written statements to the registration desk prior to the evening session on March 17. Members of the public, on the waiting list or otherwise, are always invited to send written comments to the Commission at any time. However, if individuals wish to have their written comments placed into the record of the meeting, they must be received by the Commission by April 6, 1998. Each speaker is kindly asked to be prepared prior to their presentation; to refrain from any use of profanity, vulgar language, or obscene signage; to refrain from making any comments or disrupting sounds during the presentation of another speaker; and to remain seated. If visual aids are necessary during the course of a speaker's presentation, each speaker is responsible for providing the equipment to run the visual aid.

Nancy Mohr Kennedy,

Executive Director.

[FR Doc. 98–5086 Filed 2–26–98; 8:45 am]

BILLING CODE 6802–ET–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemistry; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Special Emphasis Panel in Chemistry (#1191).

Date and Time: March 20, 1998.

Place: Room, 330, NSF, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Margaret Cavanaugh, Program Coordinator, Chemistry Division, Room 1055, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1842.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals for Environmental Molecular Science Institutes (EMSI): Special Research Opportunity (NSF 97–135) as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including

technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–5055 Filed 2–26–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Power Panel in Civil and Mechanical Systems (1205).

Date & Time: March 17, 1998; 8:30 a.m. to 5:00 p.m.

Place: NSF, 4201 Wilson Boulevard, Rooms 530 Arlington, Virginia 22230.

Contact Person: Dr. Jorn Larsen-Basse, Program Director, Control, Mechanics and Materials Cluster, Division of Civil and Mechanical Systems, Room 545, NSF, 4201 Wilson Blvd., Arlington, VA 22230. 703/306–1361, x 5068.

Purpose of Meeting: To provide advice and recommendation concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposal being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government Sunshine Act.

Dated: February 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–5056 Filed 2–26–98; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Public Workshop: Decommissioning for Routine Materials Cases

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of workshop for routine materials decommissioning cases.

SUMMARY: The NRC will host a public decommissioning workshop in Rockville, Maryland, as part of a program to identify and evaluate new and different approaches to the decommissioning review process for materials licensees. This program is one of several initiatives which resulted from NRC's recent Strategic Assessment and Rebaselining Initiative, which is intended to guide future NRC decision-making and help NRC continue to meet its responsibility for protecting the public health and safety and the environment.

The objectives of the workshop are to: (1) Discuss NRC's decommissioning requirements and NRC's expectations of licensees in demonstrating compliance with these requirements; (2) elicit comments, both favorable and critical, from workshop participants related to the existing decommissioning review process and procedures; (3) obtain ideas from participants on, and discuss potential improvements in, the regulatory process for decommissioning; (4) discuss plans for a pilot program to evaluate improvements to the decommissioning review process, using sites of volunteer licensees; and (5) determine licensee interest in participating in a pilot program.

The NRC staff will use the comments and information obtained during the workshop to develop recommendations for improvements in the decommissioning process. After consulting with the Commission concerning these recommendations, the staff will conduct a pilot program with volunteer licensees, implementing the improvements on a limited basis. As the pilot decommissioning cases are completed, the NRC will use the lessons learned to improve the regulatory process. Materials licensees who are interested in the pilot program should express interest during the workshop, or should contact NRC as listed below by April 3, 1998.

Note that the workshop will address non-complex, routine materials decommissioning cases. The workshop and pilot program are not intended for power reactor sites or complex sites such as those identified in the NRC Site Decommissioning Management Plan. Further information on the Site Decommissioning Management Plan can be obtained in the **Federal Register** notice published on April 16, 1992 (57 FR 13389).

DATES: The workshop will be held on March 19, 1998, beginning at 9 a.m. and ending at about 3:30 p.m. The meeting is open to the public. Persons who wish to attend the workshop should contact NRC at least one week prior to the workshop.

ADDRESSES: The public workshop will be held in the NRC's auditorium at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland (near Washington, DC). Visitor parking around the NRC building is limited; however, the workshop site is located adjacent to the White Flint Station on the Metro Red Line.

FOR FURTHER INFORMATION: For information or questions on meeting arrangements, contact Richard H. Turtil, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301–415–6721, fax 301–415–5369, E-mail: RHT@NRC.GOV.

Dated at Rockville, Maryland, this 23rd day of February, 1998.

For the Nuclear Regulatory Commission.

John W.N. Hickey,

Chief, Low-Level Waste and Decommissioning Projects Branch, Division of Waste Management.

[FR Doc. 98–5063 Filed 2–26–98; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26831]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

February 20, 1998.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 16, 1998, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in cases of an attorney at law, by certificate) should be field with the request. Any request for hearing shall identify specifically the issues of face or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of

any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Central and South West Corporation et al. (70–8557)

Central and South West Corporation ("CSW"), a registered holding company, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, its utility subsidiaries, Central Power and Light Company ("CP&L"), 539 North Carancahua Street, Corpus Christi, Texas 78401–2802, Public Service Company of Oklahoma ("PSO"), 212 East Sixth Street, Tulsa, Oklahoma 74119–1212, Southwestern Electric Power Company ("SWEPCO"), 428 Travis Street, Shreveport, Louisiana 71156–0001 and West Texas Utilities Company ("WTU"), 301 Cypress Street, Abilene, Texas 79601–5820, its service company, Central and South West Services, Inc. ("Services"), and two nonutility subsidiaries, EnerShop, Inc. ("EnerShop") and CSW Energy Services, Inc. ("ESI"), each of 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, have filed a post-effective amendment under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and rules 45 and 54 under the Act to their application-declaration ("Application") under sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and rules 43, 45, 50(a)(5) and 54 under the Act.

CSW, CP&L, PSO, SWEPCO, WTU, Services, EnerShop and ESI (collectively, "Applicants") propose to increase the amount of authorized borrowings under the existing CSW system of intracorporate borrowings ("Money Pool"), and related transactions.

By orders of the Commission,[1] CSW, CP&L, PSO, SWEPCO, WTU and Services ("Current Money Pool Participants") are authorized to participate in the Money Pool through March 31, 2002.

CSW now proposes to increase the maximum aggregate amount of its short-term borrowings from $1.2 billion to $2.5 billion. The Applicants further propose that the borrowing limitations of the other Current Money Pool Participants be increased as follows: CP&L—from $300 million to $600 million, PSO—from $125 million to $300 million, SWEPCO—from $150 million to $250 million, WTU—from $65 million to $165 million and Services—from $110 million to $210 million.

CSW states that the proposed increase in short-term borrowings will cover incremental borrowings of the New Participants, defined below, authorize CSW to issue commercial paper for interim financing of acquisitions and investments consistent with the conversion of CSW's commercial paper program, provide a source of interim funding for open market repurchases of CSW common stock and support the proposed increased borrowing limits of the Current Money Pool Participants.

Applicants propose to use proceeds of commercial paper issuances and other borrowings requested in this Application as a source of interim financing for acquisitions and investments, other than for exempt wholesale generators ("EWGs"),[2] foreign utility companies ("FUCOs")[3] or exempt telecommunications companies ("ETCs").[4] CP&L, PSO, SWEPCO and WTU may each use its proposed additional borrowing capacity for general corporate purposes and as a source of interim financing for the reacquisition of its securities. Services may use its proposed additional borrowing capacity for general corporate purposes and to refinance currently outstanding bank borrowings.

The Applicants further seek authorization either (a) for EnerShop,[5] ESI[6] and any other existing or future CSW first tier subsidiary (other than an EWG, FUCO or ETC) or company formed under rule 58 ("Rule 58 Company") that CSW may wish to include (collectively, "New Participants") to participate in the Money Pool by making loans to, and borrowing from, the Money Pool, or (b) for CSW and the New Participants to form and participate in a separate system of intercorporate borrowings ("New Participants Money Pool") should CSW deem proper the formation of a separate money pool based on then existing regulatory or business considerations.[7]

With respect to participation by the New Participants in the Money Pool, CSW states that their available cash and/or short-term borrowing requirements would be matched on a daily basis with those of the Current Money Pool Participants and, therefore, minimize the need of the CSW system for external short-term borrowing. CSW anticipates that funds will be loaned from the Money Pool to the New Participants in the form of open account advances under the same terms and limitations that currently apply.

If and when a New Participants Money Pool is formed, the New Participants would not participate in the Money Pool, but CSW would rely on the increased borrowings requested in this Application to support both the Money Pool and the New Participants Money Pool. CSW anticipates that a New Participants Money Pool would be established and administered in the same manner and subject to the same conditions as the Money Pool. The aggregate borrowing limits under the New Participants Money Pool and the Money Pool would not exceed the aggregate borrowing limit under the Money Pool in effect immediately prior to establishment of the New Participants Money Pool.

Pending completion of the record, Applicants request the Commission to reserve jurisdiction over the participation of the New Participants in the Money Pool and over the formation of, and participation of the New Participants in, the New Participants Money Pool.

Eastern Utilities Associates, et al. (70–8955)

Eastern Utilities Associates ("EUA"), a registered holding company, and its subsidiaries, Blackstone Valley Electric Company ("Blackstone"), Montaup Electric Company ("Montaup"), and Newport Electric Corporation ("Newport"), each at P.O. Box 2333, Boston, Massachusetts 02107, and Eastern Edison Company ("Eastern"), 110 Mulberry Street, Brockton, Massachusetts 02403, (collectively,

[1] *See* Holding Co. Act Release Nos. 26697 (Mar. 28, 1997), 26254 (Mar. 21, 1995), 26226 (Feb. 1, 1995), 26066 (June 15, 1994), 26007 (Mar. 18, 1994), 25897 (Sep. 28, 1993) and 25777 (Mar. 31, 1993).

[2] EWGs are defined in section 32 of the Act.

[3] FUCOs are defined in section 33 of the Act.

[4] ETCs are defined in section 34 of the Act.

[5] EnerShop is an energy-related company, as defined under rule 58, and is primarily engaged in the business of providing demandside management services to industrial and commercial customers of both associate and nonassociate companies. EnerShop proposes to use Money Pool borrowings for general corporate purposes and as interim financing for the expansion of its business and investments in energy-related businesses under rule 58.

[6] ESI is an energy-related company, as defined under rule 58, and is primarily engaged in the business of marketing and brokering energy commodities, and other business activities permitted by rule 58. ESI also proposes to use Money Pool borrowings for general corporate purposes and as interim financing for the expansion of its business and investments in other energy-related businesses under rule 58.

[7] Applicants state that CSW system companies may from time to time organize additional Rule 58 Companies and CSW may from time to time organize additional first tier subsidiaries under an exemption from the Act or by Commission order. So long as these additional future companies do not fall within the definition of an EWG, FUCO or ETC, CSW proposes that these companies, as well as EnerShop and ESI, be eligible to participate as New Participants in the Money Pool or the New Participants Money Pool. Money Pool borrowings by the New Participants are limited by the aggregate investment limit under rule 58.

"Declarants") have filed a post-effective amendment under sections 6(a), 7, 12(b), 32 and 33 of the Act and rule 53 under the Act to their declaration previously filed under sections 6(a), 7 and 12(b) of the Act and rule 53 under the Act.

By order dated April 15, 1997 (HCAR No. 26704) ("April 1997 Order"), Declarants were authorized, among other things, to issue notes ("Notes") under a revolving credit facility ("Facility"). Under the Facility, Declarants and certain other EUA subsidiaries were permitted to borrow up to $150 million in the aggregate through a period ending five years after the closing date of the agreement forming the Facility.[8] The April 1997 Order provided that the Notes would be issued and sold in aggregate amounts not to exceed: $100 million for EUA; $75 million for Cogenex; $20 million for Blackstone; $75 million for Eastern; $30 million for Montaup; $25 million for Newport; $15 million for ESC; and $10 million for Ocean State.

Declarants now propose to make short-term borrowings to supplement the Facility, from time to time through the period ending July 31, 2002, through the issuance and sale of short-term notes to commercial banks and other lending institutions ("New Notes"), subject to the terms and conditions stated below and other customary and reasonable terms as may be negotiated between the Declarant(s) and the lenders and incorporated in the New Notes.

The New Notes will be issued and sold in aggregate amounts outstanding at any one time, together with amounts outstanding under the Facility, not to exceed the following amounts: $100 million for EUA; $75 million for Cogenex; $20 million for Blackstone; $75 million for Eastern; $30 million for Montaup; $25 million for Newport; $15 million for ESC; and $10 million for Ocean State. These amounts are the same aggregate borrowing limits authorized in the April 1997 Order, except for the following increases: $25 million for EUA; $5 million for Montaup; and $5 million for ESC. The New Notes will be renewed from time to time as funds are required prior to July 31, 2002, provided no New Notes mature after July 31, 2002.

[8] The other subsidiaries, EUA Cogenex Corporation ("Cogenex"), EUA Ocean State Corporation ("Ocean State"), EUA Service Corporation ("ESC"), EUA Energy Investment Corporation ("EEIC"), and EUA Energy Services, Inc. ("EUA Energy") (collectively, "Associates"), proposed to finance authorized activities through the Facility. The Associates did not join the Declaration as parties because financing with exempt from prior approval under rule 52 under the Act.

The New Notes may be issued to banks pursuant to informal credit line arrangements which provide for borrowings at a floating prime rate or at available fixed money market rates with a commitment fee equal to no greater than ¼ of 1% multiplied by the line of credit. New Notes bearing interest at the floating prime rate will be subject to prepayment at any time without premium. New Notes bearing interest at available money market rates, which in all cases will be less than the prime rate at time of issuance, will not be prepayable. The New Notes may also be issued to banks under more formal credit agreements, similar to the agreements formed as part of the Facility, with commercially reasonable terms governing those agreements. The choice of whether the Declarants enter into informal credit line arrangements or formal credit agreements with the lending banks will be reserved to the discretion of the Declarants.

The proceeds from the New Notes will be used for the following: (i) to pay, reduce, or renew outstanding notes payable to banks as they become due; (ii) to finance the Declarant's respective cash construction expenditures; (iii) to acquire, retire or redeem securities in accordance with rule 42; (iv) in the case of EUA, to make short-term loans, capital contributions, and open account advances in accordance with rule 45(b)(4) or rule 52 or as authorized by the Commission to Cogenex (within the dollar limitation set forth in the April 1997 Order), EEIC, and EUA Energy and to acquire, retire, or redeem EUA common stock in accordance with rule 42; (v) for the Declarants' respective working capital requirements; (vi) for investment in exempt wholesale generators, as defined in section 32 of the Act ("EWGs"), and foreign utility companies, as defined in section 33 of the Act ("FUCOs"); and (vii) for other general corporate purposes; provided, that the aggregate proceeds of borrowings under the Facility and the New Notes at any time invested in EWGs and FUCOs shall not, when added to EUA's "aggregate investment" in all EWGs and FUCOs, exceed 50% of EUA's "consolidated retained earnings," each as defined in rule 53 under the Act; and, provided further, that at the time of each investment of proceeds of borrowings in an EWG or FUCO, EUA shall be in compliance with the other requirements of rule 53(a) under the Act, and none of the circumstances stated in rule 53(b) shall exist.

New England Electric System (70–9167)

New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01582, a registered holding company, has filed a declaration under sections 6(a) and 7 of the Act and rule 54 under the Act.

NEES proposes to issue, no later than December 31, 2002, up to one million shares of its common stock to be used to acquire the stock or assets of one or more "energy-related companies," as defined in rule 58 under the Act. The acquisitions may be made either directly by NEES or indirectly through a direct or indirect nonutility subsidiary of NEES.

Wisconsin Energy Corporation (70–9161)

Wisconsin Energy Corporation ("WEC") 231 West Michigan Street, Milwaukee, Wisconsin 53203, an electric public utility holding company exempt from registration under section 3(a)(1) from all provisions of the Act except section 9(a)(2), has filed an application for an order under sections 9(a)(2) and 10 of the Act authorizing its proposed acquisition of all of the issued and outstanding common stock of ESELCO, Inc. ("ESELCO"), a Michigan electric public utility holding company exempt from registration under section 3(a)(1) from all provisions of the Act except section 9(a)(2), and through such acquisition, ESELCO's Michigan public utility subsidiary company Edison Sault Electric Company ("Edison Sault"). WEC also requests an order under section 3(a)(1) continuing its exemption from all provisions of the Act except section 9(a)(2), following consummation of the proposed transaction ("Transaction").[9]

Edison Sault operates as a public utility exclusively in the state of Michigan.[10] It is subject to regulation with respect to retail electric rates and other matters by the Michigan Public Service Commission ("Michigan Commission").

ESELCO has two nonutility subsidiaries. Northern Tree Service, Inc. ("NTS") is a tree trimming company that provides tree-related services to Edison Sault and others. NTS also owns a radio tower near Engadine, Michigan. ESEG, Inc. is an inactive subsidiary of ESELCO formed to take title to two submarine electric cables being purchased from Consumers Energy Company under the Straits of Mackinac. If the purchase of the cables is

[9] The Commission granted WEC a 3(a)(1) exemption by order in *Wisconsin Energy Corp.*, Holding Co. Act Release No. 24267 (Dec. 18, 1986).

[10] Edison Sault is engaged in the generation, purchase, transmission, distribution and sale of electric energy in the Eastern Upper Peninsula of Michigan, an area with a population estimated at 55,000.

completed, the applicant represents that, upon the approval of the Federal Energy Regulatory Commission, ESEG, Inc. will be merged into Edison Sault simultaneously with the proposed transaction and will then cease to exist.

For the twelve months ended June 30, 1997, ESELCO's operating revenues on a consolidated basis were approximately $38.1 million, of which approximately $38 million was derived from Edison Sault's electric operations. Consolidated assets of ESELCO and its subsidiaries at June 30, 1997 were approximately $57.7 million, of which approximately $57.4 million consists of utility assets. As of June 30, 1997, there were: (1) 1,593,180 outstanding shares of the common stock, no par value of ESELCO; and (2) 673,929 shares of common stock, no par value of Edison Sault.

The applicant states that the Transaction is expected to create significant benefits to the investors and consumers through the reduction of corporate and operations labor costs and savings are expected to be achieved through pruchasing economies, a lower cost of financing for Edison Sault and reduced production and dispatch costs.

ESELCO and WEC have entered into a Reorganization Agreement which provides for the acquisition of ESELCO by WEC. The Transaction will be accomplished through the use of a wholly owned subsidiary of WEC incorporated in the State of Michigan for the sole purpose of consummating the merger ("Acquisition Sub"). Acquisition Sub will be merged with ELSELCO, with ESELCO surviving as a wholly owned subsidiary of WEC. At the effective time of the merger, each outstanding share of ESELCO common stock will be cancelled and converted into that number of shares of WEC common stock as is equal to the Exchange Ratio determined under the Reorganization Agreement. The Exchange Ratio will be equal to that number (carried to the fourth decimal place) obtained by dividing $44.50 by the average (calculated as provided in the Reorganization Agreement) WEC common stock prive.[11] Based on the number of shares of WEC and ESELCO common stock outstanding on September 30, 1997, and the average WEC common stock price for the ten trading days ending on that date, ELSELCO shareholders would own 2.4% of WEC's outstanding common stock on that date on a fully diluted basis. Immediately thereafter, ESELCO will be merged into WEC with WEC as the surviving corporation.

As a result of the Transaction, WEC will be a holding company as defined in section 2(a)(7) of the Act with ownership of two public utility subsidiaries, Wisconsin Electric Power Company ("WEPCO")[12] and Edison Sault. WEC states that following consummation of the Transaction, it will be entitled to continue its exemption under section 3(a)(1) from all provisions of the Act except section 9(a)(2) because it and each of its public utility subsidiaries from which it derives a material part of its income will be predominantly intrastate in character and will carry on their utility businesses substantially within the state of Wisconsin.[13]

Columbia Energy Group, et al. (70–9131)

Columbia Energy Group ("CEG") formerly Columbia Gas System), a registered holding company, and its nonutility subsidiaries ("Nonutility Subsidiaries"), Columbia Energy Group Service Corporation (formerly Columbia Gas System Service Corporation), Columbia LNG Corporation, Columbia Atlantic Trading Corporation, Columbia Power Marketing Corporation, Columbia Energy Services Corporation, Columbia Assurance Agency, Inc., Columbia Energy Marketing Corporation, Columbia Service Partners, Inc., Energy.Com Corporation, and Columbia Deep Water Services Corporation, each located at 12355 Sunrise Valley Drive, Suite 300, Reston, Virginia 20191–3420, Columbia Electric Corporation (formerly TriStar Ventures Corporation), Tristar Capital Corporation, Tristar Pedrick Limited Corporation, Tristar Pedrick General Corporation, Tristar Binghamton Limited Corporation, Tristar Binghamton General Corporation, Tristar Vineland Limited Corporation, Tristar Vineland General Corporation, Tristar Rumford Limited Corporation, Tristar Georgetown General Corporation, Tristar Georgetown Limited Corporation, Tristar Fuel Cells Corporation, TVC Nine Corporation, TVC Ten Corporation, and Tristar System,Inc., each located at 205 Van Buren, Herndon, Virginia 22070, Columbia Natural Resources, Inc., Alamco, Inc., Alamco-Delaware, Inc., and Hawg Hauling & Disposal, Inc., each located at 900 Pennsylvania Avenue, Charleston, West Virginia 25302, Columbia Gas Transmission Corporation, 12801 FairLakes Parkway, Fairfax, Virginia 22030–0146, Columbia Network Services Corporation and CNS Microwave, Inc., each located at 1600 Dublin Road, Columbus, Ohio 43215–1082, Columbia Propane Corporation, 9200 Arboretum Parkway, Suite 140, Richmond, Virginia 23236, and Columbia Gulf Transmission Corporation, 2603 Augusta, Suite 125, Houston, Texas 77057, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), and 13(b) of the Act and rules 43(a), 45(a), 54, 87 and 90(d)(1) under the Act.

CEG is currently authorized under an order dated March 25, 1996 (HCAR No. 26498) ("Existing CEG Order") to offer certain consumer programs. These programs may be offered to customers of associate distribution companies and of nonassociate distribution companies served by associate transmission companies ("Authorized Customers"). These programs include: energy-related safety inspections to residential and small commercial customers; short-term appliance financing (less than ten years); bill payment insurance for up to $400 a month for six months if the customer becomes unemployed, disabled or dies; appliance repair warranties for heating and air conditioning systems and other major appliances; gas line repair warranties; sale of various energy related goods; commercial equipment repair warranties; bill risk management to gas customers interested in hedging energy price or consumption fluctuations; consulting and fuel management services to commercial and industrial customers regarding energy consumption and its measurement; electronic measurement services to commercial and industrial customers to monitor their energy consumption and expenditures; and incidental services and sales of goods related to the consumption of energy and the maintenance of property owned by an Authorized Customer, the need for which arises as a result of, or evolves out of, the above services and which do not differ materially from these services.

[11] No fractional shares will be issued and holders of fractional share amounts will receive cash for such fractional shares. Under the Michigan Business Corporation Act, ESELCO stockholders do not have dissenters' rights.

[12] WEPCO is engaged in the business of generating, transmitting, distributing and selling electric energy to approximately 969,000 customers as of December 31, 1996 in a service area of approximately 12,000 square miles with a population estimated at 2.3 million in southeastern, central and northern Wisconsin and in the Upper Peninsula of Michigan.

WEPCO also distributes and sells natural gas to retail customers and transports customer-owned natural gas, and also purchases, distributes and sells steam supplied by its Valley Power plant to customers in the Milwaukee metropolitan area.

[13] WEC states that, including the Michigan activities of Edison Sault, it would derive only 8.8% and 8.6% of its utility revenues for the year ended December 31, 1996 and the twelve months ended June 30, 1997, respectively, from outside of Wisconsin.

CEG and the Nonutility Subsidiaries now request that the Commission remove certain of the restrictions imposed in the Existing CEG Order. One of these restrictions is the requirement that revenues from sales in states served by associate distribution companies exceed revenues from customers in all other states. Other restrictions include limits on the amounts and term of customer financing and of billing insurance and the requirement that the authorized services be offered only to Authorized Customers.

In addition, CEG and the Nonutility Subsidiaries request authority, to the extent not previously granted, to offer an expanded range of goods and services to customers both within the and outside the United States. These services include:

1. Energy management services involving the marketing, sale, installation, operation and maintenance of various products and services related to both the business of energy management and a demand-side management ("Energy Management Services"). Energy Management Services may include energy and efficiency audits; facility design and process control and enhancements; construction, installation, testing, sales and maintenance of (and training client personnel to operate) energy conservation equipment; design, implementation, monitoring and evaluation of energy conservation programs; development and review of architectural, structural and engineering drawings for energy efficiencies, design and specification of energy consuming equipment; and general advice on programs.

In addition, Energy Management Services may include the design, construction, installation, testing, sales and maintenance of new and retrofit heating, ventilating, and air conditioning ("HVAC"), electrical and power systems, alarm and warning systems, motors, pumps, lighting, water, water-purification and plumbing systems, and related structures, in connection with energy-related needs. Energy Management Services may also include the provision of services and products designed to prevent, control, or mitigate adverse effects of power disturbances on a customer's electrical system.

2. Performance contracting services aimed at assisting customers in realizing energy and other resource efficiency goals. Specific functions include process control, fuel management, and asset management services [14] in respect of energy-related systems, facilities and equipment located on or adjacent to the premises of a customer and used by that customer in connection with its business activities. Energy-related systems, facilities and equipment could include: (a) distribution systems and substations, (b) transmission, storage and peak-shaving facilities, (c) gas supply and/or electric generation facilities (i.e., stand-by generators and self-generation facilities), (d) boilers and chillers (i.e., refrigeration and coolant equipment), (e) alarm/warning systems, (f) HVAC, water and lighting systems, and (g) environmental compliance, energy supply and building automation systems and controls. These services may be provided to, among others, qualifying and non-qualifying cogeneration and small power production facilities, as defined in the Public Utility Regulatory Policies Act of 1978. In addition, asset management services may be provided to municipalities and electric cooperatives, and CEG may directly or indirectly act as agent for these customers on energy management matters, including the operation and dispatch of generating facilities.

3. Consulting services with respect to energy- and gas-related matters for associate and nonassociate companies, and for individuals ("Consulting Services"). These services include technical and consulting services involving technology assessments, power factor correction and harmonics mitigation analysis, meter reading and repair, rate schedule design and analysis, environmental services, engineering services, billing services (including consolidation billing and bill disaggregation tools), risk management services, communication systems, information systems/data processing, system planning, strategic planning, finance, feasibility studies, and other similar or related services. In addition, CEG and the Nonutility Subsidiaries request authority for nonutility associates to provide these services to other nonutility associates at prices other than cost.

4. Certain retail services, which include the provision of centralized bill payment centers for payment of all utility and municipal bills and related services, and annual inspection, maintenance and replacement of energy-related equipment and appliances. These services also include providing service line repair and extended warranties with respect to all of the utility- or energy-related service lines internal and external to a customer's premises, and other similar or related services, including surge protection. In addition, these services include marketing services to associate and nonassociate businesses in the form of bill insert and automated meter-reading services.

5. Monitoring and response goods and services, which include products used in connection with energy and gas-related activities that enhance safety, increase energy/process efficiency, or provide energy-related information, as well as repair services in connection with such problems as carbon monoxide leaks and faulty equipment wiring. These may also include the operation of call/dispatch centers on behalf of associate and nonassociate companies in connection with the proposed sale of goods and services or with activities that CBG associates are otherwise authorized to engage in under the Act.

6. Energy-peaking services via propane-air or liquified natural gas ("LNG"), which involves the provision of back-up electricity or gas supply in periods of high or "peak" energy demand using a propane-air mixture or LNG as fuel sources for such back-up services.

7. Project development and ownership activities, which involves the installation and ownership of gas-fired turbines for on-site generation and consumption of electricity/

8. Customer appreciation programs, which include the offering of prepaid phone cards or affinity credit cards to promote customer goodwill.

In addition, CEG and the Nonutility Subsidiaries request authority to provide other energy-related goods and services. These include incidental goods and services closely related to the consumption of energy and the maintenance of energy consuming property by customers. The need for these goods and services would arise as a result of, or evolve out of, the goods and services described above or the goods and services approved in the Existing CEG Order and do not differ materially from those goods and services. The proposed incidental goods and services would not involve the manufacture of energy consuming equipment but could be related to, among other things, the maintenance,

[14] Asset management services include: development; engineering; design; construction and construction management; pre-operational start-up testing and commissioning; long-term operations and maintenance, including system overhaul; load control and network control; fuel procurement, transportation and storage; fly-ash and other waste disposal; management and supervision; technical, training and administrative support; and any other managerial or technical services required to operate, maintain and manage energy-related assets physically associated with customer premises.

financing, sale or installation of such equipment.

CEG may provide these services through one or more direct or indirect subsidiaries, either independently or through a joint venture or an alliance with a nonassociate company. In addition, CEG requests authority to acquire, directly or indirectly, the securities or an interest in the business of nonassociate companies that derive substantially all of their revenues from the proposed activities and those approved in the Existing CEG Order.

CEG seeks authority to provide or broker, directly or indirectly, financing to or for customers in connection with the proposed activities and those approved in the Existing CEG Order. Financing for purchases by CEG utility customers would be provided by nonassociates.

CEG also requests authority for associate distribution companies to assist in providing customer billing, accounting and other energy-related services in connection with the proposed sale of those goods and services and the sale of those goods and services approved in the Existing CEG Order that are marketed to CEG utility customers. All such services will be rendered at cost in accordance with section 13(b) of the Act.

In an order dated December 23, 1996 (HCAR No. 26634), the Commission reserved jurisdiction over participation by new direct or indirect subsidiaries of CEG engaged in new lines of business in CEG's money pool. CEG now requests that the Commission release this jurisdiction with respect to participation in the money pool by those direct and indirect subsidiaries that are formed or acquired to engage in the proposed activities. In addition, CEG and the Nonutility Services request that the Commission reserve jurisdiction over the proposed sale of goods and services outside the United States, other than Energy Management Services and Consulting Services and related customer financing.

CEG states that it will not seek recovery through higher rates to customers of the utility subsidiaries to compensate it for any losses or inadequate returns it may sustain from the proposed sale of goods and services. CEG additionally states that no associate company will engage in any of the proposed activities without further Commission approval if it would become a public utility company within the meaning of the Act as a result of that activity.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39689; File No. SR–Amex–98–09]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Amendments to Amex Rule 117 (Circuit Breakers)

February 20, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act" or "Act")[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 17, 1998, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend procedures relating to circuit breaker trading halts. The text of the proposed rule change is available at the Office of the Secretary, the Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1991).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Amex Rule 117 provides for temporary halts in the trading of all securities on the Exchange for one-half hour if the Dow Jones Industrial AverageSM (DJIA")[3] declines 350 points or more from the previous day's closing value and for one hour if the DJIA declines 550 points from the previous day's close. The Commission recently approved amendments to Rule 117 (and comparable rules of other self-regulatory organizations) relating to the timing and duration of trading halts under the rule.[4] If the DJIA declines 350 points prior to 3:00 p.m. (Eastern time), trading will halt for one-half hour; at or after 3:00 p.m., trading will not halt unless the DJIA declines 550 points. If the DJIA falls 550 points prior to 2:00 p.m., trading will halt for one hour; and, at or after 2:00 p.m., trading will halt for 30 minutes instead of one hour. If the 550 point trigger is reached at or after 3:00 p.m., trading on the Exchange will halt for the remainder of the day. These procedures have been approved on a pilot basis until April 30, 1998.

The Exchange proposes to amend Rule 117 to provide for circuit breakers to be triggered at 10 percent, 20 percent and 30 percent threshold levels. The specific threshold level would be adjusted quarterly, rounded to the nearest 50 points, based on the closing DJIA calculation for each trading day in the month preceding the beginning of the quarter.

Under the proposed amendments, a 10 percent decline before 2:00 p.m. (all times are in Eastern time) will result in a one-hour halt and, such a decline at or after 2:00 p.m. but before 2:30 p.m. will result in a 30-minute halt. At or after 2:30 p.m., the 10 percent threshold would be removed and, therefore, trading would continue unless the 20 percent threshold is reached, in which case, trading would halt for the remainder of the day. Generally, a 20 percent decline before 1:00 p.m. will result in a two-hour halt. If the 20 percent threshold is reached at or after 1:00 p.m. but before 2:00 p.m., there will be a one-hour halt. If the 20 percent threshold is reached at or after 2:00 p.m., trading will halt for the remainder of the day. A third circuit breaker, triggered at a 30 percent decline, will

[3] "Dow Jones Industrial Average" is a service mark of Dow Jones & Company, Inc.

[4] *See* Exchange Act Release No. 39582 (January 26, 1998), 63 FR 5408 (February 2, 1998).

close the market for the day regardless of when hit.

The Exchange has continued to discuss changes to circuit breaker parameters with the Commission and other self-regulatory organizations, particularly following the first triggering of circuit breakers on October 27, 1997, when the 350 and 550 point parameters represented moves in the DJIA of about 4.5 percent and 7.2 percent, respectively. These trigger levels represented market declines that were, in percentage terms, far less than the 250 and 400 point triggers implemented by all markets in October 1988, when they represented moves in the DJIA of about 12 percent and 19 percent, respectively. Therefore, a number of industry participants have expressed the view that the October 27, 1997 halt was unnecessary, and that circuit breaker parameters should be triggered only during periods of extraordinary market volatility. In addition, the Amex and other options exchanges have recognized the importance of maximizing the opportunity to allow the markets to have a normal end of the day close, particularly on Expiration Fridays. The proposed amendments to Rule 117 are responsive to these views, and provide the advantage of regular adjustments to circuit breaker thresholds to account for DJIA fluctuations.

The adoption of the proposed amendments to Exchange Rule 117 would be contingent upon the adoption of amended rules or procedures substantively identical to Rule 117 by:

(1) All United States securities exchanges and the National Association of Securities Dealers with respect to the trading of stocks, stock options and stock index options; and

(2) All United States futures exchanges with respect to the trading of stock index futures and options on such futures.

2. Basis

The Exchange believes that the proposal is consistent with Section 6(b)[5] of the Act, in general, and Section 6(b)(5)[6] of the Act, in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market, to promote just and equitable principles of trade and, in general, to protect investors and the public interest.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, located at the above address. Copies of such filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All submissions should refer to File No. SR–Amex–98–09 and should be submitted by March 20, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5066 Filed 2–26–98; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice #2747]

Delegation of Authority

By virtue of the authority vested in me by the laws of the United States, including the State Department Basic Authorities Act of 1956, and the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85) (The "Act"), I hereby delegate the authority vested in me by section 1211 of the Act to the Under Secretary of State for Arms Control and International Security Affairs or, in the absence of the Under Secretary of State for Arms Control and International Security Affairs, to any of the other Under Secretaries of State.

The Secretary or Deputy Secretary of State may at any time exercise any of the functions described above.

This delegation of authority shall be published in the **Federal Register.**

Dated: February 6, 1998.

Madeleine Albright,

Secretary of State.

[FR Doc. 98–4978 Filed 2–26–98; 8:45 am]

BILLING CODE 4710–10–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39685; File No. SR–GSCC–97–09]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Changes to the Fee Structure

February 19, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1935 ("Act"),[1] notice is hereby given that on January 5, 1998, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR–GSCC–97–09) as described in Items I, II, and III below, which items have been prepared primarily by GSCC. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The prupose of the proposed rule change is to amend GSCC's fees for processing of term repurchase agreements ("repos").[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments that it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

GSCC currently provides a settlement service for repos with treasury securities as collateral.[4] When CSCC clears and settles repos, it guarantees settlement of the repo from the date the repo is compared by GSCC. This proposed rule change amends GSCC's fees for clearance of term repos.

As it currently exists and as it will be enhanced in the future, GSCC's repo netting service requires significant risk management resources and represents a large ongoing expense particularly from an operational and technological perspective. In light of this, the board of directors of GSCC now believes it is appropriate to revise the pricing structure for the netting and guaranteed settlement of term repos to cover the true cost of the service and to more closely reflect the benefits derived by members from the service. The board also believes it is appropriate to revise the pricing structure to cover the costs of other repo netting services and enhancements (such as the development effort to net same-day start legs) that are important from a settlement and risk management perspective and that provide operational and cost benefits to members but are not a significant source of revenue for GSCC.

GSCC believes that these goals are best accomplished by shifting from a transactional charge to a basis point charge. A transactional charge is an inadequate pricing method because it does not reflect the size of the repo in dollar terms. Thus, a member carrying a $50 million repo incurs the same charge as a member carrying only a million dollar repo. GSCC believes this is inequitable because the former member brings more risk to GSCC and derives more benefit than the latter member.

The proposed rule change will eliminate a two cents per calendar day fee on outstanding start and close term repo legs. Instead, there will be new fees for the processing of an outstanding term repo that has been compared and netted but has not yet settled. These basis point fees will be applied each calendar day but calculated on an annualized basis.

A fee of a .015 basis point charge will be applied to the gross dollar amount of a member's term repos that have been entered into GSCC's netting system. This fee reflects the potential balance sheet offset benefit derived by the member from its repo activity. In addition, a fee of a .060 basis point charge will be applied to the net dollar amount of a member's term repo activity within a CUSIP. This fee reflects the guarantee of settlement and other risk management benefits provided by GSCC once a member's activity has been netted by CUSIP.

GSCC believes that the proposed rule change is consistent with the requirements of section 17A(b)(3)(A) of the Act[5] and the rules and regulations thereunder because it will promote the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[6] of the Act and Rule 19b–4(e)(2)[7] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by the self-regulatory agency. At any time within sixty days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise win furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office GSCC. All submissions should refer to the file number SR–GSCC 97–09 and should be submitted by March 20, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4986 Filed 2–26–98; 8:45 am]

BILLING CODE 8010–01–M

[2] A term repo is a repo for which the settlement date for the close leg is more than one business day after the settlement date for the start leg.

[3] The Commission has modified the text of the summaries submitted by GSCC.

[4] Securities Exchange Act Release No. 36491 (November 17, 1995), 60 FR 61577.

[5] 15 U.S.C. 78q–1.

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(e)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39688; File No. SR–NASD–98–16]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change By the National Association of Securities Dealers, Inc. Relating to Peer Review of Auditors of Foreign Issuers Listed on the Nasdaq SmallCap Market

February 20, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 18, 1998, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission") through its wholly owned subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq"), the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing a rule change to NASD Rule 4320 ("Rule 4320") to make a technical correction clarifying the application of the peer review requirement to the auditors of foreign issuers and conforming the text of Rule 4320 to the text of Rule 4460. Below is the text of the proposed rule change. Proposed new language is in italics.

Rule 4320. Qualification Requirements for Non-Canadian Foreign Securities and American Depositary Receipts

(a)–(d) No change.

(e) In addition to the requirements contained in paragraphs (a), (b), or (c) and (d), the security shall satisfy the following criteria for inclusion in Nasdaq:

(1)–(2) No change.

(21) Corporate Governance Requirements—No provisions of this subparagraph *or of subparagraph (23)* shall be construed to require any foreign issuer to do any act that is contrary to a law, rule or regulation of any public authority exercising jurisdiction over such issuer or that is contrary to generally accepted business practices in the issuer's country of domicile. Nasdaq shall have the ability to provide exemptions from the applicability of these provisions as may be necessary or appropriate to carry out this intent.

Nasdaq shall review the issuer's past corporate governance activities. This review may include activities taken place while the issuer is listed on Nasdaq or an exchange that imposes corporate governance requirements, as well as activities taking place after the issuer is no longer listed on Nasdaq or an exchange that imposes corporate governance requirements. Based on such review, Nasdaq may take any appropriate action, including placing of restrictions on or additional requirements for listing, or the denial of listing of a security if Nasdaq determines that there have been violations or evasions of such corporate governance standards. Determinations under this subparagraph shall be made on a case-by-case basis as necessary to protect investors and the public interest.

(A)–(H) No change.

(22)–(23) No change.

(f) No change.

II Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On August 23, 1997, the SEC approved changes to the listing requirements for the Nasdaq Stock Market. *See* Release 34–38961 (Aug. 22, 1997), 62 FR 45895 (Aug. 29, 1997). Among the changes approved was the extension of the corporate governance requirements that applied to National Market issuers to the SmallCap Market. In addition, a new corporate governance requirement was added to both the National Market and the SmallCap Market that auditors of Nasdaq listed companies be subject to a practice monitoring program under which the auditor's quality control system would be reviewed by an independent peer auditor on a periodic basis ("peer review requirement").

In general, a corporate governance requirement does not apply to a foreign issuer if the requirement is contrary to a law, rule or regulation of any public authority exercising jurisdiction over the issuer or is contrary to generally accepted business practices in the issuer's country of domicile. *See* NASD Rule 4460(a). This provision expressly applies to the new peer review requirement for National Market issuers. However, as a result of the way the revised rules were drafted, the provision could be clarified to more clearly apply to the peer review requirement for Nasdaq SmallCap issuers. This proposed rule change makes that clarification by amending Rule 4320(e)(21) to conform it with Rule 4460, thereby facilitating easier understanding of the rule. In summary, the proposed rule change clarifies that the peer review requirement applies in exactly the same manner for a SmallCap Market issuer as it does for a National Market issuer; a foreign issuer, whether listed on the Nasdaq National Market or The Nasdaq SmallCap Market, is required to be audited by an auditor subject to the peer review requirement to the extent that the requirement is consistent with the generally accepted business practices in the issuer's country of domicile.

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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[1] 15 U.S.C. 78s(b)(1).

[2] Technical amendments were made to the proposal on the same date. Telephone conversation between Arnold Golub, Office of General Counsel, Nasdaq, and Kenneth Rosen, Attorney, Division of Market Regulation, Commission (February 18, 1998).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Nasdaq is filing this proposed rule change as a "non-controversial" rule change under Rule 19b–4(e)(6) [3] because the proposed change: (1) will not significantly affect the protection of investors or the public interest; (2) will not impose any significant burden on competition; and (3) will not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate. The SEC approved the substance of the change for Nasdaq National Market companies in Release 34–38961 [4] and, in so doing, did not find that an exception for foreign issuers would affect impermissibly the protection of investors or the public interest. Similarly, the correction in this proposed rule change should not significantly affect the protection of investors or the public interest. Because the maintenance requirements approved by the SEC in Release 34–38961 will take effect for all issuers on the Nasdaq SmallCap Market on February 23, 1998, Nasdaq requests acceleration of the operative date of this proposed change to February 23, 1998, The Commission finds that it is consistent with the protection of investors and the public interest to permit the proposed rule change to become operative on February 23, 1998.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the File No. SR–NASD–98–16 and should be submitted by March 20, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5068 Filed 2–26–98; 8:45 am]

BILLING CODE 8010–01–M

[3] 17 CFR 240.19b–4(e)(6). In reviewing this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. § 78c(f).

[4] SR–NASD–97–16 (Aug. 22, 1997), 62 FR 45895 (Aug. 29, 1997).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39693; File No. SR–NSCC–97–13]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to Changes in Membership Standards

February 23, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on October 30, 1997, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") and on December 31, 1997, amended the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will amend NSCC's rules regarding membership standards to allow for consideration of applicants' and participants' regulatory history.

[1] 15 U.S.C. 78s(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC believes that when a person with significant managerial responsibility for a firm or who otherwise has significant ability to influence the policies and actions of a firm has a record that fails to reflect a history of good character, citizenship, commercial honor, and a respect for the letter and intent of the legal and regulatory structure in which the firm operates, there is an increased likelihood that the firm will present additional risk to NSCC's participants. Currently NSCC's rules provide that it will establish, as deemed necessary or appropriate, standards of financial responsibility, operational capability, experience, and competence for membership, as well as guidelines for the application of membership standards.[3] The purpose of the proposed rule change is to provide definition to the bases upon which NSCC may take action to deny an applicant membership or to cease to act for a participant by establishing specific membership standards for NSCC applicants and participants.[4]

The revised rule will allow NSCC to deny membership to any applicant or to cease to act for any participant when a person with significant managerial responsibility or with significant ability to influence the policies and actions of the applicant or participant (through ownership interest, contract, or otherwise), whether or not the person

[2] The Commission has modified the text of the summaries prepared by NSCC.

[3] Rule 15 of NSCC's Rules and Procedures.

[4] NSCC has taken note of the findings set forth in the April 15, 1997, memorandum entitled, "The Joint Regulatory Sales Practice Sweep; Heightened Supervisory Procedures," which was the product of an initiative involving the National Association of Securities Dealers, Inc., the New York Stock Exchange, Inc., the Securities and Exchange Commission, and the North American Securities Administrators Association, Inc.

currently acts as a principal or registered representative, has a record that reflects:

(1) Any felony conviction or plea of guilty or nolo contendere, pending felony indictment, information of or other institution of felony proceedings, any investment-related [5] misdemeanor conviction or plea of guilty or nolo contendere, or pending investment-related misdemeanor;

(2) A permanent bar or temporary suspension from acting as a principal or registered representative or otherwise to be associated with or perform designated functions for a firm engaging in an investment-related business other than any temporary suspension for minor or technical violations;

(3) Other disciplinary or adverse regulatory or administrative actions (except for actions that are both isolated and minor) taken by any governmental, regulatory, or self-regulatory body or authority;

(4) Arbitrations, administrative proceedings, civil actions, or other proceedings not resolved in favor of the person except for proceedings that are both minor and isolated, including but not limited to proceedings ending in settlements involving a payment and proceedings that have not yet been adjudicated,[6] provided however that (a) unadjudicated proceedings brought by someone other than a regulatory authority shall not by themselves constitute grounds for NSCC to deny membership to an applicant or to cease to act for a participant and (b) unadjudicated proceedings brought by a regulatory authority shall not by themselves constitute grounds to cease to act for a participant but may constitute grounds to deny membership to an applicant;

(5) Multiple customer complaints;

(6) A termination or permitted resignation after an investigation or allegation of sales practice problems or violation of investment-related statutes, regulations, rules, or industry standards of conduct; or

(7) Being subject to heightened supervision in accordance with guidelines or recommendations promulgated by a regulatory authority.

any action, complaint, or proceeding referred to in the enumerated items above that is not taken against a person will nonetheless be deemed to be taken against that person if his or her activities are cited in whole or in part as being a contributing cause.

Single instances under items (3) or (4) above may also be considered as part of the adverse regulatory history if there exists other instances of actions constituting an adverse regulatory history or if that single instance indicates that the person has a propensity to act in a manner that could cause significant financial cost to the applicant or participant. However, no person will be deemed to have an adverse regulatory history under items (4) or (5) above due to being named in customer complaints or adverse civil proceedings merely because of the person's management or ownership position in the applicant or participant (as opposed to actually engaging in wrongful conduct, including failure to supervise) unless the number of complaints or proceedings are disproportionate to the size of the firm.

The proposed rule will also allow NSCC to deny membership to an applicant or to cease to act for a participant if a correspondent of the applicant or participant or any entity for which the applicant or participant is financially responsible would fail to meet the above membership standards but only if the size of the business of the correspondent or other entity is significant relative to the capital of the applicant or participant.

NSCC intends to construe the new rule so as to not limit its authority to deny membership to, to cease to act for, or to obtain further assurances from any applicant or participant in accordance with the NSCC's rules and procedures when the circumstances warrant even if such circumstances include or consist solely of items that are specifically not grounds for such action under the proposed rule. For example, any unadjudicated proceeding that could create significant financial difficulties for an applicant or participant may be grounds for such action even if it would not constitute adverse regulatory history as defined in the proposed rule.

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [7] and the rules and regulations thereunder because it will clarify the rules of NSCC relating to standards required for membership and thereby facilitate the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

NSCC received one comment letter on the proposed rule change.[8] NSCC will notify the Commission of any other written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Acting

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC. All submissions should

[5] The term "investment-related" pertains but is not limited to securities, commodities, banking, insurance, or real estate.

[6] The term "adjudicated" for purposes of the rule means any arbitration, proceeding, or action that has been resolved subject to appeal, whether or not the resolution has been stayed pending appeal.

[7] 15 U.S.C. 78q–1.

[8] Letter from William C. Alsover, President, Centennial Securities Company, to David F. Hoyt, NSCC (November 7, 1997).

refer to File No. SR–NSCC–97–13 and should be submitted by March 20, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–5067 Filed 2–26–98; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings, Agreements Filed During the Week Ending February 20, 1998

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–98–3538.
Date Filed: February 19, 1998.
Parties: Members of the International Air Transport Association.
Subject: PTC2 AFR 0027 dated January 30, 1998, Within Africa Resos r1–27, Minutes—PTC2 AFR 0026 dated January 27, 1998, Tables—PTC2 AFR Fares 0013 dated February 13, 1998, Correction—PTC2 AFR 0028 dated February 6, 1998, PTC2 AFR 0029 dated February 13, 1998, Intended effective date: April 1, 1998.

Docket Number: OST–98–3539.
Date Filed: February 19, 1998.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–AFR 0034 dated February 3, 1998, North Atlantic-Africa Reso 311g, Intended effective date: May 1, 1998.

Docket Number: OST–98–3540.
Date Filed: February 19, 1998.
Parties: Members of the International Air Transport Association.
Subject: PTC12 MEX–EUR 0014 dated January 30, 1998, Mexico-Europe Resos r1–23, Minutes—PTC12 MEX–EUR 0015 dated February 13, 1998, Tables—PTC12 MEX–EUR Fares 0005, dated January 30, 1998, Intended effective date: May 1, 1998.

Docket Number: OST–98–3541.
Date Filed: February 19, 1998.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–AFR 0035 dated February 3, 1998, North Atlantic-Africa Resos r1–22, Intended effective date: May 1, 1998.

Paulette V. Twine,

Federal Register Liaison.

[FR Doc. 98–5057 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–62–P

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 20, 1998

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–98–3491.
Date Filed: February 17, 1998.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: March 17, 1998.
Description Application of Polar Air Cargo, pursuant to 49 U.S.C. Section 41102 and Subpart Q of the Regulations, requests an amendment to its certificate of public convenience and necessity for Route 727 authorizing polar to engage in scheduled foreign air transportation of property and mail between any point or points in the United States and two points in Japan, and beyond each of those points to one point, with full traffic rights between all points on the route, and to integrate these operations with all services Polar is otherwise authorized to conduct pursuant to its exemption and certificate authority consistent with applicable international agreements.

Docket Number: OST–98–3510.
Date Filed: February 18, 1998.
Due Date for Answers, Conforming Applications, or Motions to Modify Scope: March 18, 1998.
Description Application of Consorcio Aviacsa, S.A. de C.V., pursuant to 49 U.S.C. Section 41302 and Subpart Q, applies to amend its foreign air carrier permit application to engage in scheduled foreign air transportation of persons, property and mail between points in Mexico and points in the United States, and subject to applicable regulations of the Department, between points in the United States and other points worldwide.

Paulette V. Twine,

Federal Register Liaison.

[FR Doc. 98–5058 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1998–3481]

Navigation Safety Advisory Council

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Navigation Safety Advisory Council (NAVSAC) will meet to discuss various issues relating to commercial and recreational boat safety. The meetings are open to the public.

DATES: NAVSAC will meet on Saturday, March 21, 1998, from 8 a.m. to 5 p.m. and on Sunday, March 22, 1998, from 8 a.m. to 3 p.m. Written material and requests to make oral presentations should reach the Coast Guard on or before March 13, 1998.

ADDRESSES: NAVSAC will meet at the Holiday Inn Select, 111 West Fortune Street, Tampa, FL 33602. Send written material and requests to make oral presentations to Margie G. Hegy, Commandant (G–M–2), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Margie G. Hegy, Executive Director of NAVSAC, telephone (202) 267–0415, fax (202) 267–4700, or Diane Schneider, NAVSAC Executive Secretary, telephone (202) 267–0352.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda includes the following:

(1) Monterey Bay National Marine Sanctuary Panel efforts to determine what, if any, vessel regulations are needed to protect Sanctuary resources.

(2) Vessel Traffic Information Services (VTIS) in Tampa.

(3) Vessels that lose propulsion or experience steering problems during transit.

(4) Permitting of Artificial Reefs.

(5) Waterways Management Workshop.

Procedural

All sessions are open to the public. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Executive Director no later than March 13, 1998. If you would like a copy of your material distributed to each member of the Council or Committee in advance of the meeting, please submit 25 copies to

the Executive Director no later than March 10, 1998.

Information on Services for the Handicapped

For information on facilities or services for individuals with disabilities or requests for special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: February 23, 1998.

R.C. North,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–5098 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review, Manchester Airport; Manchester, NH

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure map for Manchester Airport, as submitted by the Manchester Airport Authority under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150, is in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Manchester Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before August 5, 1998.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure map and of the start of its review of the associated noise compatibility program is February 6, 1998. The public comment period ends on April 7, 1998.

FOR FURTHER INFORMATION CONTACT: John C. Silva, Federal Aviation Administration, New England Region, Airports Division, ANE–600, 12 New England Executive Park, Burlington, Massachusetts 01803.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure map submitted for Manchester Airport is in compliance with applicable requirements of Part 150, effective February 6, 1998. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before August 5, 1998. This notice also announces the availability of this program for public review and comment.

Under Section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA a noise exposure map which meets applicable regulations and which depicts noncompatible land uses of the date of submission of such map, a description of projected aircraft operations, and the ways in which such operations will affect such map. The Act requires such map to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted a noise exposure map that is found by FAA to be in compliance with the requirements of Federal Aviation Regulation (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken, or proposes, for the introduction of additional noncompatible uses.

The Manchester Airport Authority submitted to the FAA on February 6, 1997, a noise exposure map, descriptions, and other documentation which were produced during the Airport Noise Compatibility Planning (Part 150) study at Manchester Airport from May 1995 to January 1997. It was requested that the FAA review this material as the noise exposure map, as described in Section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under Section 104(b) of the Act.

The FAA has completed its review of the noise exposure map and related descriptions submitted by Manchester Airport Authority. The specific maps under consideration were Figures 11.1, "1995 Existing Noise Exposure Map", and Figure 15.1, "Future Noise Exposure Map", along with the supporting documentation in "Manchester Airport; FAR Part 150 Update". The FAA has determined that the maps for Manchester Airport are in compliance with applicable requirements. This determination is effective on February 6, 1998.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours or in interpreting the noise exposure map to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of a noise exposure map. Therefore, the responsibility for the detailed overlaying of noise contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted the map, or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 or FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Manchester Airport, also effective on February 6, 1998. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 5, 1998. The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non compatible land uses and

preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure map, the FAA's evaluation of the map, and the proposed noise compatibility program are available for examination at the following locations:

Manchester Airport, One Airport Road, Suite 300, Manchester, New Hampshire 03103–3395

Federal Aviation Administration, New England Region, Airports Division, ANE–600, 16 New England Executive Park, Burlington, Massachusetts 01803

Questions may be directed to the individual named above under the heading:

FOR FURTHER INFORMATION CONTACT

Issued in Burlington, Massachusetts on February 6, 1998.

Vincent A. Scarano,

Manager, Airports Division, New England Region.

[FR Doc. 98–5113 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly notice of PFC Approvals and Disapprovals. In January 1998, there were 12 applications approved. This notice also includes information on two applications, approved in December 1997, inadvertently left off the December 1997 notice. Additionally, 13 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Port of Portland, Portland, Oregon.

Application Number: 97–05–U–00–PDX.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue to be Used in This Decision: $12,824,000.

Charge Effective Date: November 1, 1994.

Estimated Charge Expiration Date: October 1, 2000.

Class of Air Carriers Not Required To Collect PFC's: No change from previous decision.

Brief Description of Projects Approved for Use:

Taxiway A and connectors rehabilitation.

Runway 3/21 rehabilitation.

Taxiway F rehabilitation.

Decision Date: December 3, 1997.

For Further Information Contact: Mary Vargas, Seattle Airports District Office, (425) 227–2660.

Public Agency: County of Eagle, Eagle, Colorado.

Application Number: 97–04–C–00–EGE.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $300,000.

Earliest Charge Effective Date: March 1, 2012.

Estimated Charge Effective Date: July 1, 2012.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use: Snow removal equipment.

Decision Date: December 11, 1997.

For Further Information Contact: Christopher Schaffer, Denver Airports District Office, (303) 342–1258.

Public Agency: City of Fresno, Department of Airports, Fresno, California.

Application Number: 97–02–C–00–FAT.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $58,303,992.

Earliest Charge Effective Date: April 1, 1998.

Estimated Charge Expiration Date: July 1, 2028.

Class of Air Carriers Not Required To Collect PFC'S: Air Taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of Fresno Yosemite International Airport's total annual enplanements.

Brief Description of Projects Approved for Collection and Use:

Baggage claim expansion.

Lobby and ticketing area.

Terminal entryway reconfiguration.

Concourse expansion.

Building utility systems.

Storm water retention basin expansion and improvement.

Ramp reconstruction/taxiway A relocation, additional parking stands, terminal ramp drainage, oil-water separator improvements, and terminal pavement markings.

Reconstruction of concourse ramp sections.

Brief Description of Project Approved in Part for Collection and Use: Entrance road gateway improvements construction, Clinton Way infrastructure access improvements, and employee parking lot relocation.

Determination: Partially approved for the collection and use of PFC revenue. Relocation of the employee parking lot has been determined to be ineligible in accordance with paragraph 595(a) of FAA Order 5100.38A, Airport Improvement Program (AIP) Handbook (October 24, 1989). Eligibility for this component is limited to the costs of demolition and removal of the employee parking lot.

Decision Date: January 2, 1998.

For Further Information Contact: Marlys Vandervelde, San Francisco Airports District Office, (650) 876–2806.

Public Agency: Tupelo Airport Authority, Tupelo, Mississippi.

Application Number: 97–02–U–00–TUP.

Application Type: Use PFC revenue

PFC Level: $3.00

Total PFC Revenue To Be Used in This Decision: $225,400.

Charge Effective Date: November 1, 1994.

Estimated Charge Expiration Date: December 1, 2007.

Class of Air Carriers Not Required To Collect PFC'S: No change from previous decision.

Brief Description of Projects Approved for use:

Overlay and groove runway 18/36.

Expand airport terminal building.

Decision Date: January 5, 1998.

For Further Information Contact: David Shumate, Jackson Airports District Office, (601) 965–4628.

Public Agency: Melbourne Airport Authority, Melbourne, Florida.

Application Number: 98–02–C–00–MLB.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $614,362.

Earliest Charge Effective Date: May 1, 1998.

Estimated Charge Expiration Date: February 1, 1999.

Class of Air Carriers not Required to Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of Melbourne International Airport's total annual enplanements.

Brief Description of Project Approved for Collection and Use: Runway 9R/27L improvements—phase 1.

Decision Date: January 6, 1998.

For Further Information Contact: Vernon P. Rupinta, Orlando Airports District Office, (407) 812–6331.

Public Agency: City of McAllen, Texas.

Application Number: 97–01–C–00–MFE.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $1,853,711.

Earliest Charge Effective Date: April 1, 1998.

Estimated Charge Expiration Date: July 1, 2000.

Class of Air Carriers Not Required to Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

East and west terminal apron.

Airfield guidance signs and vault upgrade.

Widen taxiway A.

Runway 13/31 safety improvements.

Master plan update.

Terminal Drive relocation.

General aviation apron overlay.

Cargo apron overlay and associated taxiway development.

PFC administrative fees.

Decision Date: January 6, 1998.

For Further Information Contact: Ben Guttery, Southwest Region Airports Division, (817) 222–5614.

Public Agency: St. Louis Airport Authority, St. Louis, Missouri.

Application Number: 97–03–U–00–STL.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue to be Used in this Decision: $52,000,000.

Charge Effective Date: April 1, 1996.

Estimated Charge Expiration Date: July 1, 1998.

Class of Air Carriers not Required to Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of Lambert—St. Louis International Airport's total annual enplanements.

Brief Description of Project Approved for Use: Airport noise land acquisition/relocation program (phase II).

Decision Date: January 8, 1998.

For Further Information Contact: Lorna Sandridge, Central Region Airports Division, (816) 426–4730.

Public Agency: County of Marquette, Marquette, Michigan.

Application Number: 97–04–C–00–MQT.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $672,968.

Earliest Charge Effective Date: April 1, 1998.

Estimated Charge Expiration Date: June 1, 2000.

Class of Air Carriers Not Required To Collect PFC's: Part 135 air taxi charter operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of Marquette County Airport's total annual enplanements.

Brief Description of Projects Approved for Collection at Marquette County Airport/Sawyer Airport and Use at Sawyer Airport:

Airport master plan.

Medium intensity approach lighting system with runway end identifier lights installation on runway 01.

Terminal building (design and engineering services).

Runway lighting.

Construct airport terminal building.

Install fencing.

Brief Description of Project Disapproved: Exhibit "A" property map.

Determination: Disapproved. The FAA has determined that this project is an administrative requirement for AIP funding and does not meet the requirements of §§ 158.15(a) and 158.15(b).

Decision Date: January 16, 1998.

For Further Information Contact: Jon Gilbert, Detroit Airports District Office, (313) 487–7281.

Public Agency: Toledo-Lucas County Port Authority, Toledo Ohio.

Application Number: 97–03–C–00–TOL.

Application Type: Imose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $6,750,400.

Earliest Charge Effective Date: July 1, 1998.

Estimated Charge Expiration Date: November 1, 2004.

Class of Air Carriers Not Required To Collect PFC's: Air taxi commercial operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of Toledo Express Airport's total annual enplanements.

Brief Description of Projects Approved for Collection and Use:

Noise mitigation.

Terminal entrance road rehabilitation.

Environmental—runway 16/34.

Runway 7/25 rehabilitation.

Terminal building expansion—phase I.

Decision Date: January 16, 1998.

For Further Information Contact: Jack. D. Roemer, Detroit Airports District Office, (313) 487–7282.

Public Agency: City of La Crosse, Wisconsin.

Application Number: 97–04–C–00–LSE.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $615,000.

Earliest Charge Effective Date: December 1, 2000.

Estimated Charge Expiration Date: March 1, 2002.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Relocate runway 13/31.

Airfield sealcoating.

Reconstruct runway 18/36 phase 1.

Construct airport entrance sign.

PFC administration.

Decision Date: January 16, 1998.

For Further Information Contact: Sandra E. DePottey, Minneapolis Airports District Office, (612) 713–4363.

Public Agency: County of Humboldt, Eureka, California.

Application Number: 97–04–C–00–ACV.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $1,482,300.

Earliest Charge Effective Date: April 1, 1998.

Estimated Charge Expiration Date: June 1, 2003.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection at Arcata-Eureka Airport (ACV) and Use at ACV:

Emergency safety area erosion control.
Taxiway A overlay.
Boarding assistance device.
Property purchase.
Aircraft rescue and firefighting (ARFF) fire truck replacement.
ARFF building improvements.
Ramp area extension.

Brief Description of Projects Approved for Collection at ACV and Use at Rohnerville Airport:

Pavement rehabilitation of taxiway, runway, and aprons.
Entrance road reconstruction and perimeter fencing.

Brief Description of Project Approved for Collection at ACV and Use at Murray Field: Pavement overlay.

Brief Description of Project Approved for Collection at ACV and Use at Kneeland Airport: Airport rehabilitation.

Brief Description of Disapproved Projects: T-hangar taxiway construction.

Determination: Disapproved. The installation of utility conduit for future building construction and hangar building demolition was determined to be ineligible under AIP criteria, paragraphs 568 and 301(a) of FAA Order 5100.38A, AIP Handbook (October 24, 1989). Based on the information provided in the application, an accurate prorated share of eligible costs could not be determined. Therefore, this project, as proposed, was disapproved.

Fire protection systems replacement.

Determination: Disapproved. The replacement of fire hydrant and water supply lines in the airport building area was determined to be ineligible under AIP criteria, paragraph 568 of FAA Order 5100.38A, AIP Handbook (October 24, 1989). Based on the information provided in the application, an accurate prorated share of eligible costs could not be determined. Therefore, this project, a proposed, was disapproved.

Decision Date: January 23, 1998.

For Further Information Contact: Marlys Vandervelde, San Francisco Airports District Office, (650) 876–2806.

Public Agency: Niagara Frontier Transportation Authority, Buffalo, New York.

Application Number: 98–03–C–00–BUF.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in this Decision: $2,659,807.

Earliest Charge Effective Date: November 1, 2014.

Estimated Charge Expiration Date: July 1, 2015.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of Greater Buffalo International Airport's total annual enplanements.

Brief Description of Projects Approved for Use:

Purchase one front end loader.
Pavement strengthening/taxiway C and perimeter road.
Pavement overlay/taxiways D and F.
Pavement study.
Rehabilitation/overlay runway 14/32.

Brief Description of Projects Approved for Collection and Use:

Relocate airport beacon.
Glycol storage facility.
Aircraft deicing area.
Common-use gate positions and holdrooms.
Rehabilitate storm drainage.

Brief Description of Projects Approved for Collection and Use: Purchase snow removal, safety, and ARFF equipment.

Determination: Partially approved. The purpose of the airfield safety vehicle, as described in the application, is to perform operations and maintenance functions. Thus, in accordance with paragraph 501 of FAA Order 5100.38A, AIP Handbook (October 24, 1989), and § 158.15(b), the airfield safety vehicle is not AIP or PFC eligible.

Decision Date: January 27, 1998.

For Further Information Contact: Philip Brito, New York Airports District Office, (516) 227–3800.

Public Agency: City of Idaho Falls, Idaho.

Application Number: 98–02–C–00–IDA.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $820,404.

Earliest Charge Effective Date: February 1, 1998.

Estimated Charge Expiration Date: November 1, 2000.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Rehabilitation of runway 2/20.
Airport master plan.
ARFF station.
Mandatory runway lighting/signage.
Apron replacement upgrade.
Snow removal equipment.
Runway 17/35 lighting system replacement.
Ramp reconstruction.

Decision Date: January 29, 1998.

For Further Information Contact: Mary E. Vargas, Seattle Airports District Office, (425) 227–2660.

Public Agency: Texas A and M University, College Station, Texas.

Application Number: 98–02–C–00–CLL.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $429,159.

Earliest Charge Effective Date: August 1, 1998.

Estimated Charge Expiration Date: June 1, 2000.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Install high intensity runway lights, runway 16/34.
Install medium intensity taxiway lights.
Sealcoat runway 10/28 and taxiways B and E.
Construct taxiway F and G fillets.
Construct taxiway H.
Install new signage and signage modifications.
ARFF facility.
ARFF vehicle.
Pavement management system.
PFC administrative costs.

Decision Date: January 29, 1998.

For Further Information Contact: Ben Guttery, Southwest Region Airports Division, (817) 222–5614.

AMENDMENTS TO PFC APPROVALS

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
93–01–C–01–HVN, New Haven, CT	12/10/97	$2,490,450	$1,108,060	06/01/99	04/01/98
94–02–C–02–MSP, Minneapolis, MN	12/29/97	107,376,001	126,226,001	05/01/99	01/01/00
93–01–C–09–ORD, Chicago, IL	12/30/97	522,045,837	517,271,740	07/01/04	07/01/04

AMENDMENTS TO PFC APPROVALS—Continued

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
96–05–C–02–ORD, Chicago, IL	12/30/97	412,918,431	423,692,528	07/01/04	07/01/04
97–04–C–01–GFK, Grand Forks, ND	12/31/97	339,864	551,993	01/01/98	09/01/98
93–01–C–01–GUC, Gunnison, CO	01/05/98	702,133	807,453	03/01/98	04/01/98
96–04–C–01–YKM, Yakima, WA	01/06/98	432,000	662,515	07/01/98	02/01/99
95–02–C–02–STL, St. Louis, MO	01/08/98	86,214,867	92,214,867	02/01/98	03/01/98
95–02–C–03–STL, St. Louis, MO	01/08/98	92,214,867	108,214,867	03/01/98	07/01/98
94–02–C–02–FLL, Fort Lauderdale, FL	01/09/98	72,931,754	54,048,754	08/01/99	09/01/98
95–01–C–02–MKE, Milwaukee, WI	01/13/98	26,629,277	25,522,277	01/01/99	12/01/05
95–02–U–01–MKE, Milwaukee, WI	01/13/98	0	0	01/01/99	12/01/05
95–03–C–01–MKE, Milwaukee, WI	01/13/98	32,037,000	66,117,000	04/01/02	12/01/05

Issued in Washington, DC on February 17, 1998.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 98–5112 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

CSX Transportation, Incorporated (Waiver Petition Docket Number PB–97–10)

CSX Transportation, Incorporated (CSXT) seeks a temporary waiver of compliance from certain provisions of the Railroad Power Brake and Drawbars regulations, 49 CFR Section 232.25(d), concerning the calibration of the front unit of a two-way end-of-train device. CSXT had originally requested relief from the calibration and labeling requirements for all front units until December 31, 1997, PB–97–10, 62 FR 49291 (September 19, 1997). In a letter dated December 12, 1997, CSXT requested the date for this temporary relief be extended to May 1, 1998.

Section 232.25(d) states, The telemetry equipment shall be calibrated for accuracy according to the manufacturer's specifications at least every 365 days. The date of the last calibration, the location where the calibration was made, and the name of the person doing the calibration shall be legibly displayed on a weather-resistant sticker or other marking device affixed to the outside of both the front unit and rear unit. The Two-Way End-of-Train Device Final Rule was published on January 2, 1997, and became effective July 1, 1997. FRA provided a grace period until September 1, 1997, for railroads to accomplish the calibration and labeling requirements of front units.

CSXT indicates they have calibrated and labeled approximately 700 of its nearly 2,700 total HTDs. This work was performed on all new units purchased and on all units that were removed from a locomotive and sent to the communications shop for any reason. Completion of the calibration requirements for units that did not enter the radio shop was dependent on development and availability of an on-board tester being developed by Pulse Electronics. This on-board tester was a cooperative effort by Pulse and Hewlett-Packard, which took longer to complete than was originally anticipated. CSXT was originally promised the tester in October, but a prototype was not delivered until November 24. The final product was available on December 8, 1997. In view of the unavoidable delay which was necessary to properly develop this device, CSXT states it will be unable to comply with the calibration and labeling requirements by December 31, 1997. CSXT believes they will be able to calibrate all locomotives by May 1, 1998, as the locomotives receive their periodic inspections. CSXT also points out that they feel they have provided a service to the entire industry by facilitating the development of an on-board device which can be used to meet the requirements of 232.25(d)

For all of the reasons set forth in the original waiver petition, CSXT feels there is absolutely no reason to believe that any adverse effect on safety would result from granting this short extension of their original temporary waiver request.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number PB–97–10) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.—5:00 p.m.) at FRA's temporary docket room located at 1120 Vermont Avenue, N.W., Room 7051, Washington, D.C. 20005.

Issued in Washington, D.C. on February 24, 1998.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 98–5078 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA Docket No. 94–021; Notice 4]

Highway Safety Programs; Model Specifications for Devices To Measure Breath Alcohol

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice amends the Conforming Products List for instruments that conform to the Model Specifications for Evidential Breath Testing Devices (58 FR 48705).

EFFECTIVE DATE: February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Dr. James F. Frank, Office of Traffic Injury Control Programs, Impaired Driving Division (NTS–11), National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590; Telephone: (202) 366–5593.

SUPPLEMENTARY INFORMATION: On November 5, 1973, the National Highway Traffic Safety Administration (NHTSA) published the Standards for Devices to Measure Breath Alcohol (38 FR 30459). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued on November 21, 1974 (39 FR 41399).

On December 14, 1984 (49 FR 48854), NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices, and published a Conforming Products List (CPL) of instruments that were found to conform to the Model Specifications as Appendix D to that notice (49 FR 48864).

On September 17, 1993, NHTSA published a notice (58 FR 48705) to amend the Model Specifications. The notice changed the alcohol concentration levels at which instruments are evaluated, from 0.000, 0.050, 0.101, and 0.151 BAC, to 0.000, 0.020, 0.040, 0.080, and 0.160 BAC; added a test for the presence of acetone; and expanded the definition of alcohol to include other low molecular weight alcohols including methyl or isopropyl. On January 30, 1996, the most recent amendment to the Conforming Products List (CPL) was published (61 FR 3078), identifying those instruments found to conform with the Model Specifications.

Since the last publication of the CPL, six (6) instruments have been evaluated and found to meet the model specifications, as amended on September 17, 1993, for mobile and non-mobile use. They are: (1) Alcohol Data Sensor, manufactured by Life Loc, Inc.; (2) PBA3000C, jointly manufactured by Life Loc, Inc. and Alcohol Countermeasure Systems Corp. (3) RBT IV with CEM ("cell enhancement module"), manufactured by Intoximeters, Inc.; (4) Intoxilyzer 5000EN, an enhanced version of the Intoxilyzer 5000 CD/FG5 already on the CPL, manufactured by CMI, Inc. The Intoxilyzer 5000 EN is also sold by Lion Laboratories, a subsidiary of MPH, Inc., the same parent company that also owns CMI, Inc. Therefore, the Intoxilyzer 5000 EN is also listed under Lion Laboratories; (5) DataMaster cdm, manufactured by National Patent Analytical Systems, Inc.; and (6) Alco Master, manufactured in France by Seres and sold in the United States by Sound-Off, Inc. Therefore, it is listed under Seres as well as under Sound-Off, Inc.

The CPL has been amended to add these six instruments to the list. The CPL has also been amended to reflect the following changes:

(1) The Alcotest 7110 MK III, manufactured by National Draeger, Inc., is now also made with an internal computer communications feature as a standard capability of the instrument. The enhanced version of the device with the new computer communications capability, will be sold as the Alcotest 7110 MKIII–C. This new designation is added to the CPL, though NHTSA made the judgment that additional testing of the enhanced device was not necessary because the enhancements have no bearing on the alcohol measuring capability of the device.

(2) The Breathalyzer 7410–II, manufactured by National Draeger, has been enhanced with a version that allows the transfer of data to a computer. The new version will be designated as the Alcotest 7410 Plus. This new designation is added to the CPL, though NHTSA made the judgment that additional testing of the enhanced device was not necessary because the enhancements have no bearing on the alcohol measuring capability of the device.

(3) The BAC Systems Breath Analysis Computer, last tested in 1981, was previously listed only as a non-mobile device. It should have been listed as a mobile and non-mobile device. This error has been corrected in this CPL.

(4) Alcohol Countermeasure Systems, Inc. was previously located in Ft. Huron, MI. The company is now located in Mississauga, Ontario, Canada, and it has changed its name to Alcohol Countermeasure Systems Corp. This change is reflected in the amended CPL.

(5) Each of the National Patent Analytical Systems, Inc. DataMaster instruments are now available with a "Delta-1" optional accessory. This accessory allows for the discrimination of toluene and methanol, an additional feature that is not required in the NHTSA model specifications for evidential breath test devices. NHTSA has determined that additional testing of the enhanced devices with the Delta-1 optional accessory was not necessary because this additional feature does not affect the alcohol measurement capabilities of the DataMaster instruments.

In accordance with the foregoing, the CPL is therefore amended, as set forth below.

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer and model	Mobile	Nonmobile
Alcohol Countermeasure Systems Corp., Mississauga, Ontario, Canada:		
Alert J3AD*	X	X
PBA3000C	X	X
BAC Systems, Inc., Ontario, Canada: Breath Analysis Computer*	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England: IR Breath Analyzer*	X	X
CMI, Inc., Owensboro, KY:		
Intoxilyzer Model:		
200	X	X
200D	X	X
300	X	X
400	X	X
1400	X	X
4011*	X	X

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES—Continued

Manufacturer and model	Mobile	Nonmobile
4011A*	X	X
4011AS*	X	X
4011AS–A*	X	X
4011AS–AQ*	X	X
4011 AW*	X	X
4011A27–10100*	X	X
4011A27–10100 with filter*	X	X
5000	X	X
5000 (w/Cal. Vapor Re-Circ.)	X	X
5000 (w/⅜" ID Hose option)	X	X
5000CD	X	X
5000CD/FG5	X	X
5000EN	X	X
5000 (CAL DOJ)	X	X
5000VA	X	X
PAC 1200*	X	X
S–D2	X	X
Decator Electronics, Decator, IL: Alco-Tector model 500*		X
Gall's Inc., Lexington, KY: Alcohol Detection System-A.D.S. 500	X	X
Intoximeters, Inc., St. Louis, MO:		
Photo Electric Intoximeter*		X
GC Intoximeter MK II*	X	X
GC Intoximeter MK IV*	X	X
Auto Intoximeter*	X	X
Intoximeter Model:		
3000*	X	X
3000 (rev B1)*	X	X
3000 (rev B2)*	X	X
3000 (rev B2A)*	X	X
3000 (rev B2A) w/FM option*	X	X
3000 (Fuel Cell)*	X	X
03000 D*	X	X
3000 DFC*	X	X
Alcomonitor		X
Alcomonitor CC	X	X
Alco–Sensor III	X	X
Alco-Sensor IV	X	X
RBT III	X	X
RBT III–A	X	X
RBT IV	X	X
RBT IV with CEM (cell enhancement module)	X	X
Intox EC–IR	X	X
Portable Intox EC–IR	X	X
Komyo Kitagawa, Kogyo, K.K.:		
Alcolyzer DPA–2*	X	X
Breath Alcohol Meter PAM 101B*	X	X
Life-Loc, Inc., Wheat Ridge, CO:		
PBA 3000B	X	X
PBA 3000–P*	X	X
PBA 3000C	X	X
Alcohol Data Sensor	X	X
Lion Laboratories, Ltd., Cardiff, Wales, UK:		
Alcolmeter Model:		
300	X	X
400	X	X
AE–D1*	X	X
SD–2*	X	X
EBA*	X	X
Auto-Alcolmeter*		X
Intoxilyzer Model:		
200	X	X
200D	X	X
1400	X	X
5000 CD/FG5	X	X
5000 EN	X	X
Luckey Laboratories, San Bernadino, CA:		
Alco-Analyzer Model:		
1000*		X
2000*		X
National Draeger, Inc., Durango, CO:		
Alcotest Model:		
7010*	X	X

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES—Continued

Manufacturer and model	Mobile	Nonmobile
7110*	X	X
7110 MKIII	X	X
7110 MKIII–C	X	X
7410	X	X
Breathalyzer Model:		
900*	X	X
900A*	X	X
900BG*	X	X
7410	X	X
7410–II	X	X
7410 Plus	X	X
National Patent Analytical Systems, Inc., Mansfield, OH:		
BAC DataMaster (with or without the Delta–1 accessory)	X	X
BAC Verifier Datamaster (with or without the Delta–1 accessory)	X	X
DataMaster cdm (with or without the Delta–1 accessory)	X	X
Omicron Systems, Palo Alto, CA:		
Intoxilyzer Model:		
4011*	X	X
4011AW*	X	X
Plus 4 Engineering, Minturn, CO: 5000 Plus4*	X	X
Seres, Paris, France: Alco Master	X	X
Siemans-Allis, Cherry Hill, NJ:		
Alcomat*	X	X
Alcomat F*	X	X
Smith and Wesson Electronics, pringfield, MA:		
Breathalyzer Model:		
900*	X	X
900A*	X	X
1000*	X	X
2000*	X	X
2000 (non-Humidity Sensor)*	X	X
Sound-Off, Inc., Hudsonville, MI:		
AlcoData	X	X
Seres Alco Master	X	X
Stephenson Corp.: Breathalyzer 900*	X	X
U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, CA:		
Alco-Analyzer 1000		X
Alco-Analyzer 2000		X
Alco-Analyzer 2100	X	X
Verax Systems, Inc., Fairport, NY:		
BAC Verifier*	X	X
BAC Verifier Datamaster	X	X
BAC Verifier Datamaster II*	X	X

*Instruments marked with an asterisk (*) meet the Model Specifications detailed in 49 FR 48854 (December 14, 1984) (i.e., instruments tested at 0.000, 0.050, 0.101, and 0.151 BAC). Instruments not marked with an asterisk meet the Model Specifications detailed in 58 FR 48705 (September 17, 1993), and were tested at BACs = 0.000, 0.020, 0.040, 0.080, and 0.160.

(23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501.1)

Issued on: February 24, 1998.

James L. Nichols,

Acting Associate Administrator for Traffic Safety Programs.

[FR Doc. 98–5093 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–98–3514]

Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

SUMMARY: This notice announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards.

DATE: These decisions are effective February 27, 1998.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally

manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. § 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 23, 1998.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

Annex A—Nonconforming Motor Vehicles Decided to be Eligible for Importation

1. Docket No. NHTSA–97–3067
   Nonconforming Vehicles: 1992–1994 Kawasaki EL250 Motorcycles
   Substantially similar U.S.-certified vehicles: 1992–1994 Kawasaki EX–250 Motorcycles
   Notice of Petition published at: 62 FR 60558 (November 20, 1997)
   Vehicle Eligibility Number: VSP–233
2. Docket No. NHTSA–97–3137
   Nonconforming Vehicles: 1974 Alfa Romeo GTV
   Substantially similar U.S.-certified vehicles: 1974 Alfa Romeo GTV
   Notice of Petition published at: 62 FR 63412 (November 28, 1997)
   Vehicle Eligibility Number: VSP–234
3. Docket No. NHTSA–97–3189
   Nonconforming Vehicles: 1994–1998 Mercedes-Benz S320
   Substantially similar U.S.-certified vehicles: 1994–1998 Mercedes-Benz S320
   Notice of Petition published at: 62 FR 65126 (December 10, 1997)
   Vehicle Eligibility Number: VSP–236
4. Docket No. NHTSA–97–3190
   Nonconforming Vehicles: 1994–1997 Mercedes-Benz S500
   Substantially similar U.S.-certified vehicles: 1994–1997 Mercedes-Benz S500
   Notice of Petition published at: 62 FR 65124 (December 10, 1997)
   Vehicle Eligibility Number: VSP–235

[FR Doc. 98–5076 Filed 2–26–98; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–98–3513]

Decision That Nonconforming 1972–1979 Volkswagen Beetle Convertibles and 1972–1977 Volkswagen Beetle Sedans Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1972–1979 Volkswagen Beetle Convertibles and 1972–1977 Volkswagen Beetle Sedans are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1972–1979 Volkswagen Beetle Convertibles and 1972–1977 Volkswagen Beetle Sedans not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States and certified by their manufacturer as complying with the safety standards (the U.S. certified version of the 1972–1979 Volkswagen Beetle Convertible and 1972–1977 Volkswagen Beetle Sedan), and they are capable of being readily altered to conform to the standards.

DATE: This decision is effective February 27, 1998.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

Champagne Imports, Inc. of Lansdale, Pennsylvania ("Champagne") (Registered Importer 90–009) petitioned NHTSA to decide whether 1972–1979 Volkswagen Beetle Convertibles and 1972–1977 Volkswagen Beetle Sedans are eligible for importation into the United States. NHTSA published notice of the petition under Docket No. 97–066; Notice 1 on September 30, 1997 (62

FR 51179) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

One comment was received in response to the notice of the petition, from Volkswagen of America, Inc. ("Volkswagen"), the United States representative of Volkswagenwerke A.G., the vehicles' manufacturer. In this comment, Volkswagen stated that because the Volkswagen Beetle was provided for the United States market in a number of configurations during the 1972–1979 model years, it is not possible to establish standardized modification requirements for all of the vehicles available during those years. Volkswagen noted that there were differences in equipment and construction between the Custom Beetle series, the Super Beetle series, and the Convertible series that were manufactured during the 1972–1979 model years. As a consequence, Volkswagen contended that it would be necessary to compare vehicles by model year and series to their U.S. certified counterparts to determine which modifications would be necessary to achieve full compliance with all applicable Federal motor vehicle safety standards.

Volkswagen also contended that modifications would have to be performed on the vehicles to meet standards in addition to those identified by Champagne. Specifically, Volkswagen stated that non-U.S. certified Beetles would have to be equipped with different wiper blades and wiper arms to meet Standard No. 103, *Windshield Defrosting and Defogging Systems*, and 104, *Windshield Wiping and Washing Systems*. Volkswagen also noted that non-U.S. certified Beetles may have to be equipped with different tires to meet Standard No. 109, *New Pneumatic Tires*. Volkswagen further contended that U.S. certified Beetles were equipped with head restraints or high backed seats to meet Standard No. 202, *Head Restraints*, and that non-U.S certified models would have to be similarly equipped before they could meet that standard. Additionally, Volkswagen observed that some steering wheel configurations on non-U.S. certified Beetles may not comply with Standard No. 203, *Impact Protection for the Driver from the Steering Control System*. Volkswagen also noted that non-U.S. certified Beetles in some cases were not equipped with laminated windshields, as required by Standard No. 205, *Glazing Materials*. Volkswagen further contended that in order to meet Standard No. 208, *Occupant Crash Protection*, the seat belts in non-U.S. certified Beetles would have to be compared to those on their U.S. certified counterparts and replaced if their part numbers were not the same. Although it acknowledged that non-U.S. certified Beetles have doors with side impact bars, Volkswagen stated that these vehicles may have door latches and hinges that differ from those on U.S. certified models, and that these components would have to be replaced for the vehicles to comply with Standard No. 214, *Side Impact Protection*. Additionally, Volkswagen contended that non-U.S. certified Beetles have different windshields and incorporate different windshield mounting methods than those used on U.S. certified models, affecting the vehicles' compliance with Standard Nos. 212, *Windshield Mounting*, and 219, *Windshield Zone Intrusion*. Finally, Volkswagen contended that in order to determine whether a non-U.S. certified Beetle complies with the Bumper Standard found in 49 CFR Part 581, not only must the bumper components themselves be compared to those on U.S. certified models, but the bumper reinforcements and upgraded body structure elements must be compared as well.

NHTSA accorded Champagne an opportunity to respond to Volkswagen's comment. In its response. Champagne stated that it will compare the wiper blades and wiper arms on all non-U.S. certified Beetles that it imports to those found on U.S. certified models and replace any such components that are not identical to assure compliance with Standard Nos. 103 and 104. Champagne stated that it will perform a similar comparison and component replacement, where necessary, to assure that the vehicles are equipped with tires that meet Standard No. 109, with headrests or seats that meet Standard No. 202, with steering wheels that meet Standard No. 213, with glazing that meets Standard No. 205, with seat belts that meet Standard No. 208, and with windshields that are installed in compliance with Standard Nos. 212 and 219. Champagne disputed Volkswagen's contention that some non-U.S. certified Beetles do not comply with Standard No. 203 and have door hinges and latches that do not meet Standard No. 214. Champagne contended that the installation of side impact beams is the only modification necessary to conform a non-U.S. certified Beetle to Standard No. 214. Additionally, Champagne denied that it would be necessary to reinforce or upgrade body or structural elements for a non-U.S. certified Beetle to meet the Bumper Standard. Champagne contended instead that the structural mounting points for both U.S. certified and non-U.S. certified models are identical. In conclusion, Champagne confirmed that each vehicle it imports under the petition would be reviewed on a case-by-case basis to assure that any nonconformity is addressed during the conversion process.

NHTSA believes that Champagne's response adequately addresses the issues that Volkswagen has raised regarding the petition. NHTSA further notes that the modifications described by Champagne, which have been performed with relative ease on thousands of motor vehicles imported over the years, would not preclude non-U.S. certified Volkswagen Beetles from being found "capable of being readily altered to comply with applicable motor vehicle safety standards."

NHTSA has accordingly decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–237 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1972–1979 Volkswagen Beetle Convertibles and 1972–1977 Volkswagen Beetle Sedans are substantially similar to 1972–1979 Volkswagen Beetle Convertibles and 1972–1977 Volkswagen Beetle Sedans car originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and are capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 23, 1998.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 98–5077 Filed 2–26–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20916] [1]

Coach USA, Inc., and Coach XXIII Acquisition, Inc.—Control—Americoach Tours, Ltd.; Keeshin Charter Services, Inc.; Keeshin Transportation, L.P.; Niagara Scenic Bus Lines, Inc.; and Pawtuxet Valley Bus Lines

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving finance transaction.

SUMMARY: Coach USA, Inc. (Coach), a noncarrier, and its wholly owned noncarrier subsidiary, Coach XXIII Acquisition, Inc. (Coach Acquisition) (collectively, applicants), filed an application under 49 U.S.C. 14303 to acquire control of Americoach Tours, Ltd. (Americoach), Keeshin Charter Services, Inc. (Keeshin), Keeshin Transportation, L.P. (KTLP), Niagara Scenic Bus Lines, Inc. (Niagara), and Pawtuxet Valley Bus Lines (Pawtuxet), all motor passenger carriers. Persons wishing to oppose the application must follow the rules under 49 CFR part 1182, subpart B. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments are due by April 13, 1998. Applicants may file a reply by May 4, 1998. If no comments are received by April 13, 1998, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of comments referring to STB Docket No. MC–F–20916 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, send one copy of comments to applicants' representatives: Betty Jo Christian and David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Avenue, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Coach currently controls 35 motor passenger carriers. [2] In this transaction, it seeks to acquire direct control of Americoach, [3] Niagara, [4] and Pawtuxet, [5] by acquiring all of the outstanding stock of these carriers, and indirect control of Keeshin [6] and KTLP, [7] through the acquisition, by Coach Acquisition, [8] of all of the outstanding stock of Keeshin and the general partnership interest in KTLP. According to applicants, the stock (or, in the case of KTLP, the partnership interest) of each of the carriers to be acquired is currently held in separate, independent voting trusts to avoid any unlawful control pending disposition of this proceeding.

Applicants submit that there will be no transfer of any federal or state operating authorities held by the acquired carriers. Following the consummation of the control transactions, each of the acquired carriers will continue operating in the same manner as before and, according to applicants, granting the application will not reduce competitive options available to the traveling public. They assert that the acquired carriers do not compete to any meaningful degree with one another or with any Coach-owned carrier. Applicants submit that each of the acquired carriers is relatively small and each faces substantial competition from other bus companies and transportation modes.

Applicants also submit that granting the application will produce substantial benefits, including interest cost savings from the restructuring of debt and reduced operating costs from Coach's enhanced volume purchasing power. Specifically, applicants claim that the carriers to be acquired will benefit from the lower insurance premiums negotiated by Coach and from volume discounts for equipment and fuel. Applicants indicate that Coach will provide each of the carriers to be acquired with centralized legal and accounting functions and coordinated purchasing services. In addition, they state that vehicle sharing arrangements will be facilitated through Coach to ensure maximum use and efficient operation of equipment and that, with Coach's assistance, coordinated driver training services will be provided, enabling each carrier to allocate driver resources in the most efficient manner possible. Applicants also state that the proposed transaction will benefit the employees of the acquired carriers and that all collective bargaining agreements will be honored by Coach.

Coach plans to acquire control of additional motor passenger carriers in the coming months. It asserts that the financial benefits and operating efficiencies will be enhanced further by these subsequent transactions. Over the long term, Coach states that it will provide centralized marketing and reservation services for the bus firms that it controls, thereby further enhancing the benefits resulting from these control transactions.

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[1] This proceeding was originally docketed as STB Finance Docket No. 33534.

[2] In addition to the instant proceeding in which it seeks to acquire control of five additional motor passenger carriers, Coach has two pending proceedings: *Coach USA, Inc.—Control Exemption—Browder Tours, Inc. and El Expreso, Inc.*, STB Finance Docket No. 33506 (STB filed Oct. 31, 1997), in which it seeks to acquire control of two additional motor passenger carriers; and *Coach USA, Inc.—Control—Airport Limousine Service, Inc. and Black Hawk-Central City Ace Express, Inc.*, STB MC–F–20917 (STB filed Feb. 12, 1998), in which it seeks to acquire control of two additional motor passenger carriers.

[3] Americoach is a Tennessee corporation. It holds federally issued operating authority in MC–212649 and intrastate operating authority issued by the Tennessee Public Service Commission. Americoach provides charter operations primarily in Tennessee, Arkansas, Mississippi and Missouri, with occasional operations in other states. The carrier operates 25 buses; it has 51 employees; and it earned revenues of approximately $2.9 million in 1996. Prior to the transfer of its stock into a voting trust, it had been owned by Shearon L. Breazeale and Philip L. Breazeale.

[4] Niagara is a New York corporation. It holds federally issued operating authority in MC–30787, intrastate operating authority issued by the New York Department of Transportation, and authority issued by the Province of Ontario, Canada. Niagara provides regular-route commuter service along routes within western New York and charter and tour operations between points in western New York and points in the United States. The carrier operates 21 buses; it has 75 employees; and it earned revenues of approximately $6.6 million in 1996. Prior to the transfer of its stock into a voting trust, it had been owned by Keith A. Fisher and Molly J. Schmitt.

[5] Pawtuxet is a Rhode Island corporation. It holds federally issued operating authority in MC–115432, intrastate operating authority in Connecticut, and operating authority within the Province of New Brunswick, Canada. Pawtuxet provides special and charter operations between points in Massachusetts, Connecticut, and Rhode Island and other points in the United States. The carrier operates 30 buses; it has 57 employees; and it earned revenues of approximately $2.5 million in 1996. Prior to the transfer of its stock into a voting trust, it had been owned by Ernest A. Archambault and Stephen P. Archambault.

[6] Keeshin is an Illinois corporation. It holds federally issued operating authority in MC–118044. Keeshin provides charter, group tours and shuttle operations from points in Illinois to various points in the United States. The carrier operates 47 buses; it has 102 employees; and it earned gross revenues of approximately $13.03 million in 1996. Prior to the transfer of its stock into a voting trust, it had been owned by Paul A. Keeshin.

[7] KTLP is a Delaware limited partnership. It holds federally issued operating authority in MC–263222. KTLP provides charter and special operations between points in the United States (except Hawaii) and commuter and shuttle bus services in the Chicago area. KTLP also owns a limited partnership interest in O'Hare Shuttle Partners, L.P., a non-federally regulated entity, which provides shuttle bus service at Chicago's O'Hare Airport. The carrier operates 18 buses; it has 75 employees; and it earned revenues of approximately $3.6 million in the first 9 months of 1996. Prior to the transfer of the general partnership interest in KTLP into a voting trust, the general partnership interest had been held by Keeshin. Paul A. Keeshin Trust, Brett Keeshin O'Hare Trust, and Neal Keeshin O'Hare Trust also held limited partnership interests in KTLP.

[8] Coach Acquisition is a Delaware corporation that was established for the purpose of serving as a holding company with respect to the transaction involving Keeshin and KTLP.

Applicants certify that the pertinent carrier parties hold satisfactory safety ratings from the U.S. Department of Transportation; that they have sufficient liability insurance; that they are neither domiciled in Mexico nor owned or controlled by persons of that country; and that approval of the transaction will not significantly affect either the quality of the human environment or the conservation of energy resources. Additional information may be obtained from applicants' representatives.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) the effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If opposing comments are timely filed, this finding will be deemed vacated and a procedural schedule will be adopted to reconsider the application. If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed vacated.

3. This decision will be effective on April 13, 1998, unless timely opposing comments are filed.

4. A copy of this notice will be served on the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: February 20, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–5109 Filed 2–26–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20915]

Suburban Transit Corp., et al.—Pooling—American Limousine Service, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed coordinated service and revenue pooling application.

SUMMARY: Suburban Transit Corp. (Suburban Transit) and Suburban Trails, Inc. (Suburban Trails) (collectively Suburban), both of New Brunswick, NJ, and American Limousine Service, Inc. (American), of Hamilton Township, NJ, jointly seek approval of a coordinated service and revenue pooling agreement under 49 U.S.C. 14302, with respect to their motor passenger transportation services between a park and ride facility near Exit 8A of the New Jersey Turnpike and routes feeding that facility, and New York, NY (the "8A Area Service").

DATES: Comments on the proposed agreement may be filed with the Board in the form of verified statements on or before March 30, 1998. If comments are filed, applicants' rebuttal statement is due on or before April 20, 1998.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–20915 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, send one copy of any comments to each of applicants' representatives: (1) Betty Jo Christian, Steptoe & Johnson LLP, 1330 Connecticut Avenue, N.W., Washington, DC 20036; and (2) Joseph J. Ferrara, Ferrara & Associates, 921 Bergen Avenue, #806, Jersey City, NJ 07306.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Under the proposed pooling agreement, applicants seek approval to pool a portion of their services over routes which they both operate and to share the revenues derived from their operations over those routes.

Suburban Transit, a commuter bus carrier, holds operating authority in No. MC–115116 and operates from Middlesex, Somerset and Mercer counties in central New Jersey to New York City along numerous routes.

Suburban Trails holds operating authority in No. MC–149081 and operates two regular routes: the Route 9 corridor service, in coordination with New Jersey Transit, and the Hightstown "8A Area Service," the route involved in the instant pooling application. Suburban Trails also operates domestic and international charter service.

American holds operating authority in No. MC–186879 and operates, in addition to the routes involved here, two intrastate routes between points in Middlesex and Mercer Counties and Atlantic City, NJ, as well as interstate and intrastate charter service.

Applicants are competitors on the "8A Area Service" route. Because their competing services are performed at nearly the same scheduled times, which causes both carriers to operate only partially loaded buses, applicants claim that their operations are inefficient and costly. As a consequence, they state that they are unable to compete effectively with Amtrak, New Jersey Transit, van pools, and private automobiles.

Applicants assert that there is substantial intermodal competition on the pooled route to protect the public and that the pooling agreement does not threaten to produce an unreasonable restraint on competition. They note keen competition from other modes of passenger travel in the area, including 4 commuter hour trains operated by Amtrak, 12 commuter hour trains operated by New Jersey Transit, vanpools, and private automobiles.

Pooled services, according to applicants, will enable them to increase their passenger load per bus, thereby reducing their overall cost of operations, and, in turn, make their services more competitive. In addition, applicants point out that pooling their operations will benefit passengers by: (1) Providing a greater choice of departure times; (2) allowing applicants to honor each other's tickets; (3) arranging for PM departures from the same departure area; (4) utilizing a common dispatcher where feasible; and (5) accepting passengers from disabled buses in the event of a breakdown. By pooling their revenues, applicants expect to enhance their financial stability in a manner that neither could achieve alone through individual operations in the 8A Area Service. This, in turn, will improve service to the public by allowing applicants to better manage their pricing structures and capital improvements, including the replacement of vehicles.

Applicants state that they are not domiciled in Mexico and are not owned or controlled by persons of that country. Moreover, they assert that approval of the application will not significantly affect either the quality of the human environment or the conservation of energy resources. Rather, they claim that

the transaction will result in the conservation of fuel and the reduction of emissions.

Copies of the pooling application may be obtained free of charge by contacting applicants' representatives. Alternatively, the pooling application may be inspected at the offices of the Surface Transportation Board, Room 755, during normal business hours. A copy of the notice will be served on the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, N.W., Washington, DC 20530.

Decided: February 18, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–4831 Filed 2–26–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33554]

Twin Cities & Western Railroad Company, Corporate Family Transaction Exemption, Minnesota River Bridge Company

Twin Cities & Western Railroad Company (TCW) and Minnesota River Bridge Company (MRBC),[1] Class III railroads, have jointly filed a verified notice of exemption. The exempt transaction is a merger of MRBC into TCW, with TCW as the surviving corporation.

The transaction is expected to be consummated on or after February 24, 1998.

The proposed merger will enable the surviving carrier to operate the rail lines more efficiently without affecting the current operations over the rail lines.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties state that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33554, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Jo A. DeRoche, Esq., Weiner, Brodsky, Sidman & Kider, P.C., 1350 New York Avenue, N.W., Suite 800, Washington, DC 20005–4797.

Decided: February 23, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–5110 Filed 2–26–98; 8:45 am]

BILLING CODE 4915–00–P

[1] TCW and MRBC are owned and controlled by Douglas M. Head, Kent P. Shoemaker, and Charles H. Clay. TCW operates in the States of Minnesota and South Dakota, and MRBC operates in the State of Minnesota.

federal register

Friday
February 27, 1998

Part II

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

February 20, 1998.

Dear Mr. President:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report 24 proposed rescissions of budgetary resources, totaling $20 million.

These proposed rescissions affect programs of the Departments of Agriculture, the Interior, and Transportation.

Sincerely,

William J. Clinton

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20510

February 20, 1998.

Dear Mr. Speaker:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report 24 proposed rescissions of budgetary resources, totaling $20 million.

These proposed rescissions affect programs of the Departments of Agriculture, the Interior, and Transportation.

Sincerely,

William J. Clinton

The Honorable Newt Gingrich
Speaker of the House of Representatives
Washington, D.C. 20515

BILLING CODE 3110–01–P

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	Total, rescissions	20,060

Department of Agriculture

Agricultural Research Service

Of the funds made available under this heading in Public Law 105–86, $223,000 are rescinded.

Rescission Proposal No. R98-1

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture **BUREAU:** Agricultural Research Service **Appropriations title and symbol:** Agricultural Research Service 1281400	New budget authority..... (P.L. 105-86) $ 744,605,000 Other budgetary resources.. $ 42,000,000 Total budgetary resources... $ 786,605,000 Amount proposed for rescission..... $ 223,000
OMB identification code: 12-1400-0-1-352 **Grant program:** ☐ Yes ☒ No	**Legal authority (in addition to sec. 1012):** ☒ Antideficiency Act ☐ Other _____
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: The Agricultural Research Service (ARS) conducts research to provide the means for a safer, more economical supply of agricultural products for the Nation and to provide producers with technologies to supply these products competitively. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
743,000	742,822	-178	-45	—	—	—	—

Department of Agriculture

Animal and Plant Health Inspection Service

Salaries and expenses

Of the funds made available under this heading in Public Law 105–86, $350,000 are rescinded.

Rescission Proposal No. R98-2

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $ 426,282,000 (P.L. 105-86)
BUREAU: Animal and Plant Health Inspection Service	Other budgetary resources.. $ 151,000,000
Appropriations title and symbol: Salaries and expenses 1281600 12X1600	Total budgetary resources... $ 577,282,000
	Amount proposed for rescission..... $ 350,000
OMB identification code: 12-1600-0-1-352	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [X] Annual [ ] Multi-year: _____ (expiration date) [ ] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: The major objectives of the Animal and Plant Health Inspection Service (APHIS) are to protect the animal and plant resources of the Nation from destructive pests and diseases. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
406,000	405,705	-295	-55	—	—	—	—

Department of Agriculture

Food Safety and Inspection Service

Of the funds made available under this heading in Public Law 105–86, $502,000 are rescinded.

Rescission Proposal No. R98-3

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $ 589,263,000 (P.L. 105-86)
BUREAU: Food Safety and Inspection Service	Other budgetary resources.. $ 83,000,000
Appropriations title and symbol: Salaries and expenses 1283700 12X3700	Total budgetary resources... $ 672,263,000
	Amount proposed for rescission..... $ 502,000
OMB identification code: 12-3700-0-1-554	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act [ ] Other _____
Grant program: [ ] Yes [X] No	
Type of account or fund: [X] Annual [ ] Multi-year: _____ (expiration date) [ ] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: The primary objectives of the Food Safety and Inspection Service (FSIS) are to ensure that meat, poultry, and egg products are wholesome, unadulterated, and properly labeled and packaged. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
589,000	588,518	-482	-20	—	—	—	—

Department of Agriculture

Grain Inspection, Packers and Stockyards Administration

Salaries and expenses

Of the funds made available under this heading in Public Law 105–86, $38,000 are rescinded.

Rescission Proposal No. R98-4

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $ 23,928,000 (P.L. 105-86)
BUREAU: Grain Inspection, Packers and Stockyards Administration	Other budgetary resources.. $ _____
Appropriations title and symbol: Salaries and expenses 1282400	Total budgetary resources... $ 23,928,000
	Amount proposed for rescission..... $ 38,000
OMB identification code: 12-2400-0-1-352	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [X] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multi-year: _____ (expiration date)	[ ] Contract authority
[ ] No-Year	[ ] Other _____

Justification: The Grain Inspection, Packers and Stockyards Administration (GIPSA) establishes official United States standards for grain, promotes the uniform application thereof by official inspection personnel, provides for an official inspection system for grain, and regulates the weighing and certification of the weight of grain shipped in interstate or foreign commerce. The goal of the Packers and Stockyards program is to ensure the integrity of the livestock, meat, and poultry markets and the marketplace in order to protect producers against unfair, deceptive, or discriminatory practices as well as those that are predatory or monopolistic in nature. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
24,000	23,966	-34	-4	—	—	—	—

Department of Agriculture

Agricultural Marketing Service

Marketing services

Of the funds made available under this heading in Public Law 105–86, $25,000 are rescinded.

Rescission Proposal No. R98-5

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $ 46,592,000 (P.L. 105-86)
BUREAU: Agricultural Marketing Service	Other budgetary resources.. $ 98,000,000
Appropriations title and symbol: Marketing services 1282500	Total budgetary resources... $ 144,592,000
	Amount proposed for rescission..... $ 25,000
OMB identification code: 12-2500-0-1-352	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [X] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multi-year: _____ (expiration date)	[ ] Contract authority
[ ] No-Year	[ ] Other _____

Justification: The Agricultural Marketing Service (AMS) assists producers and handlers of agricultural commodities by providing a variety of marketing services. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
42,000	41,978	-22	-3	—	—	—	—

Department of Agriculture

Farm Service Agency

Salaries and expenses

Of the funds made available under this heading in Public Law 105–86, $1,080,000 are rescinded.

Rescission Proposal No. R98-6

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... (P.L. 105-86) $ 700,659,000
BUREAU: Farm Service Agency	Other budgetary resources.. $ 290,000,000
Appropriations title and symbol: Salaries and expenses 1280600	Total budgetary resources... $ 990,659,000
	Amount proposed for rescission..... $ 1,080,000
OMB identification code: 12-0600-0-1-351	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act [ ] Other _____
Grant program: [ ] Yes [X] No	
Type of account or fund: [X] Annual [ ] Multi-year: _____ (expiration date) [ ] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: The Farm Service Agency (FSA) administers a variety of activities, such as farm income support programs; the Conservation Reserve Program and the Emergency Conservation Program; the warehouse examination function; farm ownership, farm operating, emergency disaster, and other loan programs; price support and production control programs for tobacco and peanuts; and the Non-insured Crop Disaster Assistance Program, which provides crop loss protection for growers of many crops for which crop insurance is not available. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
601,000	600,075	-925	-155	—	—	—	—

Department of Agriculture

Natural Resources Conservation Service

Conservation operations

Of the funds made available under this heading in Public Law 105–86, $378,000 are rescinded.

Rescission Proposal No. R98-7

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... (P.L. 105-86) $ 644,421,000
BUREAU: Natural Resources Conservation Service	Other budgetary resources . $ 131,000,000
Appropriations title and symbol: Conservation operations 12X1000	Total budgetary resources... $ 775,421,000
	Amount proposed for rescission..... $ 378,000
OMB identification code: 12-1000-0-1-300	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act [ ] Other _____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: The Natural Resources Conservation Service (NRCS) provides technical assistance through conservation districts or special districts; conducts soil surveys and investigations; conducts snow survey water forecasting; operates plant materials centers; and, provides water resource assistance. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
654,000	653,667	-333	-45	—	—	—	—

Department of Agriculture

Rural Housing Service

Salaries and expenses

Of the funds made available under this heading in Public Law 105–86, $846,000 are rescinded.

Rescission Proposal No. R98-8

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $ 58,804,000 (P.L. 105-86)
BUREAU: Rural Housing Service	Other budgetary resources.. $ 412,000,000
Appropriations title and symbol: Salaries and expenses 1281952	Total budgetary resources... $ 470,804,000
	Amount proposed for rescission..... $ 846,000
OMB identification code: 12-1952-0-1-452	**Legal authority (in addition to sec. 1012):** ☒ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	**Type of budget authority:** ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: The Rural Housing Service (RHS) delivers rural housing and community facility programs through a series of State, area, and local offices. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
6,000	5,272	-728	-118	—	—	—	—

Department of Agriculture

Food and Nutrition Service

Child nutrition programs

Of the funds made available under this heading in Public Law 105–86, $114,000 are rescinded.

Rescission Proposal No. R98-9

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... (P.L. 105-86) $ 7,773,716,000
BUREAU: Food and Nutrition Service	Other budgetary resources.. $ 1,026,100,000
Appropriations title and symbol: Child nutrition programs 128/93539 127/83539	Total budgetary resources... $ 8,799,816,000
	Amount proposed for rescission..... $ 114,000
OMB identification code: 12-3539-0-1-605	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act [ ] Other _____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [X] Multi-year: September 30, 1999 (expiration date) [ ] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: Payments are made for cash and commodity meal subsidies and certain discretionary activities as authorized by the School Lunch, School Breakfast, Summer Food Service, and Child and Adult Care Food programs. The proposed rescission of discretionary funds for computer support is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
8,796,000	8,795,886	-114	—	—	—	—	—

Department of Agriculture

Forest Service

National forest system

Of the funds made available under this heading in Public Law 105–83, $1,094,000 are rescinded.

Rescission Proposal No. R98-10

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... (P.L. 105-83) $ 1,348,377,000
BUREAU: Forest Service	Other budgetary resources.. $ 270,000,000
Appropriations title and symbol: National forest system 12X1106	Total budgetary resources... $ 1,618,377,000
	Amount proposed for rescission..... $ 1,094,000
OMB identification code: 12-1106-0-1-302	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multi-year: _____ (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other _____

Justification: The national forest system (NFS) provides for the delivery of goods and services associated with the principal NFS programs of land management planning, inventory, and monitoring; recreation use; wildlife and fisheries habitat management; rangeland management; forestland management; soil, water, and air management; minerals and geology management; landownership management; infrastructure management; law enforcement; and general administration. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
1,400,000	1,399,070	-930	-164	—	—	—	—

Department of Agriculture

Forest Service

Reconstruction and construction

Of the funds made available under this heading in Public Law 105–83, $30,000 are rescinded.

Rescission Proposal No. R98-11

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... (P.L. 105-83) $ 166,045,000
BUREAU: Forest Service	Other budgetary resources.. $ 145,000,000
Appropriations title and symbol: Reconstruction and construction 12X1103	Total budgetary resources... $ 311,045,000
	Amount proposed for rescission..... $ 30,000
OMB identification code: 12-1103-0-1-302	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act [ ] Other _____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: This account provides for reconstruction, rehabilitation, upgrade, construction, and acquisition of facilities and for construction of roads and trails. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
178,000	177,983	-17	-13	—	—	—	—

Department of Agriculture

Forest Service

Forest and rangeland research

Of the funds made available under this heading in Public Law 105–83, $148,000 are rescinded.

Rescission Proposal No. R98-12

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... (P.L. 105-83) $ 187,944,000
BUREAU: Forest Service	Other budgetary resources.. $ 29,000,000
Appropriations title and symbol: Forest and rangeland research 12X1104	Total budgetary resources... $ 216,944,000
	Amount proposed for rescission..... $ 148,000
OMB identification code: 12-1104-0-1-302	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: The mission of this account is to serve society by developing and communicating the scientific information and technology needed to protect, manage, use, and sustain the natural resources of the Nation's forests and rangelands. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
169,000	168,880	-120	-28	—	—	—	—

Department of Agriculture

Forest Service

State and private forestry

Of the funds made available under this heading in Public Law 105–83, $59,000 are rescinded.

Rescission Proposal No. R98-13

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $ 161,237,000 (P.L. 105-83)
BUREAU: Forest Service	Other budgetary resources.. $ 22,000,000
Appropriations title and symbol: State and private forestry 12X1105	Total budgetary resources... $ 183,237,000
	Amount proposed for rescission..... $ 59,000
OMB identification code: 12-1105-0-1-302	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act [ ] Other _____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: This account provides assistance to manage, use, and protect forest resources on State, urban, and private lands to meet domestic and international demands for goods and services. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
161,000	160,956	-44	-15	—	—	—	—

Department of Agriculture

Forest Service

Wildland fire management

Of the funds made available under this heading in Public Law 105–83, $148,000 are rescinded.

Rescission Proposal No. R98-14

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $ 584,707,000 (P.L. 105-83)
BUREAU: Forest Service	Other budgetary resources.. $ 151,000,000
Appropriations title and symbol: Wildland fire management 12X1115	Total budgetary resources... $ 735,707,000
	Amount proposed for rescission..... $ 148,000
OMB identification code: 12-1115-0-1-302	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multi-year: _____ (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other _____

Justification: This account provides for fire management, presuppression, and suppression on national forest system lands, adjacent State and private lands, and other lands under fire protection agreements. The proposed rescission is based on the affected program's FTE level and an estimate of its impact on the Department's civil rights resources, and is intended to offset supplemental appropriations for the Department's Civil Rights Initiative. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. These reductions can be absorbed within the available resources and would have a negligible impact on the program.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
679,000	678,853	-147	-1	—	—	—	—

Department of the Interior

Bureau of Land Management

Management of lands and resources

Of the funds made available under this heading in Public Law 104–208, $1,188,000 are rescinded.

Rescission Proposal No. R98-15

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Interior	New budget authority..... (P.L. 105-83) $ 583,270,000
BUREAU: Bureau of Land Management	Other budgetary resources.. $ 103,850,000
Appropriations title and symbol: Management of lands and resources 14X1109	Total budgetary resources... $ 687,120,000
	Amount proposed for rescission..... $ 1,188,000
OMB identification code: 14-1109-0-1-302	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: This account funds the management of land resources, wildlife and fisheries, threatened and endangered species, recreation management, energy and minerals, realty and ownership management, resource protection and maintenance, automated lands and minerals records system, workforce and organizational support, and Alaska mineral assessment. A rescission is proposed because balances remain from emergency funds provided in P.L. 104-208 to restore public lands damaged by fire. Actual restoration costs were lower than anticipated, in part because the treatment methods used cost less than the treatments originally anticipated. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
571,000	570,073	-927	-261	...	...	...	...

Department of the Interior

Bureau of Land Management

Oregon and California grant lands

Of the funds made available under this heading in Public Law 104–208, $2,500,000 are rescinded.

Rescission Proposal No. R98-16

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Interior	New budget authority..... $ 101,406,000 (P.L. 105-83)
BUREAU: Bureau of Land Management	Other budgetary resources.. $ 23,140,000
Appropriations title and symbol: Oregon and California grant lands 14X1116	Total budgetary resources... $ 124,546,000
	Amount proposed for rescission..... $ 2,500,000
OMB identification code: 14-1116-0-1-302	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: This account funds Western Oregon resources management, Western Oregon information and resource data systems, Western Oregon facilities management, Western Oregon construction and acquisition, and Jobs in the Woods. A rescission is proposed because balances remain from emergency funds provided in P.L. 104-208 to restore public lands in Oregon damaged by fire. Actual restoration costs were lower than anticipated, in part because the treatment methods used cost less than the treatments originally anticipated, and regular appropriations were used to treat damaged lands. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
116,000	114,350	-1,650	-750	-100	...	...	...

Department of the Interior

Bureau of Reclamation

Water and related resources

Of the funds made available under this heading in Public Law 104–206, $532,000 are rescinded.

Rescission Proposal No. R98-17

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Interior	New budget authority..... $ 694,348,000 (P.L. 105-62)
BUREAU: Bureau of Reclamation	Other budgetary resources.. $ 148,461,383
Appropriations title and symbol: Water and related resources 14X0680	Total budgetary resources... $ 842,809,383
	Amount proposed for rescission..... $ 532,000
OMB identification code: 14-0680-0-1-301	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act [ ] Other _____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: This account funds the development, management, and restoration of water and related natural resources in the 17 Western States. A rescission is proposed because there will be project savings by taking rigorous steps to reduce costs for individual projects. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
806,000	805,569	-431	-101	...	...	...	...

Department of the Interior

Bureau of Mines

Mines and minerals

The following amounts, totaling $1,604,860, are rescinded from funds made available under this heading: in Public Law 103–332, $1,255,368; in Public Law 103–138, $59,831; in Public Law 102–381, $172,634; and in Public Law 102–154, $117,027.

Rescission Proposal No. R98-18

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Interior	New budget authority.....	$ _____
BUREAU: Bureau of Mines	Other budgetary resources..	$ 4,625,890
Appropriations title and symbol: Mines and minerals 14X0959	Total budgetary resources...	$ 4,625,890
	Amount proposed for rescission.....	$ 1,605,000
OMB identification code: 14-0959-0-1-306	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act	
Grant program: [ ] Yes [X] No	[ ] Other _____	
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____	

Justification: This account funded the development and demonstration of environmental technologies to protect public lands and aquatic areas, improvements in worker health and safety, and development of minerals information and policy analysis. The program was terminated in 1996 and certain functions were transferred to other agencies. A rescission is proposed because funds from grants projects have been recaptured and are not available for other purposes. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
15,000	13,395	-1,605	...	...	...	...	...

Department of the Interior

United States Fish and Wildlife Service

Construction

Of the funds made available under this heading in Public Law 104–208, $1,188,000 are rescinded.

Rescission Proposal No. R98-19

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Interior	New budget authority..... $ 45,006,000 (P.L. 105-83)
BUREAU: United States Fish and Wildlife Service	Other budgetary resources.. $ 156,289,155
Appropriations title and symbol: Construction 14X1612	Total budgetary resources... $ 201,295,155
	Amount proposed for rescission..... $ 1,188,000
OMB identification code: 14-1612-0-1-303	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multi-year: _____ (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other _____

Justification: This account funds facility construction and rehabilitation, energy conservation, pollution abatement and hazardous materials cleanup, and the repair and inspection of dams and bridges. A rescission is proposed because there will be project savings by taking rigorous steps to reduce costs for individual projects through value engineering, reducing scope, or using standardized designs. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
109,000	108,762	-238	-653	-297	...	...	...

Department of the Interior

National Park Service

Construction

Of the funds made available under this heading in Public Law 104–208, $1,638,000 are rescinded.

Rescission Proposal No. R98-20

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Interior	New budget authority..... $ 214,901,000 (P.L. 105-83)
BUREAU: National Park Service	Other budgetary resources.. $ 292,234,428
Appropriations title and symbol: Construction 14X1039	Total budgetary resources... $ 507,135,428
	Amount proposed for rescission..... $ 1,638,000
OMB identification code: 14-1039-0-1-303	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multi-year: _____ (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other _____

Justification: This account funds construction; emergency, unscheduled, and housing projects; planning; general management plans; equipment replacement; and Elwha River restoration. A rescission is proposed because there will be project savings by taking rigorous steps to reduce costs for individual projects through value engineering reducing scope, or using standardized designs. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
217,000	216,754	-246	-491	-410	-328	-163	...

Department of the Interior

Bureau of Indian Affairs

Construction

Of the funds made available under this heading in Public Law 104–208, $737,000 are rescinded.

Rescission Proposal No. R98-21

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Interior	New budget authority..... (P.L. 105-83) $ 125,051,000
BUREAU: Bureau of Indian Affairs	Other budgetary resources.. $ 108,000,000
Appropriations title and symbol: Construction 14X2301	Total budgetary resources... $ 233,051,000
	Amount proposed for rescission..... $ 737,000
OMB identification code: 14-2301-0-1-452	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multi-year: _____ (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other _____

Justification: This account funds education construction, public safety and justice construction, resources management construction, general administration, and tribal government construction. A rescission is proposed because there will be project savings by taking rigorous steps to reduce costs for individual projects through value engineering, reducing scope, or using standardized designs. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
128,000	127,830	-170	-221	-184	-162	...	...

Department of Transportation

Office of the Secretary

Payments to air carriers

Of the funds made available under this heading in Public Law 101–516 and subsequently obligated, $2,499,000 shall be deobligated and are hereby rescinded.

Rescission Proposal No. R98-22

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Transportation	New budget authority..... $ 0
BUREAU: Office of the Secretary	Other budgetary resources.. $ 0
Appropriations title and symbol: Payments to air carriers 69X0150	Total budgetary resources... $ 0
	Amount proposed for rescission..... $ 2,499,000
OMB identification code: 69-0150-0-1-402	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [ ] Appropriation [X] Contract authority [ ] Other _____

Justification: Prior to 1992, this account funded the Essential Air Services (EAS) program, which subsidized air transportation at small remote communities. Beginning in 1992, the program was funded from the Airport and Airway tust fund. This rescission is proposed because the obligated balances in the account will not be expended and can be deobligated. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
2,000	...	-2,499	...	...	...	...	...

Department of Transportation

Office of the Secretary

Payments to air carriers

(Airport and Airway trust fund)

Of the budgetary resources provided for "Small Community Air Service" by Public Law 101–508 for fiscal years prior to fiscal year 1998, $1,000,000 are rescinded.

Rescission Proposal No. R98-23

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Transportation	New budget authority..... $ 0
BUREAU: Office of the Secretary	Other budgetary resources.. $ 3,976,152
Appropriations title and symbol: Payments to air carriers (Airport and airway trust fund) 69X8304	Total budgetary resources... $ 3,976,152
	Amount proposed for rescission..... $ 1,000,000
OMB identification code: 69-8304-0-7-402	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [ ] Appropriation [X] Contract authority [ ] Other _____

Justification: This account funded the Essential Air Services (EAS) program, which subsidized air transportation at small remote communities, from the Airport and airway trust fund. The Federal Aviation Administration (FAA) Reauthorization Act of 1996 converted the EAS program funding to mandatory supported by FAA overflight fees, and increased the program level from $25.9 million to $50 million annually. This rescission is proposed because not all of the unobligated balances will be obligated. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
10,000	10,000	...	...	...	...	...	...

Department of Transportation

Maritime Administration

Maritime guaranteed loan (Title XI) program account

Of the funds made available under this heading in Public Law 105–119, $2,138,000 are rescinded.

Rescission Proposal No. R98-24

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Transportation	New budget authority..... (P.L. 105-119) $ 35,725,000
BUREAU: Maritime Administration	Other budgetary resources.. $ 61,989,330
Appropriations title and symbol: Maritime guaranteed loan (Title XI) program account 69X1752	Total budgetary resources... $ 97,714,330
	Amount proposed for rescission..... $ 2,138,000
OMB identification code: 69-1752-0-1-999	**Legal authority (in addition to sec. 1012):** [X] Antideficiency Act [ ] Other _____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multi-year: _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: This program provides guaranteed loans for purchasers of ships from the U.S. shipbuilding industry and for modernization of U.S. shipyards. This rescission is proposed because, in FY 1998, more than $61 million in unobligated balances was brought forward from FY 1997, approximately twice the enacted level of $32 million, to cover the cost of loans guaranteed in FY 1998. This large carryover reflects lower demand in recent years for these loan guarantees. In addition, new loan guarantees will be less risky than previous loans, resulting in a 30 percent lower subsidy rate. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect (in thousands of dollars):

1998 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
91,000	88,862	-2,138	...	...	...	...	...

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federal register

Friday
February 27, 1998

Part III

Northeast Dairy Compact Commission

7 CFR Part 1301

Compact Over-Order Price Regulation; Final Rule

Results of Producer Referendum on Compact Over-Order Price Regulation; Final Rule

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Part 1301

Compact Over-Order Price Regulation

AGENCY: Northeast Dairy Compact Commission.

ACTION: Final rule.

SUMMARY: This rule amends the current Compact Over-Order Price Regulation to exempt from the regulation any fluid milk sold in eight-ounce containers distributed by handlers under open competitive bid contracts and sold by School Food Authorities in New England during the 1998–1999 contract year, to the extent an increased cost of such milk is documented as attributable to operation of the price regulation. The Compact Commission will reimburse School Food Service Authorities for such documented increased costs.

EFFECTIVE DATE: April 1, 1998.

ADDRESSES: Northeast Dairy Compact Commission, 43 State Street, P.O. Box 1058, Montpelier, Vermont 05601.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at (802) 229-1941 or by facsimile at (802) 229–2028.

SUPPLEMENTARY INFORMATION:

Background

The Compact Commission was established under authority of the Northeast Interstate Dairy Compact ("Compact"). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93–320; Maine—Pub. L. 89–437, as amended, Pub. L. 93–370; Massachusetts—Pub. L. 93–370; New Hampshire—Pub. L. 93–106; Vermont—Pub. L. 89–95, as amended, 93–57. Consistent with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Pub. L. 104–127 (FAIR ACT), Section 147, codified at 7 U.S.C. sec. 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. sec. 7256(1) authorized implementation of the Compact.

Section 8 of the Compact empowers the Compact Commission to engage in a broad range of activities designed to "promote regulatory uniformity, simplicity and interstate cooperation." For example, the Compact authorizes the Compact Commission to engage in a range of inquiries into the existing milk programs of both the participating states and the federal milk marketing system, to make recommendations to participating states, and to work to improve industry relations as a whole. See Compact, Art. IV, section 8.

In addition to the powers conferred by Section 8, the Compact also authorizes the Compact Commission to consider adopting a compact Over-order Price Regulation. See Compact, Art. IV, section 9. A *compact over-order price* is defined as:

> A minimum price required to be paid to producers for Class I milk established by the Commission in regulations adopted pursuant to sections nine and ten of this compact, which is above the price established in federal marketing orders or by state farm price regulation in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the Commission.

Compact, Art. II, section 2(8).

The regulated price authorized by the Compact is actually an incremental amount above, or "over-order" the minimum price for the same milk established by Federal Milk Market Order #1. The price regulation establishes the minimum procurement price to be paid by fluid milk processors for milk that is ultimately utilized for fluid milk consumption in the New England region. Price regulation also provides for payment of a uniform "over-order" price, out of the proceeds of the price regulation, to dairy farmers making up the New England milkshed, regardless of the utilization of their milk. See Compact, Art. IV, section 9 ("The Commission is hereby empowered to establish the minimum price for milk to be paid by pool plants, partially regulated plants and all other handlers receiving milk from producers located in a regulated area.")

Section 11 of the Compact delineates the administrative procedure the Compact Commission must follow in deciding whether to adopt or amend a price regulation:

> Before promulgation of any regulations establishing a compact over-order price or commission marketing order, including any provision with respect to milk supply under subsection 9(f), or amendment thereof, as provided in Article IV, the Commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall be governed by section four of the Federal Administrative Procedures Act, as amended (5 U.S.C. § 553). In addition, the Commission shall, to the extent practicable, publish notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the Commission shall hold a public hearing. The Commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers, any organization of milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

As part of any rulemaking procedure to establish or amend a price regulation, Section 12(a) of the Compact, directs the Commission to make four findings of fact with respect to:

> (1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.
>
> (2) What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.
>
> (3) Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.
>
> (4) Whether the terms of the proposed regional order or amendment are approved by producers as provided in section thirteen.

Compact, Art. V, Section 12.

Pursuant to Section 11 of the Compact, the Compact Commission initiated its first rulemaking procedure in December, 1996.[1] The rulemaking culminated on May 30, 1997 with the issuance of a final rule establishing a compact over-order price regulation for the period July 1, 1997–December 31, 1997.[2] On September 8, 1997, the Compact Commission issued notice of proposed rulemaking to consider whether to extend the price regulation beyond the present December 31, 1997 expiration date and whether to amend the regulation generally.[3] On November 25, 1997, a final rule was issued extending the price regulation through to sunset of the Compact enabling

[1] The Commission issued a notice of Hearing on December 13, 1996, 61 FR 65604, and held public hearings on December 17 and 19, 1996. The notice also invited the public to submit written comments through January 2, 1997. Following the close of this comment period, the Commission met on January 16, 1997 and established three working groups to consider the testimony and data submitted. The Commission issued a notice of Additional Comment Period on March 14, 1997, 62 FR 12252. This comment period closed on March 31, 1997; the reply comment period closed April 9, 1997. Based on the testimony and comment received, the Compact Commission issued a proposed rule on April 28, 1997 to adopt price regulation, 62 FR 23032. As part of the proposed rule, the Commission published for comment technical regulations to be codified at 7 CFR 1300, *et seq.* Minor corrections to the proposed rule were published May 8, 1997, 62 FR 25140, to provide clarification and to correct errors. The Compact Commission received additional comment in response to the proposed rule issued April 28, 1997.

[2] 62 FR 29627 (May 30, 1997).

[3] 62 FR 47156 (September 8, 1997)

legislation, and amending the technical regulation in certain instances.[4]

On December 11, 1997 (62 FR 65226), the Compact Commission issued a notice of proposed rulemaking[5] to exempt from the regulation fluid milk distributed by handlers under open and competitive bid contracts for the 1998–1999 contract year with New England School Food Authorities for child nutrition programs qualified for reimbursement under the National School Lunch Act and the Child Nutrition Act.[6] The Notice set a public hearing for December 29, 1997, as required by Section 11 of the Compact, and, pursuant to the Commission's bylaws, invited the public to submit written comments through January 12, 1998.

Based on the oral testimony and written comment received, and by reference to the reasoning set forth in its previous and final rules, the Compact Commission hereby amends the current Compact Over-order Price Regulation to exempt from the regulation fluid milk distributed by handlers under open and competitive bid contracts for the 1998–1999 contract year and sold by School Food Authorities, to the extent that an increased cost for such milk can be documented as attributable to operation of the price regulation.

The technical provisions of the Compact Over-order Price Regulation is codified at 7 CFR 1300 through 1308.1. The rule amends the regulation by adding a new paragraph (e) to 7 CFR 1301.13 *Exempt milk.*

Immediately following is a summary analysis and response to the comments received during the present rulemaking procedure. A more detailed review and response follows, organized around the finding analysis required by Section 12 of the Compact.

I. Summary Analysis of Comments Received in Response to the Proposed Rule and Compact Commission's Response

The Commission duly considered oral and written comment received at the December 29, 1997[7] hearing and the considered additional comments received by the Compact Commission's published deadline of January 12, 1998. The Compact Commission met on January 26, 1998 to consider and act on the comment received.[8]

Fifty-one separate comments were received during the hearing and written comment period. Of the total commenters, thirty-one expressed support for the regulation's amendment and fifteen expressed opposition to its amendment. The remaining five commenters took no apparent position on the proposal.

Ten of the fourteen commenters opposing the amendment were farmers. The remainder included representatives of farmer groups or organizations representing farmers. Five farmers spoke in support of the exemption.[9] Nine of the remainder of the thirty-two commenters supporting the amendment were directly employed in providing school lunches to schools, including representatives from Canton, Walpole, Pittsfield, Wakefield, Essex, and Quincy, Massachusetts. The remaining commenters in support of the exemption are a diverse group, including representatives of the region's departments of agriculture, officials of dairy farmer cooperatives and other farmer organizations, and a state legislative representative from Massachusetts.

Those farmers opposed to the amendment spoke of their strong support for the Compact and the need to keep the price regulation intact. Most of these commenters spoke in specific terms of the importance of the price regulation to the viability of their farming operations, but only in general terms with regard to its possible impact on school food service programs. The commenters who testified in favor of the exemption as food service program administrators provided specific evidence of the potential cost to their programs caused by the price regulation, and the importance of exemption from such cost. They described how food service programs are non-profit and predominantly self-supporting, and can absorb increased cost inputs only by price increases for meals or a la carte items. These commenters also emphasized the nutritional importance of milk. Many referred to the existing exemption in the price regulation for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) as a justification for treating school food service programs in a similar manner.

Other commenters who spoke in favor of establishing an exemption for school food service programs cautioned against making the exemption broader than necessary. Rather than exempting all milk sold to schools for the entire amount of the over-order price regulation, as in the WIC model, these commenters stressed the need for an exemption procedure by which only the actual, documented, amount of increased cost for milk sold in eight-ounce containers directly attributable to the price regulation would be reimbursed.[10]

The November 25, 1997 final rule establishing the present Compact over-order price regulation, as well as its predecessor promulgated May 30, 1997, defined as a governing principle the importance of assuring that the regulation does not adversely affect operation of child nutrition programs. Stemming in part from this governing principle, despite the Commission's overall determination that the end-consumer market would be positively affected by operation of the price regulation over time, the Commission established an exemption for the WIC program. This exemption was established in part because of the determination that the WIC program is unique as a capped entitlement program, but also out of an abundance of caution to assure that the program would be "held harmless" against any unanticipated short-term market distortions or other consequences attributable to the price regulation.

Following from this underlying, governing principle, the Commission is persuaded by the comment received in the present rulemaking procedure of the need to establish a limited exemption for school food service programs.[11] The Commission is responding, at bottom, to the universal understanding of the nutritional importance of milk for child nutrition, and the central role that school food service programs play in providing for child nutrition.

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[4] 62 FR 62810 (November 25, 1997)

[5] The proposed rulemaking stemmed from the report of a Commission Ad Hoc Committee established pursuant to the final rule adopted on November 25, 1997. The rule charged the task force with assessing the impact of the Compact over-order price regulation on school food service programs and to "make recommendations as to whether the region's school food service programs should receive reimbursement for some or all of any increased costs attributable to the price regulation and, if so, the method for reimbursing the appropriate authorities." 62 FR 62820.

[6] National School Lunch Act of 1946, Pub. L. 79–396; Child Nutrition Act of 1966, Pub.L. 89–642.

[7] December 11, 1997, 62 FR 65226.

[8] Public Notice of the January 26, 1998 meeting was published originally on January 9, 1998, 63 FR 1396. The meeting was rescheduled for January 26, 1998 (63 FR 3267, published January 22, 1998).

[9] One farmer, Bill Peracchio, initially testified against the exemption at the public hearing, but subsequently submitted written testimony in support of the exemption.

[10] These commenters included representatives from the Connecticut Farm Bureau, Agri-Mark, Inc., Massachusetts Cooperative Milk Producer's Federation, Independent Dairymen's Association, St. Albans Cooperative Creamery, Inc. and the Connecticut, Massachusetts and Vermont Departments of Agriculture.

[11] As explained below, the comment received makes clear that the exemption should apply to all milk served by school food service programs rather than only milk provided through government supplemental nutrition programs by schools, as set forth in the proposed rule.

Accordingly, the Commission hereby amends the price regulation to exempt milk sold in eight-ounce containers by school food service programs during the 1998–1999 school year, to the extent an increased cost attributable to operation of the price regulation is documented.

The comments received with regard to the significant concerns and relative positions on the critical issues invoked by the finding analysis mandated by Section 12(a) of the Compact are now addressed in detail.

II. Summary and Further Explanation of Findings Regarding Amendment

As noted above, Section 12(a) of the Compact directs the Commission to make four findings of fact before an amendment of the over-order price regulation can become effective.

The first finding considers whether the establishment of an exemption mechanism for milk sold in eight-ounce containers by school food service programs serves the public interest. The Compact Commission finds that the public interest will be served by a reimbursement process for the school year contract period for 1998–1999, or September, 1998–June, 1999.[12]

The second finding considers the level of producer price needed to cover costs of production and to assure an adequate local supply of milk. The Compact Commission finds that the exemption for milk sold in eight-ounce containers by school food service programs will reduce the net producer price established under the regulation by approximately three percent. Such a reduction will adversely affect to some degree the regulation's intended function as contemplated under this finding analysis. Nonetheless, the Commission concludes that this impact must be balanced within the overall context of the public interest contemplated under the first finding analysis, in which the paramount importance of child nutrition programs is overriding.

The fourth finding, requiring the determination of whether the amendment has been approved by producer referendum pursuant to Article IV, Section 12 of the Compact, is invoked in this instance given that the amendment will affect the level of the price regulation on the producer side. In this final rule, as in the previous final rules, the Compact Commission makes this finding premised upon certification of the referendum's results published separately in this **Federal Register**. The procedure for such certification is set forth infra in the section of this rule addressing the fourth finding.[13]

A. Whether an Amendment to the Price Regulation Establishing A Reimbursement Provision for Milk Sold in Eight-Ounce Containers by School Food Service Programs Will Serve the Public Interest

As one of the four underlying findings required for the establishment of price regulation, the Compact Commission must determine:

(1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

Compact, Art. V., Section 12(a)(1).

In its prior rulemakings, as part of a broad ranging consideration of the public interest in price regulation, the Compact Commission directly addressed the anticipated impact of the price regulation on child supplemental nutrition programs. The Commission there determined that school food services programs operate essentially in accordance with the broad parameters of the competitive retail marketplace, whereby the price for school milk sold in eight-ounce containers is set through an open, competitive, bid process. Based on a direct reference to a General Accounting Office study's description of the programs, the Commission determined that:

The National School Lunch Act of 1946 (Pub. L. 79–396) and the Child Nutrition Act of 1966 (Pub. L. 89–642) authorize USDA to reimburse state and local school authorities—under grant agreements—for some or all of the costs of these programs. Reimbursements are based on either the number of meals served or the number of half pints served. The schools use these funds, as well as state and local funds and moneys collected from students, to purchase food, including milk, for these programs. These purchases are made through either sealed bid or negotiated procurements. USDA's regulations require that these procurements be conducted in a manner that provides for the maximum amount of open and free competition.[14]

All commenters in the present rulemaking procedure, whether for or against an exemption, agree on the importance of school food service programs in ensuring that children have the opportunity to eat a nutritious and balanced meal at lunchtime during the school day (and at breakfast, where such meals are available). According to the comment received, milk provides 23–38 percent of the daily calcium requirement critical to bone development, depending on age, as well as other important nutrients and vitamins.[15]

One registered dietician explained why milk is such a valued and critical source of child nutrition:

Now there are other sources of calcium. They include broccoli, kale, turnip and beet greens, canned fish, tofu, dried peas and beans. Frankly, none of these are really popular with children. So you can see that not only the most economical but the most acceptable source of calcium is milk or milk products.[16]

One farm couple, though opposed to an exemption, summed up the universal understanding of milk's importance as a nutritional source:

Nutritionally, young children should consume their minimum daily requirements of calcium to avoid later skeletal problems. Calcium is stored as money in the bank for use in later life.[17]

The Commission received extensive, additional comment from directors of school food services programs about the operation and financing of these programs, and about the significance and relative cost of milk to the success of these programs.[18] The food service program directors described how their programs are for the most part self-funding, or without external funding from municipalities or state government, and receive only partial reimbursement from the federal government. The non-profit nature of the programs was also delineated. For example, the profit and loss statement for one program disclosed a total profit of $707.48 against total expenditures of $701,218.05, and it was explained that this surplus was intended as a carry-

[12] As developed further below, the Commission notes that the Compact sunsets by law no later than April, 1999, so that the actual term of the exemption is in reality from September, 1998–April, 1999.

[13] The third finding requires a determination of whether the provisions of the regulation other than those establishing minimum milk prices are in the public interest. The amendment serves only to establish a direct exemption from the price regulation itself. The matter of the public interest is thereby addressed under the first required finding and not under this finding. In any event, the Commission concludes that the price regulation, with operation of the amendment, remains in the public interest in the manner contemplated by this finding.

[14] GAO Report 13–239877 at p. 2 (October 16, 1992) submitted by Jim Jeffords as Additional Reply Comment, April 9, 1997; *see also* 62 FR 23050.

[15] Nancy E. Sandbach, Director of Nutrition Education, New England Dairy and Food Council, WC, January 5, 1998.

[16] Lois Black, Registered Dietician, Hamilton-Wenham Regional School District, December 29, 1997, Public Hearing at 43.

[17] Jacqueline and Dale Lewis, WC, January 12, 1998.

[18] Tina Lauersdorf, Food Service Director, Wakefield, MA Public Schools, December 29, 1997, Public Hearing at p. 25; Lois Black, Registered Dietician, Hamilton-Wenham, MA Regional Schoo! District, PH at p. 41; and Jaqueline Morgan, Food Services Director, Walpole, MA Public Schools, PH at p. 80. See also Allen Brown, Kenneth Leon and Marsha J. Maher, Canton, MA Public Schools, WC, December 22, 1997.

over to cover initial costs for the subsequent school year.[19]

Sales of milk by school food service programs, predominantly in eight-ounce containers, were described as occurring in two forms, either as part of a breakfast or lunch meal package or a la Carte. Lunch meal prices, including the milk container, are in the range of $1.00–$1.75.[20] A la Carte milk prices ranged from $0.35–$0.50 per container.

These commenters, as well as others,[21] described the milk procurement process for school food service programs. Supply contracts for a subsequent school year are put out to bid by individual districts or consortiums of districts, usually in April or May. After a review process, the contracts are let in July. By law, Massachusetts' school districts must accept the lowest bid received.

Bids and contracts take two forms, variable or fluctuating, and fixed. Fluctuating bids and contracts account for the variability in the vendor/processor's procurement cost, attributable to the monthly changes in federal milk market order pricing for fluid, or Class I milk. Fluctuating bids and contracts account for these changes by the establishment of a benchmark price as of a particular month, with allowance for subsequent changes in the market order price. Fixed bids and contracts do not allow for any such variability in the school program procurement price; the inherent variability in the processor's cost is built into the price upfront, and applies for the duration of the contract.[22]

According to statistics provided by the Massachusetts Department of Agriculture, approximately half each of all contracts are let by the fixed and variable methods. Also according to the Department's statistics, school food service program sales of milk amount to approximately three to four percent of all total fluid milk sales in the New England region.

All commenters associated with school food service programs were unanimous in expressing their concern that the programs are extremely sensitive to cost increases for milk. All expressed the concern that increases in milk costs could adversely affect their ability to provide milk to schoolchildren. These commenters all indicated that they understood the Compact price regulation as causing such a price increase, with the resulting adverse impact on their programs. For this reason, all commenters associated with school food service programs requested an exemption from the price regulation for their milk purchases.

As noted by many other commenters, however, the commenters associated with the school food service programs based their calculations of the potential or actual impact of the price regulation on a clearly inaccurate and incomplete understanding of the price regulation's operation.[23] Despite their apparent knowledge of the monthly variability in milk pricing, the food service program commenters expressed their opinions of the regulation's potential annual impact by reference to a letter from one vendor, describing the regulation's impact for only the one month of September, 1997. Even accounting for the well-understood arcane nature of milk market regulation, such incomplete analysis is by definition limited in terms of its benefit for understanding the dynamics between the price regulation and the region's school lunch programs.

The Commission further notes that the stated concerns expressed with regard to the potential impact of the price regulation come predominantly from food service programs in the state of Massachusetts. While comment in support of the exemption was received from a Food Service program provider in New Hampshire and in Vermont, all other commenters associated with food service programs were from Massachusetts. From the comment received, it is apparent that the concerns of many of these Massachusetts-based programs stemmed from the unsuccessful attempt by one vendor, West Lynn Creamery, Inc., to increase the fixed contract price to a number of school districts the vendor supplied, after the price regulation went into effect. Though unsuccessful, the attempt apparently served to bring operation of the price regulation to the attention of these commenters.[24]

Notwithstanding these vagaries in the testimony, the Compact Commission is persuaded that the comment received indicates that the price regulation may serve, at least in the short-term, to increase the cost of milk provided by school food service programs, and that such increase would have an adverse impact on the effectiveness of these vital child nutrition programs. Accordingly, the Commission hereby determines that the establishment of an exemption from the price regulation to preclude such an adverse impact best serves the public interest.

Many commenters other than representatives of school food service programs support this conclusion. For example, Leon Graves, Vermont Commissioner of Agriculture, testified that:

> The agricultural community understands the need to err on the side of caution regarding supplemental nutrition programs. As farmers are benefiting from the Compact Regulation, we recognize that the nutrition and well-being of children should not be at risk as a result of our efforts. If there is evidence in the record to demonstrate that increased milk contract prices are harming schools involved in child nutrition programs, then as was done with WIC, it would be prudent for the Commission to grant an exemption for milk in school meal programs as well.[25]

Frank Mattheson, a dairy farmer from Littleton, MA echoed the Commissioner's sentiment:

> I am concerned that even one child or school district is hurt by the Compact.[26]

The Commission accepts the approach of those commenters supporting an exemption premised on reimbursement of only higher costs that can be documented as attributable to the

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[19] Jaqueline Morgan, Food Services Director, Walpole, MA Public Schools, WC, January 9, 1998.

[20] Lois Black, Registered Dietician, Hamilton-Wenham Regional School District, December 29, 1997, Public Hearing at 77; Jaqueline Morgan, Food Services Director, Walpole, MA Public Schools, December 29, 1997, Public Hearing at p. 129.

[21] See e.g. William J. Gillmeister, Economist, Massachusetts Department of Agriculture, WC, January 12, 1998.

[22] See Jaqueline Morgan, WC January 9, 1998, "Cooperative Purchasing, Specifications for Milk and Milk Products, FY 1997–98"; see also William J. Gillmeister, WC, January 12, 1998.

[23] See e.g. Leon Berthiaume, WC, January 12, 1998; Bob Wellington, WC, January 9, 1998.

[24] "When food service directors got this letter [from West Lynn Creamery announcing the intended price increase] the phone was ringing * * *" Jaqueline Morgan, December 29, 1997, Public Hearing, p. 119.

The comment about this vendor's competitive conduct in the 1997–1998 bid process, and that of others, also may indicate that the price regulation could have created a downward pressure on milk prices in the manner contemplated by the Commission's analysis in the final rule adopting the price regulation. According to the testimony, West Lynn's attempt to increase the contract price for its milk after the price regulation went into effect may have ultimately been unsuccessful because "* * * they would no longer be the lowest bidder so instead of going out to re-bid, West Lynn absorbed the cost into their price." Jaqueline Morgan, PH p. 119. This commenter subsequently qualified her statement by indicating that she was describing the experience of a program other than her own. While somewhat uncertain, the hearing testimony indicated further that more than the one vendor used this pricing strategy of not incorporating the price regulation into their bid price. "We were informed by Nature's Best that they were not going to pass the price along to our collaborative." Jaqueline Morgan, PH at p. 109; see also Lois Black, PH at p. 47–48, indicating that Turner's Dairy did not include the price regulation in its bid. Such a pricing strategy of not incorporating anticipated price increases into a bid, whether based on the regulation's establishment of a flat procurement price or otherwise, could thus in fact have resulted in the positive, competitive-based, impact on prices anticipated by the rulemaking process.

[25] Leon Graves, PH at p.145.

[26] Frank Mattheson, WC, January 9, 1998.

price regulation.[27] Simple reference to the difference between the federal milk market order price structure and the compact "over-order" price regulation would, for most months at least, result by definition in the determination that the price regulation causes an increased procurement cost to the school food service programs. It is apparent from the comment received, however, that the bid process is in fact competitive and that, while changes in the federal milk market order price are used as a benchmark, the federal pricing structure is not the only component of the vendors' respective cost structures. Diverse costs associated with the particular circumstances of the multi-varied school food service programs,[28] as well as differing overheads, all can affect a vendor's particular bid. Given that some vendors apparently chose not to include it in their bids, incorporation of the price regulation's impact into the cost structure, itself, may also be a consideration, strategic or otherwise.

The Commission concludes that it is appropriate to establish the exemption in this format based on the further determination that such a requirement will not work undue hardship on the school food service programs. The programs currently document and report monthly milk sales for purposes of receiving federal reimbursement. Under this system of reimbursement, all food service programs in each state report to the respective state department of education.[29] The data and procedure for reporting sales currently in use can be relied upon and tailored for purposes of the compact price regulation exemption.

The procedure utilized will be modified to include a certification process from each school food service program vendor, establishing that the compact price regulation has been included in whole or in part in the contract price, and identifying the precise unit cost amount attributable to the price regulation. Vendors will be required to disclose in their bids the underlying cost components resulting in the identified unit price amount. These should include overhead and other standard cost components and the manner and degree to which the federal pricing structure has been incorporated. The Commission again concludes that such a requirement will not work a hardship, given that the vendors must currently make certain certifications as part of the current bid process, as well as account for the interplay between compact and federal price regulation in their composition of fixed and variable bids.[30]

To establish the precise mechanics of the reimbursement procedure, the Compact Commission will enter into a memorandum of understanding with the state departments of education, or other agency as appropriate, not later than May 1, 1998. The memorandum of understanding shall include provisions for certification by supplying vendor/processors that their bid and contract cost structures do in fact incorporate the over-order price obligation, in whole or in part, and provisions for defining the components of cost structure to be provided in support of such certification. The memorandum shall also establish the procedure for providing reimbursement to the school food service programs. This procedure shall provide for quarterly reimbursement, unless it is determined that a different reimbursement time frame would be more efficient and appropriate, and the appropriate amount to be escrowed by the Commission. The memorandum of understanding shall in addition contain provisions to ensure the confidentiality of the bid process.

The exemption is made applicable to all milk sold by school food service programs, rather than only milk qualified for reimbursement under federal child nutrition programs. According to the comment, the reimbursements are imbedded into the revenue structure for the school food service programs. The degree to which the reimbursements reduce program costs for milk, as opposed to the total food costs, cannot thereby be readily identified. As a result, to accomplish its purpose, all milk must be covered by the exemption.[31]

The exemption is limited with regard to its application in time and duration. Based on the comment received describing a competitive bidding process for the 1997–1998 contract year, it is apparent that the exemption must be made prospective, only. It would not be appropriate to interfere with or alter contractual arrangements already established. It is also apparent that the exemption must be limited to apply only to the 1998–1999 contract year, given the Compact's scheduled sunset of no later than April, 1999.

Some of the school food service program directors testifying at the December 29, 1997 Hearing suggested use of the WIC Program exemption procedure as the means to establish the exemption for school milk sales. The WIC Program exemption procedure is not applicable to the school food service programs. As noted, milk is provided in bulk deliveries by single vendors directly to the school food service programs. By contrast, there is no differentiation between or among the variety of fluid milk brands and products supplied to retailers for sale to WIC Program participants and that supplied for sale to all other consumers. On the other end of the transaction, school food service programs sell only program milk in a narrow readily definable transaction pattern, in contrast to the diverse pattern of retail sales to WIC Program participants.

Several commenters opposed establishment of the exemption based on the concern that petitions for additional exemptions would necessarily follow.[32] The Commission declines to rely on this stated concern as wholly speculative. A number of farmer commenters also expressed concern that the Commission was making its decision for political reasons.[33] The Commission responds by emphasizing that the decision arises only out of its assessment of the public interest as expressly required by the Compact, based on the record before it as developed through the regulatory hearing process, pursuant to Art. IV, section 12 of the Compact.

Some commenters indicated that the marginal cost to the school food service programs which may be attributed to the price regulation does not justify the exemption. The Commission responds

[27] Dan Stevens, President, Massachusetts Cooperative Milk Producer's Federation, WC, January 9, 1998; Sally Beach, General Manager, Independent Dairymen's Cooperative Association, December 29, 1997, Public Hearing at p. 12; Leon Berthiaume, General Manager, and Diane Bothfeld, St. Albans Cooperative Creamery, Inc., WC, January 12, 1998 and December 29, 1997, Public Hearing at p. 8; Gabe Moquin, Connecticut Department of Agriculture, WC, January 9, 1998; Leon Graves, Commissioner, Vermont Department of Agriculture, December 29, 1997, Public Hearing at p. 14; Bob Wellington, Senior Vice President, Agri-Mark, Inc., WC, January 9, 1998.

[28] Bids and contracts must expressly account for equipment use and even the provision of straws. (Provided free of charge by Nature's Best). Other considerations are frequency of delivery and the number of "drops" per territory. Jaqueline Morgan, December 29, 1997, Public Hearing at p. 103–104.

[29] Jaqueline Morgan, WC, January 9, 1998; William J. Gillmeister, WC, January 12, 1998.

[30] Jaqueline Morgan, WC, January 9 and 12, 1998.

[31] The exemption is limited to the sale of half-pint containers, the basic sales unit for the school food service programs. See Gabe Moquin, Connecticut Department of Agriculture, WC, January 9, 1998.

[32] See e.g. Doug Carlson, December 29, 1997, Public Hearing at p. 167.

[33] See e.g. Mathew Freund, PH at p. 154; and Dave Jacquier, PH at p. 159. In this regard, the Commission is responding particularly to the testimony of Mr. Jacquier, as well as that of Douglas P. Gillespie, Director of Governmental Relations, MA Farm Bureau Federation, Inc., WC, January 12, 1998.

by referring to the substantial and diverse comment highlighting the specific importance of school food service programs to the promotion of child nutrition. The Commission's decision to establish this exemption is in large part based on the determination that any adverse impact on these particular programs, so targeted for the promotion of child nutrition, is significant and must be avoided.

On the diametrically opposed end of the spectrum, two commenters expressing support for the exemption based their position on the view that the demonstrated need for the exemption should serve in effect as the basis for extinguishing the entire price regulation.[34] The Commission responds to these commenters by reference to the reasoning of the price regulation describing the expected positive impact on all segments of the marketplace, from farmgate to retail, including low-income consumers.

Finally, the Compact Commission notes that the public interest analysis of the rules establishing and extending the price regulation included a balancing of the interests of all persons affected by the price regulation. In this instance, the interests of farmers and processors must be balanced with the interests of the school food service programs, and their clients-children.

The Compact Commission determines that establishment of the instant exemption will not adversely affect the interests of processors. As described above, processor/vendors will retain the discretion to make strategic bid pricing decisions with regard to incorporation of the impact of the price regulation on their costing structures, including a simple pass through, should that be their strategic choice. As also described above, the Commission concludes that the certification and documentation procedure to be established by the memorandum of understanding will not cause undue hardship for processor/vendors.

With regard to the farmer interest, the Commission concludes that the exemption will have an adverse impact by reducing the net payment to producers. As explained in detail below, it is expected that the net payment will be reduced by approximately three percent for the ten-month period September 1998-June 1999. It is to be noted that the over-order price regulation will remain in effect for the summer months of July and August, when federally-established milk prices are traditionally at their low point, and the over-order price at the corresponding highest amounts. The Commission nonetheless concludes that this adverse impact on the farmer pay price must be balanced against the documented potential for harm to the school food service programs.

For all the reasons set forth above, the Commission concludes that the public interest will best be served by the establishment of an exemption from the price regulation and reimbursement procedure for fluid milk distributed by handlers under open competitive bid contracts and sold by School Food Authorities in New England during the 1998–1999 contract year, to the extent an increased cost of such milk is documented as attributable to operation of the over-order price regulation.

B. The Exemption's Impact on the Price Level Needed To Assure a Sufficient Price to Producers and an Adequate Local Supply of Milk

As one of the four underlying findings required for the establishment of price regulation, the Commission must determine:

(2) What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.[35]

Compact Art. V, Section 12(a).

In the prior rulemakings, the Commission's deliberations regarding the level of price required to cover costs of production focused again on the variety of cost inputs identified in Section 9(e) of the Compact. With regard to the price needed to elicit an adequate local supply of milk, the Commission reviewed the nature of the balance of production and consumption in the region, as also called for by Section 9(e) of the Compact. This required review prompted the determination that farm prices have been insufficient to cover costs of production over time ("price insufficiency"), and the degree to which such insufficiency has affected the balance of production and consumption in the region. Assessment of this issue also required consideration of the wide swings over time in farmer pay prices under federal regulation, which have caused farm financial stress and made it difficult for farmers to plan financially ("price instability"), and the failure of farmer pay prices to keep up with inflation.

To determine the required benchmark cost of production, the Commission's analysis surveyed the various cost inputs as required under Section 9(e) of the Compact, including by reference to the numerous studies on the subject.[36] Based on data received from farmers and a comprehensive assessment of a number of these studies, the Commission concluded that the range of the costs of production for New England is somewhere between $14.06 and $16.46. By reference to prevailing federal milk market order prices, the Commission concluded that an over-order pay price in the range of $0.46–$1.90 was necessary to bring farmer pay prices up to the level necessary to cover cost of production.[37] Assuming Class I utilization of 50 percent, this means that price regulation in the amounts of $0.92–$3.80 would be necessary to achieve the necessary range of over-order payment.

In addition to the relatively discrete assessment of the level needed to cover cost of production, the required finding with regard to pay price accounts for the broader assessment of the price level needed to elicit an adequate supply of milk. In the prior rulemaking, the Compact Commission determined that the Compact, Section 9(e) scrutiny of the balance of production and consumption of fluid, or beverage, milk in the region is critical to this additional assessment.[38] The Commission determined that production and consumption are presently in balance, but in a state of balance of pronounced and unsustainable stress that must be alleviated.

Assessment of how to alleviate the stress on the region's supply of milk through price regulation required the Commission to consider how best to alleviate the stress under which producers operate. This inquiry naturally reverted back to the issue of the degree to which farmer pay prices are not sufficient to cover costs of production. In addition, as previously determined, the review led the Commission to conclude that the nature of the persistently unstable farmer pay prices and the degree to which farmer prices have failed to keep pace with inflation are also structural factors of stress.

[34] Arthur S. Jaeger, Executive Director, Public Voice for Food & Health Policy, WC, January 12, 1998; Joyce Campbell, Massachusetts ACORN, WC January 12, 1998.

[35] The Commission limited its assessment to issues relating to the fluid milk market, given the limitations on its authority to regulate the price of milk used for manufacturing purposes. *See* Compact, section 9(a); *see also* 7 U.S.C. Sec. 7256(2). At the same time, for purposes of this analysis, it must be recognized that the present supply needs for manufacturing purposes are not available for fluid usage.

[36] 62 FR 29632–33.

[37] See 62 FR 29633 (final rule); 62 FR 23040–41 (proposed rule)

[38] See 62 FR 29634–35.

Based on this combined analysis, the Commission determined that a compact over-order price of $16.94 would yield sufficient return to farmers to bring the producer price into the low range of that required to cover cost of production. The Commission further concluded that establishment of the over-order Class I obligation as a flat price would also serve to stabilize the producer price, yielding benefits to producers in this regard as well.

The following chart indicates that the price regulation is yielding the anticipated results with regard to producer prices. The current, average, producer price of $0.93 is at the low end of the range identified as required to bring producer prices up to a level sufficient to cover costs of production. Similarly, the current, average, regulated blend price of $14.07 is just over the low end of the identified threshold of $14.06 which defines the price needed to cover costs of production. The chart also indicates that the price regulation is providing stability to producer pay prices relative to what they would have been in its absence.

	Fed order #1 class I price (Zone 1)	Compact over-order obligation	Fed order #1 blend price (Zone 21)	Company producer price	Combined producer price
July	$13.94	$3.00	$11.97	$1.28	$13.25
Aug	13.98	2.96	12.26	1.31	13.57
Sept	14.10	2.84	12.54	1.36	14.17
Oct	15.31	1.63	13.60	0.81	14.44
Nov	16.03	0.91	14.10	0.44	14.54
Dec	16.07	0.87	14.06	0.40	14.46
Jan	16.20	0.74	.....	.....	.....
Feb	16.53	0.41	.....	.....	.....
Avg	15.27	1.67	13.09	0.93	14.07

It is estimated that the exemption and reimbursement for school food service programs will cause a 3 percent decrease in the producer pay price.[39] Based on the current average pay price of $0.93, this would result in a decrease in the pay price of approximately $0.03.

This decrease will bring the producer pay price still nearer to the bottom range of that identified as necessary to bring prices in relative alignment with costs. It is of course apparent that any reduction in the producer pay price will adversely affect the price regulation's intended function with regard to enhancement of producer income. Nonetheless, the amount of the decrease must be understood in view of the fact that the regulation will continue to provide significant stability to producer prices. Accordingly, the Commission concludes that the price regulation, as amended to include an exemption for milk sold by school food service programs will remain at a level sufficient to assure that producer costs of production are covered and to elicit an adequate supply of fluid milk for the region.

III. Required Findings of Fact

Pursuant to Compact Art. V, Sec. 12, the Compact Commission hereby finds:

(1) That the public interest will be served by the establishment [amendment] of minimum milk price [regulation] to dairy farmers under Article IV.

(2) That a level price of $16.94, [accounting for a school lunch exemption], will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

(3) That the terms of the proposed price regulation were approved by producers by referendum.[40]

[39] See William J. Gillmeister, WC, January 12, 1998.

[40] Section 13 of the Compact requires that the Commission conduct a referendum among producers and that, at least, two-thirds of the voting producers approved the regulation. A separate notice in the **Federal Register** certifies the results of the referendum pursuant to the following Referendum Approval Certification Procedure:

The Compact Commission resolves and adopts this procedure for certifying whether the price regulation adopted by this final rule has been duly approved by producer referendum in accordance with Compact Article V, section 12.

Mae Schmidle, Vice-Chair is hereby designated as "Referendum Agent" and authorized to administer this procedure.

The designated Referendum Agent shall:

1. Verify all ballots with respect to timeliness, producer eligibility, cooperative identification, authenticity and other steps taken to avoid duplication of ballots. Verification of ballots shall include those cast individually by block vote. Ballots determined by the Referendum Agent to be invalid shall be marked "disqualified" with a notation of the reason for disqualification. Disqualified ballots shall not be considered in determining approval or disapproval of the regulation.

2. Compute and certify the following:

A. The total number of ballots cast.

B. The total number of ballots disqualified.

C. The total number of verified ballots cast in favor of the price.

D. The total number of verified ballots cast in opposition to the price regulation.

E. Whether two-thirds of all verified ballots were cast in the affirmative.

3. Report to the Executive Director of the Compact Commission the certified computations and results of the referendum under Section 2.

4. At the completion of his or her work, seal all ballots, including the disqualified ballots, and shall submit a final report to the Executive Director stating all actions taken in connection with the referendum. The final report shall include all ballots cast and all other information furnished to or compiled by the Referendum Agent. The ballots cast, the identity of any person or cooperative, or the manner in which any person or cooperative voted, and all information furnished to or compiled by the Referendum Agent shall be regarded as confidential.

The Executive Director shall publish the certified results of the referendum in the **Federal Register**.

List of Subjects in 7 CFR Part 1301

Milk.

Codification in Code of Federal Regulations

For the reasons set forth in the preamble, the Commission amends 7 CFR part 1301 as follows:

PART 1301—[AMENDED]

1. The authority for part 1301 continues to read as follows:

Authority: 7 U.S.C. 7256.

2. Section 1301.13 is amended by adding paragraph (e) to read as follows:

§ 1301.13 Exempt milk.

* * * * *

(e) Effective April 1, 1998, all fluid milk distributed by handlers in eight-ounce containers under open and competitive bid contracts for the 1998–1999 contract year with School Food Authorities in New England, as defined by 7 CFR 210.2, to the extent that the school authorities can demonstrate and document that the costs of such milk have been increased by operation of the Compact Over-order Price Regulation. In no event shall such increase exceed the amount of the Compact over-order obligation. Documentation of increased costs shall be in accordance with a memorandum of understanding entered into between the Compact Commission and the appropriate state agencies not

later than May 1, 1998. The memorandum of understanding shall include provisions for certification by supplying vendor/processors that their bid and contract cost structures do in fact incorporate the over-order price obligation, in whole or in part, and provisions for defining the components of cost structure to be provided in support of such certification. The memorandum shall also establish the procedure for providing reimbursement to the school food service programs, including the scheduling of payments and the amount to be escrowed by the Commission to account for such payments.

Daniel Smith,

Executive Director.

[FR Doc. 98–4140 Filed 2–26–98; 8:45 am]

BILLING CODE 1650–01–P

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Part 1301

Results of Producer Referendum on Compact Over-Order Price Regulation

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of referendum results.

SUMMARY: The Northeast Dairy Compact Commission adopted an over-order price regulation by Final Rule on January 26, 1998, which is published elsewhere in this issue. To become effective the price regulation must be approved by at least two-thirds of all producers voting by referendum. A producer referendum was held during the period of February 10 through February 20, 1998. The Commission's price regulation was approved by more than two-thirds of all producers voting in the referendum.

ADDRESSES: Northeast Dairy Compact Commission, 43 State Street, P.O. Box 1058, Montpelier, Vermont 05601.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at (802) 229–1941 or by facsimile at (802) 229–2028.

SUPPLEMENTARY INFORMATION: The Compact Commission was established under the authority of the Northeast Interstate Dairy Compact ("Compact"). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93–320; Maine—Pub. L. 89–437, as amended, Pub. L. 93–274; Massachusetts —Pub. L. 93–370; New Hampshire—Pub. L. 93–336; Rhode Island—Pub. L. 93–106; Vermont—Pub. L. 89–95, as amended, 93–57. Consistent with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Pub. L. 104–127 (FAIR ACT), Section 147, codified at 7 U.S.C. § 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. § 7256(1), authorized implementation of the Compact.

Article V, Section 13(a) of the Compact provides that to ascertain whether a price regulation established by the Commission is approved by producers the Commission shall conduct a referendum among producers. Section 13(b) provides further that a price regulation shall be deemed approved by producers if the Commission determines that it is approved by at least two-thirds of the voting producers who, during a representative period, have been engaged in the production of milk subject to Commission price regulation. Section 13(c) directs the Commission to consider the approval or disapproval of any qualified cooperative association by block vote as the approval or disapproval of the producers who are members or stockholders in the cooperative association. Section 13 (c)(4) provides that producers who are members of cooperatives may express their approval or disapproval of the order by ballot, and the Commission shall remove their vote from the total certified by the Cooperative.

By Final Rule, published in this **Federal Register**, the Commission adopted an amendment to the over-order price regulation on January 26, 1998, which is published elsewhere in this issue. The Final Rule includes specific findings of fact required under Section 12(a)(1)–(4) of the Compact. The following notice provides certification of the finding required under Section 12(a)(4), specifically: "Whether the terms of the proposed regional order or amendment are approved by producers as provided in section 13."

The Commission adopted the following resolution for certifying a referendum vote at its January 26, 1998 meeting:

> The Compact Commission resolves and adopts this procedure for certifying whether the price regulation adopted by this final rule has been duly approved by producer referendum in accordance with Compact Article V, section 12.
>
> Mae Schmidle, Vice-Chair, is hereby designated as "Referendum Agent" and authorized to administer this procedure.
>
> The designated Referendum Agent shall:
>
> 1. Verify all ballots with respect to timeliness, producer eligibility, cooperative identification, authenticity and other steps taken to avoid duplication of ballots. Verification of ballots shall include those cast individually by block vote. Ballots determined by the Referendum Agent to be invalid shall be marked "disqualified" with a notation of the reason for disqualification. Disqualified ballots shall not be considered in determining approval or disapproval of the regulation.
>
> 2. Compute and certify the following:
>
> A. The total number of ballots cast.
>
> B. The total number of ballots disqualified.
>
> C. The total number of verified ballots cast in favor of the price.
>
> D. The total number of verified ballots cast in opposition to the price regulation.
>
> E. Whether two-thirds of all verified ballots were cast in the affirmative.
>
> 3. Report to the Executive Director of the Compact Commission the certified computations and results of the referendum under Section 2.
>
> 4. At the completion of his or her work, seal all ballots, including the disqualified ballots, and shall submit a final report to the Executive Director stating all actions taken in connection with the referendum. The final report shall include all ballots cast and all other information furnished to or compiled by the Referendum Agent.
>
> The ballots cast, the identity of any person or cooperative, or the manner in which any person or cooperative voted, and all information furnished to or compiled by the Referendum Agent shall be regarded as confidential.
>
> The Executive Director shall publish the certified results of the referendum in the **Federal Register.**

A referendum was held during the period of February 10 through February 20, 1998. All producers who were producing milk pooled in Federal Order #1 or for consumption in New England, during August of 1997, the representative period determined by the Commission were deemed eligible to vote. The mailing of ballots to eligible producers was completed on February 10, 1998 by the Federal Order #1 Market Administrator. The ballots included an official summary of the Commission's action. Producers were notified that, to be counted, their ballots had to be returned to the Commission offices by 5:00 pm on February 20, 1998.

Twelve Cooperative Associations were notified of the procedures necessary to block vote by letter dated February 4, 1998. Cooperatives were required to provide prior written notice of their intention to block vote to all members on a form provided by the Commission, and to certify to the Commission that (1) timely notice was provided, (2) the number of eligible producers for whom they claimed to be voting, and (3) that they were qualified under the Capper-Volstead Act. Cooperative Associations were further notified that Cooperative Association block vote reporting forms had to be

returned to the Commission offices by 5:00 pm on February 20, 1998.

Notice

On February 23, 1998 the referendum agent [1] verified all Ballots according to procedures and criteria established by the Commission. A total of 4,193 ballots were mailed to eligible producers. All ballots and Block Vote Reporting Forms received by the Commission were opened and counted. A total of 392 producer ballots and 10 cooperative association Block Vote Reporting forms were received in the Commission office. Ballots and Block Vote Reporting forms were verified or disqualified based on criteria established by the Commission, including timeliness, cooperative identification by cooperative members, producer eligibility, appearance of authenticity, appropriate certifications by cooperative associations and other steps taken to avoid duplication of ballots. Ballots determined by the referendum agent to be invalid were marked "disqualified" with a notation as to the reason. A total of 66 ballots were disqualified by the referendum agent.

Block votes cast by Cooperative Associations were then counted. A total of 10 Cooperative Associations cast affirmative block votes on behalf of a total of 2,435 producer members. No cooperative associations cast a block vote in opposition to the price regulation. Producer votes against their cooperative associations block vote were then counted for each cooperative association. A total of 27 producer cooperative association members cast votes in opposition to the price regulation and to their cooperative association's vote. These votes were deducted from the cooperative association's total and were counted as a No vote. A total of 59 ballots were returned by cooperative members who cast votes in the affirmative.

Votes of independent producers were then counted. A total of 201 independent producers returned ballots marked in the affirmative. A total of 74 independent producers returned ballots marked in opposition.

The referendum agent then certified the following:

A total of 4,193 ballots were mailed to eligible producers.

A total of 2,741 ballots were returned to the Commission.

A total of 66 ballots were disqualified.

A total of 2,675 ballots were verified.

A total of 2,563 verified ballots were cast in favor of the price regulation.

A total of 112 verified ballots were cast in opposition to the price regulation.

Accordingly, pursuant to the Referendum Approval Certification Procedure resolution adopted by the Northeast Dairy Compact Commission on January 26, 1998, I hereby provide notice that 2,563 verified ballots of 2,675 verified ballots cast were in favor of the price regulation, and therefore two-thirds of all verified ballots were cast in the affirmative.

Daniel Smith,

Executive Director.

[FR Doc. 98–5048 Filed 2–26–98; 8:45 am]

BILLING CODE 1650–01–P

[1] Chair of the Commission Michael Wiers substituted for Mae Schmidle as referendum agent on the designated date.

federal register

Friday
February 27, 1998

Part IV

Department of Education

National Institute on Disability and Rehabilitation Research; Notice

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

ACTION: Notice of Public Meetings and Request for Comments.

SUMMARY: The National Institute on Disability and Rehabilitation Research (NIDRR) is interested in gathering information from consumers, families, service providers, advocacy organizations, community groups, State agencies, and other stakeholders on existing and future needs for assistive technology services and devices, systemic barriers to meeting those needs, and successful approaches that have been used to remove barriers to the acquisition of assistive technology services and devices for individuals with disabilities.

NIDRR invites interested parties to submit written comments or present oral comments at four public meetings on current assistive technology needs and issues, as well as future directions for meeting those needs. The purpose of these meetings is to help formulate future policy related to assistive technology for persons with disabilities.

Date, Time, and Location of Meetings

The meeting sites are accessible to individuals with disabilities. An individual with a disability who will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format) should notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although the Department will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

The first public meeting is scheduled to be held in:

Washington: Wednesday, March 4, 1998 from 9:30 a.m. to 4:30 p.m., Microsoft Campus, Building 43, Room 1560 at the intersection of 156th NE Avenue and NE 31st Street, Redmond, Washington.

For Further Information and Oral Comments Contact: Persons desiring further information and those who plan to provide oral comments at the March 4, 1998 public meeting should telephone Jovine Umali on (206) 685–4181. Individuals who use a telecommunications device for the deaf (TDD) may call (206) 685–4181. Requests to provide oral comments may also be sent through the Internet: uwat@u.washington.edu.

The second public meeting is scheduled to be held in:

Missouri: Wednesday, March 18, 1998 from 9:30 a.m. to 4:00 p.m., Courtyard by Marriott, 7901 Northwest Tiffany Springs Parkway, Kansas City, Missouri.

For Further Information and Oral Comments Contact: Persons desiring further information and those who plan to provide oral comments at the March 18, 1998 public meeting should telephone Diane Golden on (800) 647–8557. Individuals who use a telecommunications device for the deaf (TDD) may call (800) 647–8558. Requests to provide oral comments may also be sent through the Internet: matpmo@qni.com.

The third public meeting is scheduled to be held in:

Boston: Wednesday, March 25, 1998 from 9:30 a.m. to 4:00 p.m., Massachusetts Archives Building at Columbia Point, 220 Morrissey Boulevard, Boston, Massachusetts.

For Further Information and Oral Comments Contact: Persons desiring further information and those who plan to provide oral comments at the March 25, 1998 public meeting should telephone Marion Pawlek on (603) 224–0630. Individuals who use a telecommunications device for the deaf (TDD) may call (603) 224–0630. Requests to provide oral comments may also be sent through the Internet: mjpawlek@christa.unh.edu.

The fourth public meeting is scheduled to be held in:

Florida: Thursday April 2, 1998 from 9:00 a.m. to 4:00 p.m., Florida State University, Center for Professional Development, 555 West Pensacola Street, Tallahassee, Florida.

For Further Information and Oral Comments Contact: Persons desiring further information and those who plan to provide oral comments at the public meeting should telephone Terry Ward on (850) 487–3278. Individuals who use a telecommunications device for the deaf (TDD) may call (850) 487–2805. Requests to provide oral comments may also be sent through the Internet: faast@faast.org.

Written Comments

NIDRR invites written comments from those who will be unable to provide oral comments at the public meetings. Written comments should be received by April 30, 1998. Written comments should be addressed to Ms. Nell Bailey, RESNA Technical Assistance Project, 1700 N. Moore St., Suite 1540, Arlington, VA 22209. Written comments may also be sent through the Internet: nbailey@resna.org.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to Nell Bailey.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text of portable document format (pdf) on the World Wide Web at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the pdf you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–888–293–6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219–1511 or, toll free, 1–800–222–4922. The documents are located under Option G—Files/Announcements, Bulletins, and Press Releases.

Note: The official version of a document is the document published in the **Federal Register**.

Dated: February 23, 1998.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 98–4972 Filed 2–26–98; 8:45 am]

BILLING CODE 4000–01–P

federal register

Friday
February 27, 1998

Part V

Department of Commerce

Economic Development Administration

Economic Development Assistance Programs—Availability of Funds; Notice

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No. 980129024–8024–01]

RIN 0610–ZA05

Economic Development Assistance Programs—Availability of Funds

AGENCY: Economic Development Administration (EDA), Department of Commerce (DoC).

ACTION: Notice.

SUMMARY: The Economic Development Administration (EDA) announces its policies and application procedures during fiscal year 1998 to support projects designed to alleviate conditions of substantial and persistent unemployment and underemployment in economically-distressed areas and regions of the Nation, to address economic dislocations resulting from sudden and severe job losses, and to administer the Agency's programs.

DATES: This announcement is effective for applications considered for fiscal year 1998. Unless otherwise noted below, applications are accepted on a continuous basis and will be processed as funds are available. Normally, two months are required for a final decision after the receipt of a completed application that meets all EDA requirements.

ADDRESSES: Interested parties should contact the EDA office in their area, or in Washington, D.C., as appropriate (see Section XII).

FOR FURTHER INFORMATION CONTACT: See information in Section XII for the EDA regional office and Economic Development Representative (EDR), or for programs handled out of Washington, D.C., as appropriate.

SUPPLEMENTARY INFORMATION:

I. General Policies

In light of its limited resources and the demonstrated widespread need for economic development, EDA encourages only project proposals having the greatest potential to benefit areas experiencing or threatened with substantial economic distress. EDA will focus its scarce financial resources on communities most in distress. Distress may exist in a variety of forms, including high levels of unemployment, low income levels, large concentrations of low income families, significant decline in per capita income, substantial loss of population because of the lack of employment opportunities, large numbers (or high rates) of business failures, sudden major layoffs or plant closures, and/or reduced tax bases.

Potential applicants are responsible for demonstrating to EDA, through the provision of statistics and other appropriate information, the nature and level of the distress their project efforts are intended to alleviate. In the absence of evidence of high levels of distress, EDA funding is unlikely.

In FY 1998, EDA's strategic funding priorities are a continuation of the general goals in place over the past five fiscal years, refined to reflect the priorities of the U.S. Department of Commerce. Unless otherwise noted below, the funding priorities, as listed below, will be applied by the Selecting Official (depending upon the program, either the Regional Director or Assistant Secretary) after completion of a review based upon evaluation criteria described in EDA's regulations at 13 CFR Chapter III. During FY 1998, EDA is interested in receiving projects which support the priorities of the U.S. Department of Commerce, including:

- The construction and rehabilitation of essential public works infrastructure and economic development facilities that are necessary to achieve long-term growth and provide stable and diversified local economies in the Nation's distressed communities.
- Export promotion;
- The commercialization and deployment of technology; particularly information technology and telecommunications, and efforts that support technology transfer, application and deployment for community economic development;
- Sustainable development which will provide long-term economic development benefits, including responses to economic dislocation caused by national environmental policies (hazardous waste clean-up, etc.); also considered a priority are projects involving reuse of "brownfields," especially pilot projects selected under the Environmental Protection Agency's "Brownfields Initiative" program; also considered priority are projects involving eco-industrial parks, which have been broadly defined by the President's Council on Sustainable Development, as a community of businesses that cooperate with each other and with the local community to efficiently share resources (information, materials, water, energy, infrastructure and natural habitat), leading to economic gains, gains in environmental quality, and equitable enhancement of human resources for the business and local community;
- Entrepreneurial development, especially local capacity building, and including small business incubators and community financial intermediaries (e.g., revolving loan funds);
- Economic adjustment, especially in response to base and Federal laboratory closures and downsizing, defense industry downsizing, and post-disaster, long-term economic recovery;
- Infrastructure and development facilities located in federally-authorized and designated rural and urban Enterprise Communities and Empowerment Zones and state enterprise zones;
- Projects that demonstrate innovative approaches to economic development; and/or
- Projects that support locally-created partnerships that focus on regional solutions for economic development will be given priority over proposals that are more limited in scope. For example, projects that evidence collaboration in fostering an increase in regional (multi-county and/or multi-state) productivity and growth will be considered to the extent that such projects demonstrate a substantial benefit to economically-distressed areas of the region.

II. Other Information and Requirements

- See EDA's regulations at 13 CFR chapter III.
- Additional information and requirements are as follows:

All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

Prospective participants (as defined at 15 CFR part 26, section 105) "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR part 26, Subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

- Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts

for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, Appendix B.

Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF–LLL "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to DoC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DoC in accordance with the instructions contained in the award document.

No award of Federal funds will be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full;

2. A negotiated repayment schedule is established and at least one payment is received; or

3. Other arrangements satisfactory to DoC are made.

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

Applicants should be aware that a false statement on the application is grounds for denial of the application or termination of the grant award and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Applicants are hereby notified that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. This notice involves a collection of information requirement subject to the provisions of the PRA and has been approved by OMB under Control Number 0610–0094.

Applicants seeking an early start, i.e. to begin a project before EDA approval, must obtain a letter from EDA allowing such early start. The letter allowing the early start will be null and void if the project is not subsequently approved for funding by the grants officer. Approval of an early start does not constitute project approval. Applicants should be aware that if they incur any costs prior to an award being made they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DoC to cover preaward costs.

EDA also requires that compliance with environmental regulations, in accordance with the National Environmental Policy Act (NEPA), be completed before construction begins.

The total dollar amount of the indirect costs proposed in an application under any EDA program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

If an application is selected for funding, EDA has no obligation to provide any additional future funding in connection with an award. Renewal of an award to increase funding or extend the period of performance is at the sole discretion of EDA.

Unless otherwise noted below, eligibility, program objectives and descriptions, application procedures, selection procedures, evaluation criteria and other requirements for all programs are set forth in EDA's regulations at 13 CFR Chapter III.

III. Funding Availability

Under EDA's fiscal year 1998 appropriation, Public Law 105–119, November 13, 1997, EDA's program funds total $340,000,000. EDA has already received and begun processing requests for funding its programs during fiscal year 1998. New requests submitted that require approval during this fiscal year will face substantial competition. Potential applicants are encouraged to contact first the appropriate EDR for their area and then, if necessary, the appropriate Regional Office listed in Section XII of this Notice.

IV. Authority

The authority for programs listed in Parts V through X is the Public Works and Economic Development Act of 1965, (Pub. L. 89–136, 42 U.S.C. 3121–3246h), as amended (PWEDA). The authority for the program listed in Part XI is Title II Chapters 3 and 5 of the Trade Act of 1974, as amended, (19 U.S.C. 2341–2355; 2391) (Trade Act).

V. Program: Public Works and Development Facilities Assistance

(Catalog of Federal Domestic Assistance: 11.300 Economic Development Grants and Loans for Public Works and Development Facilities. 11.304 Economic Development Public Works Impact Program)

Funding Availability

Funds in the amount of $178,000,000 have been appropriated for this program. The average funding level for a grant is $886,000.

VI. Program: Technical Assistance-Local Technical Assistance; National Technical Assistance; University Centers

(Catalog of Federal Domestic Assistance: 11.303 Economic Development-Technical Assistance)

Funding Availability

Funds in the amount of $9,100,000 have been appropriated for this program. The average funding level for a local TA grant is $27,000; university centers is $100,000; and national TA is $176,000.

A separate FR Notice will set forth the specific funding priorities, application process, and time frames for National Technical Assistance projects.

VII. Program: Planning—Planning Assistance for Economic Development Districts, Indian Tribes, and Redevelopment Areas; Planning Assistance for States and Urban Areas

(Catalog of Federal Domestic Assistance: 11.302 Economic Development—Support for Planning Organizations); 11.305 Economic Development—State and Urban Area Economic Development Planning) 6

Funding Availability

Funds in the amount of $24,000,000 have been appropriated for this program. The funding levels for planning grants range from $10,000 to $200,000.

VIII. Program: Research and Evaluation

(Catalog of Federal Domestic Assistance: 11.312 Economic Development—Research and Evaluation Program)

Funding Availability

Funds in the amount of $500,000 have been appropriated for this program. The average funding level for a grant is $171,000.

A separate FR Notice will set forth the specific funding priorities, application

process, and time frames for research and evaluation projects.

IX. Program: Economic Adjustment Assistance

(Catalog of Federal Domestic Assistance: 11.307 Special Economic Development and Adjustment Assistance Program—Long Term Economic Deterioration and Sudden and Severe Economic Dislocation)

Funding Availability

Funds in the amount of $29,900,000 have been appropriated for this program. The average funding level for a grant is $236,000.

X. Program: Defense Economic Conversion

(Catalog of Federal Domestic Assistance: 11.307 Special Economic Development and Adjustment Assistance Program—Long Term Economic Deterioration and Sudden and Severe Economic Dislocation; 11.300 Economic Development Grants and Loans for Public Works and Development Facilities; 11.304 Economic Development Public Works Impact Program; 11.303 Economic Development-Technical Assistance; 11.302 Economic Development—Support for Planning Organizations); 11.305 Economic Development—State and Urban Area Economic Development Planning; 11.312 Economic Development—Research and Evaluation Program and 11.313 Economic Development—Trade Adjustment Assistance)

Funding Availability

Funds in the amount of $89,000,000 have been appropriated for this program. The average funding level for a grant is $1,260,000.

XI. Program: Trade Adjustment Assistance

(Catalog of Federal Domestic Assistance: 11.313 Economic Development—Trade Adjustment Assistance)

Funding Availability

Funds in the amount of $9,500,000 have been appropriated for this program. The average funding level for a grant is $791,000.

XII. EDA Washington D.C., Regional Offices and Economic Development Representatives

The EDA Washington, D.C. offices, regional and field offices, states covered and the economic development representatives (EDRs) are listed below.

Washington, D.C. Offices

For Research and National Technical Assistance contact: John J. McNamee, Director, Research and National Technical Assistance Division, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, DC 20230; Telephone: (202) 482–4085, Internet Address: jmcnamee@doc.gov

For Trade Adjustment Assistance contact: Anthony J. Meyer, Coordinator, Trade Adjustment and Technical Assistance, Economic Development Administration, Room 7317, U.S. Department of Commerce, Washington, DC 20230; Telephone: (202) 482–2127, Internet Address: tmeyer2@doc.gov

EDA Regional Offices

William J. Day, Jr., Regional Director, Atlanta Regional Office, 401 West Peachtree Street, NW., Suite 1820, Atlanta, Georgia 30308; Telephone: (404) 730–3002; Fax: (404) 730–3025; Internet Address: wday@doc.gov

Economic development representatives	States covered
PATTERSON, Gilbert 401 West Peachtree Street, N.W. Suite 1820 Atlanta, GA 30308 Telephone: (404)730–3018 Internet Address: gpatters@doc.gov	Georgia. Mississippi.
HUNTER, Bobby D 771 Corporate Drive, Suite 200 Lexington, KY 40503–5477 Telephone: (606)224–7426 Internet Address: bhunter@doc.gov	Kentucky. Tennessee.
DIXON, Patricia M Strom Thurmond Federal Building 1835 Assembly Street, Room 307 Columbia, SC 29201 Telephone: (803)765–5676 Internet Address: pdixon@doc.gov	North Carolina. South Carolina.
DENNIS, Bobby 401 West Peachtree Street, N.W. Suite 1820 Atlanta, GA 30308 Telephone: (404)730–3020 Internet Address: bdennis@doc.gov	Alabama.
TAYLOR, Willie 401 West Peachtree Street, N.W. Suite 1820 Atlanta, GA 30308 Telephone: (404)730–3032 Internet Address: wtaylor5@doc.gov	Florida.

Pedro R. Garza, Regional Director, Austin Regional Office, Thornberry Building, Suite 121, 903 San Jacinto Boulevard, Austin, Texas 78701; Telephone: (512) 916–5461; Fax: (512) 916–5613; Internet Address: pgarza1@doc.gov

Regional office contacts	States covered
FRERKING, Sharon T	Oklahoma.

Regional office contacts	States covered
Austin Regional Office Thornberry Building, Suite 121 903 San Jacinto Boulevard Austin, Texas 78701 Telephone: (512) 916–5217 Internet Address: sfrerking@doc.gov	New Mexico. Texas (north).
LEE, Ava J	Louisiana. Arkansas. Texas (south).
Austin Regional Thornberry Building, Suite 121 903 San Jacinto Boulevard Austin, TX 78701 Telephone: (512) 916–5824 Internet Address: alee6@doc.gov	

C. Robert Sawyer, Regional Director, Chicago Regional Office, 111 North Canal Street, Suite 855, Chicago, IL 60606; Telephone: (312) 353–7706; Fax: (312) 353–8575; Internet Address: rsawyer@doc.gov

Economic development representatives	States covered
ARNOLD, John B. III	Illinois. Minnesota.
104 Federal Building 515 West First Street Duluth, MN 55802 Telephone: 888–865–5719 Internet Address: jarnold@doc.gov	
HICKEY, Robert F	Ohio. Indiana.
Federal Building, Room 607 200 North High Street Columbus, Ohio 43214 Telephone: (800–686–2603) Internet Address: rhickey@doc.gov	
PECK, John E	Michigan. Wisconsin.
Chicago Regional Office 111 North Canal Street, Suite 855 Chicago, IL 60606 Telephone: 888–249–7597 Internet Address: jpeck@doc.gov	

John Woodward, Regional Director, Denver Regional Office, 1244 Speer Boulevard, Room 670, Denver, Colorado 80204; Telephone: (303) 844–4715; Fax: (303) 844–3968; Internet Address: jwoodwa3@doc.gov

Economic development representatives	States covered
ZENDER, John	Colorado. Kansas.
1244 Speer Boulevard, Room 632 Denver, CO 80204 Telephone: (303) 844–4902 Internet Address: jzender@doc.gov	
CECIL, Robert	Iowa. Nebraska.
Federal Building, Room 593A 210 Walnut Street Des Moines, IA 50309 Telephone: (515) 284–4746 Internet Address: bcecil@doc.gov	
HILDEBRANDT, Paul	Missouri.
Federal Building, Room B–2 608 East Cherry Street Columbia, MO 65201 Telephone: (573) 442–8084 Internet Address: phildeb1@doc.gov	
ROGERS, John C.	Montana.
Federal Building, Room 196 301 South Park Ave. Drawer 10074 Helena, MT 59626 Telephone: (406) 441–1175 Internet Address: jrogers6@doc.gov	
JUNGBERG, Cip	South Dakota.

Economic development representatives	States covered
Post Office/Courthouse 102 4th Ave., Room 216 P.O. Box 190 Aberdeen, South Dakota 57401 Telephone: (605) 226–7315 Internet Address: cjungberg@doc.gov	North Dakota.
OCKEY, Jack Federal Building, Room 2105 125 South State Street Salt Lake City, UT 84138 Telephone: (801) 524–5119 Internet Address: jockey@doc.gov	Utah. Wyoming.

John E. Corrigan, Regional Director, Philadelphia Regional Office, Curtis Center, Independence Square West, Suite 140 South, Philadelphia, PA 19106; Telephone: (215) 597–4603; Fax: (215) 597–6669; Internet Address: jcorriga@doc.gov

Economic development representatives	States covered
BEACH, Tyrone Philadelphia Regional Office The Curtis Center—Suite 104 South Independence Square West Philadelphia, PA 19106 Telephone: (215) 597–7883 Internet Address: tbeach@doc.gov.	Delaware District of Columbia.
WILKINSON, Cassandra Philadelphia Regional Office Curtis Center Independence Square West Suite 140 South Philadelphia, PA 19106 Telephone: (215) 597–4360 Internet Address: cwilkins@doc.gov	Rhode Island.
GRADY, Stephen Philadelphia Regional Office Curtis Center Independence Square West Suite 140 South Philadelphia, PA 19106 Telephone: (215) 597–0642 Internet Address: sgrady@doc.gov	Connecticut.
KUZMA, John Philadelphia Regional Office Curtis Center Independence Square West Suite 140 South Philadelphia, PA 19106 Telephone: (215) 597–8797 Internet Address: jkuzma@doc.gov	Massachusetts.
POTTER, Rita V 143 North Main Street, Suite 209 Concord, NH 03301 Telephone: (603) 225–1624 Internet Address: rpotter@doc.gov	New Hampshire. Vermont. Maine.
HUMMEL, Ed Phildelphia Regional Office The Curtis Center-Suite 140 South Independence Square West, Philadelphia, PA 19106 Telephone: (215) 597–6767 Internet Address: ehummel@doc.gov	New Jersey.
MARSHALL, Harold J. II 620 Erie Boulevard West, Suite 104 Syracuse, NY 13204 Telephone: (315) 448–0938 Internet Address: hmarshal@doc.gov	New York.
PECONE, Anthony M. 1933A New Berwick Highway Bloomsburg, PA 17815 Telephone: (717) 389–7560 Internet Address: apecone@doc.gov	Pennsylvania.
CRUZ, Ernesto L	Puerto Rico.

Economic development representatives	States covered
IBM Building, Room 620 654 Munoz Rivera Avenue Hato Rey, PR 00918 Telephone: (809) 766–5187 Internet Address: ecruz@doc.gov	Virgin Islands.
NOYES, Neal E Room 474 400 North 8th Street P.O. Box 10229 Richmond, VA 23240 Telephone: (804) 771–2061 Internet Address: nnoyes@doc.gov	Virginia. Maryland.
DAVIS, R. Byron 405 Capital Street Room 411 Charleston, WV 25301 Telephone: (304) 347–5252 Internet Address: bdavis3@doc.gov	West Virginia.

A. Leonard Smith, Regional Director, Seattle Regional Office, Jackson Federal Building, Room 1856, 915 Second Avenue, Seattle, Washington 98174; Telephone: (206) 220–7660; Fax: (206) 220–7659; Internet Address: LSmith7@doc.gov.

Economic development representatives	States covered
RICHERT, Bernhard E. Jr 605 West 4th Avenue, Room G–80 Anchorage, AK 99501 Telephone: (907) 271–2272 Internet Address: brichert@doc.gov	Alaska.
SOSSON, Deena R 1345 J Street, Suite B Sacramento, CA 95814 Telephone: (916) 498–5285 Internet Address: dsosson@doc.gov	California. (central).
CHURCH, Dianne V Seattle Regional Office Jackson Federal Building 915 Second Avenue, Room 1856 Seattle, WA 98174 Telephone: (206) 220–7690 Internet Address: dchurch@doc.gov	California. Bay and coastal).
MCCHESNEY, Frank P.O. Box 50264 Federal Building, Room 4106 Honolulu, HI 96850 Telephone: (808) 541–3391 Internet Address: fmcchesn@doc.gov	Hawaii, Guam. American Samoa. Marshall Islands. Micronesia. Northern Marianas.
AMES, Aldred F Borah Federal Building, Room 441 304 North 8th Street Boise, ID 83702 Telephone: (208) 334–1521 Internet Address: aames@doc.gov	Idaho. Nevada.
BERBLINGER, Anne S One World Trade Center 121 S.W. Salmon Street, Suite 244 Portland, OR 97204 Telephone: (503) 326–3078 Internet Address: aberblin@doc.gov	Oregon. California. (northern).
SVENDSEN, David E Seattle Regional Office Jackson Federal Building 915 Second Avenue, Room 1856 Seattle, WA 98174 Telephone: (206) 220–7703 Internet Address: dsvendse@doc.gov	California. (southern).
KIRRY, Lloyd P Seattle Regional Office Jackson Federal Building 915 Second Avenue, Room 1856 Seattle, WA 98174 Telephone: (206) 220–7682 Internet Address: lkirry@doc.gov	Washington.
MACIAS, Jacob	Arizona.

Economic development representatives	States covered
Seattle Regional Office Jackson Federal Building 915 Second Avenue, Room 1856 Seattle, WA 98174 Telephone: (206)220–7666 Internet Address: jmacias@doc.gov	

Dated: February 24, 1998.

Phillip A. Singerman,

Assistant Secretary for Economic Development.

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- Contracting by negotiation—
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- Water heating standards; design options; comments due by 3-2-98; published 1-14-98

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Passed over the President's veto:

H.R. 2631/P.L. 105–159

Disapproving the cancellations transmitted by the President on October 6, 1997, regarding Public Law 105-45. (Feb. 25, 1998; 112 Stat. 19)

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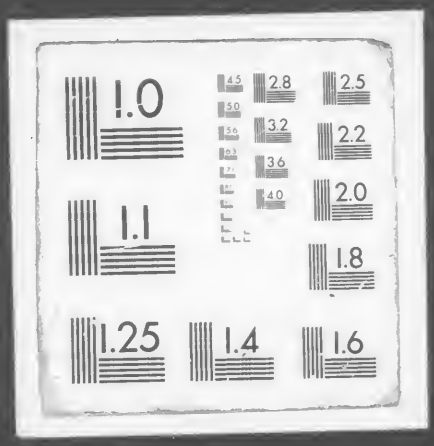
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