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Thursday
January 29, 1998

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Free **Electronic Bulletin Board** service for Public Law numbers, **Federal Register** finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

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Rules and Regulations

Federal Register
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Thursday, January 29, 1998

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1605

Correction of Administrative Errors

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Interim rule with request for comments.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is publishing an amendment to its final rules on correction of administrative errors affecting Thrift Savings Plan (TSP) accounts. The amendment provides for attribution of makeup contributions from a participant to the appropriate prior year in which the contributions should have been made. Such makeup contributions are permitted only if aggregation with other contributions made in (or with respect to) the appropriate prior year would not result in contributions in excess of the limits imposed by sections 402(g) and 415(c) of the Internal Revenue Code (I.R.C.).

DATES: *Effective date:* January 29, 1998. *Comment date:* March 30, 1998.

ADDRESSES: Send comments to Elizabeth S. Woodruff, Associate General Counsel, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Elizabeth S. Woodruff, (202) 942–1661.

SUPPLEMENTARY INFORMATION: A final rule governing the correction of administrative errors was published in the **Federal Register** on December 24, 1996 (61 FR 68464). That rule revised the final regulations that were published in the **Federal Register** on December 4, 1987 (52 FR 46314). Both sets of regulations required a limitation on TSP makeup contributions when a retroactive adjustment to an employee's pay included a correction for the employee's inability to have made TSP contributions during the period of retroactivity. At the time these regulations were issued, the Board interpreted I.R.C. 402(g) and its discussions with the Internal Revenue Service (IRS) as requiring that such makeup contributions always be counted against the IRS deferral limit of the year in which they were actually made, rather than the limit of the year to which they were attributable.

On June 25, 1997, a decision was issued in the matter of *Kahmann* v. *Reno,* 967 F. Supp. 731 (N.D.N.Y.), holding that application of the current IRS deferral limit to makeup contributions for prior years was contrary to the purpose of a make-whole award. The court required the participant's employing agency to calculate contributions for each pay period for which the employee could have made a TSP contribution and to deposit the appropriate contributions (and lost earnings) to the employee's account without regard to the current deferral limit.

Because this holding involved the Board's interpretation of I.R.C. 402(g), the Board requested guidance from the IRS on whether a participant's makeup contributions to the TSP in the current year could be attributed to the years in which the contributions should have been made for purposes of the limit on annual contributions found in I.R.C. 402(g). The IRS advised the Board that such makeup contributions could indeed be so attributed.

For this reason, § 1605.4(c)(1) of the Board's error correction regulations is being amended to provide that makeup contributions to the TSP will be attributed to the year in which the contributions should have been made to determine compliance with the (applicable) IRS deferral limit. The board intends to apply this rule to all situations in which contributions should have been made in an earlier year, regardless of the reason the employee was improperly not permitted to contribute to the TSP. Because this change could affect the ongoing makeup contributions of some participants, it is being given immediate effect.

Regulatory Flexibility Act

I certify that this amendment will not have a significant economic impact on a substantial number of small entities. It will only affect TSP participants.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Waiver of Notice of Proposed Rulemaking and 30-day Delay of Effective Date

Under 5 U.S.C. 553(b)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. These regulations facilitate correction of errors in the amount of contributions made to Thrift Savings Plan accounts. Prompt implementation of the regulations will provide necessary guidance to employing agencies and TSP participants.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, section 201, Public Law 104–4, 109 Stat. 48, 64, the effect of these regulations on State, local, and tribal governments and on the private sector has been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by any State, local, and tribal governments in the aggregate, or by the private sector. Therefore, a statement under section 202, 109 Stat. 48, 64–65, is not required.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), the Board submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States before the publication of this rule in today's **Federal Register**. This rule is not a major rule as defined in section 804(2) of title 5, United States Code.

List of Subjects in 5 CFR Part 1605

Claims, Government employees, Pensions, Retirement.

Roger W. Mehle,
Executive Director.

Federal Retirement Thrift Investment Board

For the reasons set forth in the preamble, part 1605 of chapter VI of title

5 of the Code of Federal Regulations is amended as follows:

PART 1605—CORRECTION OF ADMINISTRATIVE ERRORS

1. The authority citation for part 1605 continues to read as follows:

Authority: 5 U.S.C. 8351 and 8474.

2. Section 1605.2 is amended by revising paragraph (c)(5) to read as follows:

§ 1605.2 Makeup of missed or insufficient contributions.

* * * * *

(c) * * *

(5) When establishing a schedule of makeup contributions, the employing agency must review any schedule proposed by the affected participant, as well as the participant's prior TSP contributions, if any, to determine whether the makeup contributions, when combined with prior contributions, would exceed the annual contribution limit(s) contained in sections 402(g) and 415 of the Internal Revenue Code (I.R.C.) (26 U.S.C. 402(g) and 415) for the prior year(s) with respect to which the contributions are being made.

(i) The employing agency must not permit contributions that, when combined with prior contributions, would exceed the applicable annual contribution limit(s) contained in I.R.C. 402(g) and 415.

(ii) A schedule of makeup contributions may be suspended if a participant has insufficient net pay to permit the makeup contributions. If this happens, the period of suspension should not be counted against the maximum number of pay periods to which the participant is entitled in order to complete the schedule of makeup contributions.

* * * * *

3. Section 1605.4 is amended by revising paragraph (c)(1) to read as follows:

§ 1605.4 Back pay awards and other retroactive pay adjustments.

* * * * *

(c)(1) Makeup employee contributions required under paragraphs (a) and (b) of this section must be computed before the back pay or other retroactive pay adjustment is made. The makeup employee contributions must be deducted from the back pay or other retroactive pay adjustment and contributed to the TSP. However, contributions must not be made that would cause the participant to exceed the annual contribution limit(s) contained in sections 402(g) and 415 of the Internal Revenue Code (I.R.C.) (26 U.S.C. 402(g) and 415) for the prior year(s) with respect to which the contributions are being made, taking into consideration the TSP contributions already made in (or with respect to) that year.

* * * * *

[FR Doc. 98–2166 Filed 1–28–98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 979

[Docket No. FV98–979–1 IFR]

Melons Grown in South Texas; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule decreases the assessment rate established for the South Texas Melon Committee (Committee) under Marketing Order No. 979 for the 1997–98 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of melons grown in South Texas. Authorization to assess Texas melon handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The 1997–98 fiscal period began October 1 and ends September 30. The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective January 30, 1998. Comments received by March 30, 1998, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, PO Box 96456, Washington, DC 20090–6456; Fax: (202) 205–6632. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 156 and Order No. 979 (7 CFR part 979), regulating the handling of melons grown in South Texas, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

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

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

later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 1997–98 and subsequent fiscal periods from $0.07 to $0.04 per carton.

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

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

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

The Committee subsequently met on December 16, 1997, and unanimously recommended 1997–98 expenditures of $158,200 and an assessment rate of $0.04 per carton of melons. In comparison, last year's budgeted expenditures were $308,000. The assessment rate of $0.04 is $0.03 less than the rate currently in effect. The Committee voted to lower its assessment rate and use more of the reserve to cover its expenses. The assessment rate decrease is necessary to bring expected assessment income closer to the amount necessary to administer the program for the 1997–98 fiscal period. At the current rate, assessment income would exceed anticipated expenses by about $112,700, and the projected reserve of $234,269 on September 30, 1998, would exceed the level the Committee believes to be adequate to administer the program.

Major expenses recommended by the Committee for the 1997–98 fiscal period include $84,500 for personnel and administrative expenses, $40,500 for compliance, $23,200 for research projects, and $10,000 for promotion. Budgeted expenses for these items in 1996–97 were $84,500, $115,500, $108,000, and $0, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of South Texas melons. Melon shipments for the year are estimated at 3,870,000 cartons, which should provide $154,800 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently $228,669) will be kept within the maximum permitted by the order (approximately two fiscal periods' expenses; § 979.44).

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

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

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

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

There are approximately 33 producers of South Texas melons in the production area and approximately 16 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than $500,000 and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of South Texas melon producers and handlers may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 1997–98 and subsequent fiscal periods from $0.07 to $0.04 per carton. The Committee unanimously recommended 1997–98 expenditures of $158,200 and an assessment rate of $0.04 per carton of melons. In comparison, last year's budgeted expenditures were $308,000. The assessment rate of $0.04 is $0.03 less than the rate currently in effect. At the rate of $0.07 per carton and an estimated 1998 melon production of 3,870,000 cartons, the projected reserve on September 30, 1998, would exceed the level the Committee believes to be adequate to administer the program. The Committee decided that an assessment rate of less than $0.04 would not generate the income necessary to administer the program with an adequate reserve.

Major expenses recommended by the Committee for the 1997–98 fiscal period include $84,500 for personnel and administrative expenses, $40,500 for compliance, $23,200 for research projects, and $10,000 for promotion. Budgeted expenses for these items in 1996–97 were $84,500, $115,500, $108,000, and $0, respectively.

Melon shipments for the year are estimated at 3,870,000 cartons, which should provide $154,800 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently $228,669) will be kept within the maximum permitted by the order (approximately two fiscal periods' expenses; § 979.44).

Recent price information indicates that the grower price for the 1997–98 marketing season will range between $7.00 and $9.00 per carton of cantaloupes and between $5.00 and $7.00 per carton of honeydew melons.

Therefore, the estimated assessment revenue for the 1997–98 fiscal period as a percentage of total grower revenue will range between .006 and .004 percent for cantaloupes and between .008 and .006 percent for honeydew melons.

This action reduces the assessment obligation imposed on handlers. While this rule imposes some additional costs on handlers, the costs are minimal and in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the South Texas melon industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the December 16, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action will not impose any additional reporting or recordkeeping requirements on either small or large South Texas melon handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

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

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This action reduces the current assessment rate for South Texas melons; (2) the 1997–98 fiscal period began on October 1, 1997, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable melons handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 979.219 [Amended]

2. Section 979.219 is amended by removing the words ''October 1, 1996,'' and adding in their place the words ''October 1, 1997,'' and by removing ''$0.07'' and adding in its place ''$0.04.''

Dated: January 23, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–2123 Filed 1–28–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

[Docket No. FV97–989–3 FIR]

Raisins Produced From Grapes Grown in California; Modifications to the Raisin Diversion Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule modifying the raisin diversion program (RDP) currently authorized under the Federal marketing order for California raisins. The marketing order regulates the handling of raisins produced from grapes grown in California and is administered locally by the Raisin Administrative Committee (Committee). Under the RDP, producers are issued certificates representing reserve raisins for voluntarily reducing their raisin production in order to bring raisin supplies more closely in line with market needs. Producers may then sell these certificates to handlers, who, in turn, can redeem the certificates for reserve raisins. This rule continues in effect various modifications to the diversion program to improve compliance and bring the program in line with current industry practices. Improving compliance with the RDP helps ensure equity among all producers who participate in the program, and helps maintain the integrity of the RDP.

EFFECTIVE DATE: March 2, 1998.

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 989, both as amended (7 CFR part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with

law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after date of the entry of the ruling.

This rule continues in effect modifications to the raisin diversion program currently authorized under the Federal marketing order for California raisins. Under the RDP, producers are issued certificates representing reserve raisins for voluntarily reducing their raisin production in order to bring raisin supplies more closely in line with market needs. Producers may then sell these certificates to handlers, who, in turn, can redeem the certificates for reserve raisins. This rule makes various modifications to the RDP to improve compliance and bring the RDP in line with current industry practices. Improving compliance with the RDP helps ensure equity among all producers who participate in the program, and helps maintain the integrity of the RDP.

The Federal marketing order for California raisins provides authority for volume regulation designed to promote orderly marketing conditions, stabilize prices and supplies, and improve producer returns. When volume regulation is in effect, a certain percentage of the raisin crop may be sold by handlers to any market (free tonnage) while the remaining percentage of the crop must be held by handlers in a reserve pool (or reserve) for the account of the Committee. Reserve pool raisins are disposed through certain programs authorized under the order. For example, reserve raisins may be sold by the Committee to handlers for sale to any market; exported to authorized countries; carried over as a hedge against a short crop the following year; or may be disposed of in other outlets not competitive with those for free tonnage raisins, such as government purchase, distilleries, or animal feed. The RDP is another program concerning reserve pool raisins authorized under the order, and may be used as a means for controlling overproduction. The RDP is described in the following paragraphs.

Pursuant to § 989.56 of the order, the Committee meets by November 30 of each crop year to review raisin data, including information on production, supplies, market demand, and inventories. If the Committee determines that the available supply of raisins, including those in the reserve pool, exceeds projected market needs, it can decide to implement a diversion program, and announce the amount of tonnage eligible for diversion during the subsequent crop year. Producers who wish to participate in the RDP must submit an application to the Committee. Such producers then curtail their production by vine removal or some other means established by the Committee and receive a certificate from the Committee which represents the quantity of raisins diverted. Producers sell these certificates to handlers who pay producers for the free tonnage applicable to the diversion certificate minus the established harvest cost for the diverted tonnage. Handlers redeem the certificates by presenting them to the Committee and paying an amount equal to the established harvest cost plus payment for receiving, storing, fumigating, handling, and inspecting the tonnage represented on the certificate. The Committee then gives the handler raisins from the reserve pool in an amount equal to the tonnage represented by the diversion certificate.

Section 989.156 of the order's administrative rules and regulations prescribes additional procedures for the RDP. At a meeting on August 14, 1997, the Committee unanimously recommended that various changes be made to these additional RDP procedures to improve compliance and bring the RDP in line with current industry practices.

The first change to the RDP recommended by the Committee concerns references throughout § 989.156 to partial production units. Such references are contained in paragraphs (d), (h)(2), (h)(3), (i), (s)(1), and (s)(3) of § 989.156. As defined in § 989.156(o), a production unit is a clearly defined geographic area with permanent boundaries (either natural or man-made). For example, a production unit could be 30 acres of raisins surrounded by a permanent road on two sides and permanent fencing on the other two sides.

Partial production units have been allowed under the RDP in past years. For instance, in the 30-acre production unit example, three rows of vines from that unit could qualify as a partial production unit under the RDP. Under § 989.156(s)(3) of the order's administrative rules and regulations, the determination of the tonnage allowed for acreage removed for such a partial unit would be computed by multiplying the previous year's tonnage produced and verified on the entire unit by the ratio of the acreage removed divided by the acreage contained in the total production unit. However, the Committee is concerned that some producers may be removing weak vines in a production unit and getting credit under the RDP for an inflated amount of tonnage. In the 30-acre example, a producer could have an average past production of 2.2 tons of raisins on the entire unit, remove three rows of low-producing vines that averaged only 1.5 tons of raisins per acre, and get credit in the RDP for 2.2 tons of raisins per acre. Although § 989.56(a) of the order specifies a cap of 2.75 tons of raisins per acre for an approved production unit (which can be changed through informal rulemaking), the Committee is still concerned that actual production on a partial unit could be inflated.

Thus, the Committee recommended that partial production units no longer be accepted as part of the RDP. This change will help ensure that producers who participate in an RDP do not receive credit for an inflated amount of tonnage and gain a financial advantage over other producers. This change will help ensure equity among all producers who participate in the program, and help maintain the integrity of the RDP.

In addition, the Committee believes that this change will improve the accuracy of the amount of tonnage accepted into the RDP. When an RDP is established, a quantity of raisins equivalent to the amount diverted would be made available in the subsequent crop year from the prior year's reserve. This RDP diverted tonnage from the reserve is included in the Committee's marketing policy computations for that year and subject to free and reserve percentages. Thus, it is important for the Committee to have as accurate a figure as possible for RDP tonnage. The Committee believes that not allowing partial production units into the RDP will improve the accuracy of this figure. Appropriate changes have been made to the applicable paragraphs to implement this recommended change.

According to Committee staff, most of the RDP applications over the years have been for full production units. The partial unit authority has typically been used by a producer desiring to receive credit under the RDP for a few weak rows of vines, which usually amounts to less than an acre. Thus, this change is not expected to adversely impact RDP participants.

The second change recommended by the Committee concerns paragraph (g) of § 989.156 regarding procedures to verify whether producers under the RDP are curtailing their production. This section

currently specifies that committees of industry persons may be established to serve as agents of the Committee in assuring producer compliance with the RDP. These groups of industry persons may be furnished approved RDP applications and are to advise the Committee on the progress of the diversion within a particular district.

Such industry committees have been utilized during only one season since the inception of the RDP in 1985. Committee staff has assumed the functions of monitoring producer diversion and assuring program compliance. Thus, the Committee recommended that reference to these RDP industry committees be removed from § 989.156(g) of the order's administrative rules and regulations. This change brings RDP procedures in line with current industry practices.

A third change to the RDP recommended by the Committee concerns paragraph (h) of § 989.156 regarding compliance. Paragraph (h)(1) of § 989.156 currently specifies that an approved applicant must remove or spur-prune vines to preclude grapes from being produced and harvested on the production unit involved in the program: *Provided,* That vine removal may be the only acceptable means of diversion in some seasons as determined by the Committee. If the Committee representatives or agents determine that there is an average of more than four bunches per vine remaining on a properly spur-pruned production unit, the producer must be notified in writing and given 2 weeks to remove such bunches.

The Committee recommended that this section be modified to remove the impression that spur-pruning is the only acceptable method of diverting the crop, other than removing the vines altogether. Other methods such as spraying with certain substances should also be allowed. Producers should be allowed to remove and destroy the bunches of grapes by whatever method they choose in order to receive a diversion certificate. The Committee also recommended that the word ''acceptable'' in the first sentence in § 989.156(h)(1) be removed because it is not necessary. In addition, the Committee recommended that the section be modified to strengthen the requirement regarding producer notification of noncompliance with the RDP. Specifically, Committee staff must notify producers ''immediately by certified mail,'' in writing, and give producers 2 weeks to remove extra bunches. The Committee believes that this added language will strengthen producer compliance with the RDP.

The Committee also recommended that paragraph (h)(3) of § 989.156 concerning failure to divert be revised to specify that any producer who has more than one production unit and fails to divert on an approved production unit may be denied the opportunity to participate in the next RDP on all of that producer's production units. The current provisions specify that the producer should be denied participation, and not the specific production unit. However, the provisions have been interpreted so that producers only have been denied the opportunity to participate in the next RDP on the unit that was not properly diverted, not all of that producer's units. The clarification will eliminate the confusion and is expected to provide producers more incentive to remain in compliance with the RDP because the clarified provisions specify that the failure to comply could mean denial to participate on any of that producer's production units in the next RDP. Thus, this provision is expected to strengthen producer compliance with the RDP which will help ensure that the integrity of the program is maintained.

The fourth change to the RDP recommended by the Committee concerns paragraph (o) of § 989.156. This section defines a production unit. As previously mentioned, a production unit is a clearly defined geographic area with permanent boundaries (either natural or man-made). Under the RDP, producers must be able to document to the Committee the previous year's production data for that specific area by means of sales receipts or other delivery or transfer documents which indicate the creditable fruit weight delivered to handlers from that specific area. Additional criteria are specified for new production units and existing units that may have been transferred to another producer.

The Committee believes that additional information may be necessary in some cases to verify the appropriate production figure to apply to a production unit. There have been concerns that some producers have inflated their production units under past RDP's by reporting statistics showing higher than actual raisin production. For example, since diversion certificate tonnage is based on the tons of raisins delivered per acre during the prior year, producers could inflate their tonnage by acquiring raisins from another source and adding them to deliveries from their production units, thereby receiving credit for a greater amount of raisins than actually produced on the acreage. By inflating yield figures, producers could receive diversion certificates equal to more raisins from the reserve pool than they actually would have produced from those production units.

Thus, the Committee recommended that authority be added to paragraph (o) of § 989.156 authorizing Committee staff to request additional documentation to substantiate the tonnage of raisins produced on any known production unit. This documentation may include information such as tray count, employee payroll records, prior years' production for all production units, and insurance records. This information is maintained by producers in the normal course of business. Such information for approved production units, in addition to producers' other known production units, will give Committee staff another tool to ensure producer compliance with the RDP so that the integrity of the program is maintained.

This rule also continues to make minor changes to remove obsolete language in paragraph (s)(1) in § 989.156. That paragraph makes two references to provisions particular to the 1985 calendar year which marked the inception of the RDP. Certain parameters regarding dates particular to 1985 were incorporated into the order's administrative rules and regulations that are no longer necessary. Thus, those two references have been removed.

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

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

There are approximately 20 handlers of California raisins who are subject to regulation under the order and approximately 4,500 raisin producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000. No more than 8 handlers, and a majority of producers, of California raisins may be classified as small entities. Twelve of the 20 handlers

subject to regulation have annual sales estimated to be at least $5,000,000, and the remaining 8 handlers have sales less than $5,000,000, excluding receipts from any other sources.

This rule continues to modify the RDP currently authorized under § 989.56 of the Federal marketing order for California raisins. Under the RDP, the Committee issues diversion certificates to producers who have removed grapes in accordance with § 989.156 to reduce raisin production and bring raisin supplies more closely in line with market needs. Such certificates represent an amount of reserve tonnage raisins equal to the amount of raisins diverted. Diversion certificates may be submitted by producers to handlers. Handlers may then redeem such certificates for reserve pool raisins from the Committee. This rule continues to make various modifications to § 989.156 of the order's administrative rules and regulations concerning the RDP. The changes include: Removing authority for the diversion of partial production units in an RDP; removing authority for committees of industry persons to assist the Committee in compliance efforts; clarifying that spur-pruning is not the only acceptable method of aborting a crop; and making other changes to strengthen compliance with the RDP.

Regarding the impact of this rule on affected entities, the changes are designed to either improve compliance with the RDP, or are administrative in nature to bring the RDP in line with current industry practices. None of the changes concerning compliance are expected to increase the cost of administering the RDP. Also, because most of the producer applications over the years have been for full production units, rather than for partial production units, discontinuance of partial production units as part of the RDP is not expected to increase appreciably costs to producers. Moreover, the addition of other methods of diversion, like chemical application, should have a positive affect. The changes are intended to ensure equity among all those participating in the RDP and to maintain the integrity of the program. Thus, the changes are expected to be equally beneficial to all affected entities who are adhering to the requirements of the program, regardless of size.

Other alternatives to the RDP procedures were considered by the raisin industry prior to the Committee's recommendation. The Committee has an appointed Amendment Subcommittee and Working Group which held several public meetings throughout the year to consider changes to the RDP and other order provisions. One alternative considered was to leave the RDP procedures unchanged. However, the Committee concluded that the changes established by this rule were necessary to improve the RDP and better accomplish program objectives. The Working Group also considered adding to the rules and regulations a scale that would correlate production ranges with an appropriate production cap for each range, to help ensure that participating producers did not receive credit for an inflated amount of tonnage and gain a financial advantage over other participants. Another related option concerned modifying the rules and regulations to specify that the production cap should be based on a 5-year rolling average of production per acre with a maximum of 2.75 tons per acre. However, Committee staff indicated that data concerning total industry production on a per acre basis was not available, and the Working Group decided not to recommend these changes.

The Working Group also considered adding guidelines to the RDP procedures for hardship cases where producers have been denied participation in an RDP. For example, there have been cases in past seasons where producers have submitted an application to participate in an RDP, curtailed production, and then been denied a certificate from Committee staff because such producers did not satisfy the terms of the RDP (i.e., could not document their previous year's production). Under the current rules and regulations, such producers have the option of appealing such a decision to the Committee and ultimately the Department. After some deliberation, the Working Group decided not to change this appeal process by trying to specify various ''what if'' scenarios in the rules and regulations. The group believed it was best to address each such situation on a case-by-case basis. Ultimately, the full Committee concluded that the changes to the RDP previously discussed were appropriate at this time.

Regarding any additional reporting or recordkeeping requirements, this rule continues to allow Committee staff to request additional information from producers participating in an RDP to verify production. However, such information will only be requested on a case-by-case basis for use as a compliance tool when the information submitted on a producer's application concerning a unit's production is significantly greater than past production on the unit, production on neighboring units, or the industry norm, or when Committee staff is unable to verify production based on submitted documentation. For instance, if a producer had multiple production units of similar size, and the production on the unit to be diverted was significantly different than the others, the Committee wants its staff to be authorized to request additional information such as that mentioned to verify the accuracy of the producer application. Additional information may also be needed in cases where the production on a unit to be diverted is significantly different from that of neighboring production units. As a third example, if information obtained from weigh tags and other delivery documents provided to the Committee did not correspond to the production figure indicated on the producer's application, Committee staff may request additional information.

This rule requires no new forms and the number of producers for which additional information may be requested is expected to be small. According to the Committee staff, only about 5–10 percent of producer applications raise questions for which additional information may be needed. During the industry's diversion program in 1996 which provided for only vine removal (as opposed to allowing spur pruning), 66 producers participated. In 1995's program, which provided for spur pruning and vine removal, 778 producers participated.

Using the 778 participation figure and the 10 percent figure for questionable applications, a total of 78 producer applicants might need to provide additional information. The Committee staff estimated that it will take each of these participants about 10 minutes to compile, package, and submit this information. Thus, the time taken by the 78 participants as a group will total about 13 hours, and this time is currently approved under OMB No. 0581–0178 by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

The industry is currently implementing a diversion program for Zante Currant raisins for the 1997–98 season. The Department is monitoring producer reporting under the current diversion program.

This rule does not impose a reporting burden above that currently approved for small and large raisin producers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, the Department has not identified any relevant Federal rules

that duplicate, overlap, or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the raisin industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the August 14, 1997, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Also, the Committee has a number of appointed subcommittees to review certain issues and make recommendations to the Committee. As previously mentioned, the Committee's Amendment Working Group met throughout the year at public meetings to discuss various changes to the raisin order, including the recommended changes to the RDP. The Working Group made its recommendations concerning revisions to the RDP to the Amendment Subcommittee on August 7, 1997. The Amendment Subcommittee in turn made its recommendations to the full Committee on August 14, 1997. All of these meetings were public meetings and both large and small entities were able to participate and express their views.

As stated earlier and in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements contained in this rule have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0178.

An interim final rule concerning this action was published in the **Federal Register** on November 13, 1997. Copies of the rule were mailed by the Committee's staff to all raisin handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 60-day comment period which ended on January 12, 1998. Interested persons were also invited to submit information on the information and regulatory impact of the rule. No comments were received.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing this interim final rule, as published in the **Federal Register** (62 FR 60764; November 13, 1997), will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 989 which was published at 62 FR 60764 on November 13, 1997, is adopted as a final rule without change.

Dated: January 23, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–2122 Filed 1–28–98; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration.

ACTION: Final amendment to interpretive ruling and policy statement 94–1 (IRPS 98–1).

SUMMARY: The NCUA Board is updating the requirements for a credit union converting to a community charter. The final amendment deletes the requirement that a credit union converting to a community charter provide evidence of community support, since such evidence is not necessary for the agency to determine the economic viability of the credit union.

EFFECTIVE DATE: March 1, 1998.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

FOR FURTHER INFORMATION CONTACT: J. Leonard Skiles, President, Asset Management and Assistance Center, 4807 Spicewood Springs Road, Suite 5100, Austin, Texas 78759, or telephone (512) 795–0999; Lynn K. McLaughlin, Program Officer, Office of Examination and Insurance, 1775 Duke Street, Alexandria, Virginia 22314–3428, or telephone (703) 518–6360; Michael J. McKenna, Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

A. Comments

On October 22, 1997, the NCUA Board proposed clarifying amendments on what is necessary for the approval of a community charter (62 FR 56134 (October 29, 1997)). Sixty-four comments were received. Comments were received from forty-two federal credit unions, two state-chartered credit unions, thirteen state credit union leagues, four national credit union trade associations, one state regulatory agency, one consumer group and one banking association.

B. Serving All Segments of the Community

In the proposal, the Board stated that all community charters must be prepared to serve all segments of the community. The Board suggested that membership and loan penetration rates, among other factors, could be reviewed to assess how well the credit union is serving the entire community. The proposal also would have required that a credit union receiving a community charter review its business plan regularly, as well as membership and loan penetration rates throughout the community, to determine if the community is being adequately served. The Board specifically proposed that a new community charter or a credit union converting to a community charter be held accountable for its business plan/marketing strategy outlining how it will serve the entire community. The proposal also would have required that a credit union converting to a community charter provide information on the groups being served. Finally, the Board proposed deleting the requirement that a credit union converting to a community charter provide written evidence of community support such as letters of support, petitions or surveys.

At this time, the Board is addressing only one aspect of the proposal regarding credit unions converting to a community charter. The Board needs further time to study the remaining proposed amendments to ensure that they are necessary and will not unduly burden credit unions. The Board plans on addressing these issues in the near future and will respond to the issues raised by the commenters at that time.

C. Written Evidence of Community Support

As stated above, the Board proposed deleting the requirement that a credit union converting to a community charter provide written evidence of community support such as letters of support, petitions or surveys. Twenty-nine commenters do not believe a credit union applying to convert to a community charter should be required to provide evidence of community support. Most of these commenters find the current requirement to be burdensome. Seven commenters specifically stated that the validity of

these documents is questionable and the effort to obtain such documentation is time-consuming and expensive. Some commenters believe that community leaders are reluctant to give support because they fear a backlash from banks. Three commenters support any action by NCUA to simplify the application process and reduce the processing time for community charter conversions. Most of these commenters believe that credit union management is better able to gauge the depth of community support than a petition or survey. Two commenters stated that a letter from the board of directors showing evidence of the attitude of the credit union's sponsors and members toward a conversion should be sufficient documentation. One commenter stated that the elimination of this requirement offers modest relief from the burden of providing information in support of the conversion request.

Ten commenters believe a credit union applying to convert to a community charter should be required to provide evidence of community support before the conversion can be approved. Two commenters believe this evidence is a key element to any good marketing plan and would provide the credit union with valuable information about its new market as well as an introduction to potential new constituencies. These commenters state further that this evidence is useful to NCUA in making its determination whether the applied for area actually constitutes a community. One commenter also believes this evidence helps build a substantial administrative record in case of a legal challenge. One commenter believes that credit unions wishing to convert to a community charter should be required to demonstrate community support in a manner validating the credit union's business plan. One commenter, although opposing this amendment, believes that, if we delete this requirement for converting credit unions, we should also eliminate it for new credit unions.

The NCUA Board believes that providing evidence of written support is expensive, burdensome and not a reliable indicator of the economic viability of the converting credit union. Such evidence is still needed for a new charter so that the agency may accurately determine the economic viability of the new credit union. Economic viability of an existing credit union is self-evident. Furthermore, a converting credit union can still submit such evidence if it believes it would be helpful to demonstrate that the area is a well-defined community where residents interact or will support some other aspect of the credit union's business plan or marketing strategy.

The final amendment deletes the requirement for a converting credit union to provide written evidence of community support. Nothing in this final amendment changes or relaxes the requirement that a credit union converting to a community charter must demonstrate that the proposed community is a well-defined area where residents interact.

D. Groups Outside the Community

The Board also proposed to eliminate the ability of a credit union converting to a community charter to continue to serve groups outside the new community boundaries. At this time, the Board is still considering the implications of such a policy change. As a practical matter, because of the injunction issued in the consolidated cases of *First National Bank and Trust Co., et al.* v. *NCUA* and the *American Bankers Association* v. *NCUA, et al.*, which was partially stayed by the Court of Appeals on December 24, 1996, a credit union converting to a community charter cannot continue to serve groups outside the new community boundaries, but may only serve members of record. The Board plans on addressing this issue in the near future and will respond to the concern raised by the commenters at that time.

E. Ongoing Litigation

Five commenters did not believe that this is the appropriate time to initiate changes to field of membership policies, because of the ongoing litigation involving multiple group credit unions. NCUA disagrees since NCUA's community chartering policy is not affected by the injunction issued in the consolidated cases of *First National Bank and Trust Co., et al.* v. *NCUA* and the *American Bankers Association* v. *NCUA, et al.*, which was partially stayed by the Court of Appeals on December 24, 1996. Nor would other ongoing chartering litigation be affected because this change in policy modifies only the requirement for evidence of support for conversion to a community charter, not the requirement for evidence that the community to be served is a ''well-defined community.''

The NCUA Board believes it is necessary to address the documentation requirements for converting credit unions because questions regarding cost and value have been raised during NCUA Board review of requests by credit unions converting to community charters. The NCUA Board has not been provided with any compelling rationale that would justify a delay in amending this aspect of community chartering policy at this time.

F. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small credit unions (primarily those under $1 million in assets). The final amendment will not have a significant economic impact on a substantial number of small credit unions and therefore a regulatory flexibility analysis is not required.

Paperwork Reduction Act

NCUA has determined that the final amendment does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget (OMB). 60 FR 44978 (August 29, 1995).

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. This final amendment makes no significant changes with respect to state credit unions and therefore, will not materially affect state interests.

Congressional Review

Awaiting OMB determination.

List of Subjects in 12 CFR Part 701

Credit, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on January 22, 1998.

Becky Baker,

Secretary of the Board.

Accordingly, NCUA amends 12 CFR part 701 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, 1789. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 12 U.S.C. 1601 *et seq.*, 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 12 U.S.C. 4311–4312.

2. Section 701.1 is revised to read as follows:

§ 701.1 Federal credit union chartering, field of membership modifications, and conversions.

National Credit Union Administration policies concerning chartering, field of membership modifications, and conversions are set forth in Interpretive Ruling and Policy Statement 94–1, Chartering and Field of Membership Policy (IRPS 94–1), as amended by IRPS 96–1 and IRPS 98–1. Copies may be obtained by contacting NCUA at the address found in § 792.2(g)(1) of this chapter. The combined IRPS are incorporated into this section.

(Approved by the Office of Management and Budget under control number 3133–0015.)

IRPS 94–1—[Amended]

Note: The text of the Interpretive Ruling and Policy Statement (IRPS 94–1) does not, and the following amendments will not, appear in the Code of Federal Regulations.

3. IRPS 94–1, Chapter 1, Section II.C.2 is amended by removing the words ''field of membership expansion or conversion to a community credit union''.

4. In IRPS 94–1, Chapter 2, Section IV.B is revised to read as follows:

* * * * *

IV.B—Conversion to Community Charter

An existing occupational, associational, or multiple group federal credit union may apply to convert to a community charter. In most cases, groups currently in the credit union's field of membership but outside the new community credit union's boundaries may be included in the new community charter.

In order to support a case for a conversion to community charter, the applicant federal credit union must, in addition to the requirements for a community charter set forth in Chapter I (except for the requirement to demonstrate community support), develop a detailed business plan which may include, but not be limited to the following data:

- Current financial statements, including the income statement and a summary of loan delinquency;
- A map or maps showing both the existing and proposed boundaries for the field of membership, as well as existing and planned service facilities;
- A written description of the area of community service for the proposed community credit union;
- The most current population figures for the existing and proposed boundaries;
- The source of the population information (census data are considered the most authoritative); the greater the population of the proposed area, the greater justification necessary to support the existence of the ''community'' and interaction among its residents;
- Evidence that the proposed area is a ''community'' as defined in ''Community Common Bond'' in Chapter 1;
- Information concerning the availability of financial services to the residents of the new area;
- A list of credit unions with a home or branch office in the proposed area (If present credit union service to the residents of the new area is adequate, there may be no basis for the proposed conversion.);
- The attitude of the current credit union sponsors and existing credit union members toward the proposed conversion; and
- The anticipated financial impact on the credit union in terms of need for additional employees and fixed assets.

* * * * *

[FR Doc. 98–2076 Filed 1–28–98; 8:45 am]

BILLING CODE 7535–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFI Part 39

[Docket No. 97–NM–293–AD; Amendment 39–10295; AD 98–03–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and 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 A330 and A340 series airplanes. This action requires a one-time inspection of the free-fall actuators of the landing gear for discrepancies, and replacement of discrepant actuators with new, improved actuators. This action also requires eventual replacement of certain free-fall actuators. 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 electrical short circuits to the free-fall actuators of the landing gear, which could result in failure to extend the landing gear, and consequent damage to the airplane structure during landing.

DATES: Effective February 13, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 13, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 2, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–293–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 A330 and A340 series airplanes. The DGAC advises that, during several attempted free-fall extensions of the landing gear, electrical short circuits and circuit breaker overloads have occurred. The cause of the short circuits was attributed to installation of incorrect screws in the motor brush housing of the free-fall actuators during manufacture. This condition, if not corrected, could result in electrical short circuits to the free-fall actuators of the landing gears, which could result in failure to extend the landing gear, and consequent damage to the airplane structure during landing.

Explanation of Relevant Service Information

Airbus has issued Service Bulletins A340–32–4066, Revision 1, and A340–32–3042, Revision 1, both dated September 19, 1995, which describe procedures for a one-time inspection of the free-fall actuators of the landing gear to ensure that no electrical short circuit occurs, and to ensure that replacement free-fall actuators having correct serial numbers are installed. The service bulletins also describe procedures for eventual replacement of certain actuators with new, improved actuators. The DGAC classified these service bulletins as mandatory and issued French airworthiness directives 95–187–020(B) and 95–189–032(B), both dated September 27, 1995, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type

certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) 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 requires accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

None of the Airbus Model A330 and A340 series 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 3 work hours per airplane to accomplish the inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection would be $180 per airplane.

It would require approximately 16 to 28 work hours (depending upon airplane configuration) to accomplish the replacement, at an average labor rate of $60 per work hour. Required parts would be supplied by the manufacturer at no cost to operators. Based on these figures, the cost impact of the replacement on U.S. operators is estimated to be between $960 and $1,680 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–293–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:

98–03–03 Airbus Industrie: Amendment 39–10295. Docket 97–NM–293–AD.

Applicability: Model A330 series airplanes, as listed in Airbus Service Bulletin A330–32–3042, Revision 1, dated September 19, 1995; and Model A340 series airplanes, as listed in Airbus Service Bulletin A340–32–4066, Revision 1, dated September 19, 1995; 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 electrical short circuits to the free-fall actuators of the landing gear, which could result in failure to extend the landing gear, and consequent damage to the airplane structure during landing, accomplish the following:

(a) Within 500 flight hours after the effective date of this AD, inspect the free-fall actuators of the landing gear for

discrepancies, in accordance with Airbus Service Bulletin A330–32–3042, Revision 1 (for Model A330 series airplanes), or A340–32–4066, Revision 1 (for Model A340 series airplanes), both dated September 19, 1995; as applicable. Prior to further flight, replace any discrepant actuator with a new, improved actuator in accordance with the applicable service bulletin.

Note 2: Airbus Service Bulletins A330–32–3042 and A340–32–4066 both reference LUCAS AEROSPACE Alert Service Bulletin AR024–A32–001, dated July 28, 1995, as an additional source of service information.

(b) Within 15 months after the effective date of this AD, replace any free-fall actuator having a serial number specified in Airbus Service Bulletin A330–32–3042, Revision 1 (for Model A330 series airplanes) or A340–32–4066, Revision 1 (for Model A340 series airplanes), both dated September 19, 1995, with a new, improved actuator in accordance with the applicable service bulletin.

(c) As of the effective date of this AD, no person shall install on any airplane a free-fall actuator, type AR02403, AR02404, or AR02405 having a serial number specified in Lucas Aerospace Limited Service Bulletin AR024–A32–001, dated July 28, 1995.

(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 §§ 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 the following Airbus service bulletins, which contain the specified list of effective pages:

Service Bulletin Referenced and Date	Page Number	Revision Level Shown on Page	Date Shown on Page
A330–32–3042, Revision 1, September 19, 1995	1–4, 9, 11, 13	1	September 19, 1995
	5–8, 10, 12, 14.	Original.	August 2, 1995
A340–32–4066, Revision 1, September 19, 1995	1–5, 11, 13, 15	1	September 19, 1995
	6–10, 12, 14, 16.	Original.	August 2, 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 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 4: The subject of this AD is addressed in French airworthiness directives 95–187–020(B) and 95–189–032(B), both dated September 27, 1995.

(g) This amendment becomes effective on February 13, 1998.

Issued in Renton, Washington, on January 21, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–1972 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–35]

Amendment to Class D and Class E Airspace; Salina, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class D and Class E airspace areas at Salina, KS. The current description indicates part-time operation for the Class E airspace area at Salina Municipal Airport, Salina, KS. The actual hours of operation for the Class E airspace area are continuous. The Class E airspace area description at Salina, KS, is revised to indicate the area is in effect continuously. A review of the airspace for Salina Municipal Airport indicates it does not meet the criteria for 700 feet Above Ground Level (AGL) Class E airspace as required in FAA Order 7400.2D. A revision to the Airport Reference Point (ARP) is included in this document. The intended effect of this amendment is to indicate the Class E airspace area is in effect continuously, comply with the criteria of FAA Order 7400.2D, and amend the ARP for the Class D and Class E airspace areas.

DATES: *Effective date:* 0901 UTC, April 23, 1998.

Comment date: Comments for inclusion in the Rules Docket must be received on or before March 2, 1998.

ADDRESSES: Send comments in triplicate to the Federal Aviation Administration (FAA), Manager, Airspace Branch, Air Traffic Division, (ACE–520), Attention: Rules Docket Number 97–ACE–35, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 pm., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 amends the Class D and Class E airspace at Salina Municipal Airport, Salina, KS. The Class E airspace is amended by removing the statement which indicates part-time status. The Class E airspace area description does not reflect the actual hours of operation, which are continuous. This action will amend the description for the Class E airspace area at Salina Municipal Airport, Salina, KS, to indicate the area is in effect continuously. A review of the airspace for Salina Municipal Airport indicates it does not meet the criteria for 700 feet AGL Class E airspace area as required in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile, plus the distance from the ARP to the end of the outermost runway.

Any fractional part of a mile is converted to the next higher tenth of a mile increment. The Class E 700 feet AGL airspace area has been enlarged to conform to the criteria of FAA Order 7400.2D. This action will also amend the ARP for the Class D and Class E airspace areas, at Salina, KS. The areas will be depicted on appropriate aeronautical charts. Class D airspace areas are published in paragraph 5000, Class E airspace areas designated as a surface area for an airport are published in paragraph 6002, Class E airspace areas designated as an extension to a Class D or Class E surface area are published in paragraph 6004, and Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005, of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, aeronautical, environmental, and energy-related 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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–ACE–35.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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.

Therefore the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 5000 Class D airspace.

* * * * *

ACE KS D Salina, KS [Revised]

Salina Municipal Airport, KS
(Lat. 38°47′29″ N., long. 97°39′02″ W.)

That airspace extending upward from the surface to and including 3,800 feet MSL within a 4.9-mile radius of Salina Municipal Airport. The Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

ACE KS E2 Salina, KS [Revised]

Salina Municipal Airport, KS
(Lat. 38°47′29″ N., long. 97°39′02″ W.)

Within a 4.9-mile radius of Salina Municipal Airport.

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D or Class E surface area.

* * * * *

ACE KS E4 Salina, KS [Revised]

Salina Municipal Airport, KS
(Lat. 38°47′29″ N., long. 97°39′02″ W.)
Salina VORTAC
(Lat. 38°55′35″ N., long. 97°37′16″ W.)

That airspace extending upward from the surface within 2 miles each side of the Salina

VORTAC 190° radial extending from the 4.9-mile radius of Salina Municipal Airport to the VORTAC.

* * * * *

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

* * * * *

ACE KS E5 Salina, KS [Revised]

Salina Municipal Airport, KS
(Lat. 38°47′29″ N., long. 97°39′02″ W.)
Salina VORTAC
(Lat. 38°55′35″ N., long. 97°37′16″ W.)
FLORY LOM
(Lat. 38°40′54″ N., long. 97°38′42″ W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Salina Municipal Airport and within 4.4 miles each side of the 010° radial of the Salina VORTAC extending from the 7.4-mile radius to 12 miles north of the VORTAC and within 4 miles west and 8 miles east of the Salina Municipal ILS localizer south course extending from the airport to 16 miles south of the FLORY LOM.

* * * * *

Issued in Kansas City, MO, on December 19, 1997.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–2216 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–36]

Amendment to Class D and Class E Airspace; Topeka, Philip Billard Municipal Airport, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class D and Class E airspace areas at Topeka, Philip Billard Municipal Airport, KS. The current description indicates part-time operation for the Class E airspace area at Topeka, Philip Billard Municipal Airport, KS. The actual hours of operation for the Class E airspace area are continuous. The Class E airspace area description at Topeka, Philip Billard Municipal Airport, KS, is revised to indicate the area is in effect continuously. A revision to the Airport Reference Point (ARP) is included in this document. The intended effect of this amendment is to indicate the Class E airspace area is in effect continuously, and amend the ARP for the Class D and Class E airspace areas.

DATES: *Effective date:* 0901 UTC, April 23, 1998.

Comment date: Comments for inclusion in the Rules Docket must be received on or before March 2, 1998.

ADDRESSES: Send comments in triplicate to the Federal Aviation Administration (FAA), Manager, Airspace Branch, Air Traffic Division (ACE–520), Attention: Rules Docket Number 97–ACE–36, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 amends the Class D and Class E airspace at Topeka, Philip Billard Municipal Airport, KS. The Class E airspace is amended by removing the statement which indicates part-time status. The Class E airspace area description does not reflect the actual hours of operation, which are continuous. This action will amend the description for the Class E airspace area at Topeka, Philip Billard Municipal Airport, KS, to indicate the area is in effect continuously. This action will also amend the ARP for the Class D and Class E airspace areas at Topeka, Philip Billard Municipal Airport, KS. The Class D and Class E airspace areas will be depicted on appropriate aeronautical charts. Class D airspace areas are published in paragraph 5000, Class E airspace areas designated as a surface area for an airport are published in paragraph 6002, and Class E airspace areas designated as an extension to a Class D or Class E surface area are published in paragraph 6004, of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, aeronautical, environmental, and energy-related 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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made. ''Comments to Docket No. 97–ACE–36.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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.

Therefore the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B. CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 5000 Class D airspace.

* * * * *

ACE KS D Topeka, Philip Billard Municipal Airport, KS [Revised]

Topeka, Philip Billard Municipal Airport, KS
(Lat. 39°04′07″ N., long. 95°37′21″ W.)
Topeka Forbes Field, KS
(Lat. 38°57′01″ N., long. 95°39′51″ W.)

That airspace extending upward from the surface to and including 3,400 feet MSL within a 4-mile radius of Philip Billard Municipal Airport, excluding that airspace within the Topeka Forbes Field, KS, Class D airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

ACE KS E2 Topeka, Philip Billard Municipal Airport, KS [Revised]

Topeka, Philip Billard Municipal Airport, KS
(Lat. 39°04′07″ N., long. 95°37′21″ W.)
Topeka Forbes Field, KS
(Lat. 38°57′01″ N., long. 95°39′51″ W.)

Within a 4-mile radius of Philip Billard Municipal Airport, excluding that airspace within the Topeka Forbes Field, KS, Class D and E airspace areas.

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D or Class E surface area.

* * * * *

ACE KS E4 Topeka, Philip Billard Municipal Airport, KS [Revised]

Topeka, Philip Billard Municipal Airport, KS
(Lat. 39°04′07″ N., long. 95°37′21″ W.)
Topeka VORTAC
(Lat. 39°08′14″ N., long. 95°32′51″ W.)

That airspace extending upward from the surface within 1.8 miles each side of the Topeka VORTAC 219° radial extending from the 4-mile radius of Philip Billard Municipal Airport to the VORTAC and within 1.8 miles each side of the Philip Billard Municipal Airport ILS localizer southeast course extending from the 4-mile radius of Philip Billard Municipal Airport to 10 miles southeast of the airport.

* * * * *

Issued in Kansas City, MO, on December 19, 1997.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–2217 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–26]

Amendment to Class E Airspace; Wellsboro, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Wellsboro, PA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 28 and the amendment of the VHF Omnidirectional Radio Range (VOR)/ GPS A SIAP at Grand Canyon State Airport have made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rules (IFR) operations for aircraft executing the GPS RWY 28 SIAP and the VOR/GPS A SIAP to Grand Canyon State Airport at Wellsboro, PA.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal A'viation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On October 17, 1997, a proposal to amend 14 CFR Part 71 to modify the Class E airspace at Wellsboro, PA, was published in the **Federal Register** (62 FR 53982). The development of a GPS RWY 28 SIAP and the amendment of the VOR/GPS A SIAP for Grand Canyon State Airport require the amendment of the Class E airspace at Wellsboro, PA. The proposal was to amend controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 modifies Class E airspace at Wellsboro, PA, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 28 SIAP and VOR/GPS A SIAP to Grand Canyon State Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigations it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA PA AEA E5 Wellsboro, PA [Revised]

Grand Canyon State Airport, PA
(Lat. 41°43′40″ N., long. 77°23′47″ W.)
Stonyfork VORTAC
(Lat. 41°41′43″ N., long. 77°25′12″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grand Canyon State Airport and within 4 miles each side of the 208° bearing from the Stonyfork VORTAC extending from the 6.5-mile radius to 7 miles southwest of the VORTAC

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Issued in Jamaica, New York, on December 16, 1997.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2213 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–34]

Revocation, Establishment, and Modification of Class E Airspace Areas; Cedar Rapids, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action revokes the Class E surface area airspace designated ''Cedar Rapids Municipal Airport, IA,'' and establishes a larger Class E surface airspace area in its place designated ''Cedar Rapids, The Eastern Iowa Airport, IA.'' The name of the Cedar Rapids Municipal Airport has been changed to the Eastern Iowa Airport. In order to rename the Class E surface area, it is necessary to revoke the existing airspace designation, and to reestablish the airspace under the new designation. This action also increases the size of both the Class E surface area, and the Cedar Rapids Class E airspace area extending upward from 700 feet above ground level (AGL). The additional controlled airspace is necessary to accommodate two new Global Positioning System (GPS) standard instrument approach procedures (SIAP) which have been established to serve The Eastern Iowa Airport.

DATES: *Effective date:* 0901 UTC, April 23, 1998.

Comment date: Comments for inclusion in the Rule Docket must be received on or before March 2, 1998.

ADDRESSES: Send comments regarding the rule in triplicate to: Federal Aviation (FAA), Manager, Airspace Branch, Air Traffic Division, (ACE–520), Attention: Rules Docket Number 97–ACE–34, 601 East 12th Street, Kansas City MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 13 and GPS RWY 31 SIAPs to serve The Eastern Iowa Airport, Cedar Rapids, IA. The amendment to Class E airspace at Cedar Rapids, IA, will provide additional controlled airspace from the surface, and at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The areas will be depicted on appropriate aeronautical charts. Class E airspace areas designated as surface area for an airport are published in paragraph 6002, and Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorperated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area the VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement

weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, aeronautical, environmental, and energy-related 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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in responses to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–ACE–34.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11035, 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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

ACE IA E2 Cedar Rapids Municipal Airport, IA [Removed]

ACE IA E2 Cedar Rapids, The Eastern Iowa Airport, IA [New]

Cedar Rapids, The Eastern Iowa Airport, IA
(lat. 41°53′05″N., long. 91°42′39″W.)

Within a 4.4-mile radius of The Eastern Iowa Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

* * * * *

ACE IA E5 Cedar Rapids, IA. [Revised]

Cedar Rapids, The Eastern Iowa Airport, IA.
(lat. 41°53′05″N., long. 91°42′39″W.)
CINDY LOM
(lat. 41°53′08″N., long 91°48′09″W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of The Eastern Iowa Airport and within 3 miles each side of the 269° bearing from the CINDY LOM, extending from the 7.4-mile radius to 19.3 miles west of the airport.

* * * * *

Issued in Kansas City, MO, on December 17, 1997.

Christopher R. Blum,

Acting Manager, Air Traffic Division Central Region.

[FR Doc. 98–2214 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–37]

Amendment to Class E Airspace; Iola, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment modifies the Class E airspace area at Allen County Airport, Iola, KS. The FAA has developed Global Positioning System (GPS) Runway (RWY) 1 and RWY 19 Standard Instrument Approach Procedures (SIAPs) to serve the Allen County Airport, Iola, KS. Additional controlled airspace 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 1 and GPS RWY 19 SIAPs.

DATES: *Effective date.* 0901 UTC, April 23, 1998.

Comment date: Comments for inclusion in the Rules Docket must be received on or before March 2, 1998.

ADDRESSES: Send comments regarding the rule in triplicate to: Federal Aviation Administration (FAA), Manager, Airspace Branch, Air Traffic Division, ACE–520, Attention: Rules Docket Number 97–ACE–37, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 1 and GPS RWY 19 SIAPs to serve the Allen County Airport, Iola, KS. The amendment to Class E airspace at Iola, KS, will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, aeronautical, environmental, and energy-related 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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–ACE–37.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

ACE KS E5 Iola, KS [Revised]

Iola, Allen County Airport KS
(Lat. 37°52′ 12″ N., long. 95°23′11″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Allen County Airport and within 2 miles each side of the 008° bearing from the Allen County Airport extending from the 6.4-mile radius to 9.4 miles north of the airport.

* * * * *

Issued in Kansas City, MO, on December 17, 1997.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–2215 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–39]

Amendment to Class E Airspace; Syracuse, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Syracuse, NY. The development of Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAP) at Syracuse Hancock International Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rules (IFR) operations for aircraft executing the GPS Runway (RWY) 10 SIAP, the GPS RWY 14 SIAP, the GPS RWY 28 SIAP, and the GPS RWY 32 SIAP to Syracuse Hancock International Airport at Syracuse, NY.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York, 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On October 17, 1997, a proposal to amend 14 CFR Part 71 to modify the Class E airspace at Syracuse, NY, was published in the **Federal Register** (62 FR 53985). The development of a GPS RWY 10 SIAP, a GPS RWY 14 SIAP, a GPS RWY 28, and a GPS RWY 32 SIAP for Syracuse Hancock International Airport requires an amendment to the Class E airspace at Syracuse, NY. The proposal was to amend controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 modifies Class E airspace at Syracuse, NY, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 10 SIAP, the GPS RWY 14, the GPS RWY 28, and the GPS RWY 32 SIAP to Syracuse Hancock International Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA NY AEA E5 Syracuse, NY [Revised]

Syracuse Hancock International Airport, NY
(Lat. 43°06′40″ N., Long. 76°06′23″ W.)

That airspace extending upward from 700 feet above the surface within a 14-mile radius of Syracuse Hancock International Airport and within a 20-mile radius of the airport extending clockwise from a 245° bearing to a 305° bearing from the airport, excluding that portion that coincides with the Fulton, NY, Durhamville, NY, and Skaneateles, NY, Class E airspace areas.

* * * * *

Issued in Jamaica, New York, on December 16, 1997.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2218 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–37]

Establishment of Class E Airspace; Ticonderoga, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Ticonderoga, NY. The development of Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAP) at Ticonderoga Municipal Airport has made this action necessary. This action is intended to provide adequate Class E airspace to

contain instrument flight rules (IFR) operations for aircraft executing the GPS Runway (RWY) 20 SIAP and the GPS RWY 2 SIAP to Ticonderoga Municipal Airport at Ticonderoga, NY.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On October 17, 1997, a notice proposing to amend 14 CFR Part 71 to establish Class E airspace at Ticonderoga, NY, was published in the **Federal Register** (62 FR 53981). A GPS RWY 20 SIAP and a GPS RWY 2 SIAP developed for Ticonderoga Municipal Airport, Ticonderoga, NY, require the establishment of Class E airspace at the airport. The notice proposed to establish controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 establishes Class E airspace at Ticonderoga, NY, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 20 SIAP and the GPS RWY 2 SIAP to Ticonderoga Municipal Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA NY AEA E5 Ticonderoga, NY [New]

Ticonderoga Municipal Airport, NY
(Lat. 43°52′37″ N., long. 73°24′47″ W.)

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Ticonderoga Municipal Airport, excluding the portion that coincides with the Rutland, VT, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on December 16, 1997.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2219 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–36]

Establishment of Class E Airspace; Towanda, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Towanda, PA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Bradford County Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rules (IFR) operations for aircraft executing the GPS Runway (RWY) 23 SIAP to Bradford County Airport at Towanda, PA.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On October 17, 1997, a notice proposing to amend 14 CFR Part 71 to establish Class E airspace at Towanda, PA, was published in the **Federal Register** (62 FR 53989). A GPS RWY 23 SIAP developed for Bradford County Airport, Towanda, PA, requires the establishment of the Class E airspace at the airport. The notice proposed to establish controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the

surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 establishes Class E airspace at Towanda, PA, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 23 SIAP to Bradford County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS, AIRWAYS, ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA PA AEA E5 Towanda, PA [New]

Bradford County Airport, PA
(Lat. 41°44′40″ N., long. 76°26′39″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bradford County Airport and within 4 miles each side of the 035° bearing from the Bradford County Airport extending from the 6-mile radius to 11 miles northeast of the airport.

* * * * *

Issued in Jamaica, New York, on December 16, 1997.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2220 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–35]

Establishment of Class E Airspace; Churchville, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Churchville, MD. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) and a VHF Omnidirectional Radio Range (VOR) SIAP at Harford County Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rules (IFR) operations for aircraft executing the GPS Runway (RWY) 10 SIAP and VOR A SIAP to Hartford County Airport at Churchville, MD.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On October 17, 1997, a notice proposing to amend 14 CFR Part 71 to establish Class E airspace at Churchville, MD, was published in the **Federal Register** (62 FR 53980). A GPS RWY 10 SIAP and a VOR A SIAP developed for Harford County Airport, Churchville, MD, requires the establishment of the Class E airspace at the airport. The notice proposed to establish controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 establishes Class E airspace at Churchville, MD, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 10 SIAP and VOR A SIAP to Harford County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedure and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA MD AEA E5 Churchville, MD [New]

Harford County Airport, MD
(Lat. 39°34′02″ N., long. 76°12′07″ W.)

That airspace extending upward from 700 feet above the surface within an 6.5-mile radius of Harford County Airport, excluding the airspace in Restricted Area R–4001A when it is in effect, and the Aberdeen, MD, and Edgewood, MD, Class E airspace areas.

* * * * *

Issued in Jamaica, New York, on January 5, 1998.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2221 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–27]

Amendment to Class E Airspace; Pineville, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Pineville, WV. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) and VHF Omnidirectional Radio Range (VOR) SIAP at Kee Field Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instruments flight rules (IFR) operations for aircraft executing the GPS RWY 7 SIAP and the VOR RWY 25 SIAP to Kee Field Airport at Pineville, WV.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

History

On October 17, 1997, a proposal to amend 14 CFR Part 71 to modify the Class E airspace at Pineville, WV, was published in the **Federal Register** (62 FR 53983). The development of a GPS RWY 7 SIAP and a VOR RWY 25 SIAP for Kee Field Airport requires the amendment of the Class E airspace at Pineville, WV. The propsoal was to amend controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 modifies the Class E airspace at Pineville, WV, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 7 SIAP and VOR RWY 25 SIAP to Kee Field Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA WV AEA E5 Pineville, WV [Revised]

Kee Field Airport, WV
(Lat. 37°36′01″ N., long. 81°33′33″ W.)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Kee Field Airport and within 4 miles each side of the 249° bearing from the Kee Field Airport extending from the 7.2-mile radius to 10 miles southwest of the airport and within 4 miles south and 5.7 miles north of the 062° bearing from the Kee Field Airport extending from the 7.2 mile radius to 21 miles northeast of the airport excluding that portion that coincides with the Beckley, WV, Class E airspace area.

* * * * *

Issued in Jamaica, New York on December 16, 1997.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2222 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWP–10]

Modification of Class E Airspace; Tracy, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace areas at Tracy, CA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 11, GPS SIAP to RWY 25, and a GPS SIAP to RWY 29 at Tracy Municipal Airport has made this action necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing the approach and departure procedures at Tracy Municipal Airport. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Tracy Municipal Airport, Tracy, CA.

EFFECTIVE DATE: 0901 UTC April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Debra Trindle, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 725–6613.

SUPPLEMENTARY INFORMATION:

History

On November 20, 1997, the FAA proposed to amend 14 CFR part 71 to modify the Class E airspace area at Tracy, CA (62 FR 61927). The development of GPS SIAP's at Tracy Municipal Airport has made this action necessary. The intended effect of this action is to provide additional controlled airspace extending upward from 700 feet or more above surface of the earth is needed to contain aircraft executing the GPS RWY 11 SIAP, GPS RWY 25 SIAP, GSP RWY 29 SIAP, and other IFR operations at Tracy Municipal Airport, Tracy, CA.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies the Class E airspace area at Tracy, CA. The development of a GPS RWY 11 SIAP, GPS RWY 25 SIAP, and a GPS RWY 29 SIAP at Tracy Municipal Airport has made this action necessary. Additional controlled airspace extending upward from 700 feet or more above the surface is needed to contain aircraft executing the approach and departures procedures at Tracy Municipal Airport. The intended effect of this action is to provide adequate controlled airspace for aircraft executing the GPS RWY 11 SIAP, a GPS RWY 25 SIAP, and a GPS RWY 29 SIAP, and other IFR operations at Tracy Municipal Airport, Tracy, CA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; ROUTES; AND REPORTING POINTS

1. The authority citation for CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AWP CA E5 Tracy, CA [Revised]

Tracy Municipal Airport, CA
(Lat. 37°41′21″N, long. 121°26′31″W)
Manteca VORTAC
(Lat. 37°50′01″N, long. 121°10′17″W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Tracy Municipal Airport and within 2.2 miles each side of the Manteca VORTEC 237° radial, extending from the 6.4-mile radius to 4.9 miles southwest of the Manteca VORTAC and within 1.8 miles each side of the 117° bearing from the Tracy Municipal Airport, extending from the 6.4-mile radius to 8.4 miles southeast of the Tracy Municipal Airport and within 1.8 miles each side of the 326° bearing from the Tracy Municipal Airport, extending from the 6.4-mile radius to 7.7 miles northwest of Tracy Municipal Airport, excluding that portion within the Byron, CA, Class E and Modesto, CA, Class E airspace areas, and excluding that airspace within Restricted Area R2531A.

* * * * *

Issued in Los Angeles, California, on January 6, 1998.

George D. Williams,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 98–2223 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–43]

Amendment to Class E Airspace; Somerset, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Somerset, PA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Somerset County Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rules (IFR) operations for aircraft executing the GPS Runway (RWY) 6 SIAP to Somerset County Airport, Somerset, PA.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On November 13, 1997, a proposal to amend 14 CFR Part 71 to modify the Class E airspace at Somerset, PA, was published in the **Federal Register** (62 FR 60814). The development of a GPS RWY 6 SIAP for Somerset County Airport requires the amendment of the Class E airspace at Somerset, PA. The proposal was to amend controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 modifies Class E airspace at Somerset, PA, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 6 SIAP to Somerset County Airport.

The FAA has determined that this regulation only involves as established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routing matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA PA AEA E5 Somerset, PA [Revised]

Somerset County Airport, PA
(Lat. 40°02′20″ N., long. 79°00′47″ W.)
Stoystown NDB
(Lat. 40°05′09″ N., long. 78°55′00″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Somerset County Airport and within 3.1 miles each side of the 058° bearing from the Stoystown NDB extending from the 6.4-mile radius to 9.6 miles northeast of the NDB and 4 miles each side of the 236° bearing from the Somerset County Airport extending from the 6.4-mile radius to 9.5 miles southwest of the airport, excluding that portion that coincides with the Seven Springs, PA, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on December 16, 1997.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2224 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–42]

Amendment to Class E Airspace; Allentown, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Allentown, PA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Allentown-Queen City Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rules (IFR) operations for aircraft executing the GPS Runway (RWY) 7 SIAP to Allentown-Queen City Airport, Allentown, PA.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On November 6, 1997, a proposal to amend 14 CFR Part 71 to modify the Class E airspace at Allentown, PA, was published in the **Federal Register** (62 FR 60051). The development of a GPS RWY 7 SIAP for Allentown-Queen City Airport requires the amendment of the Class E airspace at Allentown, PA. The proposal was to amend controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while

transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace area designations for airspace extending upward from 700 or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 modifies Class E airspace at Allentown, PA, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 7 SIAP to Allentown-Queen City Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA PA AEA E5 Allentown, PA [Revised]

Lehigh Valley International Airport, PA
(lat. 40°39′09″N., long. 75°26′25″W.)
LEEHI LOM
(lat. 40°35′09″N., Long. 75°32′58″W.)
Allentown-Queen City Municipal Airport
(lat. 40°34′13″N., long. 75°29′17″W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Lehigh Valley International Airport and within a 7.5-mile radius of Allentown-Queen City Airport and within 3.1 miles north and 5 miles south of the Lehigh Valley International Airport localizer southwest course extending from the LEEHI LOM to 10 miles southwest of the LOM, excluding that portion that coincides with the Easton, PA, and Quakertown, PA, Class E airspace areas.

* * * * *

Issued in Jamaica, New York, on December 16, 1997.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2225 Filed1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–41]

Amendment to Class E Airspace; York, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet Above Ground Level (AGL) at York, PA. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) and amendments to existing SIAPs at York Airport have made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rules (IFR) operation for aircraft executing the GPS Runway (RWY) 17 SIAP, and the amended GPS RWY 35 SIAP and Nondirectional Beacon (NDB) RWY 17 SIAP to York Airport at York, PA.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On October 17, 1997, a proposal to amend 14 CFR Part 71 to modify the Class E airspace at York, PA, was published in the **Federal Register** (62 FR 53995). The development of a GPS RWY 17 SIAP, and the amendments to the GPS RWY 35 SIAP and the NDB RWY 17 SIAP for York Airport, require the amendment of the Class E airspace at York, PA. The proposal was to amend controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 modifies Class E airspace at York, PA, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the GPS RWY 17 SIAP, the GPS RWY 35 SIAP, and the NDB RWY 17 SIAP to York Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) Is not a ''significant regulatory action''

under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA PA AEA E5 York, PA [Revised]

York Airport, PA
(Lat. 39°55′01″ N., long. 76°52′23″ W.)
York NDB
(Lat. 39°55′12″ N., long. 76°52′39″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of York Airport and within 4 miles each side of the 155° bearing from the York Airport extending from the 6.5-mile radius to 11 miles southeast of the airport and 4 miles west and 6 miles east of the 339° bearing from the York NDB extending from the 6.5-mile radius to 11 miles north of the NDB, excluding that portion that coincides with the Harrisburg, PA, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on December 16, 1997.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2226 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AEA–40]

Amendment to Class E Airspace; Lewisburg, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Lewisburg, WV. The development of new VHF Omnidirectional Radio Range (VOR) Standard Instrument Approach Procedures (SIAP) at Greenbrier Valley Airport has made this action necessary. This action is intended to provide adequate Class E airspace to contain instrument flight rules (IFR) operations for aircraft executing the VOR Runway (RWY) 22 SIAP and VOR RWY 4 SIAP to Greenbrier Valley Airport, Lewisburg, WV.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building 1#111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On October 17, 1997, a proposal to amend 14 CFR Part 71 to modify the Class E airspace at Lewisburg, WV, was published in the **Federal Register** (62 FR 53986). The development of a VOR RWY 4 SIAP and a VOR RWY 22 SIAP for Greenbrier Valley Airport requires the amendment of the Class E airspace at Lewisburg, WV. The proposal was to amend controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR Part 71 modifies the Class E airspace at Lewisburg, WV, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the VOR RWY 4 SIAP and VOR RWY 22 SIAP to Greenbrier Valley Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

AEA WV AEA E5 Lewisburg, WV [Revised]

Greenbrier Valley Airport, WV
(lat. 37°51′30″N., long. 80°23′58″W.)
BUSHI NDB (LOM)
(lat. 37°46′56″N., long. 80°28′06″W.)

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Greenbrier Valley Airport and within 4.4 miles each side of the 217° bearing from the BUSHI NDB (LOM) extending from the 12-mile radius to 10 miles southwest of the NDB (LOM).

* * * * *

Issued in Jamaica, New York, on December 16, 1997.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–2227 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ANM–18]

Amendment of Class E Airspace; Sheridan, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action changes the Sheridan, WY, Class E airspace legal description from part-time to continuous. A review of the airspace for Sheridan Airport reveals a need for continuous use as indicated in the Airport/Facility Directory (A/F D).

DATES: Effective 0901 UTC, April 29, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 2, 1998.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ANM–520, Federal Aviation Administration, Docket Number 97–ANM–18, 1601 Lind Avenue, S.W., Renton, Washington 98055–4056.

The official docket may be examined in the office of the Regional Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM–520.6, Federal Aviation Administration, Docket Number 97–ANM–18, 1601 Lind Avenue, S.W., Renton, Washington 98055–4056; telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION: The Sheridan, WY, Class E airspace was originally effective on a part-time basis. The Class E airspace is now used on a continuous basis as is stated in the A/F D. The statement in the A/F D is meant to be temporary until the legal description can be changed. This amendment changes the legal airspace description from part-time to continuous, thereby reflecting actual operations. The boundaries of the airspace remain the same.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designated as a surface area for an airport are published in Paragraph 6002 of FAA Order 7400.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment, and, therefore, issues it as a direct final rule. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a docket in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–ANM–18.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant

rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6002 Class E airspace designated as a surface area for an airport.

* * * * *

ANM WY E2 Sheridan, WY [Revised]

Sheridan County Airport, WY
(Lat. 44°46′09″N, long. 106°58′49″W)
Sheridan VORTAC
(Lat. 44°50′32″N, long. 107°03′40″W)

Within a 4.5-mile radius of the Sheridan County Airport, and within 4.5 miles each side of the 157° bearing from the airport, extending from the 4.5-mile radius to 17.6 miles southeast of the airport, and within 3.5 miles each side of the Sheridan VORTAC 312° and 327° radials extending from the 4.5-mile radius to 10.1 miles northwest of the VORTAC, and within 3.5 miles each side of the Sheridan VORTAC 140° radial extending from the 4.5-mile radius to 21.4 miles southeast of the VORTAC.

* * * * *

Issued in Seattle, Washington, on January 5, 1998.

Glenn A. Adams III,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 98–2228 Filed 1–28–98 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ANM–12]

Amendment of Class E Airspace; Powell, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Powell, WY, Class E airspace. This amendment provides additional airspace to fully encompass the procedures for a new Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Yellowstone Regional Airport, Cody, WY.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM–520.6, Federal Aviation Administration, Docket No. 97–ANM–12, 1601 Lind Avenue S.W., Renton, Washington, 98055–4056; telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On October 31, 1997, the FAA proposed to amend Title 14, Code of Federal Regulations, part 71 (14 CFR part 71) by amending the Class E airspace area at Powell WY (62 FR 58931). This action would provide additional airspace to fully encompass a revised SIAP at Yellowstone Regional Airport. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

This action is the same as the proposal except for two typographical errors discovered (and corrected herein) in the coordinates for the Powell NDB and the Powell Municipal Airport. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 revises the 1200-foot Class E airspace at Powell, WY. The revised airspace, which overlies the Yellowstone Regional Airport, provides an extension to the south from approximately 6 to 26 miles, thus fully encompassing the new SIAP.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

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

* * * * *

ANM WY E5 Powell, WY [Revised]

Powell Municipal Airport, WY
(Lat. 44°52′07″ N, long. 108°47′35″ W)
Powell NDB
(Lat. 44°52′01″ N, long. 108°47′11″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Powell Municipal Airport, and within 2.7 miles each side of the Powell NDB 164°

bearing extending from the 7-mile radius to 7.9 miles southeast of the Powell NDB; that airspace extending upward from 1,200 feet above the surface beginning at lat. 45°22′00″ N, long. 108°55′03″ W; to lat. 45°22′00″ N, long. 108°11′02″ W; to lat. 44°15′15″ N, long. 108°11′02″ W, thence southwestward along the edge of the Worland, WY, 1,200-foot Class E airspace area to lat. 44°00′00″ N, long. 108°24′43″ W; west to lat. 44°00′00″ N, long. 109°00′00″ W; north to lat. 44°20′00″ N, long. 109°00′00″ W; thence west along lat. 44°20′00″ N, to the east side of V–465, thence northeast along the east side of V–465 to the point of beginning.

* * * * *

Issued in Seattle, Washington, on December 23, 1997.

Glenn A. Adams III,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 98–2229 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 42

[Public Notice 2664]

Visas: Issuance of New or Replacement Immigrant Visas

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: This rule amends the Department's regulations to comply with a change in the Immigration and Nationality Act (INA) that requires the Department to factor the number of immigrant visas issued to immediate relatives into the annual worldwide limitation on immigration.

EFFECTIVE DATE: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Pam Chavez, Legislation and Regulations Division, Visa Services, Department of State, Room L6–21, SA–1, Washington, DC 20520–0106. Phone: (202) 663–1203.

SUPPLEMENTARY INFORMATION: On November 29, 1990, the President signed the Immigration Act of 1990 (IMMACT 90) which, among other things, amended by including the number of aliens granted immediate relative status into the calculation for determining the annual family preference limitation. Before IMMACT 90 (Pub. L. 101–649) the number of immediate relative visas issued to the spouses, minor children and parents of U.S. citizens was not a factor in determining the overall annual numerical limitation for worldwide immigration.

IMMACT 90 amended the INA by requiring the Department to deduct the number of immediate relatives granted permanent resident status in the United States during the previous fiscal year from the worldwide 480,000 annual limit for the current fiscal year, but limited the annual family preference limit to no less than 226,000. To avoid double-counting the number of visas issued to immediate relatives who, for reasons beyond their control, are unable to use their original immigrant visas, consular offices will now issue replacement visas rather than new visas. The Department is amending its regulations at 22 CFR 42.74 accordingly.

Final Rule

The Department has determined that there is good cause for this rule to be exempt from notice comment requirements under 5 U.S.C. 553(b)(3)(A) because Public Law 101–649 requires that the number of aliens granted immediate relative status be included in the calculation of the annual family preference limitation and the use of replacement visas rather than new visas is simply an administrative mechanism to avoid double counting. Notice and public comment thereon are therefore unnecessary.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, as amended in 1996 (5 U.S.C. Chapter 6), requires the Federal Government to anticipate and minimize the impact of rules and paperwork requirements on small entities. Such entities are defined as small businesses (those with fewer than 500 employees), small non-profit organizations (those with fewer that 500 employees), and small governmental entities (those in areas with fewer than 50,000 residents). The Department has assessed the potential impact of the Rule and the Assistant Secretary for Consular Affairs by approving it certifies that it will not have a significant economic effect on a substantial number of small entities. It imposes no requirements on such entities.

In addition, pursuant to the Small Business Regulatory Fairness Act (5 U.S.C. Chapter 8), the Department has screened the Rule and determined that it is not a ''major rule'', as defined in 5 U.S.C. 804(2). It will not result in an annual effect on the economy of $100,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based companies in domestic and export markets.

Paperwork Reduction Act

No new information requirements are contained in this final rule.

Executive Orders 12866 and 12988

This rule is exempt from Executive Order 12866 but has been reviewed internally by the Department to ensure consistency with the objectives thereof. This rule also has been reviewed as required by Executive Order 12988 and determined to be in compliance therewith.

Executive Order 12612

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

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) and Executive Order 12875.

List of Subjects in 22 CFR Part 42

Aliens, Immigrants, Visas and passports.

In view of the foregoing 22 CFR is amended as follows:

PART 42—[AMENDED]

1. The authority citation for part 42 continues to read:

Authority: 8 U.S.C. 1104.

2. 22 CFR 42.74 is amended by revising paragraph (a) and (b) to read as follows:

§ 42.74 Issuance of new or replacement visas.

(a) *New immigrant visa for a special immigrant under INA 101(a)(27)(A) and (B).*

(1) The consular officer may issue a new immigrant visa to a qualified alien entitled to status under INA 101(a)(27)(A) or (B), who establishes:

(i) That the original visa has been lost, mutilated or has expired, or

(ii) The alien will be unable to use it during the period of its validity;

(2) Provided:

(i) The alien pays anew the statutory application and issuance fees; and

(ii) The consular officer ascertains whether the original issuing office knows of any reason why a new visa should not be issued.

(b) *Replacement immigrant visa for an immediate relative or for an alien subject to numerical limitation.*

(1) A consular officer may issue a replacement visa under the original number of a qualified alien entitled to status under INA 201(b)(2)(A)(i), INA 203(a), (b), or (c), or under INA 124, if—

(i) The alien is unable to use the visa during the period of its validity due to reasons beyond the alien's control;

(ii) The visa is issued during the same fiscal year in which the original visa was issued;

(iii) The number has not be returned to the Department as a ''recaptured visa number'';

(iv) The alien pays anew the statutory application and issuance fees; and

(v) The consular officer ascertain whether the original issuing office of knows of any reason why a new visa should not be issued.

(2) In issuing a visa under this paragraph (b), the consular officer shall insert the word ''REPLACE'' on Form OF–155A, Immigrant Visa and Alien Registration, before the word ''IMMIGRANT'' in the title of the visa.

* * * * *

Dated: December 17, 1997.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 98–1780 Filed 1–28–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 42

[Public Notice 2715]

Visas: Immigrant Religious Workers

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: The Immigration Act of 1990 created a new special immigrant visa classification for religious workers who have 2 years of membership in a religious denomination; two years of experience in a religious occupation or vocation and who intend to continue to work in such occupation or vocation. The legislation, as originally enacted, required religious workers (other than ministers) to seek entry into the United States before October 1, 1994.

On October 25, 1994 in the Immigration and Nationality Technical Corrections Act of 1994 the deadline was extended to allow religious workers to enter the United States ''before October 1, 1997''.

The Religious Workers Act of 1997 enacted on October 6, 1997 further extended the deadline to ''before October 1, 2000''. Thus, this final rule amends the previously published regulation and extends the allowable validity date of immigration visas for aliens seeking to enter the United States as special immigrant religious workers to not later than September 30, 2000.

EFFECTIVE DATE: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Pam Chavez, Legislation and Regulations Division, Visa Services, (202) 663–1206.

SUPPLEMENTARY INFORMATION:

Immigration Act of 1990

Section 151 of the Immigration Act of 1990 (IMMACT 90), Public Law 101–649, amended INA 101(a)(27)(C) by adding a new category of special immigrant visas for aliens who will work in a religious occupation or vocation for a religious organization in a professional or other capacity. Unlike the provision for special immigrant ministers of religion, which does not contain a sunset provision, the provisions for religious workers (as defined under INA 101(a)(27)(C)(ii)(II) and (III)), as originally enacted, required religious workers to seek to enter the United States before October 1, 1994.

Immigration and Nationality Technical Corrections Act of 1994

On October 25, 1994, sec. 214 of the Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103–416) amended INA 101(a)(27)(C)(ii) to extend the sunset date to before October 1, 1997.

Religious Workers Act of 1997

Sec. 1 of the Religious Workers Act of 1997, Public Law 105–54, enacted October 6, 1997 further extended the deadline for special immigrant religious workers to enter the United States until before October 1, 2000. This final rule implements this section by revising 42.32(d)(1)(ii) to extend the visa validity date to not later than September 30, 2000.

Final Rule

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule imposes no reporting or recordkeeping action from the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule has been reviewed as required by E.O. 12778 and certified to be in compliance therewith. This rule is exempted from E.O. 12866 but has been coordinated with INS and reviewed to ensure consistency therewith.

List of Subjects in 22 CFR Part 42

Aliens, Immigration, Passports and visas.

In view of the foregoing 22 CFR Chapter I is amended as follows:

PART 42—[AMENDED]

1. The authority citation for Part 42 is revised to read:

Authority: 8 U.S.C. 1104.

2. Section 42.32 is amended by revising paragraph (d)(1)(ii) to read as follows:

§ 42.32 Employment based preference immigrants.

* * * * *

(d) *Fourth preference—Special immigrants*—(1) *Religious workers.*

* * *

(ii) *Timeliness of application.* An immigrant visa issued under INA 203(b)(4) to an alien described in INA 101(a)(27)(C), other than a minister of religion, who qualifies as a ''religious worker'' as defined in 8 CFR 204.5 shall bear the usual validity except that in no case shall it be valid later than September 30, 2000.

* * * * *

Dated: January 12, 1998.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 98–1779 Filed 1–28–98; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8763]

RIN 1545–AU06

Modifications of Bad Debts and Dealer Assignments of Notional Principal Contracts

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains regulations that deem a charge-off and

allow a deduction for a partially worthless debt when the terms of a debt instrument have been modified.

The regulations provide guidance to certain taxpayers that have claimed a deduction for a partially worthless debt and then modified the terms of the debt instrument. This document also contains regulations relating to certain assignments of notional principal contracts by dealers in those contracts. The regulations provide guidance to taxpayers relating to the consequences of these assignments.

DATES: *Effective date:* These regulations are effective February 29, 1998.

Applicability date: These regulations apply to significant modifications of debt instruments and assignments of interest rate swaps, commodity swaps, and other notional principal contracts occurring on or after September 23, 1996.

FOR FURTHER INFORMATION CONTACT: Concerning the modifications of bad debts, Craig Wojay, (202) 622–3920, and concerning dealer assignments of notional principal contracts, Thomas M. Preston, (202) 622–3940 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

On June 25, 1996, temporary regulations (TD 8676) relating to modifications of bad debts and dealer assignments of notional principal contracts under sections 166 and 1001 of the Internal Revenue Code (Code) were published in the **Federal Register** (61 FR 32653). A notice of proposed rulemaking (REG–209743–94, formerly FI–59–94) cross-referencing the temporary regulations was published in the **Federal Register** for the same day (61 FR 32728). No public hearing was requested or held.

Written comments responding to the notice were received. After consideration of the comments, the regulations proposed by REG–209743–94 are adopted by this Treasury decision, and the corresponding temporary regulations are removed.

Explanation of Provisions

The preamble to the temporary regulations sets forth limited circumstances under which a taxpayer will be permitted to deduct an amount on account of a partially worthless debt even though an amount has not been charged off within the taxable year.

Section 166(a)(2) and § 1.166–3(a) provide that a deduction for a partially worthless debt is allowed only to the extent the debt is charged off in the taxable year. The charge-off requirement is satisfied when a portion of the debt is removed from the taxpayer's books and records. This generally is accomplished by reducing the debt's book basis. Thus, when an amount has been deducted for partial worthlessness, there is generally a reduction of both the book basis and the tax basis of a debt.

When a taxpayer is required to recognize gain under § 1.1001–1 because of a modification of a debt instrument, the taxpayer's tax basis in the debt is increased by the amount of gain recognized. However, regulatory and general accounting principles generally would not permit a corresponding increase in the book basis of the debt. Because the prior charge-off is not restored (that is, the book basis of the debt is not increased), there is no opportunity for the taxpayer to take a new charge-off for pre-existing worthlessness.

The purpose of the temporary regulations is to preserve a portion of a taxpayer's bad debt deduction with respect to a partially worthless debt. The portion preserved corresponds to the amount the taxpayer would have been entitled to deduct for partial worthlessness with respect to the modified debt if the book basis of the modified debt were increased to the same extent as the tax basis of that debt. Thus, if all the conditions of the temporary regulations are satisfied, then a modified debt is deemed to have been charged off in the year in which gain is recognized. The amount of the deemed charge-off, however, is limited to the difference between the tax basis of the debt and the greater of the book basis or the fair market value of the debt. The temporary regulations also address debt that constitutes transferred basis property under section 7701(a)(43).

In addition, the temporary regulations provide a limited rule dealing with a dealer's assignment of its position in an interest rate swap, commodity swap, or other notional principal contract to another dealer. If the assignment is permitted by the terms of the contract, the assignment is not treated as a deemed exchange by the nonassigning party of the original contract for a new contract that differs materially either in kind or in extent. Thus, an assignment to which the rule applies does not trigger gain or loss to the dealer's counterparty.

Three comments were received on the § 1.166–3T regulations. The first comment requests a deemed charge-off for a taxpayer that purchased at a discount debt for which a previous deduction for partial worthlessness was claimed, and then significantly modified the debt under § 1.1001–3 and recognized gain on the modification. Whenever debt is purchased for less than the stated redemption price, recognized gain from a significant modification is attributable to market discount as defined in section 1278(a)(2)(A) and not to a previously claimed deduction for partial worthlessness. In addition, the temporary regulations refer to § 1.166–3(a) (1) and (2) for guidance relating to prior charge-offs and deductions for partial worthlessness. Extending the temporary regulations to cover a discount purchase would significantly expand the regulations beyond their intended scope and create a situation that would be extremely difficult to administer. The regulations do not adopt the request to extend the regulations to cover such a purchase.

The second comment requests a deemed charge-off for a member of a consolidated group that purchased debt, for which a previous deduction for partial worthlessness was claimed, from another member of the group, then significantly modified the debt under § 1.1001–3 and recognized gain on the modification. Whenever debt is purchased for less than the stated redemption price, subsequently recognized gain from a significant modification is attributable to market discount as defined in section 1278(a)(2)(A) and not to a previously claimed deduction for partial worthlessness. Extending the temporary regulations to cover a purchase from another member of the consolidated group would significantly expand the regulations beyond their intended scope. The regulations do not adopt the request to extend the regulations to cover an intercompany transaction.

The third comment requests expanding the temporary regulations to include other situations in which a taxpayer has tax basis in a debt but no corresponding book basis. The first situation involves the accrual of interest income on loans that have been placed on non-accrual status for book purposes. The second situation involves the requirement to accrue interest on original issue discount obligations even if the loan has become uncollectible. This comment deals with situations other than the modification of a debt instrument and is beyond the scope of this regulation project.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of

the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Small Business Administration for comment on its impact on small business.

Drafting Information: The principal author of the regulations concerning the modifications of bad debts is Craig Wojay, Office of the Assistant Chief Counsel (Financial Institutions and Products), IRS. The principal author of the regulations concerning the dealer assignments of notional principal contracts is Thomas M. Preston, Office of the Assistant Chief Counsel (Financial Institutions and Products), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. In § 1.166–3, paragraph (a)(3) is added to read as follows:

§ 1.166–3 Partial or total worthlessness.

(a) * * *

(3) *Significantly modified debt*—(i) *Deemed charge-off.* If a significant modification of a debt instrument (within the meaning of § 1.1001–3) during a taxable year results in the recognition of gain by a taxpayer under § 1.1001–1(a), and if the requirements of paragraph (a)(3)(ii) of this section are met, there is a deemed charge-off of the debt during that taxable year in the amount specified in paragraph (a)(3)(iii) of this section.

(ii) *Requirements for deemed charge-off.* A debt is deemed to have been charged off only if—

(A) The taxpayer (or, in the case of a debt that constitutes transferred basis property within the meaning of section 7701(a)(43), a transferor taxpayer) has claimed a deduction for partial worthlessness of the debt in any prior taxable year; and

(B) Each prior charge-off and deduction for partial worthlessness satisfied the requirements of paragraphs (a) (1) and (2) of this section.

(iii) *Amount of deemed charge-off.* The amount of the deemed charge-off, if any, is the amount by which the tax basis of the debt exceeds the greater of the fair market value of the debt or the amount of the debt recorded on the taxpayer's books and records reduced as appropriate for a specific allowance for loan losses. The amount of the deemed charge-off, however, may not exceed the amount of recognized gain described in paragraph (a)(3)(i) of this section.

(iv) *Effective date.* This paragraph (a)(3) applies to significant modifications of debt instruments occurring on or after September 23, 1996.

* * * * *

§ 1.166–3T [Removed]

Par. 3. Section 1.166–3T is removed.

Par. 4. Section 1.1001–4 is added to read as follows:

§ 1.1001–4 Modifications of certain notional principal contracts.

(a) *Dealer assignments.* For purposes of § 1.1001–1(a), the substitution of a new party on an interest rate or commodity swap, or other notional principal contract (as defined in § 1.446–3(c)(1)), is not treated as a deemed exchange by the nonassigning party of the original contract for a modified contract that differs materially either in kind or in extent if—

(1) The party assigning its rights and obligations under the contract and the party to which the rights and obligations are assigned are both dealers in notional principal contracts, as defined in § 1.446–3(c)(4)(iii); and

(2) The terms of the contract permit the substitution.

(b) *Effective date.* This section applies to assignments of interest rate swaps, commodity swaps, and other notional principal contracts occurring on or after September 23, 1996.

§ 1.1001–4T [Removed]

Par. 5. Section 1.1001–4T is removed.

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

Approved: January 14, 1998.

Donald C. Lubick,

Acting Assistant Secretary of the Treasury.

[FR Doc. 98–2093 Filed 1–28–98; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA–33–1–7374; FRL–5955–9]

Approval and Promulgation of State Implementation Plans (SIP) for Louisiana: Motor Vehicle Inspection and Maintenance (I/M) Program; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects the section number in subpart T of part 40 of the Code of Federal Regulations (CFR) citation published in the **Federal Register** (FR) of November 19, 1997, regarding final disapproval of the Louisiana I/M SIP. Section 52.994 was inadvertently chosen for Disapprovals, when it had previously been assigned to Conditional Approvals. This document changes the section number for Disapprovals to 52.996.

DATES: Effective on January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Rennie, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214)665–7367.

SUPPLEMENTARY INFORMATION:

I. Background

The EPA published document 97–30376 in the November 19, 1997, **Federal Register** (FR), finalizing disapproval of the I/M program in the Baton Rouge ozone nonattainment area. See 62 FR 61633 for the background and rulemaking for that action.

In amending part 52 of 40 CFR, a section was added in subpart T—Louisiana, for Disapprovals. Inadvertently, the section number chosen was already in use for Conditional Approvals. The purpose of this action is to change the section number for Disapprovals from 52.994 to 52.996.

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 mandates 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 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 provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Conformity, Hydrocarbons, Nitrogen dioxide, Ozone.

Dated: January 14, 1998.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

In rule FR Doc. 97–30376, published on November 19, 1997 (62 FR 61633), make the following correction:

1. On page 61634, in the third column, the amendatory instruction is corrected to read as follows:

2. Section 52.996 is added to read as follows:

2. In the text, the section number is changed from 52.994 to 52.996.

[FR Doc. 98–2087 Filed 1–28–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5954–1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of partial deletion of the Prewitt Abandoned Refinery Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) Region 6 announces the deletion of the surface portion of the Prewitt Abandoned Refinery Superfund Site (the Site) from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, 42 U.S.C. 9605, is codified at Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. This partial deletion is consistent with the EPA's Notice of Policy Change: Policy Regarding Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (November 1, 1995). This partial deletion pertains to the surface portion, which includes all surface soils, and also includes the former separator area. This partial deletion does not pertain to the subsurface portion of the Site including without limitation ground water and subsurface soils. The subsurface portion of the Site will remain on the NPL, and response activities will continue at that portion. With the concurrence of the State of New Mexico through the New Mexico Environment Department (NMED), and with the concurrence of the Navajo Nation through the Navajo Nation Superfund Office (NSO), the EPA has determined that responsible parties have implemented all appropriate response actions required at the surface portion of the Site (neither the CERCLA-required five-year reviews, nor operation and maintenance of the constructed remedy is considered further response action for these purposes), that all appropriate Hazardous Substance Response Trust Fund (Fund) financed response actions under CERCLA have been implemented at the surface portion of the Site, and that no further response action by responsible parties is appropriate for the surface portion of the Site. Moreover, the EPA, with State of New Mexico concurrence through the NMED, and with Navajo Nation concurrence through the NSO, has determined that Site investigations show that the surface portion of the Site now poses no significant threat to public health or the environment; consequently, pursuant to CERCLA section 105, and 40 CFR 300.425(e), the surface portion of the Site is hereby deleted from the NPL.

EFFECTIVE DATE: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Greg J. Lyssy, Remedial Project Manager, (214) 665–8317, United States Environmental Protection Agency, Region 6, Mail Code: 6SF–LT, 1445 Ross Avenue, Dallas, Texas 75202. Information on the Site is available at the local information repository located at: Prewitt Fire House, PO Box 472, Prewitt, New Mexico 87045, (505) 876–4068. Requests for comprehensive copies of documents should be directed formally to the Regional Superfund Management Branch, care of Steve Wyman, (214) 665–2792, EPA Region 6, Mail Code: 6SF–PO, 1445 Ross Avenue, Dallas, Texas 75202.

SUPPLEMENTARY INFORMATION: The site to be partially deleted from the NPL is the Prewitt Abandoned Refinery Superfund Site located near the town of Prewitt, in McKinley County, New Mexico. This partial deletion pertains to the surface portion of the Site, which consists of all surface soils and the former separator area. This partial deletion does not pertain to the subsurface portion of the Site including without limitation ground water and subsurface soils. This Partial Deletion is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (Nov. 1, 1995). A Notice of Intent for Partial Deletion was published on October 6, 1997 (62 FR 52074). The closing date for comments on the Notice of Intent for Partial Deletion was November 5, 1997. The EPA received two comment letters, both of which supported the partial deletion.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Section 300.425(e)(3) of the NCP, 40 CFR 300.425(e)(3), states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

Lists 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, Water supply.

Dated: January 8, 1998.

Lynda F. Carroll,

Acting Regional Administrator (6RA), Region 6.

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

2. Table 1 of Appendix B to part 300 is amended by revising the entry for ''Prewitt Abandoned Refinery'' by adding a note ''P'' so that it reads as follows:

Appendix B—[Amended]

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site Name	City/county	Notes [a]
*	*	*	*
NM	Prewitt Abandoned Refinery	Prewitt	P
*	*	*	*

* * * * * * *

P=Sites with partial deletion(s).

* * * * * * *

[FR Doc. 98–1915 Filed 1–28–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No.95–74; RM–8579, RM–8690]

Radio Broadcasting Services; Benavides, Bruni, and Rio Grande City, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission denies a petition for rule making filed by Benavides Communications requesting the reallotment of Channel 299C2 from Benavides to Bruni, Texas; the allotment of Channel 254A at Benavides; and the modification of Station KXTM–FM's authorization to specify Bruni as its community of license. *See* 60 FR 29817, June 6, 1995. The proposed reallotment was denied because granting Sound Investments' counterproposal would provide first and second aural reception service to a greater number of people. In response to a counterproposal filed by Sound Investments unlimited, Inc.(RM–8690), the Commission substitutes Channel 298C2 for Channel 276A at Rio Grande City, Texas, and modifies Station KCTM–FM's license in accordance with Section 1.420(g) of the Commission's Rules. Channel 298C2 can be allotted to Rio Grande City in compliance with the Commission's minimum distance separation requirements at coordinates 26–22–42 NL and 98–48–48 WL. Mexican concurrence has been obtained for this allotment as a specially negotiated short-spaced, limited allotment since Rio Grande City is located within 320 kilometers (200 miles) of the U.S.-Mexican border. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 9, 1998.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, 202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 95–74, adopted January 14, 1998, and released January 23, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 276A and adding Channel 298C2 at Rio Grande City.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–2194 Filed 1–28–98; 8:45 am]

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Proposed Rules

Federal Register

Vol. 63, No. 19

Thursday, January 29, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 406 and 457

Nursery Crop Insurance Regulations; Common Crop Insurance Regulations; and Nursery Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Nursery Crop Insurance Provisions. The intended effect of this action is to provide policy changes to better meet the needs of insureds, and to restrict the effect of the Nursery Crop Insurance Regulations (7 CFR part 406) to the 1995 and prior crop years.

DATES: Written comments and opinions on this proposed nursery rule will be accepted until the close of business March 16, 1998 and will be considered when the rule is to be made final. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through March 30, 1998.

ADDRESSES: Interested persons are invited to submit written comments to the Director, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131. A copy of each response will be available for public inspection and copying from 7 a.m. to 4:30 p.m., EDT, Monday through Friday, except holidays, at the above address.

FOR FURTHER INFORMATION CONTACT: Rob Cerda, Insurance Management Specialist, Research and Evaluation Division, Federal Crop Insurance Corporation, at the Kansas City, MO, address listed above, telephone (816) 926–6343.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined this rule to be not significant and, therefore, this rule has not been reviewed by OMB.

Paperwork Reduction Act of 1995

This rule proposes to amend the information collection requirements previously approved by OMB under OMB control number 0563–0053 through October 31, 2000. This rule increases the producer (respondent) audience participation due to expanded coverage to include in-ground plants and ornamental nurseries; to insure plants that produce edible berries or nuts as long as the fruits or nuts are not intended for sale; and to offer a Peak Inventory Endorsement and Optional Unit Endorsement. All of the forms cleared under OMB control number 0563–0053 represent the minimum requirement for information to determine eligibility and losses qualifying for payment due to nursery coverage.

Revised reporting estimates and requirements for usage of OMB control number 0563–0053 will be submitted to OMB for approval under the provisions of 44 U.S.C., chapter 35. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through March 30, 1998.

The FCIC is seeking comments on the following Information Collection Request (ICR).

Title: Multiple Peril Crop Insurance.

Respondents/Affected Entities: Parties affected by the information collection requirements included in this rule are nursery producers.

Abstract: This rule proposes to expand nursery coverage to include in-ground plants and ornamental nurseries; to insure plants that produce edible berries or nuts as long as the fruits or nuts are not intended for sale; and to offer a Peak Inventory Endorsement and Optional Unit Endorsement. FCIC believes the proposed policy will increase participation in the nursery program and offer a better commodity to nursery producers.

Estimate of Burden: Public reporting burden for this collection of information is estimated at 68.7 minutes per participant because of the high degree of automation associated with the data collection.

Respondents: Nursery growers.

Estimated Number of Respondents: 1,689.

Estimated Number of Responses Per Respondent: 1.7.

Estimated Total Annual Burden on Respondents: 1,935 hours.

FCIC is requesting comments on the following: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has 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 gathering technology.

Comments regarding paperwork reduction should be submitted to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

The Office of Management and Budget (OMB) is required to make a decision concerning the collections of information contained in this rule between 30 and 60 days after submission to OMB. Therefore, a comment to OMB is best assured of having full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the rule.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implication to

warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

This regulation will not have a significant economic impact on a substantial number of small entities. New provisions included in this rule will not impact small entities to a greater extent than large entities. Under the current regulations, a producer is required to complete an application and a report of plant inventory. If the crop is damaged or destroyed, the insured is required to give notice of loss and provide the necessary information to complete a claim for indemnity. This regulation does not alter those requirements. The amount of work required of the insurance companies and insured may actually decrease because the plant inventory report has been simplified and insureds no longer have to report all their plants. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605), and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

National Performance Review

This regulatory action is being taken as part of the National Performance Review Initiative to eliminate unnecessary or duplicative regulations and improve those that remain in force.

Background

FCIC proposes to revise and reissue the nursery crop insurance provisions found at 7 CFR 457.114. The new provisions will be effective for the 1999 and succeeding crop years. FCIC also proposes to amend 7 CFR part 406 to limit its effect to the 1995 and prior crop years.

This rule makes minor editorial and format changes to improve the Nursery Crop Insurance Provisions. In addition, FCIC is proposing substantive changes in the provisions for insuring nursery as follows:

1. Section 1—Adds definitions for the terms ''amount of insurance,'' ''brownout,'' ''crop year,'' ''crop year deductible,'' ''eligible plant listing,'' ''field grown,'' ''in-ground fabric bag,'' ''irrigated practice,'' ''largest dimension,'' ''nursery,'' ''occurrence deductible,'' ''plant inventory value report,'' ''plant price schedule,'' ''policy renewal date,'' ''price level,'' ''sales closing date,'' and ''stock plants.''

The definition of ''crop year loss deductible,'' has been changed to ''crop year deductible'' for clarification. Revised the definitions of ''standard nursery containers,'' ''field market value A,'' and ''field market value B'' for clarification.

2. Section 2—Changed ''Unit Division'' guidelines to permit only one unit per county but allows for optional units by endorsement. Optional units will generally be by plant type unless otherwise provided in the Special Provisions.

3. Section 4—Change the contract change date to March 31 of the crop year for policies with a policy renewal date after July 1. Producers with policy renewal dates between March 31 and June 30 can elect to delay the effect of contract changes until the next crop year.

4. Section 5—Change the cancellation and termination dates to the day preceding the policy renewal dates. This change will give the insured year-round coverage.

5. Section 6(b)—Specify that the nursery plant inventory value report must be submitted with the application or not later than the policy renewal date for subsequent crop years in order to determine the amount of insurance before insurance attaches for the next crop year.

6. Section 6(c)—Add provisions to clarify the nursery inventory will be valued according to the plant price schedule in order to standardize prices and make the program more fair and equitable to all producers and reduce the risk of fraud.

7. Section 6(h)—Specify that the insured must ensure the full value of the insurable nursery plant inventory.

8. Section 7(a)—Add provisions to specify that the ''annual premium'' for each unit will be calculated by multiplying the amount of insurance by the appropriate premium rate listed on the actuarial documents by the insured share.

9. Section 8(b)—Add provisions to expand coverage to include the ornamental nursery industry as required by the Federal Agricultural Improvement and Reform Act of 1996.

10. Section 8(c)—Add provisions to expand coverage to include plants that produce edible berries or nuts as long as the fruits or nuts are not intended for sale.

11. Section 9—Add provisions specifying that insurance coverage commences on each unit 30 days after the application is signed and submitted, provided the premium has been paid, and at 12:01 a.m. of each subsequent annual policy renewal date. Currently, coverage begins on each unit or part of a unit on the later of October 1 or the date the insurance inventory is accepted. This provision will allow time for the insurance provider to inspect and accept or deny the insurance inventory.

12. Section 10(b)—Add provisions to exclude insects and plant disease as an insurable cause of loss, unless a disease or insect infestation occurs for which no approved control measures exists, or coverage is specifically provided by the Special Provisions.

13. Section 12—Add provisions clarifying indemnity calculations.

14. Section 13—Add provisions making the late and prevented planting provisions in the Basic Provisions not applicable to nursery.

15. Add a new section to include the Nursery Peak Inventory Endorsement.

List of Subjects in 7 CFR Parts 406 and 457

Crop insurance, Nursery, Reporting and record keeping requirements.

Proposed Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation hereby proposes to amend the Nursery Crop Insurance Regulations

(7 CFR part 406) and revise and reissue the Common Crop Insurance Regulations (7 CFR part 457), effective for the 1999 and succeeding crop years, to read as follows:

PART 406—NURSERY CROP INSURANCE REGULATIONS FOR THE 1989 THROUGH THE 1995 CROP YEARS

1. The authority citation for 7 CFR part 406 is revised to read as follows:

Authority: 7 U.S.C. 1506(1), 1506(p).

2. The part heading is revised to read as set forth above.

3. The subpart heading ''Subpart—Regulations for the 1989 and succeeding crop years'' is removed.

PART 457—COMMON CROP INSURANCE REGULATIONS; REGULATIONS FOR THE 1994 AND SUBSEQUENT CONTRACT YEARS

4. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(1), 1506(p).

4a. The part heading is revised as set forth above.

5. Section 457.114 is revised to read as follows:

§ 457.114 Nursery crop insurance provisions.

The Nursery Crop Insurance Provisions for the 1999 and succeeding crop years are as follows:

FCIC policies:

United States Department of Agriculture

Federal Crop Insurance Corporation

Reinsured policies:

(Appropriate title for insurance provider)

Both FCIC and reinsured policies:

Nursery Crop Insurance Provisions

If a conflict exists among the policy provisions, the order of priority is as follows: (1) The Catastrophic Risk Protection Endorsement, if applicable; (2) the Special Provisions; (3) these Crop Provisions, and (4) the Basic Provisions, with (1) controlling (2), etc.

1. *Definitions.*

Amount of insurance. The value reported on the plant inventory value report (including any revised report accepted by us) multiplied by the coverage level percentage you elect, multiplied by the price level you elect, and multiplied by your share.

Crop year. In lieu of the definition in the Basic Provisions, the 12 month period beginning the day we accept the insurance inventory and extending until 11:59 p.m. of the day preceding the policy renewal date and designated by the year in which the insurance period ends.

Crop year deductible. The greater of: (1) The value reported on the plant inventory value report times 100 percent minus your coverage level percentage; or (2) field market value A times 100 percent minus your coverage level percentage.

Eligible plant listing. A listing published by FCIC that specifies the plants eligible for insurance as well as insurability requirements for such plants.

Field grown. Nursery plants planted and grown in the ground without the use of any artificial root containment device. In-ground fabric bags will not be considered as an artificial root containment device.

Field market value A. The value of the insurable plants, based on the plant prices contained in the plant price schedule, in the unit immediately prior to the occurrence of any loss.

Field market value B. The value of the insurable plants, based on the plant prices contained in the plant price schedule, in the unit following the occurrence of a loss, as determined by our appraisal of the crop, plus any loss in value due to an uninsured cause.

In-ground fabric bag. Also called a grow bag or a root control bag, is a porous fabric bag made of a nonbiodegradable material such as polypropylene, that typically has a plastic bottom, and is used for growing woody plants in the ground.

Irrigated practice. In lieu of the definition in the Basic Provisions the application of water, using appropriate systems and at the proper times, to provide the quantity of water needed to maintain your insured plant inventory.

Nursery. A business enterprise that produces nursery plant materials, a majority of which are sold in the wholesale market.

Plant inventory value report. Your report that declares the value of insurable plants in accordance with section 6.

Plant price schedule. A listing provided by FCIC of the maximum amount we will pay for insurable plants.

Policy renewal date. The policy renewal date is each anniversary of the original beginning of the insurance coverage (*e.g.* if insurance begins on October 1, 1998, the first policy renewal date is October 1, 1999).

Price level. The percentage of the plant price schedule price, up to 100 percent, that you elect and that is used to determine the amount of insurance and any indemnity.

Standard nursery containers. Rigid containers not less than 3 inches across the largest interior dimension at the top of the container, and which are appropriate in size and have drainage holes appropriate for the plant. In-ground fabric bags, trays, and cellpacks with individual cells less than 3 inches across the largest dimension, and burlap are not considered standard nursery containers under these crop provisions.

Stock plants. Plants used solely for propagation that are not intended for sale during the crop year.

2. *Unit Division.*

(a) In lieu of the definition of ''basic unit'' contained in section 1 of the Basic Provisions, a basic unit consists of all insurable plant inventory in the county in which you have a share.

(b) Inventory that would otherwise be one basic unit may be divided by electing an optional unit endorsement when you submit your application or prior to the policy renewal date for any subsequent crop year.

(c) The optional unit provisions in the Basic Provisions are not applicable.

3. *Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities.*

(a) The production reporting requirements contained in section 3 of the Basic Provisions are not applicable.

(b) In lieu of the requirement in section 3(b) of the Basic Provisions that specifies that changes to the coverage level, price, or amount of insurance must be made by the sales closing date, you must give us written notice of such changes not later than 15 days prior to the policy renewal date.

4. *Contract Changes.*

In accordance with section 4 of the Basic Provisions:

(a) The contract change date is March 31 of each year.

(b) If your policy renewal date is on or after July 1, your insurance coverage will be in accordance with the policy, as changed, if any, by the March 31 contract change date. If your policy renewal date is between March 31 and June 30 inclusive, you may elect to convert your policy to the changed policy or keep your current policy for one year. For the subsequent crop year, the changed policy terms will apply. The election must be made on our form by June 30 and the elected policy terms will be effective July 1.

5. *Cancellation and Termination Dates.*

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are the day preceding the policy renewal date.

6. *Plant Inventory Value Report.*

(a) Section 6 of the Basic Provisions is not applicable.

(b) You must submit a plant inventory value report to us with your application not later than the day preceding each subsequent policy renewal date.

(c) The plant inventory value report must include all growing locations, the value of your inventory, and your share. At our option, you will be required to provide documentation in support of your plant inventory value report including but not limited to a detailed plant inventory listing that includes each type of plant, the number of each plant type, and the value of each plant type; detailed individual sales and purchases of plants for the 3 previous crop years; sales totals for the previous 3 years; purchases of plant material, etc., and your ability to properly obtain and maintain nursery stock.

(d) Your plant inventory value report will be used to determine your premium and amount of insurance. If you do not submit a plant inventory value report or other information that may be required under section 6(c) by the date required, we will determine the plant inventory value or deny liability. Errors in reporting may be corrected by us at the time of loss adjustment.

(e) Your inventory must be valued according to the plant price schedule.

(f) You may revise your plant inventory value report to correct or change the value reported. If you wish to revise your plant inventory value report to reflect an increase in inventory value, you must notify us in writing at least 14 days before the change in inventory value will become effective. We

may inspect the inventory. Insurance will not attach on any proposed increase in inventory value until we accept the plant inventory in writing.

(g) You may choose the optional Peak Inventory Endorsement to cover temporary increases in your inventory value.

(h) You must insure the full value of your insurable plant inventory. Failure to insure the full value of your insurable plant inventory will result in the reduction of any claim in accordance with section 12(b)(1).

7. *Annual Premium.*

In lieu of section 7 of the Basic Provisions:

(a) We will determine your premium for the plant inventory value by multiplying the amount of insurance by the appropriate premium rate for basic units listed on the actuarial documents and by your share.

(b) The annual premium will be earned in full when insurance attaches. It is due and payable as follows:

(1) Forty percent on the date we accept the insurance inventory;

(2) If you apply or your policy renewal date is between January 1 and June 30 inclusive, you must pay the remaining premium by September 30 of the same year; and

(3) If you apply, or your policy renewal date is at any other time, you must pay the remaining premium by March 31 of the following year.

(c) Additional premium from an increase in the plant inventory value report is due and payable when the revised plant inventory value report is accepted by us.

(d) Interest will accrue at the rate of one and one-fourth percent simple interest per calendar month, or any part thereof, on any unpaid amount due us. For the purpose of premium amounts due us, interest will start on the first day of the month following the premium due dates specified in paragraph 7(b) above.

(e) Premium will not be reduced due to a decrease in the plant inventory value once the insurance period has begun.

8. *Insured Plants.*

In lieu of the provisions of sections 8 and 9 of the Basic Provisions, the insured nursery plant inventory will be all the nursery plants in the county that:

(a) Are contained in the eligible plant listing, unless a written agreement provides otherwise:

(b) Are classified as woody, herbaceous or foliage ornamental plants;

(c) Produce edible fruits or nuts, provided the fruit or nuts are not intended for sale;

(d) Are determined by us to be acceptable;

(e) Are grown in a county for which a premium rate is provided in the actuarial documents;

(f) Are grown under an irrigation practice for which you have adequate irrigation equipment and water to carry out a good irrigation practice at the time coverage begins, unless otherwise provided by the actuarial documents or written agreement.

(g) Are not stock plants;

(h) Are grown in accordance with the production practices for which premium rates have been established;

(i) Are grown in an appropriate medium; and

(j) Are grown in nursery facilities or at locations inspected by us and determined to be acceptable.

9. *Insurance Period.*

In lieu of the provisions of section 11 of the Basic Provisions, if you have paid your premium in accordance with section 7(b)(1), coverage begins 30 days after your application is signed by you, or the date the insurance inventory is accepted whichever is later, and at 12:01 a.m. of each subsequent policy renewal date as long as the policy remains in force and your plant inventory value report is received. Insurance ends at the earliest of:

(a) The date of final adjustment of a loss when the total indemnities paid equal the amount of insurance; or

(b) 11:59 p.m. of the day preceding the policy renewal date.

10. *Causes of Loss.*

(a) In accordance with the provisions of section 12 of the Basic Provisions, insurance is provided for unavoidable damage caused only by the following causes of loss that occur within the insurance period:

(1) Adverse weather conditions, except as specified in section 10(b)(4);

(2) Fire, except where weeds and other forms of undergrowth in the vicinity of the plants or buildings on your insured site are not controlled by chemical or mechanical means or by removal;

(3) Wildlife;

(4) Earthquake;

(5) Volcanic eruption; or

(6) Failure of the irrigation water supply due to a cause of loss specified in section 10(a)(1) through (5) that occurs within the insurance period.

(b) In addition to the causes of loss excluded in section 12 of the Basic Provisions, we do not insure against any loss caused by:

(1) Disease or insect infestation, unless:

(i) A disease or insect infestation occurs for which no effective control measure exists; or

(ii) Coverage is specifically provided by the Special Provisions.

(2) A failure of or a reduction in the power supply, unless such failure is due to an insurable cause of loss specified in section 10(a);

(3) The inability to market the nursery plants as a direct result of quarantine, boycott, or refusal of a buyer to accept production;

(4) Frost or freeze, if frost or freeze protection is shown as being required in the eligible plant listing, unless:

(i) You have installed adequate frost or freeze protection equipment or facilities and there is a failure or breakdown that is directly caused by an insurable cause of loss specified in section 10(a). The insured plants must be damaged by cold temperatures and the damage must occur within 72 hours of the failure of such equipment or facilities unless you establish that repair or replacement was not possible between the time of failure or breakdown and the time the damaging temperatures occurred; or

(ii) The lowest temperature reached exceeded the ability of the required frost or freeze protection equipment to keep the insured plants from sustaining cold damage.

(5) Collapse or failure of buildings or structures, unless the damage to the building or structures results from a cause of loss specified in section 10(a).

11. *Duties in the Event of Damage or Loss.*

In addition to your duties contained under section 14 of the Basic Provisions, you must:

(a) Obtain our written consent prior to:

(1) Destroying, selling or otherwise disposing of any plant inventory that is damaged; or

(2) Changing or discontinuing your normal growing practices with respect to care and maintenance of the insured plant inventory.

(b) Failure to obtain our written consent will result in the denial of your claim.

(c) Submit a claim for indemnity to us on our form, not later than 60 days after the date of your loss, but in no event later than 60 days after the end of the insurance period.

12. *Settlement of Claim.*

(a) If at the time of loss, field market value A does not exceed the value on your accepted plant inventory value report, including any peak inventory endorsement, your indemnity will be determined by us for each unit as follows:

(1) Subtract field market value B from field market value A;

(2) Subject to section 12(c), subtract the crop year deductible from the result of section 12(a)(1) to obtain the loss amount;

(3) If the result of section 12(a)(2) is greater than zero, and subject to the limit of section 12(d), your indemnity equals the result of multiplying the result of section 12(a)(2) by your price level and by your share.

(b) If at the time of loss, field market value A exceeds the amount shown on your accepted plant inventory value report, we will pay any indemnity in the following manner:

(1) Divide the value shown on your accepted plant inventory value report by field market value A (rounded off to the nearest hundredth);

(2) Subtract field market value B from field market value A;

(3) Subject to section 12(c), subtract the crop year deductible from the result in section 12(b)(2) to obtain the loss amount; and

(4) If the result of section 12(b)(3) is greater than zero, and subject to the limit of section 12(d), your indemnity equals the result of section 12(b)(3) multiplied by section 12(b)(1), multiplied by your price level, and multiplied by your share.

(c) Individual insured losses occurring during the crop year may be accumulated to satisfy the crop year deductible if you timely report each loss to us. Sections 12(a)(2) and 12(b)(3) will not apply to any subsequent individual loss determinations when the total amount of accumulated losses is equal to or greater than the crop year deductible. However, no indemnities will be paid for subsequent losses after the crop year deductible has been met unless the value of the damaged plants exceeds the lesser of one percent of your inventory value or $250.

(d) The total of all indemnities for the crop year will not exceed the amount of insurance.

(e) The value of any insured plant inventory will be determined on the basis of our appraisals.

13. *Late and prevented planting.*

The late and prevented planting provisions in the Basic Provisions are not applicable.

14. *Written agreements.*

(a) In lieu of section 18(g) of the Basic Provisions each agreement must be applied for by the insured in writing with the application or not later than the policy renewal date;

(b) In addition to the requirements of section 18 of the Basic Provisions:

(1) Any written agreement is valid only until 11:59 p.m. of the day preceding the policy renewal date;

(2) Written agreements will not be approved to insure container plants if the container does not qualify as a standard nursery container; and

(3) In lieu of section 18(c), an application for a written agreement submitted after the year of application for insurance or the policy renewal date may be approved if you demonstrate your physical inability to have applied timely with your application for insurance or provide by the policy renewal date, and after physical inspection of the nursery plant inventory, we determine that the inventory will be salable at the value shown in the plant inventory value report as the actual date of the application.

Nursery Crop Insurance—Peak Inventory Endorsement

This endorsement is not a continuous contract.

In return for payment of premium for the coverage contained herein, this endorsement will be attached to and made part of the Nursery Crop Insurance Policy, subject to the terms and conditions described herein.

1. *Definitions.*

Coverage commencement date. The later of the date you declare as the beginning of the coverage or 30 days after a properly completed peak inventory value report is accepted by us.

Coverage term. The coverage term begins on the coverage commencement date and ends on the coverage termination date. It is calculated in months (rounded to the nearest tenth) by dividing the number of calendar days in the coverage term by 30. The minimum coverage term for premium calculation purposes is one month.

Coverage termination date. The date you declare that the peak amount of insurance for your nursery insurance contract will cease. This date cannot be later than the end of the crop year.

Peak amount of insurance. The additional value reported on the peak inventory value report multiplied by the coverage level and price level you elected under the Crop Provisions, and multiplied by your share.

Peak inventory value report. A report that declares the increase in aggregated wholesale market value of insurable plants over the value reported on the plant inventory value report, the coverage commencement and termination dates, and the other requirements of section 6 of the Nursery Crop Provisions.

2. *Eligibility.*

(a) You must have a Nursery crop insurance policy in effect for the crop year that this endorsement applies;

(b) You must have elected either the limited or additional level of coverage. This endorsement is not available if you have elected the Catastrophic Risk Protection Endorsement.

(c) You must submit a peak inventory value report that will serve as the application for coverage under this endorsement. We may reject the peak inventory value report if all requirements in this endorsement and the Nursery Crop Provisions are not met.

3. *Coverage.*

(a) The amount of insurance provided under the Nursery Crop Provisions is increased by the peak amount of insurance for the coverage term.

(b) Indemnities paid on the peak amount of insurance will apply to your crop year deductible in the same proportion as your peak amount of insurance under this endorsement has to your amount of insurance under the Nursery Crop Provisions.

(c) Except as provided herein, this endorsement does not change, amend or otherwise modify any other provision of your Nursery Crop Insurance Policy.

4. *Peak insurance period.*

Coverage begins on the coverage commencement date, provided you paid the required premium in accordance with section 5, and ends on the coverage termination date.

5. *Premium.*

(a) The premium for this endorsement is determined by multiplying the peak amount of insurance times the appropriate premium rate in the actuarial documents, times the coverage term and times your share.

(b) The premium for this endorsement is due and payable when the peak amount of insurance becomes effective.

6. *Reporting requirements.*

(a) In addition to the reporting requirements of section 6 of the Nursery Crop Provisions, you must submit a peak inventory value report on our form.

(b) If you have in effect an Optional Unit Endorsement, you must submit a peak inventory value report for each unit to which such report is applicable.

7. *Liability limit.*

The peak amount of insurance is limited to an amount equal to the amount of insurance you declare under the Nursery Crop Provisions.

Nursery Crop Insurance—Optional Unit Endorsement

This is a continuous endorsement.

In return for payment of premium for the coverage contained herein, this endorsement will be attached to and made part of the Basic Crop Insurance Policy and the Nursery Crop Provisions subject to the terms and conditions described herein.

1. *Definitions.*

Occurrence Deductible. Field market value A times (100 percent minus your coverage level election percentage.)

2. *Eligibility.*

(a) You must have a Nursery crop insurance policy in effect for the crop year that this endorsement applies.

(b) You must have elected either the limited or additional level of coverage. This endorsement is not available if you have elected the Catastrophic Risk Protection Endorsement.

3. *Reports.*

(a) In addition to information required under section 6 of the Nursery Crop Provisions, you must also provide the maximum value of insurable plants for each unit during the insurance period on the plant inventory value report. We will use no more than the value reported for each unit in calculating a claim under section 12 of the Nursery Crop Provisions.

(b) If you elect to obtain a Peak Inventory Endorsement and you have optional units under this endorsement, you must submit a peak inventory value report for each optional unit to which the Peak Inventory Endorsement will apply.

4. *Unit Division.*

(a) Your indemnity will be determined for each unit.

(b) This endorsement provides optional units for each practice for which a separate rate is established in the actuarial documents and for each plant group listed in section 3(c).

(c) Plant Groups.

1. Deciduous Trees (Shade and Flower);
2. Broadleaf Evergreen Trees;
3. Coniferous Evergreen Trees;
4. Fruit and Nut Trees;
5. Deciduous Shrubs;
6. Broadleaf Evergreen Shrubs;
7. Coniferous Evergreen Shrubs;
8. Small Fruits;
9. Herbaceous Perennials;
10. Roses;
11. Ground Cover and Vines;
12. Annuals;
13. Foliage; and
14. In addition, other plant groupings as listed in the Special Provisions, if the type of plant would meet the criteria for more than one of the plant groups specified in this subsection, you must elect only one plant group and all plants of that type must be included in that group.

5. *Premium.*

In lieu of section 7(a) of the Nursery Crop Provisions, your premium will be calculated by multiplying the amount of insurance determined under the Nursery Crop Provisions by the appropriate premium rate for basic units listed on the actuarial documents, by the premium rate for optional units listed on the actuarial documents, and by your share.

6. *Settlement of claim.*

(a) In lieu of section 12(a)(2) of the Nursery Crop Provisions, and subject to section 12(c), subtract the occurrence deductible from the result of section 12(a)(1).

(b) In lieu of section 12(b)(3) of the Nursery Crop Provisions, and subject to section 12(c), subtract the occurrence deductible from the result of section 12(b)(2).

Signed in Washington, DC, on January 22, 1998.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 98–2095 Filed 1–28–98; 8:45 am]

BILLING CODE 3410–08–P

FEDERAL ELECTION COMMISSION

11 CFR Chapter I

[Notice 1998—4]

Composition of the Commission

AGENCY: Federal Election Commission.

ACTION: Notice of disposition of petition for rulemaking.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking filed on December 4, 1997, by John J. Wheeling, Treasurer of the National Reform Party Organizing Committee. The petition asked the Commission to amend its rules to require either that two members of the current six-member Commission be affiliated with minor political parties, or to expand the Commission from six to nine members, with the three new members required to be affiliated with minor political parties. Further information is provided in the supplementary information that follows.

DATES: March 2, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Ms. Rita A. Reimer, Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: On December 4, 1997, the Commission received a Petition for Rulemaking from John J. Wheeling, Treasurer of the National Reform Party Organizing Committee. The Petition asked the Commission to amend its rules to require either that two members of the current six-member Commission be affiliated with minor political parties; or to expand the Commission from six to nine members, with the three new members required to be affiliated with minor political parties. The Petition states that this action is necessary to protect the rights of minor political parties which, it argues, are infringed by what it claims is a statutory requirement at 2 U.S.C. 437c(a)(1) that the six-member Commission be composed of three Commissioners affiliated with the Democratic Party, and three affiliated with the Republican Party.

The Petition does not identify the specific section(s) of the regulations to be affected by these changes, as required by the Commission's rules governing rulemaking petitions at 11 CFR 200.2(b)(3), because the Commission's rules do not address this situation. Nor could they, because the requested actions are outside the scope of the Commission's rulemaking authority. For this reason the Commission did not publish a Notice of Availability in the **Federal Register** seeking comments on the Petition's merits, which action is normally taken pursuant to 11 CFR 200.3(a)(1) for petitions that meet the requirements of paragraph 200.2(b).

The Constitution at Art. II, section 2, cl. 2 provides that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint * * * [all] Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law.'' Congress has by law established a six-member Federal Election Commission, 2 U.S.C. 437c(a)(1); and Congress, not the Commission, has the sole authority to alter its size, either by adding three additional Commissioners or in any other way.

Under the Appointments Clause, the President is entitled to choose the individuals to nominate as Commissioners. However, it has been long recognized that ''it is entirely proper for Congress to specify the qualifications for an office that it has created.'' *Bowsher* v. *Synar*, 478 U.S. 714, 740 (1986) (Stevens, J., concurring). The provision in section 437c(a)(1) that ''no more than 3 [of the six] members of the Commission'' appointed by the President ''may be affiliated with the same political party'' simply sets the necessary qualifications for the members of the Commission. Again, it is for Congress, and not the Commission, to determine how, if at all, these qualifications should be changed.

The Commission notes that there is nothing in the text of the law to require that the Commission be made up of three Democrats and three Republicans. The President can comply with this provision by choosing from among millions of persons affiliated with political parties, and millions more not affiliated with any party. The fact that Presidents to date have appointed only Democrats and Republicans as Commissioners does not mean that this will continue in the future, when they may choose to appoint a member of another political party, or an independent affiliated with no political party.

Moreover, contrary to the petitioner's claim, the statutory requirement that no more than three Commissioners be affiliated with the same political party does not discriminate against minor parties. In fact, the reverse is true: By ensuring that no more than three Commissioners be affiliated with the same political party, and at the same time requiring an absolute majority of four votes for the Commission to take formal action, 2 U.S.C. 437c(c), Congress has acted to insure that no political party will be able to single-handedly dictate Commission action. These considerations, however, are secondary to the Constitutional and statutory provisions, discussed above, under which the Commission is powerless to take the requested action.

The Commission's rules governing rulemaking petitions state 11 CFR 200.5 (a) and (d) that the Commission's decision on whether to initiate a rulemaking in response to a rulemaking petition may include, *inter alia*, consideration of the Commission's statutory authority and the necessity of statutory revision to accomplish the requested result. The Commission believe these factors are controlling and, therefore, at its open meeting of January 22, 1998, voted not a initiate a rulemaking to reconstitute the Commission as requested in this Petition.

Dated: January 23, 1998.

Joan D. Aikens,

Chairman, Federal Election Commission.

[FR Doc. 98–2098 Filed 1–28–98; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–163–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A and Model Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A and Model Avro 146–RJ series airplanes. This proposal would require repetitive inspections of the attachment brackets between the horizontal and vertical stabilizers to detect intergranular corrosion, and follow-on actions. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct reduced structural integrity of the stabilizer brackets due to corrosion, which could

result in reduced controllability of the airplane.

DATES: Comments must be received by March 2, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–163–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–163–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–163–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain British Aerospace Model BAe 146–100A, –-200A, and –300A and Model Avro 146–RJ series airplanes. The CAA advises that, during a routine inspection, intergranular corrosion was found on the attachment fittings between the horizontal and vertical stabilizers and on the adjoining vertical stabilizer lugs. Such corrosion may result from improper manufacturing techniques and, therefore, may exist on other airplanes of the same type design. This condition, if not detected and corrected in a timely manner, could reduce the structural integrity of the stabilizer attachment brackets, which could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

British Aerospace has issued Service Bulletin SB.55–15, dated April 14, 1997, which describes procedures for a visual or an ultrasonic inspection of the attachment brackets between the horizontal and vertical stabilizers to detect intergranular corrosion. For airplanes on which no corrosion is found, the service bulletin describes procedures for restoration of the original protective treatment and application of additional surface protection to the attachment brackets. For airplanes on which corrosion is found that is accessible, the service bulletin describes procedures for blending out the corrosion, re-protecting the blended areas, and applying additional surface protection to the attachment brackets. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 001–04–97 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between the Proposed Rule and Relevant Service Information

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA.

Operators also should note that the service bulletin and the British airworthiness directive do not specify accomplishment of repetitive inspections after the one-time inspection described in the service bulletin because repetitive inspections are included in a revised Maintenance Review Board (MRB) Report. However, the FAA has determined that it is necessary to mandate the repetitive inspections in paragraph (a) of this AD to ensure continued operational safety of the fleet.

Cost Impact

The FAA estimates that 40 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,400, or $60 per airplane, per inspection cycle.

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

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace Regional Aircraft Limited [Formerly British Aerospace Regional Aircraft Limited, Avro International Division; British Aerospace, PLC; British Aerospace Commercial Aircraft Limited]: Docket 97–NM–163–AD.

Applicability: Model BAe 146–100A, –200A, and –300A and Model Avro 146–RJ series airplanes, certificated in any category, having the following constructors numbers:

Model	*Constructors Nos.*
BAe 146–100A, –200A, and –300A.	All.
Avro 146–RJ70/70A ..	All up to and including E1267.
Avro 146–RJ85/85A ..	All up to and including E2300.
Avro 146–RJ100/100A.	All up to and including E3301.

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 (e) 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 reduced structural integrity of the stabilizer attachment brackets due to corrosion, which could result in reduced controllability of the airplane, accomplish the following:

(a) Perform an inspection to detect corrosion of the attachment brackets between the horizontal and vertical stabilizers, in accordance with British Aerospace Service Bulletin SB.55–15, dated April 14, 1997, at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable. Thereafter, repeat the inspection at intervals not to exceed 12,000 flight cycles or 4 years after the initial inspection, whichever occurs first.

(1) For Model BAe 146–100A, –200A, and –300A series airplanes having constructors numbers identified in paragraph D.(1)(a) of the Planning Information section of the service bulletin: Inspect within 20 months after the effective date of this AD.

(2) For Model BAe 146–100A, –200A, and –300A series airplanes having constructors numbers identified in paragraph D.(1)(b) of the Planning Information section of the service bulletin: Inspect within 32 months after the effective date of this AD.

(3) For Model BAe 146–100A, –200A, and –300A series airplanes and Avro 146–RJ70A, –85A, and –100A airplanes having constructors numbers identified in paragraph D.(1)(c) of the Planning Information section of the service bulletin: Inspect within 44 months after the effective date of this AD.

(b) If no corrosion is detected, prior to further flight, restore the original protective treatment and apply additional surface protection to the attachment brackets in accordance with British Aerospace Service Bulletin SB.55–15, dated April 14, 1997.

(c) If any corrosion is detected and it is accessible, prior to further flight, blend out the corrosion, re-protect the blended areas, and apply additional surface protection to the attachment brackets in accordance with British Aerospace Service Bulletin SB.55–15, dated April 14, 1997.

(d) If any corrosion is detected and it is not accessible or, if after blending, the damage to the attachment brackets is found to be outside the limits identified in British Aerospace Service Bulletin SB.55–15, dated April 14, 1997, prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate.

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

Note 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.

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

Note 3: The subject of this AD is addressed in British airworthiness directive 001–04–97.

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

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–2138 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–278–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Fokker Model F28 Mark 0070 and 0100 series airplanes. This proposal would require a one-time inspection of the torque links of the main landing gear (MLG) assemblies to determine if the lockwire is present on the apex bolt; and corrective action, if necessary. This proposal is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the MLG due to loose connections between the

upper and lower torque links of the MLG.

DATES: Comments must be received by March 2, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97-NM–278-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97-NM–278-AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97-NM–278-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on all Fokker Model F28 Mark 0070 and 0100 series airplanes. The RLD advises that it received a report of an incident involving a Fokker Model F28 Mark 0070 series airplane in which the flight crew aborted takeoff due to excessive vibration. The flight crew suspected that the vibration originated from the main landing gear (MLG). Subsequent investigation of the torque link of the right MLG assembly revealed that the locking bolt and the plate of the apex joint were loose; additionally, the lockwire, which was intended to secure the locking bolt, was missing. Investigation of the left MLG assembly also revealed that the lockwire was missing. Similar discrepancies were noted on other Menasco MLG assemblies during production. In addition, the applicable maintenance documents for Messier-Dowty and Menasco MLG assemblies subsequently were reviewed, and no reference to the lockwire was noted. Such missing lockwire or loose locking bolt, if not corrected, could result in failure of the MLG.

Explanation of Relevant Service Information

The manufacturer has issued Fokker F100 All Operator Message (AOM) AOF100.013, reference TS96.68988, dated December 19, 1996, which describes procedures for a one-time inspection of the torque links of the MLG assembly to determine if lockwire is present on the apex bolt; and for retorquing the apex bolt and installing lockwire, if no lockwire is present. The RLD issued Dutch airworthiness directive 1996–147 (A), dated December 23, 1996, in order to assure the continued airworthiness of these airplanes in the Netherlands. The RLD refers to Menasco Service Bulletin 41050–32–13, dated December 20, 1996, as an additional source of service information for accomplishment of the actions required by this AD.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the AOM described previously.

Cost Impact

The FAA estimates that 131 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $7,860, or $60 per airplane.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant

economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 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:

Fokker: Docket 97–NM–278–AD.

Applicability: All Model F28 Mark 0070 and 0100 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the main landing gear (MLG) due to loose connections between the upper and lower torque links of the MLG, accomplish the following:

(a) Inspect the torque links of the left and right MLG assemblies to determine if the lockwire is installed on the apex bolt, in accordance with Fokker F100 All Operator Message (AOM) AOF100.013, Reference TS96.68988, dated December 19, 1996, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable. If any discrepancy is found, prior to further flight, retorque the apex bolt and install lockwire in accordance with the AOM.

(1) For airplanes equipped with Menasco Aerospace, Ltd., MLG assemblies: Inspect within 5 days after the effective date of this AD.

(2) For airplanes equipped with Messier-Dowty, Ltd., MLG assemblies: Inspect within 30 days after the effective date of this AD.

(b) As of the effective date of this AD, no person shall install on any airplane an MLG torque link unless it has been inspected and corrective action has been accomplished, in accordance with Fokker F100 All Operator Message (AOM) AOF100.013, Reference TS96.68988, dated December 19, 1996.

(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, 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.

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

Note 3: The subject of this AD is addressed in Dutch airworthiness directive 1996–147 (A), dated December 23, 1996.

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

Stewart R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–2137 Filed 1–28–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–209682–94]

RIN 1545–AS39

Adjustments Following Sales of Partnership Interests

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Partial withdrawal of notice of proposed rulemaking, amendment to notice of proposed rulemaking; notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document withdraws a portion of the notice of proposed rulemaking published in the **Federal Register**, February 16, 1984 (49 FR 5940); contains proposed regulations relating to the optional adjustments to the basis of partnership property following certain transfers of partnership interests under section 743, the calculation of gain or loss under section 751(a) following the sale or exchange of a partnership interest, the allocation of basis adjustments among partnership assets under section 755, and the allocation of a partner's basis in its partnership interest to properties distributed to the partner by the partnership under section 732(c); and, finally, amends proposed regulations relating to the computation of a partner's proportionate share of the adjusted basis of depreciable property (or depreciable real property) under section 1017. The changes are necessary to provide clearer guidance on the proper application of these sections and will effect partnerships and partners where there are transfers of partnership interests, distributions of property, or elections under sections 108(b)(5) or (c). In addition, the proposed regulations under section 732(c) reflect changes to the law made by the Taxpayer Relief Act of 1997.

DATES: Written comments must be received by April 29, 1998. Outlines of topics to be discussed at the public hearing scheduled for Wednesday, July 8, 1998, at 10 a.m. must be received by Wednesday, June 24, 1998.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–209682–94), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–209682–94), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC.

Alternatively, taxpayers may submit comments electronically via the internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS internet site at http://www.irs.ustreas.gov/prod/tax__regs/comments.html. The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Terri A. Belanger, (202) 622–3070; concerning submissions and the hearing, LaNita VanDyke, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224. Comments on the collection of information should be received by March 30, 1998. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up cost and costs of operation, maintenance, and purchase of service to provide information.

The collection of information in this proposed regulation is in §§ 1.743–1(b), 1.743–1(k), and 1.755–1. This information is required in order for partners to have adequate knowledge to comply with section 743 and for the IRS to verify compliance with section 743. This information will be used to determine whether the amount of tax has been computed correctly. Responses to this collection of information are mandatory for partnerships that have made an election under section 754 and for which a section 743 transfer has been made. The likely respondents are businesses or other for-profit institutions.

Estimated total annual recordkeeping burden under § 1.743–1(b): 600,000 hours.

The estimated annual burden per recordkeeper varies from 1 hour to 300 hours, depending on the individual circumstances, with an estimated average of 4 hours.

Estimated number of recordkeepers: 150,000.

Estimated total annual reporting burden under § 1.743–1(k)(1): 225,000 hours.

The estimated annual burden per respondent is estimated at an average of 3 hours.

Estimated number of respondents: 75,000.

Estimated frequency of responses: On occasion.

Estimated total annual reporting burden under § 1.743–1(k)(2): 75,000 hours.

The estimated annual burden per respondent is estimated at an average of 1 hour.

Estimated number of respondents: 75,000.

Estimated frequency of responses: On occasion.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document proposes to (a) revise §§ 1.743–1 and 1.755–1 of the Income Tax Regulations (26 CFR part 1), (b) withdraw § 1.168–2(n) of the proposed Income Tax Regulations published on February 16, 1984 (49 FR 5940), and (c) amend §§ 1.732–1, 1.732–2, 1.734–1, 1.751–1 of the Income Tax Regulations, and § 1.1017–1 of the proposed Income Tax Regulations published January 7, 1997 (62 FR 955).

Section 743(b) provides for an optional adjustment to the basis of partnership property following certain transfers of partnership interests. The Code provides for basis adjustments in an attempt to coordinate the transferee's tax consequences and economic consequences. The amount of the basis adjustment is the difference between the transferee's basis in the partnership interest (outside basis) and its share of the partnership's basis in the partnership's assets (inside basis). Once the amount of the basis adjustment is determined, it is allocated among the partnership's various assets pursuant to section 755.

The proposed regulations coordinate sections 704(c), 743, 751, and 755, and reflect changes in the Code and Income Tax Regulations since the adoption of the current regulations. The proposed regulations also provide rules concerning adjustments to the basis of partnership property made pursuant to section 1017(b)(3)(C). The proposed regulations describe how to determine a partner's proportionate share of the adjusted basis of depreciable property (or depreciable real property) under section 1017, and clarify that an adjustment to the basis of partnership property made under section 1017(b)(3)(C) is treated in the same manner as an adjustment to the basis of partnership property made under section 743.

Section 732(c) provides for the allocation of a partner's basis in its partnership interest upon certain distributions of property to the partner by the partnership. Section 732(c) was amended by the Taxpayer Relief Act of 1997, Public Law 105–34, section 1061, 111 Stat. 788, 945–46 (1997). Under prior law, the allocation was made based on the adjusted basis of the distributed property to the partnership immediately before the distribution. Under the new law, the allocation is made, in general, based on the fair market value of the distributed property on the date of distribution. The proposed regulations amend the existing regulations under section 732 to reflect this change.

Explanation of Provisions

A. Section 743

In General

If an election is in effect under section 754, section 743 requires the partnership to adjust the basis of partnership property upon the transfer of an interest in the partnership by sale or exchange or on the death of a partner. The partnership is required to increase the adjusted basis of partnership property by the excess of the transferee's basis in the transferred partnership interest over the transferee's share of the adjusted basis to the partnership of the partnership's property. The partnership is also required to decrease the adjusted basis of partnership property by the excess of the transferee's share of the adjusted basis to the partnership of partnership property over the transferee's basis in the transferred partnership interest.

The proposed regulations address a number of issues raised in connection with the calculation, treatment, and reporting of basis adjustments under section 743. In particular, the proposed regulations (i) Clarify the manner in which the partnership calculates a transferee's income, gain, loss, or deduction when the transferee has a

basis adjustment under section 743 (including the recovery of negative basis adjustments) and (ii) coordinate sections 743 and 704(c) when partnerships elect the remedial allocation method under § 1.704–3(d). The proposed regulations also provide that partnerships (rather than partners) are required to make and report the basis adjustments under section 743(b). Partnerships are required to adjust the transferee's distributive share of partnership tax items so that the information reported on the transferee's Schedule K–1 reflects the adjustments to the transferee's distributive share of the partnership items affected by the basis adjustment.

Determining the Amount of the Basis Adjustment

The amount of the basis adjustment with respect to partnership property under section 743 is the difference between the transferee's share of the partnership's inside basis and the transferee's outside basis. The current regulations provide that a partner's share of the adjusted basis of partnership property is equal to the sum of the partner's interest as a partner in partnership capital and surplus, plus the partner's share of partnership liabilities. The current regulations also provide that where section 704(c) applies to property contributed to the partnership, section 704(c) is taken into account in determining a partner's share of the adjusted basis of partnership property.

The current regulations do not provide, other than by example, specific guidance on how to determine a transferee partner's share of the adjusted basis of partnership property. The proposed regulations provide that a transferee's share of the adjusted basis to the partnership of partnership property is equal to the sum of the transferee's interest as a partner in the partnership's previously taxed capital, plus the transferee's share of partnership liabilities. The partner's share of the partnership's previously taxed capital is determined by reference to a hypothetical transaction in which (immediately after the transfer of the partnership interest) the partnership is assumed to have sold all of its assets in a fully taxable transaction for cash equal to the fair market value of the assets. The partner's share of the partnership's previously taxed capital is equal to: (i) The amount of cash that the transferee would receive on liquidation of the partnership immediately following the hypothetical transaction, increased by (ii) the amount of tax loss that would be allocated to the transferee from the hypothetical transaction, and decreased by (iii) the amount of tax gain that would be allocated to the transferee from the hypothetical transaction.

Calculation of Income, Gain, or Loss

The basis adjustment under section 743, like any other basis amount, is a reference used to calculate income, gain, loss, and deduction. However, generally the basis adjustment under section 743 is an adjustment with respect to the transferee. No adjustment is made to the common basis of partnership property (i.e., the partnership's adjusted basis for the property). Thus, for purposes of income, deduction, gain, loss, and distribution, the transferee will have a special basis for those partnership properties that are adjusted under section 743(b). The proposed regulations clarify the rules contained in the current regulations.

The basis adjustment under section 743 does not affect the partnership's computation of any item under section 703, and does not have any effect on the partners' capital accounts. Partnerships compute their tax items at the partnership level under section 703 without regard to the basis adjustments. Partnership level tax items (including any remedial allocations under § 1.704–3(d)) are then allocated among the partners, including the transferee, in accordance with section 704. Finally, the partnership adjusts the transferee's distributive share of partnership tax items to reflect the transferee's special basis in the properties that give rise to the tax items. A transferee's income, gain, or loss from the sale of partnership property in which the transferee has a basis adjustment is equal to the transferee's distributive share of partnership income, gain, or loss (including any remedial allocations under § 1.704–3(d)) from the sale of the property adjusted to account for the amount of the transferee's basis adjustment with respect to the property.

Coordination of Section 743 With Section 704(c)

Section 704(c) is taken into account in determining a transferee's share of the partnership's basis in the partnership's assets. As a result, some or all of a transferee's basis adjustment may be attributable to section 704(c) built-in gain or loss when a transferee purchases a partnership interest from a partner that contributed section 704(c) property to the partnership. For example, assume that A contributes property with a fair market value of $100 and an adjusted tax basis of $10 to a partnership for a fifty percent interest and B contributes $100 of cash for the remaining fifty percent interest. Immediately after the formation of the partnership, A's share of the partnership's basis in the partnership property is $10, while B's share is $100. The contributed asset then appreciates in value to $120, and A transfers its entire interest to T for $110 while an election is in effect under section 754. T will have a basis adjustment of $100. The first $90 of the basis adjustment is attributable to the section 704(c) built-in gain, while the remaining $10 of the basis adjustment is attributable to T's fifty percent share of the $20 of post-contribution appreciation in the contributed property.

Despite the fact that a portion of the basis adjustment may be attributable to a property's section 704(c) built-in gain, section 704(c) and section 743 operate independently. Section 1.704–1(b)(2)(iv)(g)(3) requires a partnership to recover the value of section 704(c) property on the books of the partnership over the property's remaining useful life, determined with reference to the property's useful life in the hands of the contributing partner. At the same time, § 1.168–2(n)(1) of the proposed Income Tax Regulations provides that the entire basis adjustment is recovered as though it is new property. Cf. Sections 168(i)(7) and 197(f)(2). As a result, the book and tax items representing the section 704(c) built-in gain are recovered over different periods.

Although a portion of the basis adjustment may represent actual tax basis equal to the amount of the section 704(c) built-in gain, the deductions attributable to the basis adjustment cannot be allocated to the noncontributing partner. The basis adjustment does not, therefore, eliminate any book-tax disparities that result from ceiling rule problems relating to the section 704(c) property. Because the basis adjustment only affects the transferee, the Service and Treasury believe that it is appropriate for sections 704(c) and 743(b) to operate independently.

When a partnership adopts the remedial allocation method, however, the partners may be viewed as agreeing to shift, over time, a portion of the partnership's basis in its assets from the noncontributing partner to the contributing partner. Partnership basis that was considered part of the noncontributing partner's share of the partnership's basis at the time the adjustment to basis was made will be transferred to the contributing partner as the property is recovered on the partnership's books. In addition, a partnership that adopts the remedial allocation method with respect to contributed property must depreciate or amortize the portion of the contributed

property's book basis that is attributable to section 704(c) built-in gain as though it is new property at the time of contribution. As a result, the Service and Treasury believe that it is appropriate to coordinate the recovery periods of the section 704(c) built-in gain and the built-in gain portion of the basis adjustment where the partnership uses the remedial allocation method.

Where a partnership adopts the remedial allocation method, the proposed regulations treat the portion of any basis adjustment that is attributable to section 704(c) built-in gain differently from the rest of the basis adjustment. Instead of treating the section 704(c) built-in gain portion of the basis adjustment and the basis adjustment in excess of such amount as newly acquired property, the section 704(c) built-in gain portion of the basis adjustment is recovered over the remaining cost recovery period for the section 704(c) built-in gain. The recovery period for the partner's share of common basis continues to be determined by reference to the property's useful life in the hands of the contributing partner, and the remaining basis adjustment in excess of the section 704(c) built-in gain portion of the basis adjustment is recovered as if it were new property.

If a partnership receives remedial allocations of income under § 1.704–3(d) with respect to an item of adjusted partnership property, the partner does not offset the cost recovery deductions from the property against the remedial allocations of income. Rather, the partner will receive an allocation of remedial income and a separate cost recovery deduction. If a partner receives remedial allocations of deductions under § 1.704-3(d) with respect to an item of partnership property that has a negative basis adjustment, the partner first adds the amount of the remedial allocation of deduction to any common basis deductions received from the property. The partner then reduces the total amount of deductions from the property by the amount of the negative basis adjustment recovered in that year.

One result of this proposal is that the interests in a partnership will generally be fungible (i.e. the tax consequences that stem from the purchase of a partnership interest do not vary with the identity of the transferor), if: (i) Each partnership interest has an identical right in capital and profits, and (ii) each item of the partnership's section 704(c) property is subject to the remedial allocation method. The Service and Treasury request comments on situations in which the fungibility of partnership interests may otherwise be accommodated without significantly adding to the complexity of subchapter K. In addition, comments are requested concerning the application of the remedial allocation method to contributed property where there are no distortions caused by the ceiling rule at the time the property is contributed to the partnership.

Recovery of Negative Basis Adjustments

Section 1.168–2(n)(2) of the proposed Income Tax Regulations provides that a negative basis adjustment to depreciable property is recovered over the property's remaining recovery period in the hands of the partnership (i.e., the adjustment made to the common basis of the partnership property). The portion of the adjustment that is recovered in any year is equal to the product of (i) the amount of the decrease to the item's adjusted basis (determined as of the date of the transfer), multiplied by (ii) a fraction, the numerator of which is the portion of the adjusted basis of the item recovered by the partnership in that year, and the denominator of which is the adjusted basis of the item on the date of transfer (determined prior to any basis adjustments).

Because the basis adjustment under section 743 is personal to the transferee, the primary method adopted by the proposed regulations for recovering a negative basis adjustment provides that the basis adjustment does not affect the common basis of partnership property and does not affect the tax consequences of partners other than the transferee. Under this method, the recovery of the negative basis adjustment may generate ordinary income to the extent that it exceeds the transferee's share of the depreciation deductions. The proposed regulations provide that, unless the partnership elects to make a common basis adjustment, as described below, the amount of the basis adjustment recovered in any year first decreases the transferee's distributive share of the partnership's deductions from the adjusted item of property for that year. If, in any year, a partnership does not allocate to a transferee sufficient deductions from the adjusted property to offset the recovery of the negative basis adjustment, then the transferee's distributive share of the deductions from other items of partnership property is decreased. The transferee then recognizes income equal to the excess of the amount of the negative basis adjustment recovered in the year over the transferee's share of deductions from the other items of property for the year.

As an alternative, the proposed regulations also allow partnerships to elect to follow the approach of the old proposed regulations. If this election is made, the partnership treats the amount of the negative basis adjustment as an item of built-in gain, decreasing the total amount of depreciation or amortization that the partnership may allocate for tax purposes. This election would prevent the transferee from ever recognizing income in situations where the partnership did not allocate to the transferee sufficient depreciation to offset the negative basis adjustment. It should be noted, however, that this election has no effect on the partners' capital accounts, which continue to be adjusted to reflect the depreciation or amortization of the adjusted property as though there was no basis adjustment to the property. Consequently, to the extent that the basis adjustment causes the amount of the deductions allocated to the non-transferee partners for book purposes to exceed the amount of tax depreciation available to be allocated to them by the partnership, a book-tax disparity results for the non-transferee partners.

The Service and Treasury request comments concerning the recovery of negative basis adjustments under section 743. Specifically, the Service and Treasury request comments regarding whether there are other possible ways of accounting for the recovery of negative basis adjustments that treat the basis adjustment as personal to the transferee and, at the same time, do not interfere with the economic agreement among the partners.

Reporting and Returns

The statutory language of section 743(b) indicates that partnerships are responsible for making the basis adjustments. This mandate is repeated in the language of the current regulations issued under both sections 743 and 755. Notwithstanding that partnerships are required to make and allocate basis adjustments under the current regulations, transferees are required to report the basis adjustments. Transferees accomplish this by attaching statements to their returns that show how the section 743(b) adjustment was determined and how the adjustment was allocated among the various partnership properties. No existing guidance indicates when (i.e., before or after the Schedule K–1) the effect of the basis adjustment to specific partnership items is to be determined or who is required to make and report the adjustments to the partnership items.

The proposed regulations clarify that partnerships are required to make the basis adjustments. In addition, the

proposed regulations place the responsibility for reporting basis adjustments on partnerships. Partnerships report basis adjustments by attaching statements to their partnership returns when they acquire knowledge of transfers subject to section 743. In addition, partnerships are required to adjust specific partnership items in light of the basis adjustments. Consequently, amounts reported on the transferee's Schedule K–1 are adjusted amounts.

Transferees are subject to an affirmative obligation to notify partnerships of their basis in acquired partnership interests. To accommodate partnership concerns about the reliability of the information provided, partnerships are entitled to rely on the written representations of transferees concerning either the amount paid for the partnership interest or the transferee's basis in the partnership interest under section 1014 (unless clearly erroneous).

B. Section 751

Section 751(a) provides that to the extent an amount realized on the sale or exchange of a partnership interest is attributable to the transferor's interest in unrealized receivables or inventory items of the partnership, the amount realized is considered to be an amount realized from the sale or exchange of property other than a capital asset. Thus, the transferor partner may recognize ordinary income or loss on the sale or exchange of its partnership interest. Under the current section 751 regulations, the amount of income or loss realized by a partner on the sale or exchange of an interest in section 751 property is equal to the difference between: (i) The portion of the total amount realized for the partnership interest allocated to section 751 property, and (ii) the portion of the transferor partner's basis in its partnership interest allocated to the property. Generally, the portion of the total amount realized allocated to section 751 property is determined by the seller and purchaser in an arm's length agreement. The portion of the partner's adjusted basis in the partnership interest allocated to the section 751 property equals the basis that the property would have had under section 732 if the transferor partner had received its proportionate share of the property in a current distribution immediately before the sale.

The proposed regulations amend these rules for determining the transferor partner's gain or loss from the sale or exchange of its interest in section 751 property. Rather than attempting to allocate a portion of the transferor partner's amount realized and adjusted basis to the section 751 property, the proposed regulations adopt a hypothetical sale approach. Thus, the income or loss realized by a partner from section 751 property upon the sale or exchange of its interest is the amount of income or loss that would have been allocated to the partner from section 751 property (to the extent attributable to the partnership interest sold or exchanged) if the partnership had sold all of its property in a fully taxable transaction for fair market value immediately prior to the partner's transfer of the partnership interest.

C. Section 755

In General

The current regulations under section 755 contain a number of problems that prevent partnerships from allocating the section 743(b) basis adjustments to appropriate assets. The proposed regulations resolve these problems and implement the purposes of section 743(b) by focusing on the items that the transferee partner would receive upon a fair market value sale of all of the partnership's assets.

At the same time, the proposed regulations recognize that adjustments under section 734 differ significantly from adjustments under section 743. Specifically, adjustments under section 743(b) are intended to affect the transferee partner only. In contrast, adjustments under section 734 affect all of the partners. As a result, the proposed regulations under section 755 contain two separate regimes—one that applies to adjustments under section 734, and another that applies to adjustments under section 743. While the regime allocating adjustments under section 743 focuses on the transferee, the regime allocating adjustments under section 734 focuses on the difference between value and basis at the partnership entity level.

Allocating Adjustments Under Section 743(b)

The proposed regulations provide that allocations of basis adjustments under section 743 among partnership assets are made based on the amount of income, gain, or loss (including remedial allocations under § 1.704–3(d)) that the transferee would be allocated if, immediately after the section 743(b) transfer, all of the partnership's assets were disposed of in a fully taxable transaction at fair market value. By adopting this method, in some situations the proposed regulations will require adjustments to be made that increase the basis of some assets and decrease the basis of others.

Hypothetical Sale

The current regulations do not take each partner's interest in specific assets into account. The amount of the section 743 adjustment is allocated among partnership properties to reduce the difference between the fair market value and the adjusted basis of partnership properties at the partnership entity level rather than at the partner level. This formulation of the rule fails to take into account special allocations or the varying treatment of different partners by virtue of the operation of section 704(c) or the minimum gain chargeback. Therefore, basis adjustments will often be made to the wrong assets, exposing the partners to tax consequences that may vary significantly from the partners' economic consequences.

Rather than attempt to define a partner's share of the basis or fair market value of a specific partnership asset, the proposed regulations focus on the actual tax items that would be allocated to the transferee in a fully taxable, fair market value sale. Under the proposed regulations, partnerships are required to adjust the basis of partnership assets in a manner that reflects the amount of income, gain, or loss that the transferee would recognize if all of the partnership's assets were sold in the hypothetical transaction.

Two-Way Adjustments

Under the current regulations, the partnership may not increase the basis of assets that have a fair market value in excess of basis and, at the same time, decrease the basis of assets that have a basis in excess of fair market value. Thus, if the section 743(b) adjustment is positive, the partnership may only increase the basis of assets that have a basis that is less than their fair market value. This restriction prevents the partnership from adjusting the basis of its assets in a manner that coordinates a transferee's tax consequences with its economic consequences.

The proposed regulations remove this restriction. Instead, the amount of the section 743 adjustment is viewed as a net adjustment. This net amount is then allocated between the partnership's two classes of assets (capital gain property and ordinary income property). The amount of the adjustment allocated to ordinary income property may be an increase while the amount of the adjustment allocated to capital gain property is a decrease. The amount of the adjustment allocated to each class is then allocated among the assets within each class. The amount of the

adjustment allocated to one item within the class may also be an increase even if the amount allocated to another item is a decrease.

Allocation Between Classes

The amount of the basis adjustment allocated to the class of ordinary income property is equal to the total amount of income, gain, or loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee from the sale of all ordinary income property in the hypothetical transaction.

The amount of the basis adjustment to capital gain property is equal to (i) the total amount of the basis adjustment under section 743, less (ii) the amount of the basis adjustment allocated to ordinary income; provided, however, that in no event may the amount of any decrease in basis allocated to capital gain property exceed the partnership's basis in capital gain property.

In the event that a decrease in basis allocated to capital gain property exceeds the partnership's basis in capital gain property, the excess is applied to reduce the basis of ordinary income property.

Allocation Within Classes

The amount of the basis adjustment allocated to each item of property within the class of ordinary income property equals:

(a) The amount of income, gain, or loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee from the hypothetical sale of the item, minus

(b) The product of (1) any decrease to the amount of the basis adjustment to ordinary income property required because the partnership did not have enough basis in capital gain property to reduce, multiplied by (2) a fraction, the numerator of which is the fair market value of the item of property to the partnership and the denominator of which is the total fair market value of all items of the partnership's ordinary income property.

The amount of the basis adjustment allocated to each item of property within the class of capital gain property equals:

(a) The amount of income, gain, or loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee from the hypothetical sale of the item, minus

(b) The product of (1) the total amount of gain or loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee from the hypothetical sale of all items of capital gain property, minus the amount of the positive basis adjustment to all items of capital gain property or plus the amount of the negative basis adjustment to all items of capital gain property, multiplied by (2) a fraction, the numerator of which is the fair market value of the item of property to the partnership and the denominator of which is the total fair market value of all of the partnership's items of capital gain property.

Allocating Adjustments Under Section 734

As under the current regulations, the proposed regulations provide that allocations of section 734 adjustments among partnership assets are made based on the difference between the value of the property and the property's basis. Where there is a distribution of partnership property resulting in an adjustment to the basis of undistributed partnership property under section 734(b)(1)(B) or (b)(2)(B), the adjustment must be allocated to remaining partnership property of a character similar to that of the distributed property with respect to which the adjustment arose. If there is an increase in basis to be allocated within a class of property, the increase must be allocated first to properties with unrealized appreciation in proportion to their respective amounts of unrealized appreciation before such increase (but only to the extent of each property's unrealized appreciation). Any remaining increase must be allocated among the properties within the class in proportion to their fair market values. If there is a decrease in basis to be allocated within a class, the decrease must be allocated first to properties with unrealized depreciation in proportion to their respective amounts of unrealized depreciation before such decrease (but only to the extent of each property's unrealized depreciation). Any remaining decrease must be allocated among the properties within the class in proportion to their adjusted bases (as adjusted under the preceding sentence).

D. Section 1017

Section 1017 provides rules concerning basis reductions resulting from a taxpayer's exclusion of cancellation of indebtedness income. In general, under § 1.1017–1(f) of the proposed Income Tax Regulations, if a partner makes an election under section 108(b)(5) or section 108(c), the partner may treat a partnership interest as depreciable property (or depreciable real property) to the extent the partnership correspondingly reduces the partner's proportionate share of the adjusted basis of depreciable property (or depreciable real property) held by the partnership. These proposed regulations provide guidance regarding the determination of a partner's proportionate share of the partnership's basis in depreciable property (or depreciable real property) and the consequences of the basis reductions required under sections 108 and 1017.

In general, these proposed regulations provide that a partner's share of the partnership's basis in depreciable property (or depreciable real property) equals the sum of (a) the partner's section 743(b) basis adjustment, if any, in the partnership items of depreciable property (or depreciable real property) and (b) the common basis depreciation deductions (not including remedial allocations of depreciation under § 1.704–3(d)) that are reasonably expected to be allocated to the partner over the partnership property's remaining useful life. The amount of common basis depreciation deductions that a partner may reasonably expect to be allocated over the partnership property's useful life is based on all the facts and circumstances in effect at the time of the basis reduction. It is per se unreasonable, however, for the partnership to treat the same depreciation deductions as ''reasonably expected'' by more than one partner. Thus, the amount of the partners' total basis reductions under sections 108(b)(5) and 108(c) cannot exceed the partnership's basis in depreciable property (or depreciable real property).

The proposed regulations further provide that any reduction to the basis of depreciable property required under sections 108 and 1017 constitutes an adjustment to the basis of partnership property with respect to the partner only. These adjustments, therefore, are similar to the basis adjustments required under section 743(b). Accordingly, the proposed regulations provide that these adjustments have the same effect and are recovered in the same manner as basis adjustments required under section 743(b); provided, however, that the election to treat the negative basis adjustment as an item of built-in gain (which decreases the amount of depreciation or amortization that the partnership may allocate) is not applicable. Consequently, if a partner's actual share of the partnership's common basis depreciation deductions in any year is less than the amount that was included in determining the partner's proportionate share of the partnership's common basis depreciation deductions for that year, the partner will recognize income.

E. Section 732

In General

With some exceptions, partners generally may receive distributions of partnership property without recognition of gain or loss. Rules are provided for determining the basis of the distributed property in the hands of the distributee. In the event that multiple properties are distributed by a partnership, section 732(c) provides allocation rules for determining their bases in the distributee partner's hands.

Section 732(c) was amended by the Taxpayer Relief Act of 1997, Public Law 105–34, § 1061, 111 Stat. 788, 945–46 (1997). Under prior law, a partner's basis in its partnership interest was allocated among property distributed to the partner based on the distributed properties' adjusted bases. The rules allocated the partner's basis in its partnership interest first to unrealized receivables and inventory items in an amount equal to the partnership's adjusted basis (or if the basis to be allocated was less than the partnership's basis, then in proportion to the partnership's basis). To the extent that there was any basis remaining to be allocated among distributed properties, the basis was allocated among the other properties in proportion to their adjusted bases to the partnership.

Section 1061 of the Taxpayer Relief Act of 1997, Public Law 105–34, section 1061, 111 Stat. 788, 945–46 (1997), revised the allocation rules for determining basis in the distributee partner's hands. As under prior law, basis is allocated first to any distributed unrealized receivables and inventory items before it is allocated to any other distributed property. Basis is then allocated among the other distributed properties to the extent of each such property's adjusted basis to the partnership. Any remaining basis adjustment, if an increase, is allocated among properties with unrealized appreciation in proportion to their respective amounts of unrealized appreciation (to the extent of each property's appreciation), and then in proportion to their respective fair market values. If the remaining basis adjustment is a decrease, it is allocated among properties with unrealized depreciation in proportion to their respective amounts of unrealized depreciation (to the extent of each property's depreciation), and then in proportion to their respective adjusted bases (taking into account the adjustment already made). The proposed regulations amend the current regulations to incorporate these changes to section 732(c).

Section 732(d)

Section 732(d) provides a special rule that applies to determine the basis of property distributed to a transferee partner who acquired any part of its partnership interest in a transfer when an election under section 754 was not in effect. When the special rule applies, the basis of distributed property is adjusted immediately before the distribution to reflect the basis that the property would have had if the partnership had a section 754 election in effect at the time the transferee acquired the partnership interest. As a result, the basis of the distributed property in the hands of the partnership immediately before the distribution more closely approximates its fair market value. Consequently, the transferee's basis in the distributed property will also more closely approximate its fair market value.

Section 1.732–1(d)(4) of the current regulations requires transferees to apply the special basis rule in certain cases. Specifically, transferees are required to apply the special basis rule if at the time of the acquisition of the partnership interest—

(i) The fair market value of all partnership property (other than money) exceeded 110 percent of its adjusted basis to the partnership,

(ii) An allocation of basis under section 732(c) upon a liquidation of the partnership interest immediately after the transfer of the interest would have resulted in a shift of basis from property not subject to an allowance for depreciation, depletion, or amortization, to property subject to such an allowance, and

(iii) A basis adjustment under section 743(b) would change the basis to the transferee partner of the property actually distributed.

The purpose of § 1.732–1(d)(4) was to prevent distortions caused by section 732(c) that might inflate the basis of depreciable, depletable, or amortizable property above its fair market value. At the time that the regulations were adopted, such distortions might occur because section 732(c) allocated basis among distributed properties based on their relative bases. The changes made to section 732(c) by the Taxpayer Relief Act of 1997, Public Law 105–34, section 1061, 111 Stat. 788, 945–46 (1997), make the distortions targeted by the regulations less likely to occur. As a result, the Service and Treasury request comments on the proper scope of section 732(d), and specifically, under what circumstances, if any, the Secretary should exercise its authority to mandate the application of section 732(d) to a transferee.

Proposed Effective Date

The regulations are proposed to be effective: (i) For all transfers of partnership interests on and after the date the regulations are published as final regulations in the **Federal Register**, (ii) for all distributions from partnerships on and after the date the regulations are published as final regulations in the **Federal Register**, and (iii) for all elections under sections 108(b)(5) and 108(c) made on or after the date the regulations are published as final regulations in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. An initial regulatory flexibility analysis has been prepared for the collection of information in this notice of proposed rulemaking under 5 U.S.C. 603. A summary of the analysis is set forth below under the heading ''Summary of Initial Regulatory Flexibility Analysis.'' Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Summary of Initial Regulatory Flexibility Analysis

This initial analysis is prepared pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6). In general, the proposed regulations require a transferee that acquires an interest in a partnership with an election under section 754 in effect, to notify the partnership of the transfer. This notification must include the name and taxpayer identification number of the transferee and the transferee's basis in the acquired partnership interest. The partnership is required to include a statement with its Form 1065, U.S. Partnership Return of Income for the taxable year in which the partnership acquires knowledge of the transfer. This statement must identify the name and taxpayer identification number of the transferee and the computation of the basis adjustment and the allocation of that adjustment to partnership properties. These requirements will ensure that the partnership has notice that a transfer has occurred and that the proper basis adjustments are computed. The legal basis for this requirement is

contained in sections 743(b), 6001, 7805(a).

There were approximately 1,494,000 partnerships in 1994. However, these proposed regulations apply only to partnerships that have made an election under section 754. The election under section 754 is generally not made unless there has been a transfer of a partnership interest or a distribution by the partnership. Moreover, the effects of the election attach to specific items of partnership property and may provide only temporary benefits for the partners. The election also cannot be revoked without the consent of the Secretary. Accordingly, the Service and Treasury believe that most partnerships do not make the election under section 754. Therefore, most partnerships will not be affected by the proposed regulations in any given year.

After a partner conveys information to the partnership concerning a transfer of a partnership interest, the partnership must adjust the partner's interest in the basis of partnership property. Because these basis adjustments will affect the partner's share of depreciation or amortization deductions and amounts of gain or loss on the disposition of certain items of partnership property, the partnership must prepare and maintain special entries on its books. However, in many cases, partnership returns are prepared using computer software that can prepare and maintain these special entries after the initial year.

The IRS and Treasury Department are not aware of any federal rules that may duplicate, overlap, or conflict with the proposed rule.

As an alternative to the disclosure described above, the Service and Treasury considered, but rejected, a rule that would have required the partners, and not the partnerships, to make the basis reductions and to determine the effects of the basis adjustments on the partner's distributive shares. This alternative was rejected because the Service and Treasury believe that partnerships generally have better access to the information necessary to report section 743 basis adjustments properly. To require the partners rather than the partnerships to bear the burden of reporting would require the partnerships to provide the partners with significant amounts of information not otherwise needed by the partners. There are no known alternative rules that are less burdensome to the partnerships and their partners but that accomplish the purpose of the statute. The Service and Treasury request comments concerning possible alternatives.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight (8) copies) that are timely submitted to the IRS. All comments will be available for public inspection and copying.

A public hearing has been scheduled for Wednesday, July 8, 1998, at 10 a.m. in the IRS Auditorium of the Internal Revenue Building. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons that wish to present oral comments at the hearing must submit written comments by April 29, 1998, and submit an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by Wednesday, June 24, 1998.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal authors of these proposed regulations are Brian M. Blum and Terri A. Belanger of the Office of the Assistant Chief Counsel (Passthroughs and Special Industries). However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in their development.

Partial Withdrawal of Notice of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, § 1.168–2(n) in the notice of proposed rulemaking published February 16, 1984 (49 FR 5940) is withdrawn.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding entries in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.168–2 also issued under 26 U.S.C. 168. * * *

Section 1.732–1 also issued under 26 U.S.C. 732.

Section 1.732–2 also issued under 26 U.S.C. 732.

Section 1.734–1 also issued under 26 U.S.C. 734.

Section 1.743–1 also issued under 26 U.S.C. 743.

Section 1.751–1 also issued under 26 U.S.C. 751.

Section 1.755–1 also issued under 26 U.S.C. 755. * * *

Section 1.1017–1 also issued under 26 U.S.C. 1017. * * *

Par. 2. Section 1.732–1 is amended by revising paragraphs (c), (d)(1)(vi), (d)(4)(iii) and the last sentence of paragraph (d)(1)(v) and removing the undesignated text including the examples immediately following paragraph (d)(4)(iii) to read as follows:

§ 1.732–1 Basis of distributed property other than money.

* * * * *

(c) *Allocation of basis among properties distributed to a partner*—(1) *General rule*—(i) *Unrealized receivables and inventory items.* The basis to be allocated to properties distributed to a partner under section 732(a)(2) or (b) is allocated first to any unrealized receivables (as defined in section 751(c)) and inventory items (as defined in section 751(d)(2)) in an amount equal to the adjusted basis of each such property to the partnership immediately before the distribution. If the basis to be allocated is less than the sum of the adjusted bases to the partnership of the distributed unrealized receivables and inventory items, the adjusted basis of the distributed property must be decreased in the manner provided in paragraph (c)(2)(i) of this section.

(ii) *Other distributed property.* Any basis not allocated to unrealized receivables or inventory items under paragraph (c)(1)(i) of this section is allocated to any other property distributed to the partner in the same transaction by assigning to each distributed property an amount equal to the adjusted basis of the property to the partnership immediately before the distribution. However, if the sum of the adjusted bases to the partnership of such other distributed property does not equal the basis to be allocated among the distributed property, any increase or decrease required to make the amounts equal is allocated among the distributed property as provided in paragraph (c)(2) of this section.

(2) *Adjustment to basis allocation*—(i) *Decrease in basis.*

Any decrease to the basis of distributed property required under paragraph (c)(1) of this section is allocated first to distributed property with unrealized depreciation in proportion to each property's respective amount of unrealized depreciation before any decrease (but only to the extent of each property's unrealized depreciation). If the required decrease exceeds the amount of unrealized depreciation in the distributed property, the excess is allocated to the distributed property in proportion to the adjusted bases of the distributed property, as adjusted pursuant to the immediately preceding sentence.

(ii) *Increase in basis.* Any increase to the basis of distributed property required under paragraph (c)(1)(ii) of this section is allocated first to distributed property (other than unrealized receivables and inventory items) with unrealized appreciation in proportion to each property's respective amount of unrealized appreciation before any increase (but only to the extent of each property's unrealized appreciation). If the required increase exceeds the amount of unrealized appreciation in the distributed property, the excess is allocated to the distributed property (other than unrealized receivables or inventory items) in proportion to the fair market value of the distributed property.

(3) *Unrealized receivables and inventory items.* If the basis to be allocated upon a distribution in liquidation of the partner's entire interest in the partnership is greater than the adjusted basis to the partnership of the unrealized receivables and inventory items distributed to the partner, and if there is no other property distributed to which the excess can be allocated, the distributee partner sustains a capital loss under section 731(a)(2) to the extent of the unallocated basis of the partnership interest.

(4) *Examples.* The provisions of this paragraph (c) are illustrated by the following examples:

Example 1. A is a one-fourth partner in partnership PRS and has an adjusted basis in its partnership interest of $650. PRS distributes inventory items and Assets X and Y to A in liquidation of A's entire partnership interest. The distributed inventory items have a basis to the partnership of $100 and a fair market value of $200. Asset X has an adjusted basis to the partnership of $50 and a value of $400. Asset Y has an adjusted basis to the partnership and value of $100. Neither Asset X nor Asset Y consists of inventory items or unrealized receivables. Under this paragraph (c), A's basis in its partnership interest is allocated first to the inventory items in an amount equal to their adjusted basis to the partnership. A, therefore, has an adjusted basis in the inventory items of $100. The remaining basis, $550, is allocated to the distributed property first in an amount equal to the property's adjusted basis to the partnership. Thus, Asset X is allocated $50 and Asset Y is allocated $100. Asset X is then allocated $350, the amount of unrealized appreciation in Asset X. Finally, the remaining basis, $50, is allocated to Assets X and Y in proportion to their fair market values: $40 to Asset X (400/500 x $50), and $10 to Asset Y (100/500 x $50). Therefore, after the distribution, A has an adjusted basis of $440 in Asset X and $110 in Asset Y.

Example 2. B is a one-fourth partner in partnership PRS and has an adjusted basis in its partnership interest of $200. PRS distributes Asset X and Asset Y to B in liquidation of its entire partnership interest. Asset X has an adjusted basis to the partnership and fair market value of $150. Asset Y has an adjusted basis to the partnership of $150 and a fair market value of $50. Neither of the assets consists of inventory items or unrealized receivables. Under this paragraph (c), B's basis is first assigned to the distributed property to the extent of the partnership's basis in each distributed property. Thus, Asset X and Asset Y are each assigned $150. Because the aggregate adjusted basis of the distributed property, $300, exceeds the basis to be allocated, $200, a decrease of $100 in the basis of the distributed property is required. Assets X and Y have unrealized depreciation of zero and $100, respectively. Thus, the entire decrease is allocated to Asset Y. After the distribution, B has an adjusted basis of $150 in Asset X and $50 in Asset Y.

Example 3. C, a partner in partnership PRS, receives a distribution in liquidation of its entire partnership interest of $6,000 cash, inventory items having an adjusted basis to the partnership of $6,000, and real property having an adjusted basis to the partnership of $4,000. C's basis in its partnership interest is $9,000. The cash distribution reduces C's basis to $3,000, which is allocated entirely to the inventory items. The real property has a zero basis in C's hands. The partnership bases not carried over to C for the distributed properties are lost unless an election under section 754 is in effect requiring the partnership to adjust the bases of remaining partnership properties under section 734(b).

Example 4. Assume the same facts as in *Example 3* of this paragraph except C receives a distribution in liquidation of its entire partnership interest of $1,000 cash and inventory items having a basis to the partnership of $6,000. The cash distribution reduces C's basis to $8,000, which can be allocated only to the extent of $6,000 to the inventory items. The remaining $2,000 basis, not allocable to the distributed property, constitutes a capital loss to partner C under section 731(a)(2). If the election under section 754 is in effect, see section 734(b) for adjustment of the basis of undistributed partnership property.

(5) *Effective date.* This paragraph (c) applies to distributions of property from a partnership that occur on or after the date final regulations are published in the **Federal Register**.

(d) * * *

(1) * * *

(v) * * * (For a shift of transferee's basis adjustment to like property, see § 1.743–1(g).)

(vi) The provisions of this paragraph (d)(1) may be illustrated by the following example:

Example. (i) Transferee partner, T, purchased a one-fourth interest in partnership PRS for $17,000. At the time T purchased the partnership interest, the election under section 754 was not in effect and the partnership inventory had a basis to the partnership of $14,000 and a value of $16,000. T's purchase price reflected $500 of this difference. Thus, $4,000 of the $17,000 paid by T for the partnership interest was attributable to T's share of partnership inventory with a basis of $3,500. Within 2 years after T acquired the partnership interest, T retired from the partnership and received in liquidation of its entire partnership interest the following property:

	Assets	
	Adjusted basis to PRS	Market value
Cash	$1,500	$1,500
Inventory	3,500	4,000
Asset X	2,000	4,000
Asset Y	4,000	5,000

(ii) The value of the inventory received by T was one-fourth of the value of all partnership inventory and was T's share of such property. It is immaterial whether the inventory T received was on hand when T acquired the interest. In accordance with T's election under section 732(d), the amount of T's share of partnership basis that is attributable to partnership inventory is increased by $500 (one-fourth of the $2,000 difference between the value of the property, $16,000, and its $14,000 basis to the partnership at the time T purchased its interest). This adjustment under section 732(d) applies only for purposes of distributions to T, and not for purposes of partnership depreciation, depletion, or gain or loss on disposition. Thus, the amount to be allocated among the properties received by T in the liquidating distribution is $15,500 ($17,000, T's basis for the partnership interest, reduced by the amount of cash received, $1,500). This amount is allocated as follows: The basis of the inventory items received is $4,000, consisting of the $3,500 common partnership basis, plus the basis adjustment of $500 which T would have had under section 743(b). The remaining basis of $11,500 ($15,500 minus $4,000) is allocated among the remaining property distributed to T by assigning to each property the adjusted basis to the partnership of such property and adjusting that basis by any required increase or decrease. Thus, the adjusted basis to T of Asset X is $5,111 ($2,000, the adjusted basis of Asset X to the partnership, plus $2,000, the amount of unrealized appreciation in

Asset X, plus $1,111 ($4,000/$9,000 multiplied by $2,500). Similarly, the adjusted basis of Asset Y to T is $6,389 ($4,000, the adjusted basis of Asset Y to the partnership, plus $1,000, the amount of unrealized appreciation in Asset Y, plus, $1,389 ($5,000/$9,000 multiplied by $2,500).

* * * * *

(4) * * *

(iii) A basis adjustment under section 743(b) would change the basis to the transferee partner of the property actually distributed.

* * * * *

Par. 3. Section 1.732–2 is amended by adding a new sentence at the end of the *Example* in paragraph (b) to read as follows:

§ 1.732–2 Special partnership basis of distributed property.

* * * * *

(b) * * *

Example. * * * See § 1.743–1(g).

* * * * *

Par. 4. In § 1.734–1, paragraph (e) is added to read as follows:

§ 1.734–1 Optional adjustment to basis of undistributed partnership property.

* * * * *

(e) *Recovery of adjustments to basis of partnership property*—(1) *Increases in basis.* For purposes of section 168, if the basis of a partnership's recovery property is increased as a result of the distribution of property to a partner, then the increased portion of the basis must be taken into account as if it were newly-purchased recovery property placed in service when the distribution occurs. Consequently, any applicable recovery period and method may be used to determine the recovery allowance with respect to the increased portion of the basis. However, no change is made for purposes of determining the recovery allowance under section 168 for the portion of the basis for which there is no increase.

(2) *Decreases in basis.* For purposes of section 168, if the basis of a partnership's recovery property is decreased as a result of the distribution of property to a partner, then the decrease in basis must be accounted for over the remaining recovery period of the property beginning with the recovery period in which the basis is decreased.

(3) *Effective date.* This paragraph (e) applies to distributions of property from a partnership that occur on or after the date final regulations are published in the **Federal Register**.

Par. 5. Section 1.743–1 is revised to read as follows:

§ 1.743–1 Optional adjustment to basis of partnership property.

(a) *Generally.* The basis of partnership property is adjusted as a result of the transfer of an interest in a partnership by sale or exchange or on the death of a partner only if the election provided by section 754 (relating to optional adjustments to the basis of partnership property) is in effect with respect to the partnership. Whether or not the election provided in section 754 is in effect, the basis of partnership property is not adjusted as the result of a contribution of property, including money, to the partnership.

(b) *Determination of adjustment.* In the case of the transfer of an interest in a partnership, either by sale or exchange or as a result of the death of a partner, a partnership that has an election under section 754 in effect—

(1) Increases the adjusted basis of partnership property by the excess of the transferee's basis for the transferred partnership interest over the transferee's share of the adjusted basis to the partnership of the partnership's property; or

(2) Decreases the adjusted basis of partnership property by the excess of the transferee's share of the adjusted basis to the partnership of the partnership's property over the transferee's basis for the transferred partnership interest.

(c) *Determination of transferee's basis in the transferred partnership interest.* In the case of the transfer of a partnership interest by sale or exchange or as a result of the death of a partner, the transferee's basis in the transferred partnership interest is determined under section 742. See also section 752 and §§ 1.752–1 through 1.752–5.

(d) *Determination of transferee's share of the adjusted basis to the partnership of the partnership's property*—(1) *Generally.* A transferee's share of the adjusted basis to the partnership of partnership property is equal to the sum of the transferee's interest as a partner in the partnership's previously taxed capital, plus the transferee's share of partnership liabilities. Generally, a transferee's interest as a partner in the partnership's previously taxed capital is equal to—

(i) The amount of cash that the transferee would receive on a liquidation of the partnership following the hypothetical transaction, as defined in paragraph (d)(2) of this section; increased by

(ii) The amount of tax loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee from the hypothetical transaction, as defined in paragraph (d)(2) of this section; and decreased by

(iii) The amount of tax gain (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee from the hypothetical transaction, as defined in paragraph (d)(2) of this section.

(2) *Hypothetical transaction defined.* For purposes of paragraph (d)(1) of this section, the hypothetical transaction means the disposition by the partnership of all of the partnership's assets, immediately after the transfer of the partnership interest, in a fully taxable transaction for cash equal to the fair market value of the assets. For example, if the partnership properly maintains capital accounts under the rules of § 1.704–1(b)(2)(iv), the transferee's interest as a partner in the partnership's previously taxed capital is equal to—

(i) The transferee's capital account adjusted for the hypothetical transaction; increased by

(ii) The amount of tax loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee from the hypothetical transaction; and decreased by

(iii) The amount of tax gain (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee from the hypothetical transaction.

(3) *Examples.* The provisions of this paragraph (d) are illustrated by the following examples:

Example 1. (i) A is a member of partnership PRS in which the partners have equal interests in capital and profits. The partnership has made an election under section 754, relating to the optional adjustment to the basis of partnership property. A sells its interest to T for $22,000. The balance sheet of the partnership at the date of sale shows the following:

	Assets	
	Adjusted basis	Market value
Cash	$ 5,000	$5,000
Accounts receivable	10,000	10,000
Inventory	20,000	21,000
Depreciable assets	20,000	40,000
Total	55,000	76,000

	Liabilities and capital	
	Adjusted per books	Market value
Liabilities	$10,000	$10,000
Capital:		
A	15,000	22,000
B	15,000	22,000

	Liabilities and capital	
	Adjusted per books	Market value
C	15,000	22,000
Total	55,000	76,000

(ii) The amount of the basis adjustment under section 743(b) is the difference between the basis of T's interest in the partnership and T's share of the adjusted basis to the partnership of the partnership's property. Under section 742, the basis of T's interest is $25,333 (the cash paid for A's interest, $22,000, plus $3,333, T's share of partnership liabilities). T's interest in the partnership's previously taxed capital is $15,000 ($22,000, the amount of cash T would receive if PRS liquidated immediately after the hypothetical transaction, decreased by $7,000, the amount of tax gain allocated to T from the hypothetical transaction). T's share of the adjusted basis to the partnership of the partnership's property is $18,333 ($15,000 share of previously taxed capital, plus $3,333 share of the partnership's liabilities). The amount of the basis adjustment to partnership property therefore, is $7,000, the difference between $25,333 and $18,333.

Example 2. A, B, and C form partnership PRS, to which A contributes land worth $1,000 (Asset 1) with an adjusted basis to A of $400, and B and C each contribute $1,000 cash. Each partner has $1,000 credited to it on the books of the partnership as its capital contribution. The partners share in profits equally. During the partnership's first taxable year, Asset 1 appreciates in value to $1,300. A sells its one-third interest in the partnership to T for $1,100, when an election under section 754 is in effect. The amount of tax gain that would be allocated to T from the hypothetical transaction is $700 ($600 section 704(c) built-in gain, plus one-third of the additional gain). Thus, T's interest in the partnership's previously taxed capital is $400 ($1,100, the amount of cash T would receive if PRS liquidated immediately after the hypothetical transaction, decreased by $700, T's share of gain from the hypothetical transaction). The amount of T's basis adjustment to partnership property is $700 (the excess of $1,100, T's cost basis for its interest, over $400, T's share of the adjusted basis to the partnership of partnership property).

(e) *Allocation of basis adjustment.* For the allocation of the basis adjustment under this section among the individual items of partnership property, see section 755 and the regulations thereunder.

(f) *Subsequent transfers.* Where there has been more than one transfer of a partnership interest, a transferee's basis adjustment is determined without regard to any prior transferee's basis adjustment. In the case of a gift of an interest in a partnership, the donor is treated as transferring, and the donee as receiving, that portion of the basis adjustment attributable to the gifted partnership interest. The provisions of this paragraph (f) may be illustrated by the following example:

Example. (i) A, B, and C form partnership PRS. A and B each contribute $1,000 cash and C contributes land with a basis and value of $1,000. When the land has appreciated in value to $1,300, A sells its interest to T1 for $1,100 (one-third of $3,300, the value of the partnership property). An election under section 754 is in effect; therefore, T1 has a basis adjustment of $100.

(ii) After the land has further appreciated in value to $1,600, T1 sells its interest to T2 for $1,200 (one-third of $3,600, the value of the partnership property). T2 has a basis adjustment of $200. This amount is determined without regard to any basis adjustment that T1 may have had in the partnership assets.

(iii) During the following year, T2 makes a gift to T3 of fifty percent of T2's interest in PRS. At the time of the transfer, T2 has a $200 basis adjustment. T2 is treated as transferring $100 of the basis adjustment to T3 with the gift of the partnership interest.

(g) *Distributions*—(1) *Distribution of adjusted property to the transferee*—(i) *Coordination with section 732.* If a partnership distributes property to a transferee and the transferee has a basis adjustment for the property, the basis adjustment is taken into account under section 732. See § 1.732–2(b).

(ii) *Coordination with section 734.* For certain adjustments to the common basis of remaining partnership property after the distribution of adjusted property to a transferee, see § 1.734–2(b).

(2) *Distribution of adjusted property to another partner*—(i) *Coordination with section 732.* If a partner receives a distribution of property with respect to which another partner has a basis adjustment, the distributee does not take the basis adjustment into account under section 732.

(ii) *Reallocation of basis.* A transferee with a basis adjustment in property that is distributed to another partner reallocates the basis adjustment among the remaining items of partnership property pursuant to § 1.755–1(c).

(3) *Distributions in complete liquidation of a partner's interest.* If a transferee receives a distribution of property (whether or not the transferee has a basis adjustment in such property) in liquidation of its interest in the partnership, the adjusted basis to the partnership of the distributed property immediately before the distribution includes the transferee's basis adjustment for the property in which the transferee relinquished an interest (either because it remained in the partnership or was distributed to another partner). Any basis adjustment to property in which the transferee is deemed to relinquish its interest is reallocated among the properties distributed to the transferee under § 1.755–1(c).

(4) *Coordination with other provisions.* The rules of sections 704(c)(1)(B), 731, 737, and 751 apply before the rules of this paragraph (g).

(5) *Example.* The provisions of this paragraph (g) are illustrated by the following example:

Example. (i) A, B, and C are equal partners in partnership PRS. Each partner originally contributed $10,000 in cash, and PRS used the contributions to purchase five nondepreciable capital assets. PRS has no liabilities. After five years, PRS's balance sheet appears as follows:

	Assets	
	Adjusted basis	Market value
Asset 1	$10,000	$10,000
Asset 2	4,000	6,000
Asset 3	6,000	6,000
Asset 4	7,000	4,000
Asset 5	3,000	13,000
Total	30,000	39,000

	Capital	
	Adjusted per books	Market value
Partner A	$10,000	$13,000
Partner B	10,000	13,000
Partner C	10,000	13,000
Total	30,000	39,000

(ii) A sells its interest to T for $13,000 when PRS has an election in effect under section 754. T receives a basis adjustment in the partnership property that is equal to $3,000 (the excess of T's basis in the partnership interest, $13,000, over T's share of the adjusted basis to the partnership of partnership property, $10,000). The basis adjustment is allocated under section 755, and the partnership's balance sheet appears as follows:

	Assets		
	Adjusted basis	Market value	Basis adjustment
Asset 1	$10,000	$10,000	0.00
Asset 2	4,000	6,000	666.67
Asset 3	6,000	6,000	0.00
Asset 4	7,000	4,000	(1,000.00)
Asset 5	3,000	13,000	3,333.33
Total	30,000	39,000	4,000.00

	Capital		
	Adjusted per books	Market value	Special basis
Partner T	$10,000	$13,000	$3,000
Partner B	10,000	13,000	0
Partner C	10,000	13,000	0
Total	30,000	39,000	3,000

(iii) Assume that PRS distributes Asset 2 to T in partial liquidation of T's interest in the partnership. T has a basis adjustment of $666.67 in Asset 2. Under paragraph (g)(1)(i) of this section, T takes the basis adjustment into account under section 732. Therefore, T will have a basis in Asset 2 of $4,666.67 following the distribution.

(iv) Assume instead that PRS distributes Asset 5 to C in complete liquidation of C's interest in PRS. T has a basis adjustment of $3,333.33 in Asset 5. Under paragraph (g)(2)(i) of this section, C does not take T's basis adjustment into account under section 732. Therefore, the partnership's basis for purposes of sections 732 and 734 is $3,000. Under paragraph (g)(2)(ii) of this section, T's $3,333.33 basis adjustment is reallocated among the remaining partnership assets under § 1.755–1(c).

(v) Assume instead that PRS distributes Asset 5 to T in complete liquidation of its interest in PRS. Under paragraph (g)(3) of this section, immediately prior to the distribution of Asset 5 to T, PRS must adjust the basis of Asset 5. Therefore, immediately prior to the distribution, PRS's basis in Asset 5 is equal to $6,000, which is the sum of (A) $3,000, PRS's common basis in Asset 5, plus (B) $3,333.33, T's basis adjustment to Asset 5, plus (C) ($333.33), the sum of T's basis adjustments in Assets 2 and 4. For purposes of sections 732 and 734, therefore, PRS will be treated as having a basis in Asset 5 equal to $6,000.

(h) *Contributions of adjusted property*—(1) *Section 721(a) transactions.* If, in a transaction described in section 721(a), a partnership (the upper tier) contributes to another partnership (the lower tier) property with respect to which a basis adjustment has been made, the basis adjustment is treated as contributed to the lower tier, regardless of whether the lower tier partnership makes a section 754 election. The lower tier's basis in the contributed assets and the upper tier's basis in the partnership interest received in the transaction are determined with reference to the basis adjustment. However, that portion of the basis of the upper tier's interest in the lower tier attributable to the basis adjustment must be segregated and allocated solely to the transferee partner for whom the basis adjustment was made. Similarly, that portion of the lower tier's basis in its assets attributable to the basis adjustment must be segregated and allocated solely to the upper tier and the transferee. A partner with a basis adjustment in property held by a partnership that terminates under section 708(b)(1)(B) will continue to have the same basis adjustment with respect to property deemed contributed by the terminated partnership to the new partnership under § 1.708–1(b)(1)(iv), regardless of whether the new partnership makes a section 754 election.

(2) *Section 351 transactions*—(i) *Basis in transferred property.* A corporation's adjusted tax basis in property transferred to the corporation by a partnership in a transaction described in section 351 is determined with reference to any basis adjustment to the property under section 743(b) (other than any basis adjustment that reduces a partner's gain under paragraph (h)(2)(ii) of this section).

(ii) *Partnership gain.* The amount of gain, if any, recognized by the partnership on a transfer of property by the partnership to a corporation in a transfer described in section 351 is determined without reference to any basis adjustment to the transferred property under section 743(b). The amount of gain, if any, recognized by the partnership on the transfer that is allocated to a partner with a basis adjustment in the transferred property is adjusted to reflect the partner's basis adjustment in the transferred property.

(iii) *Basis in stock.* The partnership's adjusted tax basis in stock received from a corporation in a transfer described in section 351 is determined without reference to the basis adjustment in property transferred to the corporation in the section 351 exchange. A partner with a basis adjustment in property transferred to the corporation, however, has a special basis adjustment in the stock received by the partnership in the section 351 exchange in an amount equal to the partner's basis adjustment in the transferred property, reduced by any basis adjustment that reduced the partner's gain under paragraph (h)(2)(ii) of this section.

(i) [Reserved].

(j) *Effect of basis adjustment*—(1) *In general.* The basis adjustment constitutes an adjustment to the basis of partnership property with respect to the transferee only. No adjustment is made to the common basis of partnership property. Thus, for purposes of income, deduction, gain, loss, and distribution, the transferee will have a special basis for those partnership properties the bases of which are adjusted under section 743(b) and this section. The adjustment to the basis of partnership property under section 743 has no effect on the partnership's computation of any item under section 703.

(2) *Computation of partner's distributive share of partnership items.* The partnership first computes its items of income, deduction, gain, or loss at the partnership level under section 703. The partnership then allocates the partnership items among the partners, including the transferee, in accordance

with section 704, and adjusts the partners' capital accounts accordingly. The partnership then adjusts the transferee's distributive share of the items of partnership income, deduction, gain, or loss, in accordance with paragraphs (j)(3) and (4) of this section, to reflect the effects of the transferee's basis adjustment to the property that is the source of the item of partnership income, deduction, gain, or loss. These adjustments to the transferee's distributive shares do not affect the transferee's capital account.

(3) *Effect of basis adjustment in determining items of income, gain, or loss*—(i) *In general.* The amount of a transferee's income, gain, or loss from the sale or exchange of a partnership asset in which the transferee has a basis adjustment is equal to the transferee's share of the partnership's gain or loss from the sale of the asset (including any remedial allocations of gain or loss under § 1.704–3(d)), minus the amount of the transferee's positive basis adjustment for the partnership asset (determined by taking into account the recovery of the basis adjustment under paragraph (j)(4)(i)(B) of this section) or plus the amount of the transferee's negative basis adjustment for the partnership asset (determined by taking into the account the recovery of the basis adjustment under paragraph (j)(4)(ii)(B) of this section).

(ii) *Examples.* The following examples illustrate the principles of this paragraph (j)(3):

Example 1. A and B form equal partnership PRS. A contributes nondepreciable property with a fair market value of $50 and an adjusted tax basis of $100. PRS will use the traditional allocation method under § 1.704–3(b). B contributes $50 cash. A sells its interest to T for $50. PRS has an election in effect to adjust the basis of partnership property under section 754. T receives a negative $50 basis adjustment that, under section 755, is allocated to the nondepreciable property. PRS then sells the property for $60. PRS recognizes a book gain of $10 and a tax loss of $40. T will receive an allocation of $40 of tax loss under the principles of section 704(c). Because T has a negative $50 basis adjustment in the nondepreciable property, T recognizes a $10 gain from the partnership's sale of the property.

Example 2. A and B form equal partnership PRS. A contributes nondepreciable property with a fair market value of $100 and an adjusted tax basis of $50. B contributes $100 cash. PRS will use the traditional allocation method under § 1.704–3(b). A sells its interest to T for $100. PRS has an election in effect to adjust the basis of partnership property under section 754. Therefore, T receives a $50 basis adjustment that, under section 755, is allocated to the nondepreciable property. PRS then sells the nondepreciable property for $90. PRS recognizes a book loss of $10 and a tax gain of $40. T will receive an allocation of the entire $40 of tax gain under the principles of section 704(c). Because T has a $50 basis adjustment in the property, T recognizes a $10 loss from the partnership's sale of the property.

Example 3. A and B form equal partnership PRS. PRS will make allocations under section 704(c) using the remedial allocation method described in § 1.704–3(d). A contributes property with a fair market value of $100 and an adjusted tax basis of $150. B contributes $100 cash. A sells its partnership interest to T for $100. PRS has an election in effect to adjust the basis of partnership property under section 754. T receives a negative $50 basis adjustment that, under section 755, is allocated to the property. The partnership then sells the property for $120. The partnership recognizes a $20 book gain and a $30 tax loss. The book gain will be allocated equally between the partners. The entire $30 tax loss will be allocated to T under the principles of section 704(c). To match its $10 share of book gain, B will be allocated $10 of remedial gain and T will be allocated an offsetting $10 of remedial loss. T was allocated a total of $40 of tax loss with respect to the property. Because T has a negative $50 basis adjustment to the property, T recognizes a $10 gain from the partnership's sale of the property.

(4) *Effect of basis adjustment in determining items of deduction*—(i) *Increases*—(A) *Additional deduction.* The amount of any positive basis adjustment that is recovered by the transferee in any year is added to the transferee's distributive share of the partnership's depreciation or amortization deductions for the year. The basis adjustment is adjusted under section 1016(a)(2) to reflect the recovery of the basis adjustment.

(B) *Recovery period*—(*1*) *In general.* Except as provided in paragraph (j)(4)(i)(B)(*2*) of this section, for purposes of section 168, if the basis of a partnership's recovery property is increased as a result of the transfer of a partnership interest, then the increased portion of the basis is taken into account as if it were newly-purchased recovery property placed in service when the transfer occurs. Consequently, any applicable recovery period and method may be used to determine the recovery allowance with respect to the increased portion of the basis. However, no change is made for purposes of determining the recovery allowance under section 168 for the portion of the basis for which there is no increase.

(*2*) *Remedial allocation method.* If a partnership elects to use the remedial allocation method described in § 1.704–3(d) with respect to an item of the partnership's recovery property, then the portion of any increase in the basis of the item of the partnership's recovery property under section 743(b) that is attributable to section 704(c) built-in gain is recovered over the remaining recovery period for the partnership's excess book basis in the property as determined in the final sentence of § 1.704–3(d)(2). Any remaining portion of the basis increase is recovered under paragraph (j)(4)(i)(B)(*1*) of this section.

(C) *Examples.* The provisions of this paragraph (j)(4)(i) are illustrated by the following examples:

Example 1. (i) A, B, and C are equal partners in partnership PRS, which owns Asset 1, an item of depreciable property that has a fair market value in excess of its adjusted tax basis. C sells its interest in PRS to T while PRS has an election in effect under section 754. PRS, therefore, increases the basis of Asset 1 with respect to T.

(ii) Assume that in the year following the transfer of the partnership interest to T, T's distributive share of the partnership's common basis depreciation deductions from Asset 1 is $1,000. Also assume that, under paragraph (j)(4)(i)(B) of this section, the amount of the basis adjustment that T recovers during the year is $500. The total amount of depreciation deductions from Asset 1 reported by T is equal to $1,500.

Example 2. (i) A and B form equal partnership PRS. A contributes property with an adjusted basis of $100,000 and a fair market value of $500,000. B contributes $500,000 cash. When PRS is formed, the property has five years remaining in its recovery period. The partnership's adjusted basis of $100,000 will, therefore, be recovered over the five years remaining in the property's recovery period. PRS elects to use the remedial allocation method under § 1.704–3(d) with respect to the property. If PRS had purchased the property at the time of the partnership's formation, the basis of the property would have been recovered over a 10 year period. The $400,000 of section 704(c) built-in gain will, therefore, be amortized under § 1.704–3(d) over a 10 year period beginning at the time of the partnership's formation.

(ii) Except for the depreciation deductions, PRS's expenses equal its income in each year of the first two years commencing with the year the partnership is formed. After two years, A's share of the adjusted basis of partnership property is $120,000, while B's is $440,000:

CAPITAL ACCOUNTS

	A		B	
	Book	Tax	Book	Tax
Initial Contribution	$500,000	$100,000	$500,000	$500,000
Depreciation Year 1	(30,000)	.....	(30,000)	(20,000)
Remedial	.....	10,000	.....	(10,000)
Subtotal	470,000	110,000	470,000	470,000
Depreciation Year 2	(30,000)	.....	(30,000)	(20,000)
Remedial	.....	10,000	.....	(10,000)
Total	440,000	120,000	440,000	440,000

(iii) A sells its interest in PRS to T for its fair market value of $440,000. A valid election under section 754 is in effect with respect to the sale of the partnership interest. Accordingly, PRS makes an adjustment, pursuant to section 743(b), to increase the basis of partnership property. Under section 743(b), the amount of the basis adjustment is equal to $320,000. Under section 755, the entire basis adjustment is allocated to the property.

(iv) At the time of the transfer, $320,000 of section 704(c) built-in gain from the property was still reflected on the partnership's books, and all of the basis adjustment is attributable to section 704(c) built-in gain. Therefore, the basis adjustment will be recovered over the remaining recovery period for the section 704(c) built-in gain under § 1.704–3(d).

(ii) *Decreases*—(A) *Effect on depreciation deductions—(1)—Reduced deduction to transferee. Except as provided in paragraph (j)(4)(ii)(A)(2)* of this section, the amount of the basis adjustment to an item of depreciable or amortizable property that is recovered in any year first decreases the transferee's distributive share of the partnership's depreciation or amortization deductions from that item of property for the year. If the amount of the basis adjustment recovered in any year exceeds the transferee's distributive share of the partnership's depreciation or amortization deductions from the item of property, then the transferee's distributive share of the partnership's depreciation or amortization deductions from other items of partnership property is decreased. The transferee then recognizes ordinary income to the extent of the excess, if any, of the amount of the basis adjustment recovered in any year over the transferee's distributive share of the partnership's depreciation or amortization deductions from all items of property.

(*2*) *Election to reduce deduction of other partners by excess adjustment.* The partnership may elect to treat the amount of the basis adjustment as an item of built-in gain, decreasing the amount of depreciation or amortization that the partnership may allocate for tax purposes. This election has no effect on the depreciation or amortization of the property on the books of the partnership. The partnership must make this election on the statement required to be attached to its return pursuant to paragraph (k) of this section for the year that the adjustment is made to the item of property.

(B) *Recovery period.* For purposes of section 168, if the basis of an item of a partnership's recovery property is decreased as the result of the transfer of an interest in the partnership then the decrease is recovered over the remaining useful life of the item of the partnership's recovery property. The portion of the decrease that is recovered in any year during the recovery period is equal to the product of—

(*1*) The amount of the decrease to the item's adjusted basis (determined as of the date of the transfer); multiplied by

(*2*) A fraction, the numerator of which is the portion of the adjusted basis of the item recovered by the partnership in that year, and the denominator of which is the adjusted basis of the item on the date of the transfer (determined prior to any basis adjustments).

(C) *Examples.* The provisions of this paragraph (j)(4)(ii) are illustrated by the following examples:

Example 1. (i) A, B, and C are equal partners in partnership PRS, which owns Asset 2, an item of depreciable property that has a fair market value that is less than its adjusted tax basis. C sells its interest in PRS to T while PRS has an election in effect under section 754. PRS, therefore, decreases the basis of Asset 2 with respect to T.

(ii) Assume that in the year following the transfer of the partnership interest to T, T's distributive share of the partnership's common basis depreciation deducations from Asset 2 is $1,000. Also assume that, under paragraph (j)(4)(ii)(B) of this section, the amount of the basis adjustment that T recovers during the year is $500. The total amount of depreciation deductions from Asset 2 reported by T is equal to $500.

Example 2. (i) A and B form equal partnership PRS. A contributes property with an adjusted basis of $100,000 and a fair market value of $50,000. B contributes $50,000 cash. When PRS is formed, the property has five years remaining in its recovery period. The partnership's adjusted basis of $100,000 will, therefore, be recovered over the five years remaining in the property's recovery period. PRS uses the traditional allocation method under § 1.704–3(b) with respect to the property. As a result, B will receive $5,000 of depreciation deductions from the property in each of years 1–5, and A, as the contributing partner, will receive $15,000 of depreciation deductions in each of these years.

(ii) Except for the depreciation deductions, PRS's expenses equal its income in each of the first two years commencing with the year the partnership is formed. After two years, A's share of the adjusted basis of partnership property is $70,000, while B's is $40,000. A sells its interest in PRS to T for its fair market value of $40,000. A valid election under section 754 is in effect with respect to the sale of the partnership interest. Accordingly, PRS makes an adjustment, pursuant to section 743(b), to decrease the basis of partnership property. Under section 743(b), the amount of the adjustment is equal to ($30,000). Under section 755, the entire adjustment is allocated to the property.

(iii) The basis of the property at the time of the transfer of the partnership interest was $60,000. In each of years 3 through 5, the partnership will realize depreciation deductions of $20,000 from the property. Thus, one third of the negative basis adjustment ($10,000) will be recovered in each of years 3 through 5. Consequently, T will be allocated for tax purposes depreciation of $15,000 each year from the partnership and will recover $10,000 of its negative basis adjustment. Thus, T's net depreciation deducation from the partnership in each year is $5,000.

Example 3. (i) A, B, and C are equal partners in partnership PRS, which owns Asset 2, an item of depreciable property that has a fair market value that is less than its adjusted tax basis. C sells its interest in PRS to T while PRS has an election in effect under section 754. PRS, therefore, decreases the basis of Asset 2 with respect to T.

(ii) Assume that in the year following the transfer of the partnership interest to T, T's distributive share of the partnership's common basis depreciation deductions from Asset 2 is $500. PRS allocates no other depreciation to T. Also assume that, under paragraph (j)(4)(ii)(B) of this section, the amount of the negative basis adjustment that

T recovers during the year is $1,000. T will report $500 of ordinary income because the amount of the negative basis adjustment recovered during the year exceeds T's distributive share of the partnership's common basis depreciation deductions from Asset 2.

Example 4. (i) A and B are equal partners in partnership PRS. PRS has one depreciable asset that it purchased with cash. On the first day of a year, A transfers its interest to T at a time when the fair market value of the depreciable asset is $50 and its adjusted tax basis is $200. The partnership has an election in effect under section 754, resulting in a $75 decrease in the basis of the depreciable asset to T under section 743.

(ii) The depreciable asset has a remaining useful life of two years and is being recovered using the straight-line method. The partnership elects, under paragraph (j)(4)(ii)(A)(*2*) of this section, to treat the decrease in basis under section 743 as an item of built-in gain, decreasing the amount of depreciation that the partnership can allocate from $200 to $125. This reduces the amount of depreciation available to be allocated to the partners in each year from $100 to $62.50. This election has no effect on the depreciation or amortization of the property on the books of the partnership. Therefore, the partnership will recover $100 of depreciation on its books in each year.

(iii) At the end of the year, the partnership allocates each partner $50 of depreciation for book purposes. Under the principles of section 704(c), the first $50 of tax depreciation is allocated to B. The remaining $12.50 of tax depreciation is allocated to T.

(5) *Depletion.* Where an adjustment is made under section 743(b) to the basis of partnership property subject to depletion, any depletion allowance is determined separately for each partner, including the transferee partner, based on the partner's interest in such property. See § 1.702–1(a)(8).

(6) *Example.* The provisions of paragraph (j)(5) of this section are illustrated by the following example:

Example. A, B, and C each contributes $5,000 cash to form partnership PRS, which purchases oil property for $15,000. A, B, and C have equal interests in capital and profits. C subsequently sells its partnership interest to T for $100,000 when the election under section 754 is in effect. T has a basis adjustment for the oil property of $95,000 (the difference between T's basis, $100,000, and its share of the basis of partnership property, $5,000). Assume that the depletion allowance computed under the percentage method would be $21,000 for the taxable year so that each partner would be entitled to $7,000 as its share of the deduction for depletion. However, under the cost depletion method, at an assumed rate of 10 percent, the allowance with respect to T's one-third interest which has a basis to him of $100,000 ($5,000, plus its basis adjustment of $95,000) is $10,000, although the cost depletion allowance with respect to the one-third interest of A and B in the oil property, each of which has a basis of $5,000, is only $500. For partners A and B, the percentage depletion is greater than cost depletion and each will deduct $7,000 based on the percentage depletion method. However, as to T, the transferee partner, the cost depletion method results in a greater allowance and T will, therefore, deduct $10,000 based on cost depletion. See section 613(a).

(k) *Returns*—(1) *Statement of adjustments.* A partnership that must adjust the bases of partnership properties under section 743 must attach a statement to the partnership return for the year of the transfer setting forth the name and taxpayer identification number of the transferee as well as the computation of the adjustment and the partnership properties to which the adjustment has been allocated.

(2) *Requirement that transferee notify partnership*—(i) *Sale or exchange.* A transferee that acquires, by sale or exchange, an interest in a partnership with an election under section 754 in effect, must notify the partnership, in writing, within 30 days of the sale or exchange (or, if earlier, by January 15 of the calendar year following the calendar year in which the sale or exchange occurred). The written notice to the partnership must include the names and addresses of both parties to the sale or exchange, the taxpayer identification numbers of the transferee and (if known) of the transferor, the date of the transfer, and the amount of any money and the fair market value of any other property delivered or to be delivered for the transferred interest in the partnership.

(ii) *Transfer on death.* A transferee that acquires, on the death of a partner, an interest in a partnership with an election under section 754 in effect, must notify the partnership, in writing, within one year of the death of the deceased partner. The written notice to the partnership must include the names and addresses of the deceased partner and the transferee, the taxpayer identification numbers of the deceased partner and the transferee, the date on which the transferee became the owner of the partnership interest, the fair market value of the partnership interest on the applicable date of valuation set forth in section 1014, and the manner in which the fair market value of the partnership interest was determined.

(3) *Reliance.* In making the adjustments under section 743 and any statement or return relating to such adjustments under this section, a partnership may rely on the written notice provided by a transferee pursuant to paragraph (k)(2) of this section to determine the transferee's basis in a partnership interest. The previous sentence shall not apply if the tax matters partner (as defined under section 6231(a)(7)) or any other partner who has responsibility for federal income tax reporting by the partnership has knowledge of facts indicating that the statement is clearly erroneous.

(4) *Partnership not required to make or report adjustments under section 743 until it has notice of the transfer.* A partnership is not required to make the adjustments under section 743 (or any statement or return relating to those adjustments) with respect to any transfer until it has been notified of the transfer. For purposes of this section, a partnership is notified of a transfer when either—

(i) The partnership receives the written notice from the transferee required under paragraph (k)(2) of this section; or

(ii) The tax matters partner (as defined under section 6231(a)(7)) or any other partner who has responsibility for federal income tax reporting by the partnership has knowledge that there has been a transfer of a partnership interest.

(5) *Effect on partnership of the failure of the transferee to comply.* If the transferee fails to provide the partnership with the written notice required by paragraph (k)(2) of this section, the partnership must attach a statement to its return in the year that the partnership is otherwise notified of the transfer. This statement must set forth the name and taxpayer identification number (if known) of the transferee. In addition, the following statement must be prominently displayed in capital letters on the first page of the partnership's return for such year, and on the first page of any schedule or information statement relating to such transferee's share of income, credits, deductions, etc.: ''RETURN FILED PURSUANT TO § 1.743–1(k)(5).'' The partnership will then be entitled to report the transferee's share of partnership items without adjustment to reflect the transferee's basis adjustment in partnership property. If, following the filing of a return pursuant to this paragraph (k)(5), the transferee provides the applicable written notice to the partnership, the partnership must make such adjustments as are necessary to adjust the basis of partnership property (as of the date of the transfer) in any amended return otherwise to be filed by the partnership or in the next annual partnership return of income to be regularly filed by the partnership. At such time, the partnership must also provide the transferee with such information as is necessary for the

transferee to amend its prior returns to properly reflect the adjustment under section 743.

(l) *Effective date.* This section applies to transfers of partnership interests that occur on or after the date final regulations are published in the **Federal Register**.

Par. 6. Section 1.751–1 is amended by:

1. Revising paragraphs (a)(2) and (a)(3) and *Example 1* of paragraph (g).

2. Adding a sentence at the end of paragraph (f).

The addition and revisions read as follows:

§ 1.751–1 Unrealized receivables and inventory items.

(a) * * *

(2) *Determination of gain or loss.* The income or loss realized by a partner upon the sale or exchange of its interest in section 751 property is the amount of income or loss from section 751 property (including any remedial allocation under § 1.704–3(d)) that would have been allocated to the partner (to the extent attributable to the partnership interest sold or exchanged) if the partnership had sold all of its property in a fully taxable transaction immediately prior to the partner's transfer of the interest in the partnership. Any gain or loss recognized that is attributable to section 751 property will be ordinary gain or loss. The difference between the amount of capital gain or loss that the partner would realize in the absence of section 751 and the amount of ordinary income or loss determined under this paragraph (a)(2) is the transferor's capital gain or loss on the sale of its partnership interest.

(3) *Statement required.* A partner selling or exchanging any part of an interest in a partnership that has any section 751 property at the time of sale or exchange must submit with its income tax return for the taxable year in which the sale or exchange occurs a statement setting forth separately the following information—

(i) The date of the sale or exchange;

(ii) The amount of any gain or loss attributable to the section 751 property; and

(iii) The amount of any gain or loss attributable to capital gain or loss on the sale of the partnership interest.

* * * * *

(f) * * * The rules contained in paragraphs (a) (2) and (3) of this section apply to transfers of partnership interests that occur on or after the date final regulations are published in the **Federal Register**.

(g) * * *

Example 1. (i) A and B are equal partners in personal service partnership PRS. B transfers its interest in PRS to T for $15,000 when PRS's balance sheet (reflecting a cash receipts and disbursements method of accounting) is as follows:

	Assets	
	Adjusted basis	Market value
Cash	$3,000	$3,000
Loans Receivable	10,000	10,000
Capital Assets	7,000	5,000
Unrealized receivables	0	14,000
Total	20,000	32,000

	Liabilities and capital	
	Adjusted per books	Market value
Liabilities	$2,000	$2,000
Capital:		
A	9,000	15,000
B	9,000	15,000
Total	20,000	32,000

(ii) None of the assets owned by PRS is section 704(c) property. The total amount realized by B is $16,000, consisting of the cash received, $15,000, plus $1,000, B's share of the partnership liabilities assumed by T. See section 752. B's undivided half-interest in the partnership property includes a half-interest in the partnership's unrealized receivables items. B's basis for its partnership interest is $10,000 ($9,000, plus $1,000, B's share of partnership liabilities). If section 751(a) did not apply to the sale, B would recognize $6,000 of capital gain from the sale of the interest in PRS. However, section 751(a) does apply to the sale.

(iii) If PRS sold all of its section 751 property in a fully taxable transaction immediately prior to the transfer of B's partnership interest to T, B would have been allocated $7,000 of ordinary income from the sale of PRS's unrealized receivables. Therefore, B will recognize $7,000 of ordinary income with respect to the unrealized receivables. The difference between the amount of capital gain or loss that the partner would realize in the absence of section 751 ($6,000) and the amount of ordinary income or loss determined under paragraph (a)(2) of this section ($7,000) is the transferor's capital gain or loss on the sale of its partnership interest. In this case, B will recognize a $1,000 capital loss.

* * * * *

Par. 7. Section 1.755–1 is revised to read as follows:

§ 1.755–1 Rules for allocation of basis.

(a) *Generally.* A partnership that has an election in effect under section 754 must adjust the basis of partnership property under the provisions of section 734(b) and section 743(b) pursuant to the provisions of this section. The basis adjustment is first allocated between the two classes of property described in section 755(b). These classes of property consist of—

(1) Capital assets and section 1231(b) property (capital gain property); and

(2) Any other property of the partnership (ordinary income property). The portion of the basis adjustment allocated to each class is then allocated among the items within the class. Adjustments under section 743(b) are allocated under paragraph (b) of this section. Adjustments under section 734(b) are allocated under paragraph (c) of this section.

(b) *Adjustments under section 743(b)*—(1) *Generally.* In general, the allocation of the basis adjustment under section 743 between the classes of property and among the items of property within each class are made based on the allocations of income, gain, or loss (including remedial allocations under § 1.704–3(d)) that the transferee partner would receive (to the extent attributable to the acquired partnership interest) if, immediately after the transfer of the partnership interest, all of the partnership's assets were disposed of in a fully taxable transaction for fair market value (the hypothetical transaction). The portion of the basis adjustment allocated to one class of property may be an increase while the portion allocated to the other class is a decrease. This would be the case even though the total amount of the basis adjustment is zero. The portion of the basis adjustment allocated to one item of property within a class may be an increase while the portion allocated to another is a decrease. This would be the case even though the basis adjustment allocated to the class is zero.

(2) *Allocations between classes of property*—(i) *In general.* The amount of the basis adjustment allocated to the class of ordinary income property is equal to the total amount of income, gain, or loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee (to the extent attributable to the acquired partnership interest) from the sale of all ordinary income property in the hypothetical transaction. The amount of the basis adjustment to capital gain property is equal to—

(A) The total amount of the basis adjustment under section 743; less

(B) The amount of the basis adjustment allocated to ordinary income property under the preceding sentence; provided, however, that in no event may the amount of any decrease in basis allocated to capital gain property exceed the partnership's basis (or in the case of

property subject to the remedial allocation method, the transferee's share of any remedial loss under § 1.704-3(d) from the hypothetical transaction) in capital gain property. In the event that a decrease in basis allocated to capital gain property would otherwise exceed the partnership's basis in capital gain property, the excess must be applied to reduce the basis of ordinary income property.

(ii) *Examples.* The provisions of this paragraph (b)(2) are illustrated by the following example:

*Example 1. (*i) A and B form equal partnership PRS. A contributes $50,000 and Asset 1, a capital asset with a fair market value of $50,000 and an adjusted tax basis of $25,000. B contributes $100,000. PRS uses the cash to purchase Assets 2, 3, and 4. After a year, A sells its interest in PRS to T for $120,000. At the time of the transfer, A's share of the partnership's basis in partnership assets is $75,000. Therefore, T receives a $45,000 basis adjustment.

(ii) Immediately after the transfer of the partnership interest to T, the adjusted basis and fair market value of PRS's assets are as follows:

	Assets	
	Adjusted basis	Market value
Capital Gain Property:		
Asset 1	$25,000	$75,000
Asset 2	100,000	117,500
Ordinary Income Property:		
Asset 3	40,000	45,000
Asset 4	10,000	2,500
Total	175,000	240,000

(iii) If PRS sold all of its assets in a fully taxable transaction at fair market value immediately after the transfer of the partnership interest to T, the total amount of capital gain that would be allocated to T is equal to $46,250 ($25,000 section 704(c) built-in gain from Asset 1, plus fifty percent of the $42,500 appreciation in capital gain property). T would also be allocated a $1,250 ordinary loss from the sale of the ordinary income property.

(iv) The amount of the basis adjustment that is allocated to ordinary income property is equal to ($1,250) (the amount of the loss allocated to T from the hypothetical sale of the ordinary income property).

(v) The amount of the basis adjustment that is allocated to capital gain property is equal to $46,250 (the amount of the basis adjustment, $45,000, less ($1,250), the amount of loss allocated to T from the hypothetical sale of the ordinary income property).

Example 2. (i) A and B form equal partnership PRS. A and B each contribute $1,000 cash which the partnership uses to purchase Assets 1, 2, 3, and 4. After a year, A sells its partnership interest to T for $1,000. T's basis adjustment under section 743 is zero.

(ii) Immediately after the transfer of the partnership interest to T, the adjusted basis and fair market value of PRS' assets are as follows:

	Assets	
	Adjusted basis	Market value
Capital Gain Property:		
Asset 1	$500	$750
Asset 2	500	500
Ordinary Income Property:		
Asset 3	500	250
Asset 4	500	500
Total	2,000	2,000

(iii) If, immediately after the transfer of the partnership interest to T, PRS sold all of its assets in a fully taxable transaction at fair market value, T would be allocated a loss of $125 from the sale of the ordinary income property. Thus, the amount of the basis adjustment to ordinary income property is ($125). The amount of the basis adjustment to capital gain property is $125 (zero, the amount of the basis adjustment under section 743, less ($125), amount of the basis adjustment allocated to ordinary income property).

(3) *Allocation within the class*—(i) *Ordinary income property.* The amount of the basis adjustment to each item of property within the class of ordinary income property is equal to—

(A) The amount of income, gain, or loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee (to the extent attributable to the acquired partnership interest) from the hypothetical sale of the item; reduced by

(B) The product of—

(*1*) Any decrease to the amount of the basis adjustment to ordinary income property required pursuant to the last sentence of paragraph (b)(2)(i) of this section; multiplied by

(*2*) A fraction, the numerator of which is the fair market value of the item of property to the partnership and the denominator of which is the total fair market value of all of the partnership's items of ordinary income property.

(ii) *Capital gain property.* The amount of the basis adjustment to each item of property within the class of capital gain property is equal to—

(A) The amount of income, gain, or loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee (to the extent attributable to the acquired partnership interest) from the hypothetical sale of the item; minus

(B) The product of—

(*1*) The total amount of gain or loss (including any remedial allocations under § 1.704–3(d)) that would be allocated to the transferee (to the extent attributable to the acquired partnership interest) from the hypothetical sale of all items of capital gain property, minus the amount of the positive basis adjustment to all items of capital gain property or plus the amount of the negative basis adjustment to capital gain property; multiplied by

(*2*) A fraction, the numerator of which is the fair market value of the item of property to the partnership and the denominator of which is the total fair market value of all of the partnership's items of capital gain property.

(iii) *Examples.* The provisions of this paragraph (b)(3) are illustrated by the following example:

Example 1. (i) Assume the same facts as Example 1 in paragraph (b)(2)(ii) of this section. Of the $45,000 basis adjustment, $46,250 was allocated to capital gain property. The amount allocated to ordinary income property was ($1,250).

(ii) Asset 1 is a capital gain asset, and T would be allocated $37,500 from the sale of Asset 1 in the hypothetical transaction. Therefore, the amount of the adjustment to Asset 1 is $37,500.

(iii) Asset 2 is a capital gain asset, and T would be allocated $8,750 from the sale of Asset 2 in the hypothetical transaction. Therefore, the amount of the adjustment to Asset 2 is $8,750.

(iv) Asset 3 is ordinary income property, and T would be allocated $2,500 from the sale of Asset 3 in the hypothetical transaction. Therefore, the amount of the adjustment to Asset 3 is $2,500.

(v) Asset 4 is ordinary income property, and T would be allocated ($3,750) from the sale of Asset 4 in the hypothetical transaction. Therefore, the amount of the adjustment to Asset 4 is ($3,750).

Example 2. (i) Assume the same facts as Example 1 in paragraph (b)(2)(ii) of this section, except that A sold its interest in PRS to T for $110,000 rather than $120,000. T, therefore, receives a basis adjustment under section 743 of $35,000. Of the $35,000 basis adjustment, ($1,250) is allocated to ordinary income property, and $36,250 is allocated to capital gain property.

(ii) Asset 3 is ordinary income property, and T would be allocated $2,500 from the sale of Asset 3 in the hypothetical transaction. Therefore, the amount of the adjustment to Asset 3 is $2,500.

(iii) Asset 4 is ordinary income property, and T would be allocated ($3,750) from the sale of Asset 4 in the hypothetical transaction. Therefore, the amount of the adjustment to Asset 4 is ($3,750).

(iv) Asset 1 is a capital gain asset, and T would be allocated $37,500 from the sale of Asset 1 in the hypothetical transaction. Asset 2 is a capital gain asset, and T would be

allocated $8,750 from the sale of Asset 2 in the hypothetical transaction. The total amount of gain that would be allocated to T from the sale of the capital gain assets in the hypothetical transaction is $46,250, which exceeds the amount of the basis adjustment allocated to capital gain property. The amount of the adjustment to Asset 1 is $33,604 (the sum of $37,500, less $3,896 ($10,000 x $75,000/192,500)). The amount of the basis adjustment to Asset 2 is $2,646 (the sum of $8,750, less $6,104 ($10,000 x $117,500/192,500)).

(c) *Adjustments under section 734(b)*—(1) *Allocations between classes of property*—(i) *General rule.* Where there is a distribution of partnership property resulting in an adjustment to the basis of undistributed partnership property under section 734(b)(1)(B) or (b)(2)(B), the adjustment must be allocated to remaining partnership property of a character similar to that of the distributed property with respect to which the adjustment arose. Thus, when the partnership's adjusted basis of distributed capital gain property immediately prior to distribution exceeds the basis of the property to the distributee partner (as determined under section 732), the basis of the undistributed capital gain property remaining in the partnership is increased by an amount equal to the excess. Conversely, when the basis to the distributee partner (as determined under section 732) of distributed capital gain property exceeds the partnership's adjusted basis of such property immediately prior to the distribution, the basis of the undistributed capital gain property remaining in the partnership is decreased by an amount equal to such excess. Similarly, where there is a distribution of ordinary income property, and the basis of the property to the distributee partner (as determined under section 732) is not the same as the partnership's adjusted basis of the property immediately prior to distribution, the adjustment is made only to undistributed property of the same class remaining in the partnership.

(ii) *Special rule.* Where there is a distribution resulting in an adjustment under section 734(b)(1)(A) or (b)(2)(A) to the basis of undistributed partnership property, the adjustment is allocated only to capital gain property.

(2) *Allocations within the classes*—(i) *Increases.* If there is an increase in basis to be allocated within a class, the increase must be allocated first to properties with unrealized appreciation in proportion to their respective amounts of unrealized appreciation before such increase (but only to the extent of each property's unrealized appreciation). Any remaining increase must be allocated among the properties within the class in proportion to their fair market values.

(ii) *Decreases.* If there is a decrease in basis to be allocated within a class, the decrease must be allocated first to properties with unrealized depreciation in proportion to their respective amounts of unrealized depreciation before such decrease (but only to the extent of each property's unrealized depreciation). Any remaining decrease must be allocated among the properties within the class in proportion to their adjusted bases (as adjusted under the preceding sentence).

(3) *Limitation in decrease of basis.* Where a decrease in the basis of partnership assets is required under section 734(b)(2) and the amount of the decrease exceeds the adjusted basis to the partnership of property of the required character, the basis of such property is reduced to zero (but not below zero).

(4) *Carryover adjustment.* Where, in the case of a distribution, an increase or a decrease in the basis of undistributed property cannot be made because the partnership owns no property of the character required to be adjusted, or because the basis of all the property of a like character has been reduced to zero, the adjustment is made when the partnership subsequently acquires property of a like character to which an adjustment can be made.

(5) *Goodwill.* The application of the rules with respect to the allocation of an adjustment in basis under this paragraph (c) requires that a portion of the adjustment be allocated to partnership goodwill, to the extent that goodwill exists and is reflected in the value of the property distributed in accordance with the difference between such value of the goodwill and its adjusted basis at the time of the distribution.

(6) *Example.* The following example illustrates this paragraph (c):

Example. (i) A, B, and C form equal partnership PRS. A contributes $50,000 and Asset 1, capital gain property with a fair market value of $50,000 and an adjusted tax basis of $25,000. B and C each contributes $100,000. PRS uses the cash to purchase Assets 2, 3, 4, 5, and 6. None of the partnership's assets are section 751 property. The partnership has an election in effect under section 754. After five years, the adjusted basis and fair market value of PRS's assets are as follows:

	Assets	
	Adjusted basis	Market value
Capital Gain Property:		
Asset 1	$25,000	$75,000
Asset 2	100,000	117,500
Asset 3	50,000	60,000
Ordinary Income Property:		
Asset 4	40,000	45,000
Asset 5	50,000	60,000
Asset 6	10,000	2,500
Total	275,000	360,000

(ii) *Allocation between classes.* Assume that PRS distributes Assets 3 and 5 to A in complete liquidation of A's interest in the partnership. A's basis in the partnership interest was $75,000. The partnership's basis in Assets 3 and 5 was $50,000 each. A's $75,000 basis in its partnership interest is allocated between Assets 3 and 5 under sections 732(b) and (c). A will, therefore, have a basis of $37,500 in each of Assets 3 and 5. The distribution results in a $12,500 increase in the basis of both capital gain property and ordinary income property.

(iii) *Allocation within classes*—(A) *Capital gain property.* The amount of the basis increase to capital gain property is $12,500, and must be allocated among the remaining capital gain assets in proportion to the difference between the value and basis of each. The fair market value of Asset 1 exceeds its basis by $50,000. The fair market value of Asset 2 exceeds its basis by $17,500. Therefore, the basis of Asset 1 will be increased by $9,260 ($12,500, multiplied by $50,000, divided by $67,500), and the basis of Asset 2 will be increased by $3,240 ($12,500 multiplied by $17,500, divided by $67,500).

(B) *Ordinary income property.* The amount of the basis increase to ordinary income property is $12,500, and must be allocated among the remaining ordinary income assets in proportion to the difference between the value and basis of each. Because the basis of Asset 6 exceeds its fair market value, no part of the basis adjustment will be allocated to Asset 6. The fair market value of Asset 4, $45,000, exceeds its basis, $40,000, by $5,000. Because the partnership owns no other ordinary income property that has a value in excess of its basis, the entire basis adjustment will be allocated to Asset 4, increasing its basis from $40,000 to $52,500.

(d) *Effective date.* This section applies to transfers of partnership interests and distributions of property from a partnership that occur on or after the date final regulations are published in the **Federal Register**.

Par. 8. Section 1.1017–1 as proposed to be revised at 62 FR 958, January 7, 1997, is amended by:

1. Revising paragraph (f)(2)(iv).
2. Adding paragraph (f)(2)(v).

The addition and revision read as follows:

§ 1.1017–1 Basis reductions following a discharge of indebtedness.

* * * * *

(f) * * *

(2) * * *

(iv) *Partner's share of partnership basis*—(A) *In general.* For purposes of this paragraph (f), a partner's proportionate share of the partnership's basis in depreciable property (or depreciable real property) is equal to the sum of—

(*1*) The partner's section 743(b) basis adjustments to items of partnership depreciable property (or depreciable real property); and

(*2*) The common basis depreciation deductions (but not including remedial allocations of depreciation deductions under § 1.704–3(d)) that, under the terms of the partnership agreement, are reasonably expected to be allocated to the partner over the property's remaining useful life. The assumptions made by a partnership in determining the reasonably expected allocation of depreciation deductions must be consistent for each partner. For example, a partnership may not treat the same depreciation deductions as being reasonably expected by more than one partner.

(B) *Effective date.* This paragraph (f)(2)(iv) applies to elections made under sections 108(b)(5) and 108(c) on or after the date the regulations are published as final regulations in the **Federal Register**.

(v) *Treatment of basis reduction*—(A) *Basis adjustment.* The amount of the reduction to the basis of depreciable partnership property constitutes an adjustment to the basis of partnership property with respect to the partner only. No adjustment is made to the common basis of partnership property. Thus, for purposes of income, deduction, gain, loss, and distribution, the partner will have a special basis for those partnership properties the bases of which are adjusted under section 1017 and this section.

(B) *Recovery of adjustments to basis of partnership property.* Adjustments to the basis of partnership property under this section are recovered in the manner described in § 1.743–1.

(C) *Effect of basis reduction.* Adjustments to the basis of partnership property under this section are treated in the same manner and have the same effect as an adjustment to the basis of partnership property under section 743, provided, however, that the election in § 1.743–1(j)(4)(ii)(A)(*2*) is not available. The following example illustrates this paragraph (f)(2)(v):

Example. (i) A, B, and C are equal partners in partnership PRS, which owns (among other things) Asset 1, an item of depreciable property with a basis of $30,000. A's basis in its partnership interest is $20,000. Under the terms of the partnership agreement, A's share of the depreciation deductions from Asset 1 over its remaining useful life will be $10,000. Under section 1017, A requests, and PRS agrees to decrease the basis of Asset 1 with respect to A by $10,000.

(ii) In the year following the reduction of basis under section 1017, PRS amends its partnership agreement to provide that items of depreciation and loss from Asset 1 will be allocated equally between B and C. In that year, A's distributive share of the partnership's common basis depreciation deductions from Asset 1 is now $0. Under § 1.743–1(j)(4)(ii)(B), the amount of the section 1017 basis adjustment that A recovers during the year is $1,000. A will report $1,000 of ordinary income because A's distributive share of the partnership's common basis depreciation deductions from Asset 1 ($0) is insufficient to offset the amount of the section 1017 basis adjustment recovered by A during the year ($1,000).

(iii) In the following year, PRS sells Asset 1 for $15,000 and recognizes a $12,000 loss. This loss is allocated equally between B and C, and A's share of the loss is $0. Upon the sale of Asset 1, A recovers its entire remaining section 1017 basis adjustment ($9,000). A will report $9,000 of ordinary income.

(D) *Effective date.* This paragraph (f)(2)(v) applies to elections made under sections 108(b)(5) and 108(c) on or after the date the regulations are published as final regulations in the **Federal Register**.

* * * * *

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

[FR Doc. 98–1949 Filed 1–28–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1915

Fire Protection for Shipyard Employment Negotiated Rulemaking Advisory Committee; Notice of Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Fire protection for shipyard employment negotiated rulemaking advisory committee; notice of open meeting.

SUMMARY: The Occupational Safety and Health Administration announces a meeting of the Negotiated Rulemaking Advisory Committee for Fire Protection for Shipyard Employment. OSHA invites all interested persons to attend. The committee members represent groups interested in, or significantly affected by, the outcome of the rulemaking: They come from shipyards, labor unions, professional associations, and government agencies. The committee will continue its discussions on scope and application, administrative, engineering, and work practice controls, fire brigades, written fire plans, technological advances, costs of fire protection, and the content of appendices for a proposed standard to protect workers from hazards in shipyard employment. The committee's goal is to recommend to the Assistant Secretary a safety standard and explanatory preamble that the members support.

DATES: The meeting dates are Tuesday, February 24, 1998, through Thursday, February 26, 1998, from 9:00 a.m. to about 5:00 p.m. daily. Submit comments, requests for oral presentation, and requests for disability accommodations by February 10, 1998.

ADDRESSES: The meeting will be held at the Holiday Inn on the Bay, 1355 North Harbor Drive at the Embarcadero, San Diego, CA, 92101; telephone 619–232–3861. Mail comments and requests for oral presentations to Ms. Odet Shaw, U.S. Dapartment of Labor, OSHA Office of Maritime Standards, 200 Constitution Avenue, NW, Room N–3647, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph V. Daddura, Project Officer, Office of Maritime Standards, OSHA (202–219–7234 ext. 123). For disability accommodations, contact Ms. Theda Kenney (202–219–8061 ext. 100; FAX: 202–219–7477).

SUPPLEMENTARY INFORMATION:

Meeting Agenda. The Committee will focus its discussions on fire brigades and current rules.

Public Participation. Interested persons may send written comments, data, views, or statements for consideration by the Fire Protection for Shipyard Employment Negotiated Rulemaking Committee to Ms. Odet Shaw. Interested persons may also submit requests for presentations by providing to Ms. Shaw a summary of the proposed presentation, an estimate of the time desired, and a statement of the interest that the person represents.

Authority. This notice is issued under the authority of Section 3 of the Negotiated Rulemaking Act of 1990 (104 Stat. 4969; Title 5 U.S.C. 561 *et seq.*) and Section 7(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1597; Title 29 U.S.C. 656).

Signed at Washington, D.C., this 23rd day of January, 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 98–2097 Filed 1–28–98; 8:45 am]

BILLING CODE 4510–26–M

Notices

Federal Register

Vol. 63, No. 19

Thursday, January 29, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Pines Coal Lease Tract, UTU–76195, Manti-La Sal National Forest, Sanpete, Sevier, and Emery Counties, Utah

ACTION: Notice of Intent to Prepare a Third-Party Environmental Impact Statement.

SUMMARY: The Forest Service and Bureau of Land Management will direct preparation of a Third-Party Environmental Impact Statement (EIS) to document the analysis and disclose the environmental and human effects of proposed actions to offer the Pines Coal Lease Tract for competitive bidding in accordance with 43 CFR part 3425. As the surface management agency, the Forest Service will be the lead agency for preparation of the EIS and the Bureau of Land Management will be a joint or cooperating agency. The Office of Surface Mining will also participate as a cooperating agency.

The coal lease tract, as delineated by the Tract Delineation Team, encompasses 7,311 acres of Federal coal lands on the Manti-La Sal National Forest as follows:

T. 20 E., R. 5 E., SLM,
Sec. 36: W½S, ¼, SE¼SW¼. NE¼SW¼, S½SW¼, SE¼;
T. 21 S., R. 5 E., SLM,
Sec. 1: lots 3–4, S½SW¼, SW¼SE¼;
Sec. 2: lots 1–4, S½S½;
Sec. 3: lots 1–2, S½SE¼;
Sec. 10: E½;
Sec. 11–14: All;
Sec. 15: E½;
Sec. 22, E½;
Sec. 23–24: All;
Sec. 25: N½, N½S½;
Sec. 25: N½, NE¼SW¼, E½NW¼SW¼, SE¼.
T. 21 S., R. 6 E., SLM,
Sec. 19, lots 3–4, E½SW¼;
Sec. 30, lots 1–3, E½NW¼, NE¼SW¼.

Additions and/or deletions could be considered in alternatives to the proposed action to be developed and analyzed based on issues and management needs.

Canyon Fuel Company, LLC applied to the Bureau of Land Management for the lease to obtain additional coal reserves to increase the production life of their SUFCO Mine. The tract lies directly adjacent to the east boundary of the existing approved permit area for this underground mine. If Canyon Fuel obtains the tract, it would be mined by longwall and room-and pillar methods from underground workings in the existing permit area. The existing portal facilities in Convulsion Canyon would be used. If another company obtains the tract, it is most likely that new portal facilities would be required at the coal outcrop in Link Canyon. The underground mining methods and layout would be similar. The EIS would consider the effects of both scenarios, the No Action Alternative, and other alternatives to be developed after completion of project scoping.

AGENCY DECISIONS: In accordance with the Mineral Leasing Act of 1920, as amended, the Utah State Director of the Bureau of Land Management must decide whether or not to offer the tract for competitive leasing and under what terms, conditions, and stipulations.

In accordance with the Coal Leasing Amendments Act of 1975, which amended the Mineral Leasing Act of 1920, the Forest Supervisor, Manti-La Sal National Forest, must decide whether or not to consent to leasing by the Bureau of Land Management and identify special coal lease stipulations needed to protect non-mineral resources.

DATES: Written comments concerning the scope of the analysis described in this Notice should be received on or before March 2, 1998.

ADDRESSES: Send written comments to Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501.

FOR FURTHER INFORMATION: Questions concerning the proposed action and EIS should be addressed to Carter Reed or Aaron Howe, Manti-La Sal National Forest, phone (435) 637–2817.

SUPPLEMENTARY INFORMATION: This EIS will tier to the Final EIS and Record of Decision for the Manti-La Sal National Forest Land and Resource Management Plan (Forest Plan). The Manti-La Sal Forest Plan provides the overall guidance (Goals, Objectives, Standards, and Management Area Direction) to achieve the Desired Future Condition for the area being analyzed, and contains specific management area prescriptions for the entire Forest. The proposed lease tract is available for further consideration for coal leasing. The Forest Service and Bureau of Land Management have determined that data is available to meet the Data Adequacy Standards for Federal Coal Leasing, Uinta-Southwestern Utah Coal Region.

Issues and alternatives to be evaluated in the analysis will be determined through public scoping. The major issues are expected to include the socioeconomic benefits of mining; the potential impacts of underground mining and mining-induced subsidence to surface and ground water, vegetation, wildlife, cultural/paleontological resources, range improvements, and other land uses; and the potential impacts of any new surface facilities to the Forest and human environments.

The Forest Service is seeking information and comments from Federal, State, and local agencies as well as individuals and organizations who may be interested in, or effected by the proposed action. The Forest Service invites written comments and suggestions on the issues related to the proposal and the area being analyzed.

Information received will be used in preparation of the Draft EIS and Final EIS. For most effective use, comments would be submitted to the Forest Service within 30 days from the date of publication of this Notice in the **Federal Register.** Preparation of the EIS will include the following steps:

1. Define the purpose of and need for action.
2. Identify potential issues.
3. Eliminate issues of minor importance or those that have been covered by previous and relevant environmental analysis.
4. Select issues to be analyzed in depth.
5. Identify reasonable alternatives to the proposed action.
6. Describe the affected environment.
7. Identify the potential environmental effects of the alternatives.

Steps 2, 3, and 4 will be completed through the scoping process.

Step 5 will consider a range of alternative developed from the key issues and management needs. At a minimum, the ''No Action'' and ''Proposed Action'' Alternatives will be

analyzed. Other alternatives could involve modified tract boundaries (additions and/or reductions) and different sets of special lease stipulations for the protection of non-mineral resources. Alternatives may also be developed to include analysis of mining in the existing adjacent lease area and a potential modification of adjacent existing leases to add up to 160 acres/lease to prevent bypassing minable reserves.

Step 6 will describe the physical attributes of the area to be affected by this proposal, with special attention to the environmental factors that could be adversely affected.

Step 7 will analyze the environmental effects of each alternative. This analysis will be consistent with management direction outlined in the Forest Plan. The direct, indirect, and cumulative effects of each alternative will be analyzed and documented. In addition, the site specific mitigation measures for each alternative will be identified and the effectiveness of these mitigation measures will be disclosed.

Agency representatives and other interested people are invited to visit with Forest Service officials at any time during the EIS process. Two specific time periods are identified for the receipt of formal comments on the analysis. The two comment periods are, (1) During the scoping process, the next 30 days following publication of this Notice in the **Federal Register,** and (2) during the formal review period of the Draft EIS.

The Draft EIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review in July, 1998. At this time the EPA will publish an availability notice of the Draft EIS in the **Federal Register.**

The comment period on the Draft EIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the Draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (See The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel, (9th Circuit, 1986), and Wisconsin Heritages, Inc.* v. *Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).* The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final document.

To assist the Forest Service in identifying and considering issues and concerns related to the proposed action, comments on the Draft EIS should be as specific as possible. Referring to specific pages or chapters of the Draft EIS is most helpful. Comments may also address the adequacy of the Draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act, 40 CFR 1503.3, in addressing these points.)

The final EIS is expected to be released in October, 1998.

The Forest Supervisor for the Manti-La Sal National Forest and Utah State Director of the Bureau of Land Management, who are the responsible officials for the EIS, will then make their respective decisions regarding this proposal, after considering the comments, responses, and environmental consequences discussed in the Final Environmental Impact Statement, and applicable laws, regulations, and policies. The rationale for the respective agency decisions will be documented in the Record(s) of Decisions.

Dated: January 20, 1998.

Janette S. Kaiser,

Forest Supervisor, Manti-La Sal National Forest.

[FR Doc. 98–2241 Filed 1–28–98; 8:45 am]

BILLING CODE 3410–11–M

CIVIL RIGHTS COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: Friday, February 6, 1998, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Room 540, Washington, DC 20425.

STATUS:

Agenda

I. Approval of Agenda
II. Approval of Minutes of January 9, 1998 Meeting
III. Announcements
IV. Staff Director's Report
V. State Advisory Committee Reports
- ''Residential Mortgage Lending Disparities in Washington, D.C.'' (Washington, D.C.)
- ''Civic Crisis and Civic Challenge. . . . Police Community Relations in Jackson, Mississippi'' (Mississippi)

VI. Management Information System
VII. Executive Session to Discuss Personnel Matter
VIII. Future Agenda Items.

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications (202) 376–8312.

Stephanie Y. Moore,

General Counsel.

[FR Doc. 98–2295 Filed 1–26–98; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Submission for OMB Review: Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This collection has been submitted under the emergency Paperwork Reduction Act procedures.

Agency: Bureau of Export Administration.

Title: Reporting and Recordkeeping Requirements Under the National Defense Authorization Act.

Agency Form Number: None.

OMB Approval Number: 0694–.

Type of Request: New Collection—Emergency Review—Request approval by January 30, 1998.

Burden: 782 hours.

Number of Respondents: 2,800.

Average time per response: 5 to 52 minutes.

Needs and uses: The information required by this collection is required biannually from all exporters of certain items specified in § 743.1 of the Export Administration Regulations controlled for national security reasons on the Commerce Control List and exported under certain License Exceptions.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Frequency: On occasion.

Respondents Obligation: Mandatory.

OMB Desk Officer: Victoria Wassmer, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance officer, (202) 482–3272, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written or oral comments and recommendations for the proposed information collection should be sent to Victoria Wassmer, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503, telephone (202) 395–7340. Comments should be provided no later than January 30, 1998.

Dated: January 23, 1998.

Wilson D. Haigler, Jr.,

Chief, Management Control Division, Office of Management and Organization.

[FR Doc. 98–2155 Filed 1–28–98; 8:45 am]

BILLING CODE 3510–33–P

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 12/18/97–01/15/98

Firm name	Address	Date petition accepted	Product
Dina, Inc	303 Coons Avenue, Oswego, KS 67356.	01/02/98	Cultured Marble Home Accessories—Picture Frames, Mirror Frames and Inspirational Statuettes.
E.C.C. Corporation	P.O. Box 176, Jefferson, MA 01522.	12/23/97	Printed Circuit Boards for Computers and Electronic Devices, Including but not Limited to Scanners.
Fox Press, Inc. (The)	P.O. Box 458, Windsor, CT 06095.	12/23/97	Commercial Printed Materials—Trade Advertising, Brochures, Leaflets, Etc.
Form-a-Chem, Inc	10834 Ambassador Boulevard, St. Louis, MO 63132.	12/29/97	Personal Care Products—Shampoos and Hair Conditioners and Industrial Cleaners—Oven, Window, Etc.
Insport International, Inc	1870 NW 173rd Avenue, Beaverton, MA 97006.	01/02/98	Men's and Women's Jackets and Pants.
Republic Container Company	P.O. Box 37, Nitro, WV 25143	01/02/98	Fifty Five Gallon Drums and Misc. Containers—Trash Drums and Bulk and Plastic Containers.
T.C. Corporation	814 North Hayden Meadows Drive, Portland, OR 97217.	01/02/98	Textile Bags—Industrial Cases, Travel Bags and Mis Advertising Specialty Items.
Fuzetron, Inc. dba Creative Industries.	1946 John Towers Avenue, El Cajon, CA 92020.	01/06/98	Electronic Pottery Wheels.
Higbee, Inc	P.O. Box 4882, Syracuse, NY 13221.	01/06/98	Gaskets.
Lift Industries, Inc	2322 I–70 Frontage Road, Grand Junction, CO 81505.	01/13/98	Industrial Machinery for the Production of Semi-Conductor Devices.
Southwest American Manufacturing Co., Inc.	1623 E. Apache, Tulsa, OK 74106.	01/13/98	Shampoo and Hair Kits.
Gulf Coast Laboratories, Inc	2410 Broadwalk, San Antonio, TX 78217.	01/14/98	Printed Circuit Boards.
Sylvia, Inc	1520 Washington Avenue, 7th Floor, St. Louis, MO 63103.	01/15/98	Millinery.

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 of 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, D.C. 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: January 16, 1998.

Brenda A. Johnson,

Technical Assistance Specialist, Planning and Development Assistance.

[FR Doc. 98–2162 Filed 1–28–98; 8:45 am]

BILLING CODE 3510–24–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–816]

Certain Cut-to-Length Carbon Steel Plate From Germany; Notice of Rescission of Antidumping Duty Administrative Review

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

ACTION: Notice of rescission of antidumping duty administrative review.

EFFECTIVE DATE: January 29, 1998.

SUMMARY: On September 25, 1997, the Department of Commerce (''the

Department'') published in the **Federal Register** (62 FR 50292) a notice announcing the initiation of an administrative review of the antidumping duty order on Certain Cut-to-Length Carbon Steel Plate (Carbon Steel Plate) from Germany. This review covered the period August 1, 1996 through July 31, 1997. This review has now been rescinded as a result of the absence of shipments and entries into the United States of subject merchandise during the period of review.

FOR FURTHER INFORMATION CONTACT:

Nancy Decker or Linda Ludwig, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0196 or 482–3833, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 2, 1997, Dewey Ballantine, on behalf of petitioners in this proceeding, requested a review of sales made by AG Der Dillinger Huttenwerke (Dillinger). On September 16, 1997, and September 22, 1997, Dillinger filed letters certifying to the Department that there had been no sales or entries of subject merchandise during the period of review (POR). The Department sent a no-shipment inquiry regarding Dillinger to U.S. Customs on October 16, 1997. Customs did not indicate that there were any such entries.

Because Dillinger made no entries into the customs territory of the United States during the POR, the Department is therefore rescinding this review.

This administrative review is being rescinded in accordance with Section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 351.213(d)(3).

Dated: January 22, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 98–2236 Filed 1–28–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–506]

Porcelain-on-Steel Cooking Ware From the People's Republic of China: Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review And Intent Not To Revoke Antidumping Duty Order, In Part

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

ACTION: Notice of preliminary results of changed circumstances antidumping duty administrative review and intent not to revoke antidumping duty order, in part.

SUMMARY: The Department of Commerce is conducting a changed circumstances administrative review of the antidumping duty order on porcelain-on-steel cooking ware from the People's Republic of China to determine whether to revoke partially the order with respect to porcelain-on-steel tea kettles. General Housewares Corp., the petitioner and sole U.S. producer of porcelain-on-steel cooking ware, has expressed interest in maintaining the order with respect to porcelain-on-steel tea kettles from the People's Republic of China, and objects to the partial revocation of this order with respect to porcelain-on-steel tea kettles. We preliminarily determine not to revoke the order, in part, with respect to porcelain-on-steel tea kettles. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Suzanne King or Lorenza Olivas, Office of CVD/AD Enforcement 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as set forth at 19 CFR 353.1, *et seq.*, as amended by the interim regulations published in the **Federal Register** on May 11, 1995 (60 FR 25130), which were applicable on May 30, 1997, the date of the respondents' request for a changed circumstances administrative review of the antidumping duty order on porcelain-on-steel cooking ware from the PRC.

Background

On December 2, 1986, the Department of Commerce (the Department) published in the **Federal Register** (51 FR 43414) an antidumping duty order on porcelain-on-steel (POS) cooking ware from the People's Republic of China (PRC).

On May 30, 1997, Clover Enamelware Enterprises Ltd. and Lucky Enamelware Factory Ltd. (Clover/Lucky) requested that the Department conduct a changed circumstances administrative review to determine, pursuant to 19 CFR 353.25(d), whether to revoke partially the antidumping duty order on POS cooking ware from the PRC with regard to POS tea kettles. The basis for Clover/Lucky's request was that the sole U.S. producer of POS cooking ware, General Housewares Corp. (GHC), affirmatively stated in its request for a changed circumstances review of the antidumping duty order on POS cooking ware from Taiwan, that it no longer manufactured POS tea kettles and thus had no interest in the importation or sale of POS tea kettles. Based on GHC's affirmative statement of no interest, with respect to tea kettles, submitted in the antidumping proceeding on POS cooking ware from Taiwan, the Department revoked the antidumping order on POS cooking ware from Taiwan, with respect to tea kettles. See Porcelain on Steel Cooking Ware from Taiwan: Final Results of Changed Circumstances Antidumping Administrative Review, and Revocation in Part of Antidumping Duty Order, 62 FR 10024 (March 5, 1997). Clover/Lucky asserted that GHC's statements in the Taiwan case should also be the basis for revoking, in part, the antidumping duty order on POS cooking ware from the PRC with respect to tea kettles.

On August 27, 1997, the Department published in the **Federal Register** (62 FR 45395) a notice of initiation of changed circumstances review of the antidumping duty order on POS cooking ware from the PRC, based on the information contained in Clover/Lucky's May 30, 1997 request. On September 11, 1997, the Department issued a questionnaire to GHC, the sole U.S. producer of POS cooking ware, to determine whether GHC is interested in retaining POS tea kettles within the scope of the antidumping duty order on POS cooking ware from the PRC. In its

September 25, 1997 response, GHC stated that it is interested in the antidumping order with regard to POS tea kettles from the PRC, and objected to the partial revocation of the order with respect to POS tea kettles.

Scope of Review

The products covered by this antidumping duty order are POS cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. Kitchenware is not subject to this order. See Antidumping Duty Order: Porcelain-on-Steel Cooking Ware from the People's Republic of China, 51 FR 43414 (December 2, 1986).

The products covered by this changed circumstances review are POS tea kettles from the PRC. Imports of POS tea kettles are currently classifiable under the harmonized tariff schedule (HTS) subheading 7323.94.00.10. The HTS subheading is provided for convenience and Customs purposes. Our written description of the scope of this proceeding is dispositive. The order with regard to imports of other POS cooking ware is not affected by this changed circumstances review.

Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review

Pursuant to section 751(d) of the Act, the Department may partially revoke an antidumping duty order based on a review under section 751(b) of the Act. Section 782(h) of the Act and § 353.25(d)(1) of the Department's regulations provide that the Department may revoke an order, or revoke an order in part, if it determines that changed circumstances sufficient to warrant revocation of the order, or part of the order, exist. The petitioner and sole U.S. producer of POS cooking ware submitted an affirmative statement of interest in this order with respect to POS tea kettles. On the basis of the record developed in this proceeding, we preliminarily determine that changed circumstances sufficient to warrant partial revocation of the antidumping duty order on POS cooking ware from the PRC with respect to POS tea kettles do not exist.

The current requirements for the cash deposit of estimated antidumping duties on all subject merchandise will remain in effect until the publication of the final results of the next administrative review.

Public Comment

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing, if requested, will be held no later than 28 days after the date of publication of this notice, or the first working day thereafter. Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication of this notice. As part of the case brief, petitioners are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in those case briefs or comments, may be filed no later than 37 days after the publication of this notice. All written comments must be submitted in accordance with 19 CFR 353.31(e) and must be served on all interested parties on the Department's service list in accordance with 19 CFR 353.31(g). Persons interested in attending the hearing should contact the Department for the date and time of the hearing. The Department will publish in the **Federal Register** a notice of final results of this changed circumstances antidumping duty administrative review, including the results of its analysis of any issues raised in any written comments.

This notice is in accordance with sections 751 (b)(1) and (d) and 777(i) of the Act and 19 CFR 353.22(f)(1).

Dated: January 22, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–2237 Filed 1–28–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010998C]

Magnuson-Stevens Act Provisions; Atlantic Shark Fisheries; Exempted Fishing Permits (EFPs)

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

ACTION: Applications for EFPs; deadline for receipt of EFP applications; request for comments.

SUMMARY: NMFS announces the receipt of three applications for EFPs. If granted, these EFPs would authorize, over a period of 1 year, collections for public display of a limited number of sharks from the large coastal and prohibited species groups from Federal waters in the Atlantic Ocean. NMFS also announces the deadline for receipt of exempted fishing permit applications for the 1998 fishing year.

DATES: Written comments on the applications must be received on or before February 13, 1998. Applications for EFPs must be received on or before April 29, 1998.

ADDRESSES: Send comments to Rebecca Lent, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. The applications and related documents and copies of the regulations under which exempted fishing permits are subject may also be requested from this address.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Margo Schulze, 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: These EFPs are requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and regulations at 50 CFR 600.745 concerning scientific research activity, exempted fishing, and exempted educational activity.

Dynasty Marine Associates, Inc., in Marathon, FL, intends to collect four nurse sharks, two lemon sharks, three sandbar sharks, and four sand tiger sharks for public display by using a single hook and line as well as a short longline not consisting of more than 50 hooks. Fishing will occur in the Florida Bay and in the Atlantic Ocean off the middle Florida Keys area, in New Jersey, and in Maryland. Issuance of an EFP is necessary, according to the applicant, because the commercial season for large coastal sharks is closed for long periods of time and because possession of sand tiger sharks is prohibited. The applicant also requested an EFP to collect one sawfish; however, as NMFS does not regulate sawfish at this time, no EFP is necessary to collect this species in Federal waters.

Charles Jamison, in Summerland Key, FL, intends to collect an unspecified number of nurse and lemon sharks for schools and public display by using a short fishing line or cast net, or by hand in the Florida Keys. The applicant requested the issuance of an EFP to collect nurse and lemon sharks because the commercial season for large coastal sharks is closed for long periods of time. The applicant also requested an EFP to collect bonnethead sharks; however, as the commercial season for small coastal sharks has not closed to date, this species may be possessed legally by

obtaining a Federal commercial shark permit and an EFP is not required.

Carolina Sharks, in Georgetown, SC, intends to collect an unspecified number of large coastal sharks, including bull, sandbar, blacktip, and nurse sharks, as well as an unspecified number of sand tiger sharks for public display. The applicant intends to collect specimens by using hand rod and reels, longlines no greater than 2.4 kilometers, anchor hooks, and gillnets of unspecified length with 10–33 centimeter stretch mesh. Fishing will occur from February through October in Federal waters off New York, North Carolina, South Carolina, Georgia, and Florida, as well as in the Chesapeake Bay. Issuance of an EFP is necessary, according to the applicant, because the commercial season for large coastal sharks is closed for long periods of time and because possession of sand tiger sharks is prohibited.

The proposed collections for public display involve activities otherwise prohibited by regulations implementing the Fishery Management Plan for Sharks of the Atlantic Ocean. The applicants require authorization to fish for and to possess large coastal sharks outside the Federal commercial seasons and to fish for and to possess prohibited species.

Based on a preliminary review, NMFS finds that these applications warrant further consideration. A final decision on issuance of EFPs will depend on the submission of all required information and on NMFS' review of public comments received on the applications, conclusions of any environmental analyses conducted pursuant to the National Environmental Policy Act, and any consultations with any appropriate Regional Fishery Management Councils, states, or Federal agencies.

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

Dated: January 22, 1998.

Bruce Morehead,

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

[FR Doc. 98–2255 Filed 1–28–98; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Wednesday, February 4, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–2339 Filed 1–27–98; 12:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Monday, February 9, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–2340 Filed 1–27–98; 12:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Tuesday, February 17, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–2341 Filed 1–27–98; 12:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2:00 p.m., Monday, February 23, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–2342 Filed 1–27–98; 12:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 6, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–2343 Filed 1–27–98; 12:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 27, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–2344 Filed 1–27–98; 12:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 20, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–2345 Filed 1–27–98; 12:07 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, February 13, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–2346 Filed 1–27–98; 8:45 am]

BILLING CODE 6351–01–M

CONGRESSIONAL BUDGET OFFICE

Notice of Transmittal of Sequestration Preview Report for Fiscal Year 1999 to Congress and the Office of Management and Budget

Pursuant to Section 254(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(b)), the Congressional Budget Office hereby reports that it has submitted its Sequestration Preview Report for Fiscal Year 1999 to the House of Representatives, the Senate, and the Office of Management and Budget.

James L. Blum,

Deputy Director, Congressional Budget Office.

[FR Doc. 98–2240 Filed 1–28–98; 8:45 am]

BILLING CODE 1450–01–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by February 4, 1998.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer: Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3506 (c)(2)(A) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: January 23, 1998.

Linda Tague,

Acting Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Advanced Placement Fee Payment Program.

Abstract: States must submit an application in order to participate in the Advanced Placement Fee Payment. The Department will award grants to States to enable States to reimburse individuals to cover part or all of the cost of advanced placement test fees to low income student who are enrolled in an advanced placement class, and who plan to take an advanced placement test.

Additional Information: An emergency clearance is requested by February 4, 1998, due to an unanticipated event. Congress appropriated funds to be used to pay Advanced Placement examination fees for low income students in the FY 1998 appropriations bill. The Department has worked closely with Congress and other groups to develop the program and fulfill the intent of Congress. The Department needs to make awards to States in sufficient time for States to use the funds this school year for students who are currently enrolled in Advanced Placement courses. If the normal clearance process were followed, awards would not be made.

Frequency: Biennially.

Affected Public: Individual or households; State, local or Tribal Government, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 4,057.

Burden Hours: 44,627.

[FR Doc. 98–2153 Filed 1–28–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

President's Board of Advisors on Historically Black Colleges and Universities, Department of Education

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and agenda of the forthcoming meeting of the President's Board of Advisors on Historically Black Colleges and Universities. This notice also describes the functions of the Board. Notice of this meeting is also required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: February 5, 1998 from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at the Sheraton City Centre Hotel located at 1143 New Hampshire Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sterling Henry, White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education, 600 Independence Avenue, SW., the Portals Building, Suite 605, Washington, DC 20202–5120. Telephone: (202) 708–8667.

SUPPLEMENTARY INFORMATION: The President's Board of Advisors on Historically Black Colleges and Universities was established under Executive Order 12876 of November 1, 1993. The Board is established to advise on the financial stability of Historically Black Colleges and Universities, to issue an annual report to the President on HBCU participation in Federal programs, and to advise the Secretary of Education on increasing the private sector role in strengthening HBCUs.

The meeting of the Board is open to the public. The meeting will be primarily devoted to: Reauthorization of the Higher Education Act, and Federal Agency Performance Reports.

Records are kept of all Board procedures, and are available for public inspection at the White House Initiative on Historically Black Colleges and Universities located at 1250 Maryland Avenue, SW., the Portals Building, Suite 605, Washington, DC 20202, from the hours of 8:30 a.m. to 5:00 p.m.

Dated: January 23, 1998.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 98–2117 Filed 1–28–98; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–186–000]

K N Interstate Gas Transmission Company; Notice of Request Under Blanket Authorization

January 23, 1998.

Take notice that on January 15, 1998, K N Interstate Gas Transmission Company (K N Interstate), Post Office Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP98–186–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to install and operate two new delivery taps and appurtenant facilities, to accommodate deliveries to K N Energy, Inc. (K N Energy). K N Interstate make such request under its blanket certificate issued in Docket Nos. CP83–140–000 and CP83–140–001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

K N Interstate avers that K N Energy, a local distribution company, has requested the addition of new delivery points under K N Energy's existing transportation service agreement with K N Interstate. Specifically, K N Interstate proposes to install:

1. A delivery point in Grant County, Kansas at an estimated cost of $29,000—to serve an irrigation customer. The quantities of gas to be delivered through that proposed point will be approximately 4,800 Mcf on a peak day and 158,400 Mcf annually, and

2. A delivery point in Deuel County, Nebraska at an estimated cost of $20,000—to serve a commercial customer. The quantities of gas to be delivered through that proposed point will be approximately 24 Mcf on a peak day and 1,440 Mcf annually.

K N Interstate states that it provides open-access transportation services, pursuant to a certificate issued by the Commission in Docket No. CP89–1043–000, and the Commission's Regulations found at 18 CFR Part 284. It is stated that since the delivery volumes are within the current maximum transportation quantities set forth in K N Interstate's transportation service agreement with K N Energy, that the addition of the proposed delivery points will not have any adverse impact, on a daily or annual basis upon K N Interstate's existing customers.

It is further stated that the addition of the proposed delivery points would provide K N Interstate with additional outlets for natural gas transported through its system and would provide K N Energy with the opportunity to serve additional direct retail sales customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2141 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–190–000]

Koch Gateway Pipeline Company; Notice of Request Under Blanket Authorization

January 23, 1998.

Take notice that on January 16, 1998, Koch Gateway Pipeline Company (Koch Gateway), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP98–190–000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for approval to abandon by removal a 2-inch delivery tap and riser, under the blanket certificate issued in Docket No. CP82–430–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Koch Gateway proposes to abandon by removal a 2-inch tap and riser that formerly served the Horseshoe Lake Road town border station on behalf of Louisiana Gas Services (LGS), a local distribution company in Ouachita Parish, Louisiana. LGS no longer requires gas service at this point because it has extended its own distribution system to reach customers in this area.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2142 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–373–009]

Koch Gateway Pipeline Company; Notice of Proposed Changes to FERC Gas Tariff

January 23, 1998.

Take notice that on January 20, 1998, Koch Gateway Pipeline Company (Koch) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheet to be effective December 1, 1997:

Substitute Sixth Revised Sheet No. 2707

Koch states that it is submitting this substitute tariff sheet to revise a previously suspended version of Sheet 2707 with a modification that was made and accepted during its suspension period.

Koch states that copies of this filing have been served upon each party contained in the official service list as compiled by the Secretary in the above captioned proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's regulations. All such protests must be filed as provided in Section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2144 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OA96–67–005]

Montaup Electric Company; Notice of Filing

January 23, 1998.

Take notice that on August 29, 1997, Montaup Electric Company tendered for filing an amendment in the above-referenced docket.

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 January 28, 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. 98–2151 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1125–000]

Northeast Empire Limited Partnership #2; Notice of Filing

January 23, 1998.

On January 20, 1998, Northeast Empire Limited Partnership #2 (NELP#2), petitioned the Commission for an order accepting rate schedule for filing and granting waivers and blanket approvals.

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 February 4, 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. 98–2149 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–347–010]

Northern Natural Gas Company; Notice of Compliance Filing

January 23, 1998.

Take notice that on October 31, 1997, Northern Natural Gas Company (Northern) tendered for filing additional information pertaining to the July 1, 1997, Carlton Resolution surcharge refund report. The instant report was made to comply with a director letter order issued on October 21, 1997 (81 FERC ¶ 61,078 (1997).

Northern states the report is in response to the protests filed by Northern Municipal Distributors Group and the Midwest Region Gas Task Force Association and Minnegasco, a Division of NorAm Energy Corp. The information provided in the report pertains to buyout allocations, commodity surcharge allocation, carrying charge allocation, and Market Area volumes.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before January 30, 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. Copies of this filing are on file with the Commission and are

available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2143 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–184–000]

Southern Natural Gas Company; Notice of Application

January 23, 1998.

Take notice that on January 14, 1998 Southern Natural Gas Company (Southern), P.O. Box 2563 Smith, Birmingham, Alabama 35202–2563 filed in Docket No. CP98–184–000 an application pursuant to Section 7(b) and 7(c) of the Natural Gas Act for permission and approval for Southern to abandon certain pipeline and appurtenant facilities and to construct, install, and operate certain new facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Southern requests authority to abandon in place approximately 1.567 miles of Southern's 20-inch North Main Line extending from Mile Post 340.948 to Mile Post 342.525 in St. Clair County, Alabama. Southern also requests authority to replace the proposed abandoned segment with a new 20-inch pipeline segment to be constructed outside the existing right-of-way. Southern states that the segment to be replaced has begun to deteriorate, as a result of corrosion, to the point that it needs to be replaced. Southern estimates the cost of the project to be $1,482,500 and requests that the Commission issue a predetermination that rolled-in rates are appropriate for the proposed facilities.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before February 13, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

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 a grant of the certificate is 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 Southern to appear or be represented at the hearing.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2140 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM98–5–29–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

January 23, 1998.

Take notice that on January 8, 1998, Transcontinental Gas Pipe Line Corporation tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain revised tariff sheets which are enumerated in Appendix A to the filing.

Transco states that the purpose of the filing is to track rate and fuel changes attributable to storage service purchased from Texas Eastern Transmission Corporation (TETCO) under its Rate Schedule X–28, the costs of which are included in the rates and charges payable under Transco's Rate Schedule S–2 and transportation service purchased from Texas Gas Transmission Corporation (Texas Gas) under its Rate Schedule FT, the costs of which are included in the rates and charges payable under Transco's Rate Schedule FT–NT.

Transco states that the filing is being made pursuant to tracking provisions under Section 26 of the General Terms and Conditions of Transco's Volume No. 1 Tariff and Section 4 of Transco's Rate Schedule FT-NT.

Transco states that included in Appendices B and C attached to the filing are explanations of the rate and fuel charges and details regarding the computation of the revised Rate Schedule S–2 and FT–NT rates.

Transco states that copies of the filing are being mailed to its affected customers and interested State Commissions.

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 Section 385.214 and Section 385.211 of the Commission's Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2147 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM98–6–29–000]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

January 23, 1998.

Take notice that on January 20, 1998 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Tenth Revised Sheet No. 50, to be effective December 1, 1997.

Transco states that the purpose of the instant filing is to track rate changes attributable to transportation service purchased from Texas Gas Transmission Corporation (Texas Gas) under its Rate Schedule FT the costs of which are included in the rates and charges payable under Transco's Rate Schedule FT–NT. The filing is being made pursuant to tracking provisions under Section 4 of Transco's Rate Schedule FT–NT.

Transco states that included in Appendix B attached to the filing is the explanation of the rate changes and details regarding the computation of the revised Rate Schedule FT–NT rates.

Transco states that copies of the filing are being mailed to each of its FT–NT customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2148 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–55–002]

Transwestern Pipeline Company; Notice of Compliance Filing

January 23, 1998.

Take notice that on January 20, 1998, Transwestern Pipeline Company (Transwestern), tendered for filing to become part of Transwestern's FERC Gas Tariff the following tariff sheets proposed to become effective on December 20, 1997:

Second Revised Volume No. 1

First Revised Sheet No. 116C

Transwestern states that the instant filing is made in compliance with the Commission's Letter Order accepting tariff sheets, subject to conditions, issued on December 18, 1997 in Docket No. RP98–55–000.

Transwestern states that copies of the filing were served upon Transwestern's customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. All protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2145 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–181–000]

Trunkline Gas Company, Notice of Request Under Blanket Authorization

January 23, 1998.

Take notice that on January 13, 1998, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP98–181–000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct, own and operate certain facilities to be located in Harris County, Texas, under Trunkline's blanket certificate issued in Docket No. CP83–84–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Trunkline proposes to install a 2″ hot tap, check valve, insulating flange and associated facilities on its 24″ Line 100–1 in Harris County at milepost 1.53, and install electronic gas measurement equipment (EGM) to establish a delivery point to Cypress Public Service, L.P. The new interconnect will have a design capacity up to 2,000 Mcf/d. The estimated cost of the proposed facilities is approximately $38,820.

Trunkline states that the construction of the proposed facilities will have no effect on its peak day and annual deliveries, that its existing tariff does not prohibit additional facilities, that deliveries will be accomplished without detriment or disadvantage to its other customers and that the total volumes delivered will not exceed total volumes authorized prior to this request.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2139 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER95–1382–009]

Utility-Trade Corp.; Notice of Filing

January 23, 1998.

Take notice that on May 19, 1997, Utility-Trade Corp., tendered for filing its compliance filing in the above-referenced docket.

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 February 2, 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. 98–2150 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–77–001]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

January 23, 1998.

Take notice that on January 20, 1998 Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, certain revised tariff sheets listed on Appendix A to the filing, with the effective dates provided in Appendix A.

Williston Basin states that the revised tariff sheets are being filed to remove all references to the Gas Research Institute (GRI) from its Tariff in compliance with the Commission's ''Order Accepting Tariff Sheets, Subject to Conditions'' issued December 30, 1997 in the above referenced docket, as more fully explained in the filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2146 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DR98–19–000, et al.]

Minnesota Power Company, et al.; Electric Rate and Corporate Regulation Filings

January 22, 1998.

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

1. Minnesota Power Company

[Docket No. DR98–19–000]

Take notice that on December 19, 1997, Minnesota Power tendered for filing a petition for approval of a change in depreciation rates for accounting purposes only. Copies of the filing have been served on the Minnesota Public Utilities Commission.

Comment date: February 20, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Entergy Gulf States, Inc. and Entergy Louisiana, Inc.

[Docket No. DR98–17–000]

Take notice that on December 19, 1997, Entergy Services, Inc. (ESI), on behalf of its public utility affiliates, Entergy Gulf States, Inc., and Entergy Louisiana, Inc., submitted an application for approval of changes in depreciation rates for accounting purposes implemented after April 19, 1994.

Comment date: February 20, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Tampa Electric Company

[Docket No. DR98–20–000]

Take notice that on December 23, 1997, Tampa Electric Company (Tampa Electric), filed an application for approval of changes to depreciation rates and amortization schedules that occurred on or after April 19, 1994, and prior to May 22, 1997. Tampa Electric proposes an effective date of January 1, 1996, for the changes. Tampa Electric states that the changes did not affect any wholesale electric power or transmission rate on file with the Commission.

Comment date: February 20, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Wisconsin Electric Power Company

[Docket No. DR98–21–000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) on December 23, 1997, tendered for filing a petition for approval of a change in depreciation rates for accounting purposes only. Copies of the filing have been served on the Michigan Public Service Commission and the Public Service Commission of Wisconsin.

Comment date: February 20, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. The Empire District Electric Company

[Docket No. DR98–22–000]

Take notice that on December 23, 1997, The Empire District Electric Company (EDE) tendered for filing an application pursuant to Rule 204 of the Commission Rules of Practice and Procedures, 18 CFR 385.204 seeking approval by the Federal Energy Regulatory Commission of a change in depreciation rates for production, transmission, distribution, and general plant utilized by EDE.

Comment date: February 20, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Orange and Rockland Utilities, Inc.

[Docket No. DR98–23–000]

Take notice that on December 24, 1997, Orange and Rockland Utilities, Inc. (Orange and Rockland), tendered for filing a change in depreciation rates for its wholesale jurisdiction. Orange and Rockland requests that the depreciation rate changes be made effective as of May 3, 1996.

Comment date: February 20, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. West Texas Utilities

[Docket No. DR98–48–000]

Take notice that on January 5, 1998, West Texas Utilities (WTU), filed a request, pursuant to Section 302 of the Federal Power Act, for approval to continue utilizing a blended rate approach to allocate depreciation expense to its retail and wholesale customers.

Comment date: February 20, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Boston Edison Company

[Docket No. EC98–16–000]

Take notice that on January 16, 1998, Boston Edison Company (Boston Edison) and Sithe Energies, Inc. (Sithe), supplemented Boston Edison's application in this docket, seeking the Commission's approval for the sale of transmission facilities, such as step-up transformers, to be sold as part of the divestiture of Boston Edison's fossil generating units. In the supplemental filing Boston Edison and Sithe provide the Commission with a Purchase and Sale Agreement and information concerning Sithe and join in requesting the Commission to approve the sale at the earliest possible date and not later than March 16, 1998, 60 days after the filing of the supplement.

Comment date: February 17, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. The Cincinnati Gas & Electric Co., Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Illinois Power Company, PSI Energy, Inc., Wisconsin Electric Power Company, Union Electric Co., Central Illinois Public Service Co., Louisville Gas & Electric Company, and Kentucky Utilities Company

[Docket No. EC98–24–000]

Take notice that on January 15, 1998, the Midwest ISO Public Utilities, pursuant to Section 203 of the Federal Power Act, 16 U.S.C. § 824b, filed an Application for approval to transfer operational control over the Midwest ISO Public Utilities' identified transmission facilities to the Midwest Independent Transmission System Operator, Inc. (Midwest ISO).

The Midwest ISO Public Utilities state that their Application is a companion to, and a necessary part of, the Midwest ISO's concurrent filing, under Section 205 of the Federal Power Act, 16 U.S.C. § 824d, to establish an independent transmission system operator.

Comment date: March 16, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Southwestern Power Administration

[Docket No. EF98–4011–000]

Take notice that the Deputy Secretary, U.S. Department of Energy, on January 8, 1998, submitted to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis, pursuant to the authority vested in the FERC by Delegation Order No. 0204–108, as amended November 10, 1993, 58 FR 59717, the following Southwestern Power Administration (Southwestern), Integrated System rate schedules:

Rate Schedule P–98A, Wholesale Rates for Hydro Peaking Power

Rate Schedule NFTS–98, Wholesale Rates for Point-to-Point and Network Transmission Service

Rate Schedule EE–98, Wholesale Rate for Excess Energy

The Integrated System rate schedules were confirmed and approved on an interim basis by the Deputy Secretary in Rate Order No. SWPA–37 for the period January 1, 1998, through September 30, 2001, and have been submitted to the FERC for confirmation and approval on a final basis for the same period. The System rate schedules would increase ultimate annual revenue by $1,805,772, or 1.9 percent, from $96,344,200 to $98,149,972 effective January 1, 1998, in part to recover increases in Corps of Engineers and Southwestern investments. Southwestern has changed the rate structure to conform with the intent of the FERC's Order No. 888 consequently, the actual rate impact on each customer will vary based on the type of service requested and provided. Also, a credit, specifically designed for each customer, will apply against the purchased power adder component of the rate schedules to refund both excess revenues and interest accruing on such revenues in the purchased power deferral account during recent years of favorable water conditions. This credit is intended to equalize the customer's average purchased power adder cost. These credits will be provided to each customer over a 6-month service period beginning January 1, 1998. This customer specific credit, along with the Administrator's discretionary purchased power adder adjustment, will offset the immediate impact of increasing the purchased power adder to 1.1 mills/kWh, for those applicable customers. This rate proposal also includes a provision to continue and increase the Administrator's Discretionary Purchased Power Adder Adjustment, from up to $0.0005 to up to $0.0011 per kilowatthour, as necessary, to adjust the purchased power adder annually, under a formula-type rate, with notification to the FERC.

The Deputy Secretary has also submitted for confirmation and approval on a final basis the previous extensions of the Integrated System rates. The extensions were confirmed and approved on an interim basis by the Deputy Secretary in Rate Order Nos. SWPA–29 effective October 1, 1994, through September 30, 1995; SWPA–32 effective October 1, 1995, through September 30, 1996; SWPA–34 effective October 1, 1996, through September 30, 1997; and SWPA–35 effective October 1, 1997, through March 31, 1998.

Comment date: February 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Southwestern Power Administration

[Docket No. EF98–4081–000]

Take notice that the Deputy Secretary, U.S. Department of Energy, on January 8, 1998, submitted to the Federal Energy Regulatory Commission (Commission) for confirmation and approval on a final basis, pursuant to the authority vested in the Commission by Delegation Order No. 0204–108, as amended November 10, 1993, 58 FR 59717, an annual power rate of $302,928 for the sale of power and energy by the Southwestern Power Administration (Southwestern) from the Robert Douglas Willis Hydropower Project (Robert D. Willis) to the Sam Rayburn Municipal Power Agency (SRMA). The rate was confirmed and approved on an interim basis by the Deputy Secretary in Rate Order No. SWPA–36 for the period January 1, 1998, through September 30, 2001, and has been submitted to the Commission for confirmation and approval on a final basis for the same period. The rate supersedes the annual power rate of $266,928, which the Commission approved on a final basis January 28, 1997, under Docket No. EF96–4081–000 for the period October 1, 1996, through September 30, 2000. The annual rate of $302,928 is based on the 1997 Revised Power Repayment Study for Robert D. Willis and represents an annual increase in revenue of $36,000, or 13.5 percent, to satisfy repayment criteria.

Comment date: February 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Enron Power Marketing, Inc. v. Pennsylvania-New Jersey-Maryland Interconnection and PECO Energy Company

[Docket No. EL98–12–000]

Take notice that on January 12, 1998, Enron Power Marketing, Inc., filed a

corrected copy of Exhibits 13 to its Complaint filed on December 15, 1997, in the above-referenced docket.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Montana-Dakota Utilities Company

[Docket No. ER97–940–002]

Take notice that on December 31, 1997, Montana-Dakota Utilities Company tendered for filing its refund report in the above-referenced docket.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Montana-Dakota Utilities Company

[Docket No. ER97–2618–002]

Take notice that on December 31, 1997, Montana-Dakota Utilities Company tendered for filing its refund report in the above-referenced docket.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Orange and Rockland Utilities, Inc.

[Docket No. ER98–353–001]

Take notice that on December 29, 1997, Orange and Rockland Utilities, Inc., acting on behalf of itself and its wholly owned subsidiaries, Rockland Electric Company and Pike County Light & Power Company, filed a revised Open Access Transmission Service Tariff which incorporates changes to its Energy Imbalance Service.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. Wolverine Power Supply Cooperative, Inc.

[Docket No. ER98–411–001]

Take notice that on January 15, 1998, Wolverine Power Supply Cooperative, Inc., tendered for filing its compliance filing in the above-referenced docket.

Comment date: Febrary 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Boston Edison Company

[Docket No. ER98–507–001]

Take notice that on January 14, 1998, Boston Edison Company tendered for filing its refund report in the above-referenced docket.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Cinergy Services, Inc.

[Docket No. ER98–523–001]

Take notice that on January 6, 1998, Cinergy Services, Inc., on behalf of The Cincinnati Gas & Electric Company and PSI Energy, Inc. (The Cinergy Operating Companies), filed an amended unexecuted blanket form of Service Agreement under their Open Access Transmission Tariff.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Consumers Energy Company

[Docket No. ER98–742–001]

Take notice that on January 9, 1998, Consumers Energy Company (CECo), tendered for filing a letter stating that the service was provided by CECo and the Detroit Edison Company to Wabash Valley Power Association, Inc., or Electric Clearinghouse, Inc., under the Transmission Service Agreements accepted to refund conditions by the Commission January 2, 1998, letter order in the above-referenced docket.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Unitil Power Corp.

[Docket No. ER98–1194–000]

Take notice that on December 23, 1997, Unitil Power Corp. (UPC), tendered for filing three service agreements between UPC and Green Mountain Power, Inc., New England Power Company, and New Energy Ventures 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 November 23, 1997, for Green Mountain Power, Inc., and New England Power Company, and an effective date of December 26, 1997, for New Energy Ventures.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Cinergy Services, Inc.

[Docket No. ER98–1206–000]

Take notice that on December 24, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Hoosier Energy Rural Electric Cooperative, Inc., (Hoosier).

Cinergy and Hoosier are requesting an effective date of December 15, 1997.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. Central Illinois Light Company

[Docket No. ER98–1207–000]

Take notice that on December 24, 1997, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61602, tendered for filing with the Commission a substitute Index of Point-To-Point Transmission Service Customers under its Open Access Transmission Tariff and service agreements for two new customers, Williams Energy Services Company and Griffin Energy Marketing, L.L.C.

CILCO requested an effective date of December 12, 1997.

Copies of the filing were served on the affected customers and the Illinois Commerce Commission.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

23. PP&L, Inc.

[Docket No. ER98–1208–000]

Take Notice that on December 24, 1997, PP&L, Inc. (formerly known as Pennsylvania Power & Light Company)(PP&L), filed a Service Agreement dated December 22, 1997, with Orange and Rockland Utilities, Inc. (O&R), under PP&L's FERC Electric Tariff, Original Volume No. 5. The Service Agreement adds O&R as an eligible customer under the Tariff.

PP&L requests an effective date of December 24, 1997, for the Service Agreement.

PP&L states that copies of this filing have been supplied to O&R and to the Pennsylvania Public Utility Commission.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

24. Wisconsin Power and Light Company

[Docket No. ER98–1209–000]

Take notice that on December 24, 1997, Wisconsin Power and Light Company (WP&L), tendered for filing an executed Form Of Service Agreement for Firm Point-to-Point Transmission Service between Wisconsin Power and Light Company and Wisconsin Power and Light Company. The Form Of Service Agreement for Firm Point-to-Point Transmission Service provides firm transmission service under WPL's Open Access Transmission Tariff.

WP&L requests an effective date of January 1, 1998, and accordingly, seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

25. Cinergy Services, Inc.

[Docket No. ER98–1210–000]

Take notice that on December 24, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Continental Energy Services, L.L.C. (Continental).

Cinergy and Continental are requesting an effective date of December 1, 1997.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

26. Cinergy Services, Inc.

[Docket No. ER98–1211–000]

Take notice that on December 24, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Continental Energy Services, L.L.C. (Continental).

Cinergy and Continental are requesting an effective date of December 1, 1997.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

27. Cinergy Services, Inc.

[Docket No. ER98–1213–000]

Take notice that on December 24, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Hoosier Energy Rural Electric Cooperative, Inc. (Hoosier).

Cinergy and Hoosier are requesting an effective date of December 15, 1997.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

28. Louisville Gas and Electric Company

[Docket No. ER98–1214–000]

Take notice that on December 29, 1997, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Non-Firm Point-To-Point Transmission Service Agreement between LG&E and AES Power, Inc., under LG&E's Open Access Transmission Tariff.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

29. Louisville Gas and Electric Company

[Docket No. ER98–1215–000]

Take notice that on December 29, 1997, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Short-Term Firm Point-To-Point Transmission Service Agreement between LG&E and Commonwealth Edison Company under LG&E's Open Access Transmission Tariff.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

30. Louisville Gas and Electric Company

[Docket No. ER98–1216–000]

Take notice that on December 29, 1997, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Short-Term Firm Point-To-Point Transmission Service Agreement between LG&E and Coral Power L.L.C., under LG&E's Open Access Transmission Tariff.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

31. Louisville Gas and Electric Company

[Docket No. ER98–1217–000]

Take notice that on December 29, 1997, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Short-Term Firm Point-To-Point Transmission Service Agreement between LG&E and LG&E Energy Marketing, Inc., under LG&E's Open Access Transmission Tariff.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

32. Illinois Power Company

[Docket No. ER98–1218–000]

Take notice that on December 29, 1997, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which Entergy Power Marketing Corporation will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of December 10, 1997.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

33. Great Bay Power Corporation

[Docket No. ER98–1219–000]

Take notice that on December 29, 1997, Great Bay Power Corporation (Great Bay), tendered for filing a service agreement between PacifiCorp Power Marketing, Inc., and Great Bay for service under Great Bay's revised Tariff for Short Term Sales. This Tariff was accepted for filing by the Commission on May 17, 1996, in Docket No. ER96–726–000. The service agreement is proposed to be effective December 18, 1997.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

34. Maine Public Service Company

[Docket No. ER98–1220–000]

Take notice that on December 29, 1997, Maine Public Service Company (Maine Public), filed an executed Service Agreement for non-firm point-to-point transmission service under Maine Public's open access transmission tariff with Cinergy Capital & Trading, Inc.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

35. Micah Tech Industries, Inc., Power Marketing Division

[Docket No. ER98–1221–000]

Take notice that on December 29, 1997, Micah Tech Industries, Inc., Power Marketing Division, petitioned the Commission for acceptance of Micah Tech 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.

Micah Tech intends to engage in wholesale electric power and energy purchases and sales as a marketer. Micah Tech is not in the business of generating or transmitting electric power.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

36. Houston Lighting & Power Company

[Docket No. ER98–1222–000]

Take notice that on December 29, 1997, Houston Lighting & Power Company (HL&P), tendered for filing an executed transmission service agreement (TSA), with Engage Energy US, L.P. (Engage), for Non-Firm Transmission Service under HL&P's FERC Electric Tariff, Third Revised Volume No. 1, for Transmission Service To, From and Over Certain HVDC Interconnections. HL&P has requested an effective date of December 29, 1997.

Copies of the filing were served on Engage and the Public Utility Commission of Texas.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

37. Houston Lighting & Power Company

[Docket No. ER98–1223–000]

Take notice that on December 29, 1997, Houston Lighting & Power Company (HL&P), tendered for filing an executed transmission service agreement (TSA), with Tenaska Power Services Co. (Tenaska), for Non-Firm Transmission Service under HL&P's FERC Electric Tariff, Third Revised Volume No. 1, for Transmission Service To, From and Over Certain HVDC Interconnections. HL&P has requested an effective date of December 29, 1997.

Copies of the filing were served on Tenaska and the Public Utility Commission of Texas.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

38. Southern California Edison Company

[Docket No. ER98–1224–000]

Take notice that on December 29, 1997, Southern California Edison Company (Edison), tendered for filing revised Radial Lines Agreements (Revised Agreements) for Mandalay and Cool Water Generating Stations to be executed by Edison and Houston Industries Power Generation, Inc.

Edison requests waiver of the Commission's 60-day notice requirements and that the Commission accept the Revised Agreements for filing, unexecuted.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: February 5, 1998, in accordance with Standard Paragraph E at the end of this notice.

39. Northern California Power Agency

[Docket No. OA98–7–000]

Take notice that on December 2, 1997, the Northern California Power Agency has filed a request for waiver of separation of functions requirements under Order Nos. 888 and 888–A and under Orders 889 and 889–A.

Comment date: February 11, 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. 98–2196 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–537–000, et al.]

Western Energy Marketers, Inc., et al. Electric Rate and Corporate Regulation Filings

January 23, 1998.

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

1. Western Energy Marketers, Inc.

[Docket No. ER98–537–000]

Take notice that on December 29, 1997, Western Energy Marketers, Inc., tendered for filing an amendment in the above-referenced docket.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Jersey Central Power & Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company

[Docket No. ER98–433–001]

Take notice that on December 29, 1997, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (GPU Energy), tendered for filing its compliance filing in the above-referenced docket.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Wisconsin Power & Light Company

[Docket No. ER98–1225–000]

Take notice that on December 29, 1997, Wisconsin Power & Light Company (WPL), tendered for filing an Amendment to Common Use Transmission Facility Agreement dated March 13, 1997, between Adams-Columbia Electric Cooperative (ACEC) and WPL. WPL states that this Amendment revises the previous agreement between the two parties dated December 1, 1975.

The parties have amended the previous agreement to outline the terms and conditions whereby WPL will tap an ACEC transmission line. Service provided by ACEC under this Amendment in no way affects the electric service that WPL provides to ACEC pursuant to rate schedule FERC No. 144.

WPL requests that an effective date concurrent with the planned construction completion date be assigned. WP&L indicates that copies of the filing have been provided to ACEC and to the Public Service Commission of Wisconsin.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Florida Power & Light Company

[Docket No. ER98–1226–000]

Take notice that on December 29, 1997, Florida Power & Light Company (FPL), tendered for filing a proposed notice of cancellation of an umbrella service agreement with PanEnergy Power Services, Inc., for Non-Firm transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed cancellation be permitted to become effective on December 31, 1997.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Commonwealth Edison Company

[Docket No. ER98–1227–000]

Take notice that on December 29, 1997, Commonwealth Edison Company (ComEd), submitted for filing one Service Agreements, establishing one Service Agreement, establishing Plum Street Energy Marketing, Inc. (PSEM), as customers under the terms of ComEd's Power Sales and Reassignment of Transmission Rights Tariff PSRT–1 (PSRT–1 Tariff). The Commission has previously designated the PSRT–1 Tariff as FERC Electric Tariff, First Revised Volume No. 2.

ComEd requests an effective date of December 5, 1997, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon PSEM, and the Illinois Commerce Commission.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Services, Inc.

[Docket No. ER98–1228–000]

Take notice that on December 29, 1997, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., (Entergy Gulf States), Entergy Louisiana, Inc. (Entergy Louisiana), Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Network Integration Transmission Service Agreement, a Network Operating Agreement, a Firm Point-to-Point Transmission Service Agreement, a Non-Firm Point-to-Point Transmission Service Agreement, and an Interchange Agreement, each between Entergy Services, as agent for the Entergy Operating Companies and Cajun Electric Power Cooperative, Inc., (Cajun). The agreements are intended to supersede existing transmission and interconnection agreements that Entergy Gulf States and Entergy Louisiana have with Cajun.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER98–1229–000]

Take notice that on December 29, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power) filed Supplement No. 36 to add two (2) new Customers to the Standard Generation Service Rate Schedule under which Allegheny Power offers standard generation and emergency service on an hourly, daily, weekly, monthly or yearly basis. Allegheny Power requests a waiver of notice requirements to make service available as of December 1, 1997, to CNG Retail Services Corporation; and as of December 24, 1997, to Equitable Power Services 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.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Florida Power & Light Company

[Docket No. ER98–1230–000]

Take notice that on December 29, 1997, Florida Power & Light Company (FPL), tendered for filing proposed service agreements with Duke Energy Trading and Marketing, L.L.C., for Short-Term Firm and Non-Firm transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed service agreements be permitted to become effective on January 1, 1998.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Orange and Rockland Utilities, Inc.

[Docket No. ER98–1231–000]

Take notice that on December 29, 1997, Orange and Rockland Utilities, Inc. (Orange and Rockland), filed a Service Agreement between Orange and Rockland and PacifiCorp Power Marketing, Inc., (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of Orange and Rockland Open Access Transmission Tariff filed on July 9, 1996 in Docket No. OA96–210–000.

Orange and Rockland requests waiver of the Commission's sixty-day notice requirements and an effective date of November 21, 1997, for the Service Agreement. Orange and Rockland has served copies of the filing on The New York State Public Service Commission and on the Customer.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Company

[Docket No. ER98–1232–000]

Take notice that on December 29, 1997, New England Power Company (NEP), tendered for filing an Interconnection Service Agreement with Millennium Power Partners, L.P.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. New England Power Company

[Docket No. ER98–1233–000]

Take notice that on December 29, 1997, New England Power Company (NEP), tendered a supplement to an amendment to The Narragansett Electric Company's service agreement under NEP's FERC Electric Tariff, Original Volume No. 1. NEP requests an effective date of January 1, 1998, for the Supplement.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

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

[Docket No. ER98–1234–000]

Take notice that on December 24, 1997, Central Power and Light Company (CPL), West Texas Utilities Company (WTU), Public Service Company of Oklahoma (PSO), and Southwestern Electric Power Company (SWEPCO) (collectively, the CSW Operating Companies) submitted for filing service agreements under which the CSW Operating Companies will provide firm point-to-point transmission service to WTU in accordance with the CSW Operating Companies' open access transmission service tariff. The CSW Operating Companies also submitted a notice of cancellation for each firm point-to-point transmission service agreement.

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

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. The Montana Power Trading & Marketing Company

[Docket No. ER98–1235–000]

Take notice that on December 24, 1997, MP Energy Inc., tendered for filing a letter of Change of Name to The Montana Power Trading & Marketing Company. This action was simply a name change. The ownership of MP Energy Inc., (now the Montana Power Trading & Marketing Company) has not changed.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Consolidated Edison Company of New York, Inc.

[Docket No. ER98–1236–000]

Take notice that on December 29, 1997, consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing a Supplement to its Rate Schedule, Con Edison Rate Schedule FERC No. 123, a facilities agreement with Central Hudson Gas and Electric Corporation (CH). The Supplement provides for an increase in the monthly carrying charges. Con Edison has requested that this decrease take effect as of September 1, 1997.

Con Edison states that a copy of this filing has been served by mail upon CH.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Consolidated Edison Company of New York, Inc.

[Docket No. ER98–1237–000]

Take notice that on December 29, 1997, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing, pursuant to its FERC Electric Tariff Rate Schedule No. 2, a service agreement for the New England Power Company to purchase electric capacity and energy pursuant at negotiated rates, terms, and conditions.

Con Edison states that a copy of this filing has been served by mail upon the New England Power Company.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. New England Power Pool

[Docket No. ER98–1238–000]

Take notice that on December 29, 1997, the New England Power Pool Executive Committee filed for acceptance a signature page to the New England Power Pool (NEPOOL), Agreement dated September 1, 1971, as amended, signed by Energis Resources Incorporated (Energis Resources). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Executive Committee states that the Commission's acceptance of Energis Resources' signature page would permit NEPOOL to expand its membership to include Energis Resources. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make Energis Resources a member in NEPOOL. NEPOOL requests an effective date of January 1, 1998, for commencement of participation in NEPOOL by Energis Resources.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. PacifiCorp

[Docket No. ER98–1239–000]

Take notice that on December 29, 1997, PacifiCorp's Merchant Function, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, PacifiCorp's FERC Electric Tariff, First Revised Volume No. 12 (Tariff). The tariff has been revised to provide for the sale or assignment of transmission service by PacifiCorp's Merchant Function.

Copies of this filing were supplied to the Public Utility Commission of Oregon and the Washington Utilities and Transportation Commission.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464–6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Cinergy Services, Inc.

[Docket No. ER98–1240–000]

Take notice that on December 29, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a refund report in the above-referenced docket.

Copies of the filing were served on the Public Utilities Commission of Ohio, the Kentucky Public Service Commission, the Indiana Utility Regulatory Commission and Mr. John P. Cook, Deputy Consumer Counselor for Federal Affairs.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. New England Power Pool

[Docket No. ER98–1241–000]

Take notice that on December 29, 1997, the New England Power Pool Executive Committee filed for acceptance a signature page to the New England Power Pool (NEPOOL), Agreement dated September 1, 1971, as amended, signed by Cinergy Capital & Trading, Inc., (CC&T). The NEPOOL Agreement has been designated NEPOOL FPC No. 2.

The Executive Committee states that the Commission's acceptance of CC&T's signature page would permit NEPOOL to expand its membership to include CC&T. NEPOOL further states that the filed signature page does not change the NEPOOL Agreement in any manner, other than to make CC&T a member in NEPOOL. NEPOOL requests an effective date of January 1, 1998, for commencement of participation in NEPOOL by CC&T.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Arizona Public Service Company

[Docket No. ER98–1242–000]

Take notice that on December 30, 1997, Arizona Public Service Company (APS), tendered for filing a Service Agreement to provide Network Integration Transmission Service under APS' Open Access Transmission Tariff to the Arizona Public Service Company—Merchant Group.

A copy of this filing has been served on APS' Merchant Group and the Arizona Corporation Commission.

Comment date: February 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Citizens Utilities Company

[Docket No. ES98–19–000]

Take notice that on December 22, 1997, Citizens Utilities Company filed an application, under Section 204 of the Federal Power Act, seeking authorization to act as guarantor, from time to time during a two year period, of obligations of its subsidiaries in an aggregate principal amount not to exceed $500 million outstanding at any one time.

Comment date: February 12, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. Maine Public Service Company

[Docket No. FA96–26–001

Take notice that on January 20, 1998, Maine Public Service Company tendered for filing its refund report in the above-referenced docket.

Comment date: February 20, 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. 98–2197 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11072–001 New York]

Trenton Falls Hydroelectric Company, Inc.; Notice of Availability of Draft Environmental Assessment

January 23, 1998.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for original license for the Boye Dam Hydroelectric Project, located on the East Branch of the Fish Creek in Lewis County, New York, and has prepared a Draft Environmental Assessment (DEA) for the project.

Copies of the DEA are available in the Public Reference Branch, Room 2–A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426.

Any comments should be filed within 45 days from the date of this notice and should be addressed to David P. Boergers, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. For further information, contact William Diehl at (202) 219–2813 or Ed Lee at (202) 219–2809.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–2152 Filed 1–28–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5956–6]

Agency Information Collection Activities; Proposed Collection; Comment Request; Landfill Methane Outreach Program ICR

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): The Landfill Methane Outreach Program ICR, EPA ICR #1849.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection described below.

DATES: Comments must be submitted on or before March 2, 1998.

ADDRESSES: Comments may be mailed to The Docket Clerk, Docket #A–98–06, located in the U.S. EPA Office of Air & Radiation. One original and two copies of each comment should be submitted. Hand delivery of comments should be made to: Air Docket, USEPA, MC 6102, 401 M Street, SW, Room M1500, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Tom Kerr, U.S. Environmental Protection Agency, Atmospheric Pollution Prevention Division, (6202J), 401 M St., SW, Washington, DC 20460, or call (202) 564–9768.

SUPPLEMENTARY INFORMATION: EPA is seeking comment on the ICR for the Landfill Methane Outreach Program (EPA ICR #1849.01).

Affected Entities: Entities affected by this action are landfill gas-to-energy project developers, landfill owners and landfill gas energy customers that have joined the Landfill Methane Outreach Program.

Abstract: The Landfill Methane Outreach Program is an EPA-sponsored voluntary program that encourages landfill owners, communities and project developers to implement methane recovery technologies to utilize the methane as a source of fuel and to reduce emissions of landfill methane, a potent greenhouse gas. The Landfill Methane Outreach Program further encourages utilities and other energy customers to support and promote the use of landfill methane at their facilities. The Landfill Methane Outreach Program signs voluntary Memoranda of Understanding with these organizations to enlist their support in promoting cost-effective landfill gas utilization. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed information collection is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, clarity and utility of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond including the use of electronic, Internet-based or other technological collection techniques.

Burden Statement: The estimated average public burden per respondent for new Allies is 5 hours per response, including time for reviewing instructions, searching existing data sources, gathering the necessary data, and completing the collection of information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing or providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents: Landfill owners, landfill gas energy purchasers, and landfill gas project developers.

Estimated number of respondents: 500.

Estimated Total Annual Burden on Respondents: 2,500 hours.

Frequency of Collection: as needed.

Dated: January 16, 1998.

Edward Callahan,

Acting Director, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 98–2209 Filed 1–28–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5956–2]

Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Approval of an Application for Certification of Equipment and Amendment to a Previously-Approved Certification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of agency approval of an application for equipment certification.

SUMMARY: The Agency received a notification of intent to certify urban

bus retrofit/rebuild equipment for 4-stroke petroleum fueled diesel engines pursuant to 40 CFR part 85, subpart O from Engine Control Systems Ltd. (ECS). Pursuant to section 85.1407(a)(7), a June 16, 1997 **Federal Register** document summarized the notification and announced that the notification would be available for public review and comment, and initiated a 45-day period during which comments could be submitted. In the notice the Agency stated it would review this notification of intent to certify, as well as comments received, to determine whether the equipment should be certified.

This action also notified the public that ECS proposed to amend its' two-stroke engine certification. On January 6, 1997, EPA approved certification of the ECS retrofit kit which demonstrated a 25% reduction in PM for 1979 to 1993 Detroit Diesel Corporation (DDC) 2-stroke engines. On February 11, 1997, ECS requested that this certification be modified to also include 8V71N engines for model years 1973 to 1984.

SUPPLEMENTARY INFORMATION: The Agency received an application dated October 31, 1996, from Engine Control Systems Ltd. with principal place of business at 165 Pony Drive, Newmarket, Ontario, Canada for certification of urban bus retrofit/rebuild equipment pursuant to 40 CFR sections 85.1401–85.1415. On June 16, 1997, EPA published notification that the application had been received and made the application available for public review and comment for a period of 45 days (62 FR 32602). EPA has completed its review of this application and the Director of the Engine Program & Compliance Division (EPCD) has determined that it meets the requirements for certification. Testing demonstrated that the equipment reduced particulate matter (PM) by 18% for petroleum fueled diesel Cummins L–10 engines and all other 4-stroke engines that were originally manufactured prior to and including 1993 engines and is certified for Program 2 only. It does not apply for operators utilizing Program 1 as ECS did not demonstrate the minimum 25% reduction in PM necessary for Program 1 certification.

In addition, EPA has completed its review of ECS' February 11, 1997 request to modify the certification approved by EPA on January 6, 1997 (62 FR 46) which demonstrated a 25% reduction in PM for 1979 to 1993 DDC 2-stroke engines to also include 8V71N engines for model years 1973 to 1984. EPA published notice of this amendment request and requested comments for a period on 45 days in the same notice cited above. EPA has completed its review of this request and the Director of EPCD approves the certification amendment to include the 8V71N model for model years 1973 to 1984 for both programs 1 and 2.

DATES: The date of this document, January 29, 1998, is the official certification date for both the application and the amendment approval.

ADDRESSES: The ECS applications, as well as other materials specifically relevant to them, are contained in Public Docket A–93–42 (Category XIV–A or XVI–A), entitled ''Certification of Urban Bus Retrofit/Rebuild Equipment.'' This docket is located in room M–1500, Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

Docket items may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR part 2, a reasonable fee may be charged by the Agency for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Anthony Erb, Engine Compliance Programs Group, Engine Programs & Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460. Telephone: (202) 233–9259.

SUPPLEMENTARY INFORMATION:

I. Background

On October 31, 1996 ECS applied for certification of a kit, for use on 4-cycle petroleum fueled diesel Cummins L–10 and all other 4-stroke petroleum fuel urban bus engines that were originally manufactured prior to and including the 1993 model year. The kit includes a diesel oxidation converter muffler (CM). The application was submitted under EPA's Urban Bus/Retrofit program under Program 2 only.[1]

The CM functions as a catalytic converter and a muffler. It takes the place of the original muffler in the engine exhaust system. Through testing in accordance with the Federal Test Procedure for heavy-duty diesel engines, ECS documented that emissions of particulate matter (PM) were reduced by 19% with the candidate equipment installed on the test engine. The CM is certified for use with Program 2 to provide an 18% reduction relative to the original engine configuration. Additionally, the equipment is certified to provide an 18% reduction on engines equipped with certified rebuild kits that do not include a converter muffler. This equipment is certified to the PM emission levels as specified in Table A. below.

TABLE A.—ECS RETROFIT/REBUILD CERTIFICATION LEVELS FOR CUMMINS ENGINES [2]

Engine family	Control parts list (CPL)	Manufacture dates	New engine PM level	Retrofit PM level with CM	Retrofit PM level with CM and Cummins kit
343B	780	11/20/85 to 12/31/87	0.58	0.48	0.28
343B	781	11/20/85 to 12/31/87	.59	.48	.28
343C	0774	11/20/85 to 12/31/89	.46	.38	.28
343C	0777	11/20/85 to 12/31/89	.61	.50	.28
343C	0996	12/04/87 to 08/19/88	.61	.50	.28
343C	1226	07/26/88 to 12/31/90	.50	.41	.28
343F	1226	07/12/90 to 08/26/92	.45	.37	.28
343F	1441	12/18/90 to 12/31/92	.46	.38	.28
343F	1622	04/24/92 to 12/31/92	.46	.38	.28
343F	1624	04/24/92 to 12/31/92	.45	.37	.28

[1] EPA promulgated the Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses on April 23, 1993 (58 FR 21359). This final rule established the provisions for an urban bus retrofit/rebuild program as required by section 219(d) of the Clean Air Act Amendments (CAAA) of 1990.

TABLE A.—ECS RETROFIT/REBUILD CERTIFICATION LEVELS FOR CUMMINS ENGINES [2]—Continued

Engine family	Control parts list (CPL)	Manufacture dates	New engine PM level	Retrofit PM level with CM	Retrofit PM level with CM and Cummins kit
Other 4-stroke engines	.....	1985 to 1993	.....	18% reduction from original PM levels.	N/A

[2] The New Engine PM certification levels are based on the certification level or the average test audit result for each engine family. It is noted that for engine family 343F, although the PM standard for 1991 and 1992 was 0.25 g/bhp-hr and the NO_X standard was 5.0 g/bhp-hr, Cummins certified the 1226, 1441, 1622, and 1624 CPLs to a Federal Emission Limit (FEL) of 0.49 g/bhp-hr PM and 5.6 g/bhp-hr NO_X under the averaging, banking and trading program.

Urban bus operators who choose to comply with Program 2 and use the ECS equipment will use the PM emission value from Table A when calculating their average fleet PM level.

In addition, EPA has completed its review of ECS' February 11, 1997 request to amend the kit approved by EPA on January 6, 1997 (62 FR 46) which demonstrated a 25% reduction in PM for 1979 to 1993 DDC 2-stroke engines to also include 8V71N engines for model years 1973 to 1984. The certification covers those engines that are rebuilt to original specifications or in-use engines that are not rebuilt at the time the CM is installed provided the engine meets specified oil consumption limits. This certification does not trigger any new rebuild requirements for applicable engines because the requirement to use equipment certified to achieve at least a 25% reduction has already been triggered for the 8V71N engines. The PM certification levels are provided in Table B. below.

TABLE B.—ECS RETROFIT/REBUILD CERTIFICATION LEVELS FOR DDC 8V71N MODELS

DDC engine model	Model year	PM level with converter muffler	Code/family
8V71N	1973–84	0.38	All.

II. Summary and Analysis of Comments

EPA received comments from one party on the ECS application during the comment period. The Chicago Transit Authority commented on the backpressure shown in the data for the 4-stroke kit noting the increase by 4.7% (from 2.36″ Hg to 2.47″ Hg with a *new* catalytic converter. The CTA expressed concerns about the increase in backpressure restriction of the engine and the negative effects, as the catalytic converter accumulates mileage in service. The CTA also commented that the fuel consumption increased from 0.397 lb/bhp-hr in the baseline engine test to 0.403 lb/bhp-hr in the test with the catalyst by 1.51%. It was noted by CTA that if the increase in fuel consumption in a 4-stroke Cummins engine also applies to the 2-stroke DDC engine, CTA will incur an additional expense of approximately $122,766 based on it's operation of 1,115 buses with DDC 6V92TA diesel engines. CTA also commented that the catalytic converter should be tested for structural durability to ensure it will hold up in service and that in the absence of a durability test structural failure of the catalytic muffler should be covered for 150,000 miles with no time limitation.

In regard to concerns expressed relative to the backpressure concern, ECS indicates in a letter to EPA dated September 17, 1997, that it designs its catalyst units to provide backpressure comparable to the original muffler. The test catalyst utilized the minimum catalyst volume in what ECS termed the poorest flowpath that could be used for Cummins L10 engines according to ECS. ECS reported that all tests to date have shown that the converter muffler designs maintain exhaust system backpressure under the maximum level recommended by Cummins (3 inches of Mercury). The catalyst used by ECS for exhaust testing had been degreened, that is, put in place on an exhaust system for 100 hours under steady state conditions to more closely represent the performance of an in-use catalyst.

With regard to comments on fuel consumption, the CTA noted that if the 1.51% increase in fuel consumption seen in the 4-stroke testing were applicable to the 2-stroke engines, CTA would incur additional fuel expenses for a large number of engines in its fleet. Since the certification being discussed herein relative the 4-stroke application and the testing performed on the 4-stroke engine is relevant only to the 4-stroke application, the discussion of the application of the 4-stroke catalyst and its application and effects on fuel economy on a 2-stroke engine would not be pertinent. Therefore, this comment does not address the 4-stroke application. Further, since the 4-stroke application being reviewed herein is for certification under Program 2 only, operators are not required to purchase this equipment as it is not trigger technology. Any decision by an operator to purchase this equipment can be made by an operator based on individual fleet composition and evaluation of the costs associated with available compliance options.

With regard to CTA's concern that the catalytic converter should be tested for structural durability to ensure it will hold up in service and that in the absence of the durability test structural failure of the catalytic muffler should be covered for 150,000 miles with no time limitation, the regulations at section 85.1409(a) require that the certifier shall warrant the retrofit/rebuild equipment will not cause an urban bus engine to exceed emission requirements for a period of 150,000 miles from when the equipment is installed. Section 85.1409(b) requires that the certifier shall replace all defective parts, free of charge for a period of 100,000 miles from when the equipment is installed. There is no time limitation on the time the warranties are in effect. In addition, there is no requirement in the regulations that the certifier shall provide durability data on the equipment. As discussed in the preamble to the final rule (58 FR page 21379, April 21, 1993) EPA decided not to require durability testing for this program. Any change to the warranty requirements can be made only through a regulatory amendment process which is beyond the scope of the certification decision being made in this document.

With regard to the ECS request to amend the previously certified kit to include the DDC 8V71N, CTA commented on engine exhaust backpressure restriction and structural durability of the catalytic converter. Again, in the absence of a durability test, CTA recommended that the structural failure of the catalytic converter muffler should be covered for 150,000 miles with no time limitation.

ECS has stated that it designs the systems to include a larger catalyst

volume which results in lower particulate mass flow through each individual substrate cell and a greater catalyst volume to ensure the substrate remains free from excessive carbon build up. According to ECS, this ensures that the converter muffler exhaust backpressure will remain within acceptable levels throughout the normal life. With regard to the request to perform durability testing and to require that the converter muffler should be warranted for 150,000 miles, please refer to the discussion of these concerns in the section above.

III. Certification Approval

The Agency has reviewed this application, along with comments received from interested parties, and finds that this equipment reduces particulate matter emissions without causing urban bus engines to fail to meet other applicable Federal emission requirements. Additionally, EPA finds that installation of this equipment will not cause or contribute to an unreasonable risk to the public health, welfare or safety, or result in any additional range of parameter adjustability or accessibility to adjustment than that of the engine manufacturer's emission related part. The application meets the requirements for certification under the Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (40 CFR sections 85.1401 and 85.1415). Thus, the Agency hereby approves the certification of this equipment.

IV. Operator Requirements and Responsibilities

With regard to the 4-stroke kit, for operators who have chosen to comply with Program 2, this equipment is immediately available for use and those who use this certified kit may claim the PM emissions reduction as stated in Table A when calculating their Fleet Level Attained. With regard to the 2-stroke amendment for the previously certified kit, the kit may be used to meet the requirements of both Programs 1 and 2 for the 8V71N engine family for model years 1973–84.

As stated in the regulations, operators should maintain records for each engine in their fleet to demonstrate that they are in compliance with the requirements, beginning January 1, 1995. These records include purchase records, receipts, and part numbers for the parts and components used in the rebuilding of urban bus engines.

Dated: January 20, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 98–2211 Filed 1–28–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5956–5]

Meeting of the Ozone Transport Commission for the Northeast United States

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing the Winter meeting of the Ozone Transport Commission to be held on February 10, 1998.

This meeting is for the Ozone Transport Commission to deal with appropriate matters within the transport region, as provided for under the Clean Air Act Amendments of 1990. This meeting is not subject to the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended.

DATES: The meeting will be held on February 10, 1998, from 9:00 a.m. to 3:30 p.m.

ADDRESSES: The meeting will be held at: Hotel du Pont, 7th and Market Streets, Wilmington, DE 19801, (302) 594–3100.

FOR FURTHER INFORMATION CONTACT:

EPA: Susan Studlien, Region I, U.S. Environmental Protection Agency, John F. Kennedy Federal Building, Boston, MA 02203, (617) 565–3800.

THE STATE CONTACT:

Host Agency: Carol Brown, Delaware Department of Natural Resources and Environmental Conservation, 89 Kings Highway, Dover, DE 19903, (302) 739–4403.

FOR DOCUMENTS AND PRESS INQUIRIES CONTACT: Stephanie A. Cooper, Ozone Transport Commission, 444 North Capitol Street, NW., Suite 638, Washington, DC 20001, (202) 508–3840, e-mail: ozone@sso.org.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at section 184 provisions for the ''Control of Interstate Ozone Air Pollution.'' Section 184(a) establishes an ozone transport region comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia.

The Assistant Administrator for Air and Radiation of the Environmental Protection Agency convened the first meeting of the commission in New York City on May 7, 1991. The purpose of the Transport Commission is to deal with ground level ozone formation, transport, and control within the transport region.

The purpose of this notice is to announce that this Commission will meet on February 10, 1998. The meeting will be held at the address noted earlier in this notice.

Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meetings of Transport Commissions are not subject to the provisions of the Federal Advisory Committee Act. This meeting will be open to the public as space permits.

Type of Meeting: Open.

Agenda: Copies of the final agenda will be available from Stephanie Cooper of the OTC office (202) 508–3840 (or by e-mail: ozone@sso.org) on Tuesday, February 3, 1998. The purpose of this meeting is to review air quality needs within the Northeast and Mid-Atlantic States, including reduction of motor vehicle and stationary source air pollution. The OTC is also expected to address issues related to the transport of ozone into its region, including actions by EPA under sections 110 and 126 of the Clean Air Act, and to discuss market-based programs to reduce pollutants that cause ozone.

John DeVillars,

Regional Administrator, EPA Region I.

[FR Doc. 98–2208 Filed 1–28–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5956–3]

Proposed CERCLA Prospective Lessee Agreement for the True Temper Sports Facility Site

AGENCY: Environmental Protection Agency (''EPA'').

ACTION: Proposal of CERCLA prospective lessee agreement for the True Temper Sports Facility site.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA''), 42 U.S.C. 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''SARA''), Public Law 99–499, notice is hereby given that a proposed lessee agreement (''PLA'') for the True Temper Sports Facility Removal Action Site (''the Site'') located in Geneva, Ohio, has been executed by Tackle Hill

Limited Liability Company. The proposed PLA has been submitted to the Attorney General for approval.

Two potentially responsible parties (''PRPs'') are currently conducting a removal action at the True Temper Sports Facility Site under an Administrative Order on Consent, issued pursuant to sections 106, 107, and 122 of CERCLA, 42 U.S.C. 9606, 9607 and 9622. Tackle Hill Limited Liability Company is leasing a small portion of the Site, an access road. The proposed PLA would require Tackle Hill Limited Liability Company to pay the United States $7,000 to be applied toward response costs incurred by the United States in conducting groundwater monitoring activities at the Site after the removal action is completed by the PRPs. The Site is not on the National Priorities List, and, after the groundwater monitoring, no further response activities at the Site are anticipated at this time.

DATES: Comments on the proposed PLA must be received on or before March 2, 1998.

ADDRESSES: A copy of the proposed PLA is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Gaylene Vasaturo at (312) 886–1811, prior to visiting the Region 5 office.

Comments on the proposed PLA should be addressed to Gaylene Vasaturo, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code C–14J), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Gaylene Vasaturo at (312) 886–1811, of the U.S. EPA Region 5 Office of Regional Counsel.

A 30-day period, commencing on the date of publication of this document, is open for comments on the proposed PLA. Comments should be sent to the addressee identified in this notice.

William E. Muno,

Director, Superfund Division, Region 5.

[FR Doc. 98–2210 Filed 1–28–98; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

January 22, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before March 30, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–XXXX.

Title: Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling System (Memorandum Opinion and Order, CC Docket 94–102).

Form Number: N/A.

Type of Review: New collection.

Respondents: Cellular, broadband PCS, and SMR carriers subject to the modified rules; State and local government entities; Public Safety Answering Points.

Number of Respondents: 42,031.

Estimated Time Per Response:

a. Two time notification burden on 4,700 PSAPs @ 1 hr per=9,400 hours.

b. Two time response burden on carriers @ 1 hr per=9,400 hours.

c. One time review or establishment of cost recovery program by 375 government entities @ 10 hrs per=3,750 hours.

One time burden for consultation for remaining 125 government entities using contractors to review and/or establish cost recovery program @ 1 hr per=125 hours.

d. One time burden for 3,469 digital licensees to place notification information in digital user manuals or service contracts @ ½ hr per=1,735 hours.

e. One time burden on 3,469 digital licensees to notify existing digital subscribers @ ¼ hr per=868 hours.

f. One time burden on 7 representative organizations to draft survey for quarterly TTY report @ 1 hr per=7 hours.

Quarterly burden on 7 representative organizations to review survey results @ 12 hrs per=84 hours.

Quarterly burden on 7 representative organizations to draft joint quarterly TTY report @ 20 hrs. per=140 hours.

Quarterly burden on 3,469 licensees to respond to survey @ 8 hrs. per=27,752 hours.

g. One time burden on 31,530 SMR licensees offering direct dispatch capability to place notification in user manuals and service agreements @ ½ hour per=15,765 hours.

h. One time burden on 31,530 SMR licensees offering direct dispatch capability to notify existing customers @ ¼ hr per=7,884.

i. One time burden on 35,424 carriers to consult on determining a designated PSAP @ 1 hr per=35,424 hours.

j. One time burden on 500 government entities to consult with 35,424 carriers in determining a designated PSAP @ 1 hr per=35,424 hours.

k. One time burden on 1,400 telephone systems to consult on definition of pseudo-ANI @ 3 hr per=4,200 hours.

l. One time burden on 8,500 licensees to prepare a deployment schedule to accompany a waiver request @ 4 hours per=34,000 hours.

One time burden on 8,500 licensees to consult with a contract engineer to prepare a deployment schedule to accompany a waiver request @ 1 hr per=8,500 hours.

Total Annual Burden: 194,457 hours.

Frequency of Response: One time and on occasion reporting requirements; quarterly reporting requirements.

Estimated Cost Per Respondent: $7,050,000.

Review and/or establishment of cost recovery program to 125 state and local entities using contract CPAs @ $200 per hour=$2000 per entity.

Preparation of deployment schedule to 8,500 licensees using contract engineers @ $100 per hour=$800.

Needs and Uses: The notification burden on PSAPs will be used by carriers to verify that wireless 911 calls are referred to PSAPs who have the technical capability to use the data to the caller's benefit. TTY and dispatch notification requirements will be used to avoid consumer confusion as to the ability to reach 911 services using their wireless handsets. These notifications will also avoid delays in emergency response time. The quarterly reports will be used to monitor the progress of TTY compatibility. Consultations on the specific meaning assigned to pseudo-ANI are appropriate to ensure that all parties are working with the same information. Coordination between carriers and State and local entities to determine the PSAPs that are appropriate to receive 911 calls is necessary because of the difficulty in assigning PSAPs based on the location of the caller. The deployment schedule that should be submitted by carriers seeking a waiver of the Phase I or Phase II schedule will be used by the Commission to guarantee that the rules adopted in this proceeding are enforced in as timely a manner as possible within technological constraints.

OMB Control No.: 3060–0179.

Title: Section 73.1590, Equipment Performance Measurements.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for profit; not-for-profit institutions.

Number of Respondents: 5,052 AM stations, 7,787 FM stations and 312 TV stations.

Estimated Time Per Response: 0.5 hours for AM/FM stations and 18 hours for TV stations.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Estimated Cost Per Respondent: N/A.

Total Annual Burden: 12,036 hours.

Needs and Uses: Section 73.1590 requires licensees of AM, FM and TV stations to make audio and video equipment performance measurements for each main transmitter. These measurements and a description of the equipment and procedure used in making the measurements must be kept on file at the transmitter for two years. In addition, this information must be made available to the FCC upon request. The data is used by station licensees to minimize the potential for interference to other stations and by the FCC staff in field investigations to identify sources of interference.

OMB Control No.: 3060–0210.

Title: Section 73.1930, Political Editorials.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for profit; not-for-profit institutions.

Number of Respondents: 2,758.

Estimated Time Per Response: 3.0 hours.

Frequency of Response: On occasion reporting requirement.

Estimated Cost Per Respondent: N/A.

Total Annual Burden: 8,274 hours.

Needs and Uses: Section 73.1930 requires that when a commercial licensee in an editorial endorses or opposes a candidate, the licensee must notify the other qualified candidate(s) for the same office or the candidate opposed, of the date and time of editorial, provide a script or tape of editorial, and offer reasonable opportunity to respond over licensee's facility. This information is used to provide a qualified candidate reasonable opportunity to respond to a political editorial.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–2195 Filed 1–28–98; 8:45 am]

BILLING CODE 6712–01–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 part 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, DC 20573.

Boston Logistics, Inc., 186A Lee Burbank Highway, Revere, MA 02151, Officer: Anthony M. Puleio, Jr. President

Logistics Transportation Services, Inc., 18815 Decathalon Ct., Humble, TX 77346, Officer: Ana H. Pena, President

Interamericas Consulting, Import, Export Inc., 22716 SW 65th Way, Boca Raton, FL 33428–5303, Officer: Iracema V.S. Heidal, President

Eastern International, 8411 Mobud, Houston, TX 77036, Afsaneh Saie-Oskoei, Sole Proprietor

Dated January 23, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98–2118 Filed 1–28–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. 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. Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is, supporting statements, and the approved collection of information instruments will be placed into OMB's public docket files. The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following: a. Whether the proposed collections of information are necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility; b. the accuracy of the Federal Reserve's estimates of the burden of the proposed information collection, including the validity of the methodology and assumptions used; c. ways to enhance the quality, utility, and clarity of the information to be collected; and d. ways to minimize the burden of information collection on

respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before March 30, 1998.

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to 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 § 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83–I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Mary M. McLaughlin, Chief, Financial Reports Section (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551.

Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins (202–452–3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

For further information on the proposals concerning the FR Y–9 reports, contact Robert T. Maahs, Senior Supervisory Financial Analyst (202–872–4935). For further information on the proposals concerning the FR Y–11 reports, contact Tina Robertson, Supervisory Financial Analyst (202–452–2949).

General Information

The FR Y–9 and FR Y–11 series of reports have historically been, and continue to be, the primary source of financial information on bank holding companies and their nonbanking activities between on-site inspections. Financial information are used to detect emerging financial problems, to review performance for pre-inspection analysis, to monitor and evaluate capital adequacy, to evaluate bank holding company mergers and acquisitions, and to analyze holding companies overall financial condition and performance as part of the Federal Reserve System's overall supervisory responsibilities.

Proposal To Approve Under OMB Delegated Authority the Revision of the Following Reports

1. *Report title:* Consolidated Financial Statements for Bank Holding Companies.
Agency form number: FR Y–9C.
OMB control number: 7100–0128.
Frequency: Quarterly.
Reporters: Bank holding companies.
Annual reporting hours: 196,578.
Estimated average hours per response: Ranges from 5 to 1,250 hours.
Number of respondents: 1,457.
Small businesses are affected.
General description of report: The information collection is mandatory 12 U.S.C. 1844(b) and (c) and 12 CFR 225.5(b). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form. Data reported on the FR Y–9C, Schedule HC–H, Column A, requiring information on ''assets past due 30 through 89 days and still accruing'' and memoranda item 2 are confidential pursuant to Section (b)(8) of the Freedom of Information Act 5 U.S.C. 552(b)(8).

The FR Y–9C consists of standardized financial statements similar to the commercial bank Report of Condition and Income (Call Report)(FFIEC 031–034; OMB No. 7100–0036). The FR Y–9C is filed quarterly by top-tier bank holding companies with total consolidated assets of $150 million or more and by lower-tier bank holding companies that have total consolidated assets of $1 billion or more. In addition, multibank holding companies with total consolidated assets of less than $150 million with debt outstanding to the general public or engaged in certain nonbank activities must file the FR Y–9C.

The Federal Reserve proposes to make the following changes to the FR Y–9C effective with the March 31, 1998, reporting date to parallel proposed and recent changes to the Call Report.

Schedule HC–B, Part II—Trading Assets and Liabilities

Eliminate the separate reporting of item 6, ''Certificates of deposit in domestic offices,'' item 7, ''Commercial paper in domestic offices,'' and item 8, ''Bankers acceptances in domestic offices.'' Instead, existing items 6 and 8 would be included in existing item 9, ''Other trading assets in domestic offices.'' Commercial paper held for trading would begin to be reported as part of the bank holding company's trading account securities, in existing item 5, ''Other debt securities in domestic offices,'' consistent with the change in balance sheet classification of commercial paper not held for trading and the elimination of the loan schedule memorandum item for commercial paper, both of which took effect as of March 31, 1997.

Schedule HC–I—Risk-Based Capital

(1) Add an item for the reporting of the ''Maximum contractual dollar amount of recourse exposure in low level recourse transactions'' to allow respondents to report low level recourse for capital purposes under the ''direct reduction method.'' Currently, bank holding companies can only report its low level recourse transactions using the ''gross-up'' method. In general, the gross-up method requires the bank holding company to multiply the maximum amount of its recourse exposure by the reciprocal of the full effective minimum risk-based capital requirement for the assets transferred and to report the resulting dollar amount as an off-balance sheet credit equivalent amount in the risk weight category appropriate to the assets transferred. However, the greater the volume of a bank holding company's low level recourse transactions and the higher the bank holding company's risk-based capital in relation to the minimum requirement, the more the bank holding company's calculated risk-based capital ratios become distorted as a result of applying the gross-up method. In these situations, another method of handling the bank holding company's low level recourse transactions, the so-called direct reduction method, results in a more accurate measure of the bank holding company's risk-based capital ratios.

(2) Add two items to incorporate new capital requirements for the measurement of market risk. These items are: ''Market risk equivalent assets'' and ''Tier 3 Capital.'' In addition, include an item to report the amount of ''Tier 2 Capital.''

(3) Revise the caption of Item 3 of Part III to read ''Net risk-weighted assets (gross risk-weighted assets less excess allowance [amount that exceeds 1.25% of gross risk-weighted assets] and all other deductions).''

Allowance for Credit Losses

The American Institute of Certified Public Accountants' (AICPA) Industry Audit Guide for Banks and Savings Institutions, issued as of April 1, 1996, requires the allocation on the balance sheet of the allowance for credit losses between on-balance sheet financial instruments and off-balance sheet credit exposures. Previously, these allowance components often were reported in the aggregate in the allowance for loan and lease losses (ALLL).

Bank holding companies have been advised to allocate the allowance for credit losses on Schedule HC—Balance Sheet consistent with their allocation methodology for other financial reporting purposes. For example, portions of the allowance for credit losses related to off-balance sheet exposures that are reported as liabilities are to be included in Schedule HC, item 23, ''Other liabilities.'' Bank holding companies have also been advised to aggregate these components of the allowance for credit losses when completing Schedule HI–B, Part II,—Allowance for Loan and Lease Losses. In addition, bank holding companies were advised to disclose the amounts of these components in the ''Notes to the Balance Sheet.''

The Federal Reserve proposes to retain this methodology of reporting the allowance for credit losses. In doing so, Schedule HI–B, Part II would be retitled ''Allowance for Credit Losses,'' and item 4.a, of Schedule HI—Income Statement would be recaptioned ''Provision for credit losses.'' However, Schedule HI–B, Part I—Charge Offs and Recoveries on Loans and Leases would not be changed, that is, bank holding companies would continue to disclose their loan and lease charge-offs and recoveries only.

Schedule HI—Income Statement

Add a memorandum item to determine whether the bank holding company has made a Subchapter S selection for the purposes of the current tax year.

Instructions

Instructional revisions and clarifications would be made as necessary, particularly with respect to implementing certain deferred provisions of Financial Accounting Standards Board Statement No. 125, ''Accounting for Transfers and Servicing of Financial Assets and Extinguishments of Liabilities,'' that become effective in 1998. Instructional revisions and clarifications will be done in accordance with changes made to the Call Report instructions and revisions, if any, to the Capital Guidelines.

2. *Report title:* Parent Company Only Financial Statements for Large Bank Holding Companies.
Agency form number: FR Y–9LP.
OMB control number: 7100–0128.
Frequency: Quarterly.
Reporters: Bank holding companies.
Annual reporting hours: 33,032.
Estimated average hours per response: Range from 2.0 to 13.5 hours.
Number of respondents: 1,807.
Small businesses are affected.
General description of report: The information collection is mandatory 12 U.S.C. 1844(b) and (c) and 12 CFR 225.5(b). Confidential treatment is not routinely given to the information in these reports. However, confidential treatment for the report information, in whole or in part, can be requested in accordance with the instructions to the form.

The FR Y–9LP includes standardized financial statements filed quarterly on a parent company only basis from each bank holding company that files the FR Y–9C. In addition, for tiered bank holding companies, a separate FR Y–9LP must be filed for each lower tier bank holding company.

The Federal Reserve proposes the following revisions to the FR Y–9LP effective with the March 31, 1998, reporting date.

Schedule PC–B—Memoranda

Revise item 9, ''Total combined nonbank assets of nonbank subsidiaries,'' and expand the information reported about nonbank subsidiaries. In addition, instructional clarifications would be made to the existing item related to combined nonbank assets of nonbank subsidiaries. Existing item 9 would be moved to a new item (item 15), and additional reporting items would be included. However, all of these items would only be reported by the top-tier bank holding company in a multi-tier bank holding company. In addition to reporting the total combined nonbank assets of nonbank subsidiaries, the top-tier bank holding company would report separately the amount of combined thrift assets and the combined foreign subsidiary assets that are included in the total combined nonbank assets of nonbank subsidiaries. The top-tier bank holding company would also report the total *number* of nonbank subsidiaries that are included in the combined total assets, combined thrift, and combined foreign nonbank asset balances.

Schedule PI—Income Statement

Change item 2(c)(1), ''Provision for possible loan and lease losses'' to the ''Provision for credit losses'' to parallel the revision made to Schedule HI—Income Statement of the FR Y–9C.

Instructions

Instructional revisions and clarifications would be made as necessary, particularly with respect to the reporting of goodwill, negative goodwill, and other identifiable intangible assets on Schedule PC and Schedule PC–A.

3. *Report title:* Parent Company Only Financial Statements for Small Bank Holding Companies.
Agency form number: FR Y–9SP.
OMB control number: 7100–0128.
Frequency: Semiannual.
Reporters: Bank holding companies.
Annual reporting hours: 31,912.
Estimated average hours per response: Range from 1.5 to 6.0 hours.
Number of respondents: 4,166.
Small businesses are affected.
General description of report: The information collection is mandatory 12 U.S.C. 1844(b) and (c) and 12 CFR 225.5(b). Confidential treatment is not routinely given to the information in these reports. However, confidential treatment for the report information, in whole or in part, can be requested in accordance with the instructions to the form.

The FR Y–9SP is a parent company only financial statement filed on a semiannual basis by one-bank holding companies with total consolidated assets of less than $150 million, and multibank holding companies with total consolidated assets of less than $150 million that meet certain other criteria. This report, an abbreviated version of the more extensive FR Y–9LP, is designed to obtain basic balance sheet and income statement information for the parent company, information on intercompany transactions, and data for capital adequacy evaluation.

The Federal Reserve proposes the following revisions to the FR Y–9SP effective with the June 30, 1998, reporting date.

Balance Sheet

Expand memorandum item 8 for the reporting of additional information about nonbank subsidiaries. Specifically, existing memorandum item 8 would be moved to memorandum item 16, and this item would be completed only by the top-tier bank holding company in a multi-tiered bank holding company. In addition, the top-tier bank holding company would disclose the combined thrift assets included in total combined nonbank assets, as well as the total number of nonbank entities (and separately the

number of thrifts) that are included in the amount of total combined nonbank assets reported. Instructional clarifications would also be made to the existing item related to combined nonbank assets of nonbank subsidiaries.

Income Statement

Add a memorandum item to ask whether the bank holding company has made a Subchapter S selection for the purposes of the current tax year.

Instructions

Instructional revisions and clarifications would be made as necessary, particularly with respect to the reporting of goodwill, negative goodwill, and other identifiable intangible assets on the balance sheet.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Reports

1. *Report title:* Quarterly Financial Statements of Nonbank Subsidiaries of Bank Holding Companies.
Agency form number: FR Y–11Q.
OMB control number: 7100–0244.
Frequency: Quarterly.
Reporters: Bank holding companies.
Annual reporting hours: 7,589.
Estimated average hours per response: Range from 3.0 to 8.0 hours.
Number of respondents: 306.
Small businesses are affected.
General description of report: The information collection is mandatory 12 U.S.C. 1844(b) and (c) and 12 CFR 225.5(b). Confidential treatment is not routinely given to most of the data in these reports. However, confidential treatment for the report information, in whole or in part, can be requested in accordance with the instructions to the form. FR Y–11Q, memorandum item 7.a, ''loans and leases past due 30 through 89 days'' and FR Y–11Q, memorandum item 7.d, ''loans and leases restructured and included in past due and nonaccrual loans'' are confidential pursuant to Section (b)(8) of the Freedom of Information Act 5 U.S.C. 552(b)(8).

The FR Y–11Q is filed quarterly by the top tier bank holding companies for each nonbank subsidiary of a bank holding company with total consolidated assets of $150 million or more in which the nonbank subsidiary has total assets of 5 percent or more of the top-tier bank holding company's consolidated Tier 1 capital, or where the nonbank subsidiary's total operating revenue equals 5 percent or more of the top-tier bank holding company's consolidated total operating revenue. The report consists of a balance sheet, income statement, off-balance-sheet items, information on changes in equity capital, and a memoranda section.

The Federal Reserve proposes a minor revision to the FR Y–11Q effective with the March 31, 1998, reporting date.

Income Statement

Item 4, ''Provision for loan and lease losses'' would be changed to ''Provision for credit losses.'' This revision, which would parallel a proposed change to the FR Y–9C, would conform with the requirements of the American Institute of Certified Public Accountants' (AICPA) Industry Audit Guide for Banks and Savings Institutions that was issued as of April 1, 1996.

2. *Report title:* Annual Financial Statements of Nonbank Subsidiaries.
Agency form number: FR Y–11I.
OMB control number: 7100–0244.
Frequency: Annual.
Reporters: Bank holding companies.
Annual reporting hours: 6,720.
Estimated average hours per response: Range from .4 to 8.0 hours.
Number of respondents: 2,100.
Small businesses are affected.
General description of report: The information collection is mandatory 12 U.S.C. 1844(b) and (c) and 12 CFR 225.5(b). Confidential treatment is not routinely given to the data in these reports. However, confidential treatment for the report information, in whole or in part, can be requested in accordance with the instructions to the form. FR Y–11I, Schedule A, item 7.a, ''loans and leases past due 30 through 89 days'' and FR Y–11I, Schedule A, item 7.d, ''loans and leases restructured and included in past due and nonaccrual loans'' are confidential pursuant to Section (b)(8) of the Freedom of Information Act 5 U.S.C. 552(b)(8).

The FR Y–11I is filed annually by the top tier bank holding companies for each of their nonbank subsidiaries that are not required to file a quarterly FR Y–11Q. The FR Y–11I report consists of similar balance sheet, income statement, off-balance-sheet, and change in equity capital information that is included on the FR Y–11Q. In addition, the FR Y–11I also includes a loan schedule to be submitted only by respondents engaged in credit extending activities.

The Federal Reserve proposes a minor revision to the FR Y–11I effective with the December 31, 1998, reporting date.

Income Statement

Item 4, ''Provision for loan and lease losses'' would be changed to ''Provision for credit losses.'' This revision, which would parallel a proposed change to the FR Y–9C, would conform with the requirements of the American Institute of Certified Public Accountants' (AICPA) Industry Audit Guide for Banks and Savings Institutions that was issued as of April 1, 1996.

Board of Governors of the Federal Reserve System, January 26, 1998.

William W. Wiles,

Secretary of the Board.

[FR Doc. 98–2254 Filed 1–28–98; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 13, 1998.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Sam Bryan Cook, St. Louis, Missouri, and Robert Marion Robuck, Jefferson City, Missouri; both individually to retain voting shares of, and jointly, through Trust, to acquire additional voting shares of Central Bancompany, Inc., and thereby indirectly control shares of Central Trust Bank, Jefferson City, Missouri.

Board of Governors of the Federal Reserve System, January 26, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–2252 Filed 1–28–98; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research; Contract Review Meeting

In accordance with Section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), the Agency for Health Care Policy and Research

(AHCPR) announces the following technical review committee to meet during the month of February 1998:

Name: Exhibit Logistics Support.

Date and Time: February 5, 1998, 9:30 a.m.–12:00 p.m.

Place: Agency for Health Care Policy and Research, Executive Office Building, 5th floor (East Wing) OHID Conference Room, 2101 East Jefferson Street, Rockville, MD 20852.

This meeting will be closed to the public.

Purpose: The technical Review Committee's charge is to provide, on behalf of the AHCPR Contracts Review Committee, recommendations to the Administrator, AHCPR, regarding the technical merit of contract proposals submitted in response to a specific Request for Proposal for the Exhibit Logistics Support contract. The purpose of this contract is to continue the provision of logistical support services for AHCPR exhibits. The support services include pre-exhibit negotiations with professional organizations concerning logistical requirements; arrangements for space, furniture, equipment rentals,and on-site services; arrangements for shipping of appropriate publications and support materials; arrangements for booth set up and tear down, recrating and return shipping when the exhibit is over; providing knowledgeable professionals to staff exhibits during meetings when required; and evaluation/analysis of the impact of each exhibit in terms of exhibit strategy in reaching audiences and in generating interest in programs.

Agenda: The Committee meeting will be devoted entirely to the technical review and evaluation of the contract proposal submitted in response to the above referenced Request for Proposal. The Administrator, AHCPR, has made a formal determination that this meeting will not be open to the public. This action is necessary to protect the free and full exchange of views in the contract evaluation process and safeguard confidential proprietary information, and personal information concerning individuals associated with the proposal that may be revealed during the meeting. This action is taken in accordance with section 10(d) of the Federal Advisory Committee Act, 5 U.S.C., Appendix 2, 5 U.S.C. 522 (b)(c)(6), 41 CFR 101–6.1023 and Department procurement regulations, 48 CFR 315.604(d).

Anyone wishing to obtain information regarding this meeting should contact Sandra Shane, Office for Health Information Dissemination, Agency for Health Care Policy and Research, 2101 East Jefferson Street, Suite 501, Rockville, Maryland 20852, 301/594–1364, X1377.

Dated: January 23, 1998.

John M. Eisenberg,

Administrator.

[FR Doc. 98–2190 Filed 1–28–98; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Notices of Meetings

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2) announcement is made of the following subcommittees schedules to meet during the month of February 1998:

Name: Health Care Quality and Effectiveness Research.

Date and Time: February 2, 1998, 8:00 a.m.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Delaware Room, Bethesda, Maryland 20814.

Open February 2, 8:00 a.m. to 8:15 a.m.

Closed for remainder of meeting.

Name: Health System Research.

Date and Time: February 13, 1998, 8:00 a.m.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Delaware Room, Bethesda, Maryland 20814.

Open February 13, 8:00 a.m. to 8:15 a.m.

Closed for remainder of meeting.

Name: Health Care Technology and Decision Sciences.

Date and Time: February 26, 1998, 1:00 p.m.

Place: Agency for Health Care Policy and Research, 2101 East Jefferson Street, Suite 602, Conference Room 1, Rockville, Maryland 20852.

Open February 26, 1:00 p.m. to 1:15 p.m.

Closed for remainder or meeting.

Name: Health Research Dissemination and Implementation.

Date and Time: February 27, 1998, 9:00 a.m.

Place: Ramada Inn, 1775 Rockville Pike, Montrose Room, Rockville, Maryland 20852.

Open February 27, 9:00 a.m. to 9:15 a.m.

Closed remainder of meeting.

Purpose: To review and evaluate grant applications.

Agenda: The open session of the meetings will be devoted to business covering administrative matters and reports. During the closed sessions, the Subcommittees will be reviewing and discussing grant applications dealing with health services research issues. In accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C. 552b(c)(6), the Administrator, Agency for Health Care Policy and Research, has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associations with the grant applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Mrs. Sheila Simmons, Committee Management Officer, Office of Scientific Affairs, Agency for Health Care Policy and Research, 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594–1452×1627.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: January 23, 1998.

John Eisenberg,

Administrator.

[FR Doc. 98–2191 Filed 1–28–98; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–98–10]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC/ATSDR Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Wilma Johnson, CDC/ATSDR Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

1. Project Intensive Care Antimicrobial Resistance Epidemiology (ICARE), Phase 3—Reinstatement—The Hospital Infections Program, National Center for Infectious Diseases, Centers for Disease Control and Prevention, is proposing a study to investigate the

relationship between use of antimicrobial agents and the incidence of antimicrobial resistance at 40 U.S. hospitals. The proposed Phase 3 study of Project ICARE will be very similar to Phase 2 ICARE with minor revisions. We hope to enroll 40 hospitals and address many confounding factors of antimicrobial resistance. In addition, these hospitals will serve as a sentinel surveillance system for different antimicrobial resistant pathogens, such as vancomycin resistant staphylococci. About half of the hospitals have participated in Phase 2 of Project ICARE. Participating hospitals will all be active participants of the CDC's National Nosocomial Infections Surveillance (NNIS) system. Phase 3 of Project ICARE is a refinement of the Phase 2 study and will allow interhospital comparison of data (i.e., sending interim reports back to study hospitals) facilitated by incorporating differences in culturing frequency, case-mix by ICU type and speciality wards (i.e., internal organization), barrier precautions, and prescribing practice policies. Phase 3 will also allow for valid comparison of attempts at reducing antimicrobial resistance in study hospitals (i.e., publish results of interventions to reduce antimicrobials resistance at study hospitals). Also, key parameters of antimicrobial use could be correlated with antimicrobial resistance levels and tracked through the hospital's quality improvement indicator process, pharmacy and therapeutics committee, or medical staff. Unnecessary use of antimicrobials may be reduced by these efforts if the information can be provided to hospitals. Average cost to respondents is $17.18.

Form name	Number of respondents	Number responses/respondent	Average burden/response (in hours)	Total burden (in hours)
Primary contact	40	12	1	480
Pharmacy	40	48 (median)	2.0	3,840
Microbiology	40	60 (median)	0.5	1,200
Isolates	40	80 (maximum)	0.20	640
Total				6,160

Dated: January 23, 1998.

Charles Gollmar,

Acting Associate Director for Policy Planning And Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–2163 Filed 1–28–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of Child Support Enforcement; Statement of Organization, Functions, and Delegations of Authority

This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KF, The Office of Child Support Enforcement (OCSE) (62 FR 14152), as last amended, March 25, 1997. This reorganization will establish two new offices within the OCSE, Office of Central Office Operations and Office of Automation and Special Projects.

I. Amend Chapter KF as follows:

a. KF.00 Mission. Delete in its entirety and replace with the following:

KF.00 Mission. The Office of Child Support Enforcement (OCSE) advises the Secretary, through the Assistant Secretary for Children and Families, on matters relating to child support enforcement. The Office, in conjunction with Regional Offices, provides direction, guidance and oversight to State Child Support Enforcement (CSE) program offices and for activities authorized and directed by title IV–D of the Social Security Act and other pertinent legislation. The general purpose of the CSE legislation is to permit States to develop programs for establishing and enforcing support obligations by locating absent parents, establishing paternity when necessary, obtaining child support orders, and enforcing those orders. The specific responsibilities of this Office are to: Develop, recommend and issue policies, procedures and interpretations for State programs for locating non-custodial parents, establishing paternity, and obtaining child support; develop procedures for review and approval or disapproval of State plan material; conduct audits of child support programs; assist States in establishing adequate reporting procedures and maintaining records for the operation of the CSE programs and of amounts collected and disbursed under the CSE program and the costs incurred in collecting such amounts; provide technical assistance and training to the States to help them develop effective procedures and systems for establishing paternity, establishing support orders and collecting child support; certify applications from States for permission to utilize the courts of the United States to enforce court orders for support against absent parents; operate the Federal Parent Locator Service; certify to the Secretary of the Treasury amounts of child support obligations that require collection in appropriate instances; submit an annual report to Congress on all activities undertaken relative to the CSE program; approve advanced data processing planning documents; and review, assess and inspect planning, design and operation of state management information systems.

b. KF.10 Organization. Delete in its entirety and replace with the following:

KF.10 Organization. The Office of Child Support Enforcement is headed by a Director and consists of:

Office of the Director (KFA)
Office of Central Office Operations (KFB)
Division of Audit (KFB1)
Division of Program Operations (KFB2)
Division of Policy and Planning (KFB3)
Division of Consumer Services (KFB4)
Division of State and Local Assistance (KFB5)
Office of Automation and Special Projects (KFC)
Division of Child Support Information Systems (KFC1)

c. KF.20 Functions. Delete in its entirety and replace with the following:

KF.20 Functions. A. Office of the Director. The Director is also the Assistant Secretary for Children and Families and is directly responsible to the Secretary for carrying out OCSE's mission. The Deputy Director/Commissioner has day-to-day operational responsibility for Child Support Enforcement programs. The Deputy Director/Commissioner assists the Director in carrying out responsibilities of the Office and provides direction and leadership to the

Office of Central Office Operations and Office of Automation and Special Projects.

The Office is responsible for developing regulations, guidance and standards for States to observe in locating absent parents; establishing paternity and support obligations and enforcing support obligations; maintaining relationships with Department officials, other federal departments, State and local officials, and private organizations and individuals interested in the CSE program; coordinating and planning child support enforcement activities to maximize program effectiveness; and approving all instructions, policies and publications issued by OCSE staff.

B. Office of Central Office Operations is headed by an Associate Commissioner who reports to the Deputy Director/Commissioner and provides leadership and direction to the divisions of Audit, Program Operations, Policy and Planning, Consumer Services, and State and Local Assistance.

Within the Office of Central Office Operations, an administrative staff assists the Associate Commissioner in managing the formulation and execution of program and salaries and expense budgets and in providing administrative, personnel and data processing support services to OCSE staff.

1. Division of Audit, as required by section 452(a)(4) of the Social Security Act (the Act), develops, plans, schedules and conducts periodic audits of State CSE programs in accordance with audit standards promulgated by the Comptroller General of the United States.

The Division will audit, at least once every three years (or more frequently in the case of a State which fails to meet the performance standards and the tests of the reliability of program data), the reliability of the State's financial and statistical data reporting systems used in calculating the paternity establishment percentage and the performance indicators used as the basis for the payments of performance based financial incentives to the States. These audits will examine the computer systems general and application controls and include in depth testing of the data produced by the system to ensure that it is valid, complete and reliable. The Division will also conduct financial audits to determine whether federal and other funds made available to carry out the State programs are being appropriately expended, and properly and fully accounted for. These audits will also examine collections and disbursements of support payments for proper processing and accounting treatment.

The Division will also provide technical assistance to States in developing their self-assessment capabilities and implementing the annual reporting requirements contained in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.

In addition, the Division will also conduct other audits and examinations of program operations as may be necessary or requested by program officials for the purpose of improving the efficiency, effectiveness and economy of State and local child support activities; develops consolidated reports for the Director and Deputy Director/Commissioner, OCSE based on findings; provides specifications for the development of audit regulations and requirements for audits of State CSE programs; and coordinates and maintains effective liaison with the HHS Inspector General's Office and with the General Accounting Office.

2. Division of Program Operations is responsible for the day-to-day operation of the Federal Parent Locator Service (FPLS), the Federal Tax Refund Offset Program and Project 1099, the IRS Full Collection Project, and the SSN Enumeration Verification System. The Division is also responsible for the design, development, implementation and operation of the Federal Case Registry and the National Directory of New Hires within the expanded FPLS. It is responsible for monitoring contracts with vendors who provide automated systems support and quality assurance to these programs; working with vendors to define scope of work to be performed and by whom; negotiating interagency agreements; and providing contract oversight. The Division, in consultation with the Division of State and Local Assistance, also provides technical assistance to State and local child support enforcement agencies and other State agencies involved in these program areas. The Division provides guidance and expertise to States concerning other State, interstate and national locate networks and sources. In addition, the Division works with the U.S. Department of State on passport revocation.

3. Division of Policy and Planning proposes and implements national policy on the CSE program and provides policy guidance and interpretations to States in developing and operating their programs according to federal law. It develops legislative proposals and regulations to implement new legislation, court decisions or directives from higher authority. The Division develops procedures for review and approval of State plans by the OCSE regional offices. It develops and monitors research, interstate, and other demonstration and evaluation studies and publishes program statistics. The Division is also responsible for strategic planning and performance measurements and standards development. It prepares legislative cost estimates and is responsible for national child support budget formulation.

4. Division of Consumer Services provides direction and leadership for a variety of consumer affairs activities in support of the nationwide child support enforcement program. Provides advice on strategies and approaches to be used to improve public understanding of and access to OCSE programs and policies. Develops and publishes informational materials and disseminates through the National Reference Center. Promotes ''best'' child support practices to the public through monthly publication of the Child Support Report. Advises the Deputy Director/Commissioner through the Associate Commissioner of the impact of child support enforcement policy and program upon consumers and provides a focal point for intergovernmental and consumer relations and consultation. The Division is also responsible for national electronic communications activities including disseminating information and operation of the OCSE Homepage on the internet and insuring that the information is placed thereon in a timely and accurate manner.

5. Division of State and Local Assistance, in concert with regional offices, provides information and assistance on State Child Support Enforcement operations. It provides national direction and leadership for training and technical assistance activities to increase Child Support Enforcement (CSE) program effectiveness both at Federal and State levels; develops guides and resource materials and serves as a clearinghouse for specialized program techniques for use by ACF regional offices and States; and ensures transfer of best practices among State and local CSE enforcement agencies. The Division operates a national CSE training center; provides logistical support for both training events and meetings; and monitors contracts with organizations affiliated with child support enforcement programs in the areas of training and technical assistance. The Division provides outreach and liaison services to a variety of special interest populations concerning establishment

of paternity and collection of child support. The Division, in consultation with the Division of Consumer Services, develops informational materials.

C. Office of Automation and Special Projects is headed by an Associate Commissioner who reports to the Deputy Director/Commissioner and provides leadership and direction to the Division of Child Support Information Systems. In addition, the Office of Automation and Special Projects has responsibility for implementation of the International Child Support Program, Native American Child Support Program, Advocacy Relations, Data Center Coordination, Grants Preparation and other projects and task forces appointed by the Deputy Director/ Commissioner from time to time.

1. Division of Child Support Information Systems reviews, analyzes, and approves/disapproves State requests for Federal financial participation for automated systems development activities which support the Child Support program. It provides assistance to States in developing or modifying automation plans to conform to Federal requirements. It monitors approved State systems development activities; certifies state-wide automated systems; conducts periodic reviews to assure State compliance with regulatory requirements applicable to automated systems supported by Federal financial participation. It provides guidance to States on functional requirements for these automated information systems. It promotes interstate transfer of existing automated systems and provides assistance and guidance to improve ACF's programs through the use of automated systems.

II. Amend Notice 63 FR 81, dated January 2, 1998, Roman numeral III, Chapter KL, replace the term ''Office of the Assistant Secretary for Policy and External Affairs'' with ''Office of the Deputy Assistant Secretary for Policy and External Affairs.''

Date: January 25, 1998.

Olivia A. Golden,

Assistant Secretary for Children and Families.

[FR Doc. 98–2238 Filed 1–28–98; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98M–0037]

Medtronic, Inc.; Premarket Approval of the Interstim® Sacral Nerve Stimulation (SNS)™ System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Medtronic, Inc., Minneapolis, MN, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the Interstim® Sacral Nerve Stimulation (SNS)™ System. After reviewing the recommendation of the Gastroenterology and Urology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 29, 1997, of the approval of the application.

DATES: Petitions for administrative review by March 2, 1998.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Laura J. Byrd, Center for Devices and Radiological Health (HFZ–472), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2194.

SUPPLEMENTARY INFORMATION: On January 30, 1997, Medtronic, Inc., Minneapolis, MN 55432–3576, submitted to CDRH an application for premarket approval of the Interstim® Sacral Nerve Stimulation (SNS)™ System. The device is an implantable sacral nerve electrical stimulation system and is indicated for the treatment of urinary urge incontinence in patients who have failed or could not tolerate more conservative treatments.

On August 6, 1997, the Gastroenterology and Urology Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On September 29, 1997, CDRH approved the application by a letter to the applicant from the Deputy Director of Clinical and Review Policy, Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 2, 1998, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: January 5, 1998.

Joseph A. Levitt,

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

[FR Doc. 98–2114 Filed 1–28–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Joint Meeting of the Microbiology Devices Panel, the Clinical Chemistry and Clinical Toxicology Devices Panel, the Hematology and Pathology Devices Panel, and the Immunology Devices Panel of the Medical Devices 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). The meeting will be open to the public.

Name of Committee: Joint meeting of the Microbiology Devices Panel, the Clinical Chemistry and Clinical Toxicology Devices Panel, the Hematology and Pathology Devices Panel, and the Immunology Devices Panel of the Medical Devices 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 February 11, 1998, 11 a.m. to 5 p.m.

Location: Corporate Bldg., conference room 020B, 9200 Corporate Blvd., Rockville, MD.

Contact Person: Freddie M. Poole, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–2096, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12517. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will provide advice and recommendations to the agency on issues concerning appropriate data collection, analysis, and resolution of discrepant results, using sound scientific and statistical analysis to support indications for use of in vitro diagnostic devices. After hearing a series of presentations on the subject, the committee will discuss appropriate recommended analysis of data when the new device is compared to another device, a recognized reference method or ''gold standard,'' other procedures not commonly used, and/or clinical criteria for diagnosis. The committee will be asked: (1) How the FDA should proceed in this area of discrepant resolution when new technology such as nucleic acid amplification is perceived to be more accurate than the reference or ''gold standard'' methods, (2) for guidance to implement their recommendations, and (3) for the appropriate approach to address these issues in the product labeling (package insert). These draft questions proposed for discussion may be subject to modifications or additions prior to the advisory committee meeting. FDA will consider these recommendations in the future development of review criteria for the collection and analysis of data to support the indications for use of in vitro diagnostic devices.

Procedure: 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 January 28, 1998. Oral presentations from the public will be scheduled between approximately 1:45 p.m. and 2:45 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before January 28, 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.

FDA regrets that it was unable to publish this notice 15 days prior to the February 11, 1998, Joint meeting of the Microbiology Devices Panel, the Clinical Chemistry and Clinical Toxicology Devices Panel, the Hematology and Pathology Devices Panel, and the Immunology Devices Panel of the Medical Devices Advisory Committee meeting. Because the agency believes there is some urgency to bring these issues to public discussion and qualified members of the Joint meeting of the Microbiology Devices Panel, the Clinical Chemistry and Clinical Toxicology Devices Panel, the Hematology and Pathology Devices Panel, and the Immunology Devices Panel of the Medical Devices Advisory Committee were available at this time, the Commissioner concluded that it was in the public interest to hold this meeting even if there was not sufficient time for the customary 15-day public notice.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: January 23, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–2264 Filed 1–26–98; 4:24 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0022]

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Hearing Aid Devices: Professional and Patient Package Labeling and Conditions for Sale—21 CFR 801.420 and 801.421'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (the PRA).

FOR FURTHER INFORMATION CONTACT: Margaret R. Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 15, 1997 (62 FR 48291), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under section 3507 of the PRA (44 U.S.C. 3507). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0171. The approval expires on November 30, 1998.

Dated: January 21, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–2115 Filed 1–28–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–R–118]

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement without change of a previously approved collection for which approval has expired; *Title of Information Collection:* Peer Review Organization Contracts; Solicitation Statements of Interest from In-State Organizations, General Notice; *Form No.:* HCFA–R–118; *Use:* This notice is a solicitation of sources sought for the procurement of medical review services. This information is required for potential contractors to demonstrate that they meet the statutory requirements as a Peer Review Organization; *Frequency:* On occasion; *Affected Public:* Business or other for-profit; *Total Annual Hours:* 1.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: John Rudolph, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: January 20, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, Division of HCFA Enterprise Standards, Health Care Financing Administration.

[FR Doc. 98–2125 Filed 1–28–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Form # HCFA–1500; OMB #0938–0008]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services (DHHS), has submitted to the Office of Management and Budget (OMB) the following request for Emergency review. We are requesting an emergency review because the collection of this information is needed prior to the expiration of the normal time limits under OMB's regulations at 5 CFR, part 1320. The HCFA–1500 is used to determine proper payment for certain Medicare services rendered to Medicare beneficiaries. Without this information HCFA would not be able to obtain the information necessary to reimburse providers. The Agency cannot reasonably comply with the normal clearance procedures because public harm is likely to result due to the possibility of providers not rendering services to Medicare beneficiaries due to the possibility of non-payment.

HCFA is requesting OMB review and approval of this collection by February 28, 1998, with a 180-day approval period. During this 180-day period HCFA will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. Then HCFA will submit the requirements for OMB review and an extension of this emergency approval. In this submission HCFA will respond as appropriate to the public comments received in response to the October 24, 1996 **Federal Register** notice requesting public comment on the continued use of the HCFA–1500 and related data.

1. *Type of Information Collection Request:* Extension of a currently approved collection, without change; *Title of Information Collection:* Medicare/Medicaid Health Insurance Common Claim Form and Instructions, and Supporting Regulations 42 CFR 424.32 (Basic Requirements for all Claims) and 42 CFR 414.40 (Coding and Ancillary Policies); *Form No.:* HCFA–1500 (OMB #0938–0008); *Use:* This form and instructions are standardized for use in the Medicare/Medicaid programs to apply for reimbursement for covered services. HCFA does not require exclusive use of this form for Medicaid. 42 CFR 424.32 and 42 CFR 414.40 are regulations underlying the use of the form HCFA–1500 and the information captured on the form HCFA–1500, including the use of diagnostic and procedural coding systems. HCFA solicits comments on any and all aspects of the HCFA–1500, and the use of diagnostic and procedural coding systems: HCFA currently uses the most current version of the ICD–9–CM and CPT/HCPCS; *Frequency:* On occasion; *Affected Public:* Business or other for profit, not for profit institutions, State, local or tribal government; *Number of Respondents:* 976,239; *Total Annual Responses:* 644,802,413; *Total Annual Hours:* 46,797,008.

To obtain copies of the supporting statement and any related forms and instructions for the proposed paperwork collection referenced above, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326.

HCFA is requesting OMB review and approval of this collection by February 28, 1998, with a 180-day approval period.

Written comments and recommendations for the proposed information collection should be faxed (202) 395–6974 or sent directly to the OMB Desk Officer designated at the following address, by February 27, 1998. OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 22, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards, Health Care Financing Administration.

[FR Doc. 98–2239 Filed 1–28–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Practitioner Data Bank; Change in User Fee and Elimination of Diskette Queries

The Health Resources and Services Administration (HRSA), Department of Health and Human Services (DHHS), is announcing a one dollar increase in the fee charged to entities authorized to request information from the National Practitioner Data Bank (Data Bank) for all queries. Concurrently, HRSA is announcing that the Data Bank will no longer accept queries submitted via diskette.

The current fee structure was announced in the **Federal Register** on January 21, 1997 (62 FR 3048). The user fee is $3.00 per name per query fee for queries submitted via telecommunications network and paid via an electronic funds transfer or credit card, with query response sent via the telecommunications network. A three dollar surcharge is applied when queries are submitted electronically on a diskette to pay for the extra handling and mailing costs for these queries. An additional $4.00 is charged for all queries which are paid for by check or money order rather than by electronic funds transfer or credit card to cover the cost of debt management.

The Data Bank is authorized by the Health Care Quality Improvement Act of 1986 (the Act), title IV of Public Law 99–660, as amended (42 U.S.C. 11101 *et seq.*). Section 427(b)(4) of the Act authorizes the establishment of fees for the costs of processing requests for disclosure and of providing such information.

Final regulations at 45 CFR part 60 set forth the criteria and procedures for information to be reported to and disclosed by the Data Bank. Section 60.3 of these regulations defines the terms used in this announcement.

In determining any changes in the amount of the user fee, the Department uses the criteria set forth in § 60.12 (b) of the regulations, as well as allowable costs pursuant to the DHHS Appropriations Act of 1998, Public Law 105–78, enacted November 13, 1997. This Act requires that the Department recover the full costs of operating the Data Bank through user fees. Paragraph (b) of the regulations states:

> The amount of each fee will be determined based on the following criteria:
> (1) Use of electronic data processing equipment to obtain information—the actual cost for the service, including computer search time, runs, printouts, and time of computer programmers and operators, or other employees,
> (2) Photocopying or other forms of reproduction, such as magnetic tapes—actual cost of the operator's time, plus the cost of the machine time and the materials used,
> (3) Postage—actual cost, and
> (4) Sending information by special methods requested by the applicant, such as express mail or electronic transfer—the actual cost of the special service.

Based on analysis of the comparative costs of the various methods for filing and paying for queries, the Department is raising all query fees by $1.00 per name. This price increase is necessitated by increased labor costs and escalating costs for the Data Bank's telecommunications network and data transmission services.

Despite the one dollar increase, electronic querying (telecommunications network) and electronic payment continue to be the most cost-effective methods for requesting information from the Data Bank. The new fee for electronic queries (telecommunications network) with electronic payment will be $4.00. The fee for querying the Data Bank by telecommunications network and non-electronic payment will be $8.00. This change is effective March 2, 1998.

When a query is for information on one or more physicians, dentists, or other health care practitioners, the appropriate total fee will be $4.00 (plus a $4.00 surcharge for submission and payment as described above) multiplied by the number of individuals about whom information is being requested. For examples, see the table below.

Additionally, due to the continuing decrease in the number of queries submitted via diskette and the wider availability of the telecommunications network, the Department is discontinuing its support for the diskette option. Fewer than 2% of queries are currently submitted via diskette. Therefore, the Department has determined that it is no longer cost-efficient for the Data Bank to accept for processing queries submitted via diskette. The Department recognizes that a few entities may have technical difficulties, the remedies for which may be beyond their control, that preclude successful transmission via the telecommunications network. The Data Bank will attempt to work out appropriate accommodations with these entities. Entities experiencing difficulties submitting queries via the telecommunications network should contact the Data Bank Helpline at 1–800–767–6732 for assistance.

The Department will continue to review the user fee periodically, and will revise it as necessary. Any changes in the fee and their effective date will be announced in the **Federal Register**.

Query method	Fee per name in query, by method of payment	Examples
Electronic query (Telecommunications network) with electronic payment.	$4.00 (if paid electronically via credit card or other electronic means and response received electronically).	10 names in query. 10x$4=$40.00.
Electronic query (Telecommunications network) with non-electronic payment.	$8.00 (if not paid via credit card or other electronic means) ($4.00 fee plus $4.00 surcharge).	10 names in query. 10x$8=$80.00.

Dated: January 23, 1998.

Claude Earl Fox,

Acting Administrator.

[FR Doc. 98–2116 Filed 1–28–98; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting of the National Cancer Advisory Board and Its Subcommittees

Pursuant to the Federal Advisory Committee Act, as amended, notice is hereby given of the meeting of the National Cancer Advisory Board (Board), National Cancer Institute (NCI), and its Subcommittees on February 2–4, 1998. The meetings of the Board and its Subcommittees will be open to the public as indicated below. Attendance by the public will be limited to space available.

A portion of the Board meeting will be closed to the public in accordance with the provisions set forth in sections

552b (c)(4) and 552b(c)(6), Title 5 U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications and for discussion of issues pertaining to programmatic areas and/or NCI personnel. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning the individuals associated with the applications or programs, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Office, National Cancer Institute, National Institutes of Health, Executive Plaza North, Room 609, 6130 Executive Boulevard, MSC 7410, Bethesda, Maryland 20892–7410, (301) 496–5708 will provide summaries of the meetings and rosters of the Board members, upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Mrs. Linda Quick-Cameron, Committee Management Officer, at (301) 496–5708 in advance of the meeting.

Name of Committee: Subcommittee on Cancer Centers.

Contact Person: Dr. Brian Kimes, Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 502, 6130 Executive Blvd., Bethesda, MD 20892, (301) 496–8537.

Date of Meeting: February 2, 1998.

Place of Meeting: Hyatt Regency Bethesda, One Bethesda Metro, Bethesda, MD 20814.

Open: 7:00 p.m. to 8:00 p.m.

Agenda: To Discuss Policies and Procedures of Cancer Programs.

Name of Committee: Subcommittee on Planning and Budget.

Contact Person: Ms. Cherie Nichols, Executive Secretary, National Cancer Institute, NIH, 7550 Wisconsin Avenue, Room 312, MSC 9010, Bethesda, MD 20892–9010, (301) 496–5515.

Date of Meeting: February 3, 1998.

Place of Meeting: Natcher Building, Atlanta Room, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Agenda: To Discuss the NCI Budget and Various Planning Issues.

Name of Committee: Subcommittee on Clinical Investigations.

Contact Person: Dr. Philip Shein, Executive Secretary, National Cancer Institute, NIH, Building 31, Room 3A44, MSC 2440, 9000 Rockville Pike, (301) 496–4291.

Date of Meeting: February 3, 1998.

Place of Meeting: Natcher Building, Conference Room F, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Open: Approximately 5:15 p.m. to Adjournment.

Agenda: To Discuss the Design of Prospective Studies of the Impact of Managed Care on Cancer Clinical Investigations, Education and Training.

Name of Committee: National Cancer Advisory Board.

Contact Person: Dr. Marvin R. Kalt, Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 600, 6130 Executive Blvd., MSC 7405, Bethesda, MD 20892–7405, (301) 496–5147.

Dates of Meeting: February 3–4, 1998.

Place of Meeting: Natcher Building, Conference Room E1 & E2, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Open: February 3—9:00 a.m. to 4:00 p.m.; February 4—9:00 a.m. to 11:45 a.m.

Agenda: Report of the Deputy Director, National Cancer Institute; Legislative Update; Report of the President's Cancer Panel; Remarks by the President, American Association for Cancer Research; Updates, Bishop/Calabresi: Closure; NCI Office of Special Populations Research; Status Report: Director, Center for Scientific Review; Mini Symposium; Evidence/Based Medicine & The Cocharan Collaboration; Implementation of Program Review Group Recommendations; Director's Consumer Liaison Group; Subcommittee Reports; Annual Delegations of Authority; Extramural Reports and Other NCAB Business.

Closed: February 3—4:15 p.m. to Approximately 5:15 p.m.

Agenda: Review and Discussion of Grant Applications and Extramural/Intramural, Programmatic and Personnel Policies.

This notice is being published less than 15 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 (93.393, Cancer Cause and Prevention Research: 93.392, Cancer Detection and Diagnosis Research; 93.394, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control)

Dated: January 23, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–2171 Filed 1–28–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Center for Research Resources Special Emphasis Panel (SEP) meeting:

Name of SEP: Biomedical Research Technology, Small Business Innovation Research (Telephone Conference Call).

Date: February 2, 1998.

Time: 12:00 p.m.

Place: National Institutes of Health, 6507 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965.

Contact Person: Dr. D.G. Patel, Scientific Review Administrator, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, (301) 435–0822.

Purpose/Agenda: To evaluate and review grant applications. This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

This meeting will be closed in accordance with the provisions set forth in sections 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 applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.371, Biomedical Research Technology, National Institutes of Health, HHS)

Dated: January 23, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH

[FR Doc. 98–2177 Filed 1–28–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; 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 on Alcohol Abuse and Alcoholism Initial Review Group:

Purpose/Agenda: To review and evaluate grant applications.

Name of Committee: Clinical and Treatment Subcommittee.

Dates of Meeting: February 26–27, 1998.

Time: February 26, 8:30 a.m. to recess. February 27, 8;30 a.m. to adjournment.

Place of Meeting: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Elsie D. Taylor, 6000 Executive Blvd, Suite 409, Bethesda, MD 20892–7003, 301–443–9787.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as

patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; and 93.891, Alcohol Research Center Grants; National Institutes of Health)

Dated: January 22, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–2172 Filed 1–28–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Allergy and Infectious Diseases Special Emphasis Panel (SEP) meetings:

Name of SEP: Laboratory Support for AIDS Vaccine and Other Prevention Clinical Trials.
Date: February 20, 1998.
Time: 9:00 a.m. to Adjournment.
Place: Solar Building, Room 1A1, 6003 Executive Blvd., Bethesda, MD 20892, (301) 496–2550.
Contact Person: Dr. Paula Strickland, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., Room 4C02, Bethesda, MD 20892, (301) 402–0643.
Purpose/Agenda: To evaluate contact proposals.

Name of SEP: Preclinical Evaluation of Therapies for Treatment of Cryptococcosis.
Date: February 27, 1998.
Time: 8:30 a.m. to Adjournment.
Place: Bethesda Ramada Hotel and Conference Room, Parlor Room, 8400 Wisconsin Avenue, Bethesda, MD 20814, (301) 654–1000.
Contact Person: Dr. Vassil Georgiev, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., Room 4C04, Bethesda, MD 20892, (301) 496–8206.
Purpose/Agenda: To evaluate contract proposals.

These meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: January 22, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–2173 Filed 1–28–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), notice is hereby given of the following meeting:

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.
Date: February 3, 1998.
Time: 10 am to 12 pm.
Place: 6120 Executive Blvd., Rockville MD 20892, (telephone conference call).
Contact Person: George M. Barnas, Ph.D., Scientific Review Administrator, NIDCD/DEA/SRB, EPS Room 400C, 6120 Executive Boulevard, Bethesda MD 20892–7180, 301–496–8683.
Purpose/Agenda: To review and evaluate a contract proposal.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code. The applications and/or proposals and the discussion 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 No. 93.173 Biological Research Related to Deafness and Communication Disorders)

Dated: January 22, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–2174 Filed 1–28–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Institutes of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, the Developing Kidney in Health and Disease, January 22, 1998, Holiday Inn Chevy Chase, Bethesda, Maryland which was published in the **Federal Register** on January 14 (62 FR 2254).

The meeting is postponed until a later date.

Dated: January 22, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–2175 Filed 1–28–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.
Committee Name: National Institute of Mental Health Special Emphasis Panel.
Date: February 12–13, 1998.
Time: 8:30 a.m.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.
Contact Person: Richard Marcus, Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443–3936.

The meeting will be closed in accordance with the provisions set forth in sections 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: January 23, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–2176 Filed 1–28–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary—Water and Science; Central Utah Project Completion Act

AGENCY: Office of the Assistant Secretary—Water and Science, Department of the Interior.

ACTION: Notice of intent to negotiate a contract between the Strawberry Water Users Association (SWUA) and the Department of the Interior for the conversion of a portion of Strawberry Valley Project (SVP) water from irrigation to municipal and industrial (M&I) use.

SUMMARY: The SVP, authorized December 15, 1905, is one of the earliest Reclamation Projects. The SVP stores water from the Colorado River Basin in the Strawberry Reservoir. The stored water is then conveyed through the Syar Tunnel/Sixth Water Aqueduct into the Great Basin where it is delivered through natural stream courses to a Spanish Fork River diversion structure and into the Strawberry Service Canal. The SVP service area is located in south Utah County, Utah. The SWUA has operational responsibilities for the SVP and contractually uses Central Utah Project (CUP) facilities to store and convey SVP water.

Suburban development in the SVP service area has resulted in agricultural land being taken out of production, annexed into the cities, and developed into residential areas. Under the authority of the Water for Miscellaneous Purposes Act of 1920 (43 U.S.C. 521), the Secretary of Interior has authority to approve converting a portion of the SVP water from irrigation to M&I use. This conversion will: (1) Allow the SWUA to provide M&I water to the cities in south Utah County ; (2) ensure the orderly marketing of CUP and SVP M&I water; (3) provide an adequate water supply to the cities; (4) generate revenue to fund the rehabilitation of SVP facilities; and (5) eliminate unauthorized use of SVP water within the service area. Of the total SVP annual average water supply of about 71,000 acre-feet, 7,000 to 8,000 acre-feet of SVP water presently appurtenant to non-agricultural lands will be converted from irrigation to M&I use in the near future with the opportunity to gradually convert additional amounts as growth continues in the area.

The negotiation process will define the terms and conditions whereby the conversion of SVP water from irrigation to M&I use will be allowed.

DATES: Dates for public negotiation sessions will be announced in local newspapers.

FOR FURTHER INFORMATION: Additional information on matters related to this **Federal Register** notice can be obtained at the address and telephone number set forth below:

Mr. Reed Murray, Program Coordinator, CUP Completion Act Office, Department of the Interior, 302 East 1860 South, Provo UT 84606–6154, Telephone: (801) 379–1237, E-Mail address: rmurray@uc.usbr.gov

Dated: January 23, 1998.

Ronald Johnston,

CUP Program Director, Department of the Interior.

[FR Doc. 98–2160 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–RK–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.*):

RT–838490

Applicant: Veterinary Genetics Laboratory, Ann Bowling, Davis, CA.

The applicant requests a permit to import hair samples collected from captive born Przewalski's horse (*Equus przewalskii*) collected by Dr. W. Zimmermann, Curator of Mammals, Cologne Zoo, Germany for the purpose of scientific research.

PRT–832442

Applicant: Centers for Disease Control & Prevention Division of Parasitic Diseases, Atlanta, GA.

The applicant requests a permit to import biological samples from endangered Primates, obtained incidental to other research activities for wild and captive-held primates, for the purpose of scientific research.

PRT–838696

Applicant: Patrick F. Taylor, Foxworth, MS.

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–838453

Applicant: William J. Coppola, Santa Fe, NM.

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–838217

Applicant: Columbus Zoo, Powell, OH.

The applicant requests a permit to import samples from Mexico taken from captive-held and captive-born bonobo (*Pan paniscus*) for the purpose of scientific research.

PRT–835371

Applicant: Ken Wilson, Kerrville, TX.

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–821764

Applicant: Erik D. Keyster, Tremont, IL.

The applicant requests a permit to import four Chinese giant salamanders (*Andrias davidianus*) from Klaus Haker, Hilden, Germany, for the purpose of enhancement of the species through captive propagation.

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 2, 1998.

The public is invited to comment on the following applications for permits to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

PRT–838243

Applicant: Robert C. Senter, Sr., Plaistow, NH.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted prior to April 30, 1994 from the Viscount Melville polar bear

population, Northwest Territories, Canada for personal use.

Written data or comments, requests for copies of any of these complete applications, or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281 and must be received on or before March 2, 1998. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted with the application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the above address on or before March 2, 1998.

Dated: January 23, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–2111 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

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. 777965

LSA, Riverside, California

The applicant requests an amendment to his permit to take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys throughout the species range in California for the purpose of enhancing its survival.

Permit No. 780566

Applicant: Ruben Ramirez, Diamond Bar, California

The applicant requests an amendment to his permit to take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys throughout the species range in California for the purpose of enhancing its survival.

Permit No. 838741

Applicant: Larry Munsey, Tustin, California

The applicant requests a permit to take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys throughout the species range in California for the purpose of enhancing its survival.

Permit No. 838739

Applicant: LMI, Irvine, California

The applicant requests a permit to take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys throughout the species range in California for the purpose of enhancing its survival.

Permit No. 838743

Applicant: David K. Faulkner, San Diego, California

The applicant requests a permit to take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) and the Laguna Mountain skipper (*Pyrgus ruralis lagunae*) in conjunction with presence or absence surveys throughout the species range in California for the purpose of enhancing its survival.

Permit No. 838742

Applicant: Michelle Dohran, Glendale, California

The applicant requests a permit to take (harass by survey) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys throughout the species range in California for the purpose of enhancing its survival.

DATES: Written comments on these permit applications must be received on or before March 2, 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: January 23, 1998.

Thomas Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98–2157 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Issuance of Permit for Marine Mammals

On July 18, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 136, Page 38575, that an application had been filed with the Fish and Wildlife Service by the Natural History Museum of Los Angeles County, Los Angeles, CA for renewal of a permit (FWS# 717015, NMFS# 375–1392) to import, export, re-import and re-export biological samples from all Cetacea, Pinnipedia, Sirenia, sea and marine otters for the purpose of scientific research.

Notice is hereby given that on January 6, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service in cooperation with the National Marine Fisheries Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: January 23, 1998.

Karen Anderson,

Acting Chief, Branch of Permits, Office of Management Authority, Fish and Wildlife Service.

Dated: January 9, 1998.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

[FR Doc. 98–2109 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On November 14,1997, a notice was published in the **Federal Register**, Vol. 62, No. 220, Page 61139, that an application had been filed with the Fish and Wildlife Service by Charles L. Chappell for a permit (PRT–836256) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken from the Lancaster Sound population, Northwest Territories, Canada, prior to April 30, 1994 for personal use.

Notice is hereby given that on January 9,1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On November 14, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 220, Page 61139, that an application had been filed with the Fish and Wildlife Service by Robert E. Chappell for a permit (PRT–836255) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken from the Lancaster Sound population, Northwest Territories, Canada, prior to April 30, 1994 for personal use.

Notice is hereby given that on January 9,1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On November 14, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 220, Page 61139, that an application had been filed with the Fish and Wildlife Service by Richard N. Biewer, St. Clair, MI for a permit (PRT–836264) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken from the Lancaster Sound population, Northwest Territories, Canada, prior to April 30, 1994, for personal use.

Notice is hereby given that on January 9, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On November 20, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 224, Page 62068, that an application had been filed with the Fish and Wildlife Service by Taylor Mills for a permit (PRT 836587) to import a sport-hunted polar bear (*Ursus maritimus*) trophy, taken from the Gulf of Bothia population, Northwest Territories, Canada, prior to April 30, 1994 for personal use.

Notice is hereby given that on January 6, 1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: January 23, 1998.

MaryEllen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–2110 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Extension of Existing Information Collection Submitted to OMB for Review Under the Paperwork Reduction Act

A request extending the information collection described below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Act of 1995 (44 U.S.C. 3506(c)(2)). Copies of the proposed collection may be obtained by contacting the Bureau's clearance officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Public comments on the proposal should be made directly to the Desk office for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to the Bureau Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192.

As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used:

3. The quality, utility, and clarity of the information to be collected; and

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: North American Reporting Center for Amphibian Malformations.

OMB Approval No: 1028–0056.

Summary: The collection of information referred herein applies to a World-Wide Web site that permits individuals who observed malformed amphibians or who inspect substantial numbers of normal or malformed amphibians to report those observations and related information. The Web site is termed the North American Reporting Center for Amphibian Malformations. Information will be used by scientists and federal, state, and local agencies to identify areas where malformed amphibians occur and the rates of occurrence.

Estimated Completion Time: 20 minutes.

Estimated Annual Number of Respondents: 900.

Frequency: Once.

Estimated Annual Burden Hours: 300 hours.

Affected Public: Primarily U.S. and Canadian residents.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the survey, contact the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648–7313, or go to the Website (http://www.npsc.nbs.gov./narcam).

Dated: January 12, 1998.

Dennis B. Fenn,

Chief Biologist.

[FR Doc. 98–2165 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–31–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Advisory Committee on Water Information; Meeting

BUREAU: Geological Survey (USGS), Interior.

ACTION: Notice of a meeting of the Advisory Committee on Water Information (ACWI).

SUMMARY: This is to inform the public about the February 1998 meeting of the ACWI. The meeting is open to the public.

DATE: The meeting will begin on February 17, 1998, at 9 a.m. EST, and will adjourn on February 18 at 12:45 p.m.

LOCATION: Sheraton Reston Hotel, 11810 Sunrise Valley Drive, Reston, VA.

FOR FURTHER INFORMATION CONTACT: Nancy Lopez, Executive Secretary of the ACWI, at telephone number: (703) 648–5014 or facsimile number: (703) 648–5644. Her address is 417 National Center, U.S. Geological Survey, Reston, VA 20192. Anyone needing special arrangements of services to participate effectively in the meeting is requested to inform Beth Cox at telephone number (703) 648–6832. For special arrangements please let Ms. Cox know by noon EST, Friday 13, so that your needs can be accommodated.

SUPPLEMENTARY INFORMATION: The ACWI is the major national mechanism for implementing Office of Management and Budget Memorandum No. 92–01, Coordination of Water Resources Information. With over 30 member organizations, the ACWI represents a wide range of water-resources interests and functions. The members include all levels of government and the private sector. The ACWI advises the Federal Government on activities and plans related to Federal water-information programs and the effectiveness of those programs in meeting the Nation's water information needs. Also, member organizations of the ACWI collaborate with others to sponsor workshops, symposia, and other forums to foster better communication among Federal and non-Federal sectors about water-information activities and needs.

At this meeting, the ACWI will discuss a variety of topics including water-resources aspects of the President's Fiscal Year 1999 Budget Request, the Clean Water Action Plan, water-resources decision support systems, geospatial data priorities for water-resources management, streamgaging concerns, the need for a subordinate group to address water quantity information issues, and water-quality monitoring and assessment. For more detailed information about the program, please contact Ms. Lopez as shown above.

The meeting will include an opportunity for public comments. To make public comments, please provide a written request by noon EST, February 12, 1998, to Ms. Lopez. The request should include the name of the person that will be speaking and the general topic. Verbal comments to the ACWI should not exceed 5 minutes. At the meeting please provide 40 written copies of the comments to the registration desk for distribution and archiving as required by law. Anyone wishing to provide written information to the ACWI may do so at anytime by providing 40 copies to Ms. Lopez.

Dated: January 23, 1998.

Lewis Wade,

Acting Assistant Chief Hydrologist, Office of Information.

[FR Doc. 98–2164 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–31–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

National Tribal Consultation; Meeting

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Tribal Consultation Meeting—Tribal Trust Account Holders and Allottees.

SUMMARY: Notice is hereby given that the Office of the Secretary will conduct four (4) consultation meetings with any Indian tribe, band, nation, allottee group, individual allottee, other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the trust programs and services provided by the United States to Indians because of their status as Indians.

The purpose of these consultation meetings is to obtain oral comments regarding the Recommendations of the Secretary of the Interior for Settlement of Disputed Tribal Trust Fund Accounts, which were delivered to the U.S. Congress on November 13, 1997. The Recommendations of the Department were based on comments received in a prior consultation process in January 1997, on legislative options for settling tribal trust fund claims. The Recommendations developed by the Department of the Interior consist of a report and legislative proposals aimed at settling more than two decades of disputed balances in Tribal Trust Fund accounts.

The Administration is pursuing a three-pronged strategy to address issues related to the Department of the Interior's administration and management of Indian trust funds. First, it is proposing this legislative approach that utilizes informal dispute resolution mechanisms to address claims that tribes may have with regard to the Department's past management of tribal trust fund accounts. Second, in conjunction with the special Trustee for American Indians, the Department has developed recommendations for improving the underlying trust management and accounting systems. Third, the Department has proposed legislation to end the increasing fractionation of ownership of Indian allotted lands.

The consultation meetings will be held to receive tribal comments on the first part of this strategy—the Secretary's Recommendations for settlement of disputed tribal trust funds accounts. Tribes may attend any of the consultation sessions.

DATES (1998): Four consultation sessions will be conducted:

February 9, 1998, Portland, OR, Airport Sheraton Hotel, 8235 NE Airport Way, Portland OR, 503–281–2500.

February 10, 1998, Albuquerque, NM, Sheraton Uptown Albuquerque, 2600 Louisiana Blvd., NE., Albuquerque, NM, 505–881–0000.

February 11, 1998, Oklahoma City, OK, Radisson Inn Hotel, West Interstate 40 & Meridian Ave., Oklahoma City, OK, 405–947–7681.

February 12, 1998, Minneapolis, MN, Minneapolis/St Paul Hilton, 3800 East 80th Street, Minneapolis, MN, 612–854–2100 or 800–637–7453.

All sessions will begin at 9 AM and continue until completed, except the Albuquerque, NM meeting which will begin at 8 AM. Public attendance may be limited to the space available.

FOR FURTHER INFORMATION CONTACT: Deputy Commissioner, Bureau of Indian Affairs, Department of the Interior, 1849 C Street, NW., Washington, DC 20240, 202–208–5116, FAX 202–208–6334.

SUPPLEMENTARY INFORMATION: The purpose of these consultation meetings is to provide Indian Tribal trust account holders and Allottees an opportunity to provide comments regarding the ''Recommendations of the Secretary of the Interior for Settlement of Disputed Tribal Trust Fund Accounts.'' The objectives of the Recommendations are:

- Acknowledge and respect tribal sovereignty.
- Achieve a settlement that is fair to both the Indian community and the general public.
- Achieve the most resource-efficient settlement of claims (in terms of conserving federal government and tribal time, money, and staff).
- Encourage settlement by providing incentives to settle and disincentives to litigate.
- Use the most informal settlement processes available rather than litigation to encourage tribal participation.
- Obtain funding for the settlement without reducing appropriations for the BIA and Special Trustee budgets and tribal programs.
- Achieve agreement on account balances through September 30, 1992, or the date of settlement, as an agreed-upon starting point for the future.

The Department's Recommendations build on the legislative options for settlement that the Department submitted to Congress on December 11, 1996, and that we sent to you at the same time. After submitting the options to Congress, the Department consulted with and provided an opportunity for written comments from tribal representatives throughout the country about the approaches we were considering. A copy of the Report on the Recommendations of the Department was distributed to all Tribal Leaders on November 13, 1997.

All oral comments presented by tribes and individuals at these consultation meetings will be recorded and transcribed.

Summaries of the meetings will be available for public inspection and copying ten days following the meeting.

Dated: January 23, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–2094 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–02–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Order of Temporary Closure to Non-Authorized Use of Certain Public Lands in Ward Valley, San Bernardino County, CA

AGENCY: Bureau of Land Management, Needles Field Office.

ACTION: Order of temporary closure to non-authorized uses of public lands.

SUMMARY: This order closes approximately 2,000 acres within Ward Valley, California to all uses, including but not limited to camping, motorized vehicle use, recreation, and casual use, unless those uses are otherwise specifically authorized by the Bureau of Land Management. This closure does not affect uses authorized by any right-of-way, permit, or other valid authorization approved by the BLM authorized officer for the public lands described in this order, except that the existing protest encampment maintained by the Fort Mojave Tribe under BLM permit CA–37890 shall be relocated to site E, as described in permit CA–37890, consistent with the terms provided in permit CA–37890. No activities authorized by the encampment permit shall be undertaken outside the cleared area of site E on any lands closed pursuant to this notice. The closure covers the following public lands:

T. 9. N., R. 19 E., SBM
Sec 22, S½;
Sec 23, W½ of SW¼;
Sec 26, W½ of W½;
Sec 27, all;
Sec 34, all;
Sec 35, W½W½.

EFFECTIVE DATE: The closure will become effective February 13, 1998 and will remain effective for a period of six months from the effective date, unless terminated earlier through an order reopening the lands upon completion of the drilling activities referenced below.

SUPPLEMENTARY INFORMATION: The purpose of this temporary closure is to ensure that drilling and related activities to be undertaken by the Department of the Interior and the California Department of Health Services pursuant to a decision record issued January 16, 1998, at the Ward Valley site are carried out under conditions which will ensure public safety, promote site security, and provide for integrity of the sampling activities. Authority for this closure may be found in Title 43 Code of Federal Regulations 8364.1. The closure effected by this order is the minimum necessary for effective law enforcement because it is the minimum which will allow for control of access from Interstate 40.

This closure was analyzed in environmental assessment CA–069-EA7–42. The closure is within the scope of the Finding of No Significant Impacts prepared on EA CA–069–EA7–42. The impacts identified were temporary and minor.

This order constitutes the final decision of the Department.

FOR FURTHER INFORMATION CONTACT: Molly Brady, Field Manager, U.S. D.I., Bureau of Land Management, Needles Field Office, 101 West Spikes Road, Needles, California 92363, tel: (760) 326–7000.

Approved: January 26, 1998.

Bob Armstrong,

Assistant Secretary, Lands and Minerals Management.

[FR Doc. 98–2312 Filed 1–27–98; 9:02 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–985–0777–66]

Intent to Prepare an Environmental Impact Statement for Coalbed Methane Development Projects South of Gillette, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement for Coalbed Methane Development Projects South of Gillette, Wyoming, in Campbell County.

SUMMARY: The Bureau of Land Management (BLM) under the National Environmental Policy Act (NEPA) must analyze the impacts of actions we permit on Federal lands and minerals. As part of this analysis, the cumulative affects of the proposed action and other activities occurring in the area must be considered. Three Environmental Assessments (EA) (Pistol Point, Marquiss, and Lighthouse) and one Environmental Impact Statement (EIS) (Gillette South) to address proposed coalbed methane (CBM) development have been completed for the area south of Gillette. When we completed the EIS in October of 1997, the apparent success of the coalbed methane play was drawing additional operators into the basin.

Feedback we received from industry indicated we could see an additional 2,600 to 3,000 CBM wells south of Gillette by the year 2007 if development success continues as it has been. With this information, BLM decided another EIS would be necessary to address this additional interest.

DATES: Comments to be considered in the draft EIS should be submitted by March 2, 1998. The draft EIS should be available for public review by October of 1998.

ADDRESSES: Questions or concerns should be addressed to Richard Zander in the BLM Buffalo Resource Area Office, 1425 Fort Street, Buffalo, WY 82834.

FOR FURTHER INFORMATION CONTACT: Richard Zander, phone 307–684–1100.

SUPPLEMENTARY INFORMATION: When we began preparation of the Gillette South CBM EIS in June of 1996, we had developed a proposed action to analyze a total of 640 CBM wells. This proposed action was based on the best available information we had from industry at that time. It took into account potential development based on depth to coal and what industry knew at that time about the potential to produce methane from the coal. The proposed action also included the prior Marquiss and Lighthouse CBM projects to address developmental changes which had occurred since these two projects had been analyzed by EAs. When we completed the EIS in October of 1997, the apparent success of the coalbed methane play was drawing additional operators into the basin. The following are some of the major issues raised during the preparation of the Gillette South CBM EIS. These issues are provided to help you understand what has occurred in past environmental documents and perhaps stimulate addition thoughts, questions, and issues.

- People were concerned with the loss of hydraulic head related to groundwater associated with the coal seam. Concerns related to lowering of water levels and increased pumping costs because water would have to be pumped from greater depths.
- Concerns were voiced on how the differentiation would be made between coal mine-caused and coalbed methane-caused impacts to the lowering of the water in the coal seam. How would the responsible entity be identified?
- Questions were posed on what effects the coalbed methane development would have on air quality. Of concern were possible hazardous emissions and pollutants released as a result of compressor emissions.
- Disposing water on the surface raised concerns about water quality due to possible increased erosion and possible weed infestations because of water flow fluctuations.
- Questions were raised about the use of produced water for dust control, stock watering, and the creation of wetlands. What were the ramifications of using this water in this manner?
- Concern was voiced that the mines had been venting methane for years and now we had companies working to recover the methane and pay royalty on production. Were we going to make the mines pay back royalty and future royalty for the methane they vent?
- There were concerns that we had not done further groundwater modeling to predict possible drawdowns and impacts.
- Concern was voiced about the use of the 1988 CHIA (Cumulative Potential Hydrologic Impacts of Surface Coal Mining in the Eastern Powder River Structural Basin, Northeastern Wyoming) and how this affected cumulative impacts.
- Concerns were voiced that previous documents had underestimated the magnitude of impacts when in actuality we had underestimated rate of impact occurrence.
- Concerns were raised that we had not addressed impacts to threatened and endangered species, raptors, and fisheries.
- Concern was expressed about the effects of surface disposal of water and operating a ranch with ongoing methane development operations.

BLM held a meeting with companies on November 19, 1997, to discuss the implications of the recently signed Record of Decision for the Gillette South EIS. This meeting covered the mitigation steps that would be required of those operators developing Federal minerals. Specifically covered were monitoring requirements, use of the Water Well Agreement, and the formation of a groundwater monitoring group similar to the coal industry's Gillette Area Groundwater Monitoring Organization (GAGMO) Group. Another topic of discussion was the question of where the CBM operators thought development was headed. No specifics were voiced at this meeting, but the general consensus was that development over and above that analyzed in the Gillette South EIS was a certainty. BLM asked the operators to provide us feedback on their development plans so we could plan for future environmental analysis needs.

Feedback we received from industry indicated we could see an additional 2,600 to 3,000 CBM wells south of Gillette by the year 2007 if development success continues as it has been. With this information, BLM decided another EIS would be necessary to address this additional interest.

A public scoping meeting will be held on February 5, 1998, at 7 p.m., at the Holiday Inn in Gillette, Wyoming, to discuss this increased industry interest and solicit comments, questions, issues, or concerns you may have. We will use the feedback in the preparation of the EIS.

Dated: January 22, 1998.

Alan R. Pierson,

State Director.

[FR Doc. 98–2156 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Notice of Intent To Prepare a Joint Environmental Impact Report/ Environmental Impact Statement on a Proposed 30-year Expansion and Waste Management Plan for the Molycorp Mountain Pass Mine, Mountain Pass, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a Joint Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) on a proposed 30-year expansion and waste management plan for the Molycorp Mountain Pass Mine, Mountain Pass, California and notice of scoping meeting.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM), Needles Field Office, and the County of San Bernardino, in accordance with the California Environmental Quality Act, will be directing the preparation of a joint EIR/EIS to be prepared by a third-party contractor on the impacts of a proposed 30-year mine expansion and waste management plan for the Molycorp Mountain Pass Mine, located in Mountain Pass, San Bernardino County, California.

DATES: Written comments will be accepted until February 28, 1998. A public scoping meeting will be held beginning at 7 p.m. on February 3, 1998, at the Baker Community Center, 73730 Baker Boulevard, Unit C, Baker, California.

ADDRESSES: Comments should be sent to the Needles Field Office, Bureau of Land Management, 101 West Spike's Road, Needles, California 92363, ATTN: Molycorp Mountain Pass Mine Project.

FOR FURTHER INFORMATION, CONTACT: George R. Meckfessel, Planning and Environmental Coordinator, at (760) 326–7000.

SUPPLEMENTARY INFORMATION: In the early 1990s, Molycorp Inc. (Molycorp) developed a plan to expand its mining operations for an additional 30 years. Because the expansion area would exceed 25 percent of the vested area, Molycorp was required to obtain a Mining Conditional Use Permit from the County of San Bernardino. At the time that Molycorp proposed to expand its mining operations, portions of the main mine site were located on public land managed by BLM. Therefore, the original environmental review for the project was planned to be an EIR/EIS.

However, in 1992, Molycorp and BLM entered into a land transfer, which exchanged 879 acres of public land for 1,920 acres of private land. Due to the land transfer the environmental review was conducted as an EIR, with the County as the Lead Agency.

A Draft EIR was circulated for public review in December 1996. The comment period closed on February 12, 1997. Numerous comments were received from public agencies and private individuals, including the following:

- BLM
- U.S. Geological Survey
- National Park Service
- U.S. Fish and Wildlife Service
- California Regional Water Quality Control Board
- California Department of Transportation
- Mojave Desert Air Quality Management District
- County of San Bernardino Fire Department Hazardous Materials Division
- San Bernardino County Museum
- County of San Bernardino Division of Environmental Health Services
- The Desert Tortoise Council
- The Wilderness Society
- The Sierra Club, San Gorgonio Chapter
- Desert Survivors
- National Outdoor Coalition
- People Against Radioactive Dumps
- Best, Best & Krieger representing Primadonna Corporation
- Marjorie Mikels
- Dr. Howard Wilshire

The predominant issues identified by commentors involved waste discharges, off-site groundwater contamination, potential air contamination, and full disclosure of mine components and processes. Upon review of the numerous comments received, the County determined that additional technical analysis would be required to adequately address the issues raised by those commenting on the Draft EIR. The County concluded that the Draft EIR would need to be recirculated to provide for proper public review of the additional analysis.

During the summers of 1995 and 1996, releases were experienced in the 13-mile-long pipeline that carries waste discharges from the main mine processing area to the existing New Ivanpah Evaporation Pond. The New Ivanpah Evaporation Pond is located approximately 9 miles to the northeast of the main mine processing area. This pipeline crosses lands managed by the BLM and the NPS. The releases and subsequent issues related to integrity of the Ivanpah evaporation ponds heightened concerns about waste management and disposal. Molycorp indicated a desire to replace the discharge pipeline. The BLM felt that the environmental review process for considering a replacement pipeline would best be accomplished in concert with the County's consideration of the proposed expansion. Discussions with the County subsequently led to the decision to conduct a joint environmental review and to recirculate the 1996 Draft EIR as a Draft EIR/EIS that would add to the existing project the analysis of potential environmental impacts associated with replacing the waste discharge pipeline, and would also address issues of impacts to public lands from existing and potential contaminant migration from the main mine site and the existing New Ivanpah Evaporation Pond.

Comments received on the Draft EIR/EIS will be addressed in the Final EIR/EIS. Commentors on the December 1996 Draft EIR will be included in the distribution of the Draft EIR/EIS and are invited to provide comments on the Draft EIR/EIS.

Molycorp is proposing to continue its current lanthanide (rare-earth elements) mining operation at its Mountain Pass Mine facility for the next 30 years. This continued effort would result in an expansion of the open pit, overburden storage areas, and mill tailings storage areas. Plant production rates would not increase as a result of the project. Expansion of the mine would consist of enlarging the surface area and depth of the open pit, expanding existing overburden stockpiles, expanding the existing North Tailings Pond or constructing a new tailings pond, and replacing the existing waste discharge pipeline to the existing New Ivanpah Evaporation Pond, either through pipeline replacement, or the construction of an on-site effluent treatment facility, or a combination of both.

As described in the December 1996 Draft EIR, the mine expansion would occur over 30 years in three phases of 10 years each, with a final monitoring phase of 5 years. Phase I would include the following activities:

- Revisions to the existing means of waste disposal to the existing New Ivanpah Evaporation Pond, either through replacement of the existing pipeline, on-site effluent treatment, or a combination of both and potential modifications to or closure of the evaporation pond
- Continued mining and expansion of the pit westward by approximately 10 acres
- Realignment of power distribution lines
- Expansion of the west Overburden Stockpile by approximately 80 acres and realignment of the AT&T access road
- Expansion of the North Tailings Pond after retrofitting with a liner or design and construction of a new tailings pond and closure of the North Tailings Pond
- Relocation and expansion of the mine equipment yard
- Stockpiling of surface material from pit and overburden expansion for future reclamation of the tailings pond and overburden stockpiles.

Phase 2 would include the following:

- Expansion of the open pit by 35 acres
- Expansion of Overburden Stockpile by 125 acres
- Increase tailings pond by 60 acres
- Relocation of Shadow Valley water supply line and explosives magazine
- Initiation of reclamation and revegetation of tailings pond and Overburden Stockpile

Phase 3 would include the following:

- Expansion of the open pit by 35 acres
- Expansion of the Overburden Stockpile by 125 acres
- Increase tailings pond by 50 acres
- Continued reclamation and revegetation of tailings pond and Overburden Stockpile

Phase 4 would include the following:

- Termination of mining and contouring of pit slopes
- Closure of tailings pond
- Closure of hazardous waste holding area
- Final reclamation and revegetation of Overburden Stockpile and previously vegetated disturbed surfaces.

The Draft EIR/EIS will present final proposed acreages of mine facilities subject to final mine design.

The components of the project remain the same as those described in the December 1996 Draft EIR, with the exception of Molycorp facilities occurring on federally administered lands. Such facilities include the replacement of the waste discharge pipeline to the existing New Ivanpah Evaporation Pond and the replacement of the existing fresh water pipeline. Alternatives to the expansion project, as identified in the December 1996 EIR, include a No Project Alternative, a Reduced Project Alternative, and an Underground Mining Alternative. Other alternatives addressing the waste management plans will be included. These alternatives will include three waste discharge pipeline alternative alignments, two on-site treatment alternatives, including (1) full treatment at the main mine site with no discharge to the existing New Ivanpah

Evaporation Pond and closure of the evaporation pond and (2) partial treatment at the main mine site with continued discharge to the existing New Ivanpah Evaporation Pond, and a No Project alternative, whereby no action would be taken to replace the pipeline or provide on-site treatment.

During preparation of the December 1996 Draft EIR, significant impacts to the environment from the project and the project alternatives were identified in the following issue areas: Geologic Hazards, Flood Hazards, Biological Resources, Cultural Resources, Air Quality, Scenic Resources, Soil Resources, and Hazardous/Radioactive Materials. Cumulative impacts were also identified in these issue areas. The Draft EIR/EIS will review the impact assessment provided in the December 1996 Draft EIR in light of comments received from agencies and the public during the December 1996 Draft EIR circulation period and will revise the impact assessment in accordance with the components and activities of the redesigned project.

The Draft EIR/EIS will also evaluate potential impacts of the pipeline replacement project and alternatives as well as the potential impacts from continuing contaminant migration from the main mine site from continuing operations. Technical studies are planned or underway in the following areas:

- Survey of the existing waste discharge pipeline for contamination from potential past releases
- Evaluation of the biological resources along the corridors of the pipeline alternatives
- Evaluation of cultural and paleontological resources in the area of the pipeline replacement alternatives
- Hydrology studies of the main mine site and nearby washes
- Hydrology studies of the existing New Ivanpah Evaporation Pond
- Waste discharge treatment alternatives
- Pipeline alignment alternatives
- Human health and ecological risk assessments
- Pit lake water quality modeling

The Draft EIR/EIS will use the data provided in the technical reports to analyze the potential impacts to the environment from the proposed project and alternatives.

A public scoping meeting will be held at the Baker Community Center, 73730 Baker Boulevard, Unit C, Baker, California, on February 3, 1998 at 7 p.m. Upon close of the comment period for the joint Notice of Preparation (NOP)/ Notice of Intent (NOI), the County and BLM will direct the preparation of the Draft EIR/EIS. It is anticipated that the Draft document will be available for circulation within 6 to 8 months. The Draft EIR/EIS will be circulated for 60 days, during which time comments will be solicited from interested parties and organizations and a public hearing will be held. The Final EIR/EIS is expected to be completed within 3 to 4 months following close of the comment period.

The BLM scoping process for this EIR/EIS will include the following: (1) Identification of issues to be addressed, (2) identification of viable alternatives, and (3) notification of interest groups, individuals, and agencies so that additional information concerning these issues can be obtained.

The scoping process will consist of a news release announcing the start of the EIR/EIS process and letters of invitation to participate in the scoping process.

Molly S. Brady,

Manager, Needles Field Office.

[FR Doc. 98–2311 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–070–7110–8389; NMNM97589]

Notice of Realty Action—Recreation and Public Purpose (R&PP) Act Classification, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of R&PP lease/patent of public land in San Juan County, New Mexico.

SUMMARY: The following described public land is determined suitable for classification for leasing and patenting to the Lee/Hammond Water Treatment Plant (Lee/Hammond), Bloomfield, New Mexico under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*). Lee/Hammond proposes to use the land for water treatment facilities.

New Mexico Principal Meridian

T. 29 N., R. 11 W.,
Sec. 28, SE¼SW¼

Containing 40 acres, more or less.

DATES: On or before March 16, 1998, interested parties may submit comments regarding the proposed leasing and conveyance, or classification of the lands to the Bureau of Land Management at the following address. Any adverse comments will be reviewed by the Bureau of Land Management, Farmington District Manager, 1235 LaPlata Highway, Suite A, Farmington, NM 87401, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action becomes the final determination of the Department of the Interior and effective 60 days from publication date.

FOR FURTHER INFORMATION CONTACT: Information related to this action, including the environmental assessment, is available for review at the Bureau of Land Management, Farmington District Office, 1235 LaPlata Highway, Suite A, Farmington, NM 87401.

SUPPLEMENTARY INFORMATION: Publication of this notice segregates the public land described above from all other forms of appropriation under the public land laws, including the general mining laws, except for leasing and conveyance under the R&PP Act and leasing under the mineral leasing laws for a period of two (2) years from date of this publication in the **Federal Register**. The segregative affect will terminate upon issuance of the lease and patent to Lee/Hammond, or two (2) years from the date of this publication, whichever occurs first.

The lease, when issued, will be subject to the following terms:

1. Provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior.
2. Provisions of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. 6901–6987 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. 9601 and all applicable regulations.
3. Provisions of Title VI of the Civil Rights Act of 1964.
4. Provisions that the lease be operated in compliance with the approved Development Plan.

The patent, when issued, will be subject to the following terms:

1. Reservation to the United States of a right-of-way for ditches and canals in accordance with 43 U.S.C. 945.
2. Reservation to the United States of all minerals.
3. All valid existing rights, e.g., rights-of-way and leases of record.
4. Provisions that if the patentee or its successor attempts to transfer title to or control over the land to another or the land is devoted to a use other than that for which the land was conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits it agents, employees, contractors, or subcontractors, including without limitation, lessees, sublessees and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the

facilities whereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States.

The lands are not needed for Federal purposes. Leasing and later patenting is consistent with current Bureau of Land Management policies and land use planning. The estimated intended time of lease issuance is April 15, 1998, with the patent being issued upon substantial development taking place. The proposal serves the public interest since it would provide modern water treatment facilities that would meet the water needs of the public.

Dated: January 22, 1998.

Joel Farrell,

Assistant District Manager for Resources.

[FR Doc. 98–2158 Filed 1–28–98; 8:45 am]

BILLING CODE 4120–FB–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Marine Transportation of Federal Outer Continental Shelf (OCS) Crude Oil Produced Offshore California

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Extending comment period for proposed Notice to Lessees and Operators (NTL).

SUMMARY: This document extends to April 6, 1998, the deadline for the submission of comments on the proposed NTL on Marine Transportation of Federal OCS Crude Oil Produced Offshore California published December 5, 1997 (62 FR 64399).

DATES: We will consider all comments received by April 6, 1998.

ADDRESSES: Mail or hand-carry written comments to MMS Pacific Region; 770 Paseo Camarillo; Camarillo, CA 93010; Attention: E. Aronson. E-mail comments to transportation.ntl@mms.gov.

FOR FURTHER INFORMATION CONTACT:

Ellen Aronson, Office of the Regional Director, at (805) 389–7502.

SUPPLEMENTARY INFORMATION: The MMS received several requests for extending the comment period. To provide the necessary time for commenters to prepare detailed and comprehensive comments, MMS is extending the comment period 62 days from the original February 3, 1998, deadline.

Dated: January 23, 1998.

J. Lisle Reed,

Regional Director, Pacific OCS Region, Minerals Management Service.

[FR Doc. 98–2161 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Final Environmental Impact Report/ Final Environmental Impact Statement (FEIR/FEIS) for the Hamilton City Pumping Plant Fish Screen Improvement Project, Central Valley, California

AGENCIES: Bureau of Reclamation, Interior, and the U.S. Army Corps of Engineers, Defense.

ACTION: Notice of availability of final environmental impact report/final environmental impact statement (FEIR/FEIS) FES 98 02.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (as amended), the Bureau of Reclamation (Reclamation), the U.S. Army Corps of Engineers (Corps), the Glenn-Colusa Irrigation District (GCID), and the California Department of Fish and Game (DFG) have prepared a FEIR/FEIS for the Hamilton City Pumping Plant Fish Improvement Screen Project (Project). The Project responds to concerns about impacts to salmon and other fish species from water diversion operations at the Hamilton City Pumping Plant.

The FEIR/FEIS analyzes the no-action alternative as well as three action alternatives. The action alternatives would minimize loss of all fish species in the vicinity of the pumping plant diversion while maximizing GCID's capability to divert the full quantity of water to which it is entitled to divert to meet its water supply delivery obligations. The agency-preferred alternative would include an extension of the existing fish screen, internal fish bypasses, improvements to the intake and bypass channel, and a gradient facility.

DATES: No decision will be made on the proposed action until 30 days after release of the FEIR/FEIS. After the 30-day waiting period, Reclamation and the Corps will complete a Record of Decision which states the action that will be implemented and discusses all factors leading to the decision.

ADDRESSES: Requests for copies of the FEIR/FEIS should be submitted to the Fish Screen Improvement Project, Attention: Rick Lind, 455 Capitol Mall, Suite 600, Sacramento, California 95814. His telephone number is (916) 325–4050.

FOR FURTHER INFORMATION CONTACT: Mr. Kurt Flynn, Reclamation, (916) 275–1554; Mr. Matt Davis, Corps, (916) 557–6708; Ms. Sandra Dunn, GCID, (916) 446–7979; or Nick Villa, DFG, (916) 358–2943.

SUPPLEMENTARY INFORMATION:

Locations where FEIR/FEIS is Available for public Inspection and Review

- Bureau of Reclamation, Room E–1704, 2800 Cottage Way, Sacramento, CA 95825–1898; (916) 978–5104.
- Bureau of Reclamation, Northern California Area Office, Attn: NC–320, 16349 Shasta Dam Blvd, Shasta Lake, CA 96019–8400; (916) 275–1554.
- Surface Water Resources, Inc., 455 Capitol Mall, Suite 600, Sacramento, CA 95814; (916) 325–4050.
- Bureau of Reclamation, Willows Construction Office, Attn: WCO–200, 1140 West Wood Street, Willows, CA 95988–0988; (916) 934–7066.
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW, Main Interior Building, Washington DC 20240–0001.
- Library, Bureau of Reclamation, 6th Avenue and Kipling, Room 167, Building 67, Denver Federal Center, Denver, CO 80225–0007.
- University of California Berkeley, Water Resources Center Archives, 410 O'Brien Hall, Berkeley, CA 94720–1718.
- California State University Chico, Government Publications Center, Meriam Library, Chico, CA 95929–0295.
- Butte County Library, Publications, 1820 Mitchell Ave, Oroville, CA 95966–5333.
- Shasta County Public Library, Redding Main Branch, 1855 Shasta Street, Redding, CA 96001–0418.
- U.S. Army Corps of Engineers, 1325 J Street, Sacramento, CA 95814.

Dated: January 20, 1998.

Kirk C. Rodgers,

Deputy Regional Director, Bureau of Reclamation.

Dated: January 22, 1998.

Dorothy F. Klasse, COL, EN,

District Engineer, Army Corps of Engineers.

[FR Doc. 98–2251 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collection of information for the permanent program performance standards—underground mining activities at 30 CFR Part 817.

DATES: Comments on the proposed information collection must be received by March 30, 1998, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Room 210–SIB, Washington, DC 20240. Comments may also be submitted electronically to jtreleas@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d)). This notice identifies information collections that OSM will be submitting to OMB for extension. These collections are contained in 30 CFR 817.

OSM has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSM will request at 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: Permanent Program Performance Standards—Underground Mining Activities, 30 CFR Part 817.

OMB Control Number: 1029–0048.

Summary: Sections 515 and 516 of the Surface Mining Control and Reclamation Act of 1977 provide that permittees conducting surface coal mining operations with underground mining activities shall meet all applicable performance standards of the Act. The information collected is used by the regulatory authority in monitoring and inspecting surface coal mining activities to ensure that they are conducted in compliance with the requirements of the Act.

Bureau Form Number: None.

Frequency of Collection: On occasion, quarterly and annually.

Description of Respondents: Underground coal mining operators.

Total Annual Responses: 52,690.

Total Annual Burden Hours: 183,284.

Dated: January 26, 1998.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 98–2243 Filed 1–28–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities; Proposed Collection; Comment Request

ACTION: Notice of new information collection under emergency review; COPS monitoring visit satisfaction survey.

The Department of Justice, Office of Community Oriented Policing Services (COPS) has submitted the following information collection request utilizing emergency review procedures, to OMB for review and clearance in accordance with sections 1320.13 (a)(1)(ii) and (a)(2)(iii) of the Paperwork Reduction Act of 1995. The COPS has determined that it cannot reasonably comply with the normal clearance procedures under this Part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. Therefore, OMB approval has been requested by January 31, 1998. If granted the emergency approval is only valid for 180 days. All comments and questions pertaining to this pending request for emergency approval must be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer (Ms. Victoria Wassmer), Washington, DC, 20503. Comments regarding the emergency submission of this information collection may also be submitted to OMB via facsimile at 202–395–7285.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. 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: U.S. Department of Justice, Office of Community Oriented Policing Services, Attention: Jody Nescola, 202–616–9606, 1100 Vermont Avenue, NW, Washington, DC 20530.

Comments are encouraged and will be accepted until March 30, 1998. 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 agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and the assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected, and

4. Evaluate whether the data collection instrument will minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to Bob Briggs, U.S. Department of Justice, Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW, Washington, D.C. 20530.

Overview of this information collection:

(1) Type of Information Collection: New collection.

(2) Title of the Form/Collection: Community Oriented Policing Services (COPS) Monitoring Visit Satisfaction Survey.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: 23/01. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: State, local, or tribal governments. Other: None. The information collected may be used to determine Monitoring Division best practices and to evaluate the strengths and weaknesses of the site visit process in order to make adjustments that would improve grantee satisfaction.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 300 respondents at 5 minutes per response. The information will be collected once from each respondent.

(6) An estimate of the total public burden (in hours) associated with the collection: 25 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: January 23, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–2167 Filed 1–28–98; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities; Proposed Collection; Comment Request

ACTION: Notice of new information collection under Emergency Review; COPS Monitoring Visit Satisfaction Survey.

The Department of Justice, Office of Community Oriented Policing Services (COPS) has submitted the following information collection request utilizing emergency review procedures, to OMB for review and clearance in accordance with sections 1320.13(a)(1)(ii) and (a)(2)(iii) of the Paperwork Reduction Act of 1995. The COPS has determined that it cannot reasonably comply with the normal clearance procedures under this Part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. Therefore, OMB approval has been requested by January 31, 1998. If granted the emergency approval is only valid for 180 days. All comments and questions pertaining to this pending request for emergency approval must be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer (Ms. Victoria Wassmer), Washington, DC 20503. Comments regarding the emergency submission of this information collection may also be submitted to OMB via facsimile at 202–395–7285.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. 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: U.S. Department of Justice, Office of Community Oriented Policing Services, Attention: Jody Nescola, 202–616–9606, 1100 Vermont Avenue, NW., Washington, DC 20530.

Comments are encouraged and will be accepted until March 30, 1998. 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 agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and the assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected, and

4. Evaluate whether the data collection instrument will minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses:

Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to Bob Briggs, U.S. Department of Justice, Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW, Washington, D.C. 20530.

Overview of this information collection:

(1) Type of Information Collection: New collection.

(2) Title of the Form/Collection: Community Oriented Policing Services (COPS) Monitoring Visit Satisfaction Survey.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: 23/01. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: State, local, or tribal governments. Other: None. The information collected may be used to determine Monitoring Division best practices and to evaluate the strengths and weaknesses of the site visit process in order to make adjustments that would improve grantee satisfaction.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 300 respondents at 5 minutes per response. The information will be collected once from each respondent.

(6) An estimate of the total public burden (in hours) associated with the collection: 25 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: January 23, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–2170 Filed 1–28–98; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed consent decree in *United States* v. *American Recovery Company, et al.,* Civil Action No. 95–1590, was lodged on January 17, 1998 with the United States District Court for the Western District of Pennsylvania. The United States filed this action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA'') to recover past and future response costs incurred at or in connection with the Municipal and

Industrial Disposal Company Site. The Consent Decree requires defendant the City of Pittsburgh to pay $33,000 to reimburse a portion of the United States' past costs associated with the investigation and clean up of the Municipal & Industrial Disposal Company Superfund Site (''Site''), located in Elizabeth Township, Pennsylvania.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *American Recovery Company, et al.,* DO Ref. #90–11–2–949.

The proposed consent decree may be examined at the office of the United States Attorney, 633 Post Office & Courthouse, 7th & Grant Streets, Pittsburgh, PA 15219; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $4.75 (25 cents per page reproduction costs) for each decree, payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–2133 Filed 1–28–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 to 9675

Notice is hereby given that a proposed consent decree in *United States* v. *Ameritech Corp., et al.,* Civil Action No. 97 C 2207, was lodged on January 9, 1998, with the United States District Court for the Northern District of Illinois. The proposed consent decree resolves the United States' claims against the defendants for past costs incurred in connection with the Elgin Salvage Superfund Site located in Elgin, Illinois, in return for a total payment of $375,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Ameritech Corp., et al.,* DOJ Ref. #90–11–2–1187.

The proposed consent decree may be examined at the office of the United States Attorney, 219 S. Dearborn St., 5th Floor, Chicago, Illinois 60604; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $5.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–2130 Filed 1–28–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Safe Drinking Water Act, as Amended

Notice is hereby given that on January 5, 1998, a proposed consent decree in *United States* v. *Andover Water District,* Civil Action No. 98–3–PC, was lodged with the United States District Court for the District of Maine.

In this action, the United States alleged that the Andover Water District (District) failed to comply with requirements of the Safe Drinking Water Act, 42 U.S.C. 300f–300j–26, as amended by the Safe Drinking Water Act Amendments of 1996, Public Law 104–182 (1996) (Act), and the regulations promulgated thereunder, including the Surface Water Treatment Rule (SWTR), 40 CFR 141.71. The complaint alleges, *inter alia,* that the District: failed to meet the filtration requirements of the SWTR; failed to comply with an administrative order issued by the United States Environmental Protection Agency with respect to that violation; and, failed to fulfill certain public education and notice requirements. The proposed consent decree resolves the United States' claims against the District. Under the terms of the proposed consent decree, the District will, *inter alia,* construct a new ground water well to supply drinking water to its users, comply with other provisions of the Act, including public education and notification requirements, and pay a $5,000 civil penalty.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed partial consent decree. Comments should be addressed to the assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Andover Water District,* Civil Action No. 98–3–PC, D.J. Ref. 90–5–1–1–4379.

The proposed consent decree may be examined at the Office of the United States Attorney, District of Maine, East Tower, 100 Middle Street Plaza, Portland, Maine 14101, at U.S. EPA Region I, J.F.K. Federal Building, Boston, Massachusetts 02203, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $7.50 (25 cent per page reproduction cost).

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–2132 Filed 1–28–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *The University of Notre Dame Du Lac,* 2:98CV007RL was lodged on Jan. 8, 1998, with the United States District Court for the Northern District of Indiana. The proposed Consent Decree settles the injunctive relief and civil penalty claims of Plaintiff, the United States of America, regarding Defendant's violations at its powerplant in Notre Dame, Indiana, of the federally-approved State of Indiana Air Pollution Implementation Plan (''Indiana SIP''). The proposed settlement requires

Defendant to operate and test boilers 2, 3 and 4 of its powerplant in compliance with the Clean Air Act and specifications set forth in the proposed settlement, and to pay civil penalty of $250,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *The University of Notre Dame Du Lac,* DOJ Ref. #90–5–2–1–2103.

The proposed consent decree may be examined at the office of the United States Attorney, Joseph Cooley, Assistant United States Attorney, Northern District of Indiana, 507 State Street, 4th Floor, Hammond, Indiana 46320; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $8.00, (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief Environment and Natural Resources Division.

[FR Doc. 98–2131 Filed 1–28–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Criminal Justice Information Services; Agency Information Collection Activities: Proposed Collection: Comment Request

ACTION: Notice of Information Collection Under Review: Supplementary Homicide Report.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until March 2, 1998.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. 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.

All comments and questions pertaining to this pending request for approval must be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer (Ms. Victoria Wassmer), Washington, DC 20503. Comments regarding the submission of this information collection may also be submitted to OMB via facsimile at 202–395–7285.

Overview of this information collection:

(1) Type of information collection: Extension of Current Collection.

(2) The title of the form/collection: Supplementary Homicide Report (SHR).

(3) The agency form number, if any, and applicable component of the Department sponsoring the collection. Form: 1–704. Federal Bureau of Investigation, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as brief abstract. Primary: State and Local Law Enforcement Agencies. This collection is needed to provide data regarding age, sex, race, victim/offender relationships, weapons and motives of murders committed throughout the United States. Data are tabulated and published in the annual ''Crime in the United States.''

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 17,145 agencies with 205,740 responses which includes Zero reports; and with an average completion time of 9 minutes a month per response.

(6) An estimate of the total public burden (in hours) associated with this collection: 30,861 hours annually.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: January 23, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–2168 Filed 1–28–98; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF JUSTICE

National Institute of Justice

Office of Science and Technology; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under emergency review; survey of force in the arrest of persons with impaired judgment.

The Department of Justice, National Institute of Justice, has submitted the following information 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 January 31, 1998. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Victoria Wassmer: 202–395–5871 and Department of Justice Desk Officer, Washington, DC, 20503.

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: March 30, 1998.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. 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.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to Dr. Raymond Downs (phone number and address listed below). If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Dr. Raymond Downs, (202) 307–0646, Office of Science and Technology, National Institute of Justice, Office of Justice Programs, U.S. Department of Justice, 633 Indiana Avenue, NW, Room 870, Washington, DC 20531. Additionally, comments may also be submitted to OST via facsimile to (202) 307–9907.

Overview of this information collection:

(1) Type of information collection: New collection.

(2) Title of the form/collection: Use of Force in the Arrest of Persons with Impaired Judgement.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: none. Office of Science an Technology, National Institute of Justice, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Law enforcement agencies. Other; none. This survey will be constructed in collaboration with police agencies in a large metropolitan area of the United States. It will compare the force required to arrest persons with impaired judgement to the force required to arrest persons with intact judgement with regard to types of force used and their effectiveness and safety to arrestee and arresting officer. Data collected will help determine if modifications are necessary in training officers in the arrest of persons with impaired judgement or if new methods or technology are required to effect these arrests safely to all concerned.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 7,000 respondents at an average of 3 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 350 burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: January 23, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–2169 Filed 1–28–98; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Veterans' Employment and Training

Homeless Veterans' Reintegration Project Competitive Grants for Rural Areas

AGENCY: Office of the Assistant Secretary for Veterans' Employment and Training.

ACTION: Notice of availability of funds and solicitation for grant applications for Rural Homeless Veterans Reintegration Projects (SGA 98–02).

SUMMARY: This notice contains all of the necessary information and forms needed to apply for grant funding. All applicants for grant funds should read this notice in its entirety. The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) announces a grant competition for Homeless Veterans Reintegration Projects (HVRP) authorized under the Stewart B. McKinney Homeless Assistance Act to serve rural areas. Such projects will assist eligible veterans who are homeless by providing employment, training, supportive services, and transitional housing assistance where possible. Under this solicitation, VETS expects to award up to five grants in FY 1998.

This notice describes the background, the application process, description of program activities, evaluation criteria, and reporting requirements for Solicitation of Grant Applications (SGA) 98–02. VETS anticipates that up to $300,000 will be available for grant awards under this SGA.

The information and forms contained in the Supplementary Information Section of this announcement constitute the official application package for this Solicitation. In order to receive any amendments to this Solicitation which may be subsequently issued, all applicants must register their name and address with the Procurement Services Center. Please send this information as soon as possible, Attention: Grant Officer, to the following address: U. S. Department of Labor, Procurement Services Center, Room N–5416, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Please reference SGA 98–02.

DATES: One (1) ink-signed original, complete grant application (plus three (3) copies of the Technical Proposal and three (3) copies of the Cost Proposal shall be submitted to the U.S. Department of Labor, Procurement Services Center, Room N–5416, 200 Constitution Avenue, N.W., Washington, D.C. 20210, not later than 4:45 p.m., Eastern Standard Time, March 2, 1998, or be postmarked by the U.S. Postal Service on or before that date. Hand delivered applications must be received by the Procurement Services Center by that time.

ADDRESSES: Applications shall be mailed to the U.S. Department of Labor, Procurement Services Center, Attention: Lisa Harvey, Reference SGA 98–02, Room N–5416, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Lisa Harvey, U.S. Department of Labor, Procurement Services Center, telephone (202) 219–6445 [not a toll free number].

SUPPLEMENTARY INFORMATION:

Rural Homeless Veterans Reintergration Project Solicitation

I. Purpose

The U.S. Department of Labor (DOL), Veterans' Employment and Training Service (VETS) is requesting grant applications for the provision of employment and training services in accordance with Title VII, Subtitle C, Section 738 of the Stewart B. McKinney Homeless Assistance Act (MHAA), 42 U.S.C. 11448. These instructions contain general program information, requirements and forms for application for funds to operate a Rural Homeless Veterans Reintegration Project (HVRP).

II. Background

The Stewart B. McKinney Homeless Assistance Act of 1987, enacted on July 22, 1987, under Title VII, Subtitle C, Section 738 provides that ''The Secretary shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to expedite the reintegration of homeless veterans into the labor force.''

This program was reauthorized under Section 621 of the McKinney Homeless Assistance Amendments Act of 1990 (Pub. L. 101–645) for an additional three years, i.e., through FY 1993. Under the Homeless Veterans Comprehensive Service Programs Act of 1992 (Pub. L. 102–590—enacted on November 10, 1992) the Homeless Veterans Reintegration Project was reauthorized through Fiscal Year 1995. However, the program was rescinded in FY 1995. Pub. L. 104–275, dated October 9, 1996, was amended to reauthorize the program through FY 1998. Public Laws 105–41 and 105–114, enacted in 1997, extend the program through FY 1999.

The Homeless Veterans Reintegration Project was the first nationwide Federal program that focused on placing homeless veterans into jobs. In accordance with the MHAA, the Assistant Secretary for Veterans' Employment and Training (ASVET) is making approximately $300,000 of the funds available to award grants for HVRPs in rural area in FY 1998 under this competition. Projects are expected to provide valuable information on approaches that work in a rural environment.

III. Application Process

A. Rural Areas

Under this announcement, applications will be accepted from eligible applicants, (as defined in Section B. of this part) to serve homeless veterans in rural areas.

The Census Bureau has defined ''urban'' for the 1990 census, and territory, population, and housing units not classified as urban constitute ''rural.'' Most specifically, ''urban'' consists of territory, persons, and housing units in:

1. Places of 2,500 or more persons incorporated as cities, villages boroughs (except in Alaska and New York), and towns, (except in the six New England States, New York, and Wisconsin), but excluding the rural portions of ''extended cities.''

2. Census designated places of 2,500 or more persons.

3. Other territory, incorporated or unincorporated, included in urbanized areas.

Those not constituted as ''urban'' likely fall into the category of ''rural.'' Potential applicants are referred to the Geography Division, U.S. Bureau of the Census, Washington, DC 20233, for any questions or clarification on the Census Bureau's definition. It is expected that an applicant's submission under this solicitation will clearly demonstrate the rural nature of the area to be served.

B. Eligible Applicants

Applications for funds will be accepted from State and local public agencies, Private Industry Councils, and nonprofit organizations as follows:

1. Private Industry Councils (PICS) as defined in Title I, Section 102 of the Job Training Partnership Act (JTPA), Pub. L. 97–300, are eligible applicants, as well as State and local public agencies. ''Local public agency'' refers to any public agency of a general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers. (This typically refers to cities and counties). A State agency may propose in its application to serve one or more of the potential jurisdictions located in its State. This does not preclude a city or county agency from submitting an application to serve its own jurisdiction. (Although cities are mentioned in the above explanation, this solicitation is limited to rural jurisdictions.)

Applicants are encouraged to utilize, through subgrants, experienced public agencies, private nonprofit organizations, and private businesses which have an understanding of the unemployment and homeless problems of veterans, a familiarity with the area to be served, and the capability to effectively provide the necessary services.

2. Also eligible to apply are nonprofit organizations who have operated an HVRP or similar employment and training program for the homeless or veterans; or have proven capacity to manage Federal grants, and have or will provide the necessary linkages with other service providers. Nonprofit organizations will be required to submit with their application recent (within one year) financial audit statements that attest to the financial responsibility of the organization.

Entities described in Section 501(c)4 of the Internal Revenue Code that engage in lobbying activities are not eligible to receive funds under this announcement. The Lobbying Disclosure Act of 1995, Pub. L. 104–65, 109 Stat. 691, prohibits the award of Federal funds to these entities if they engage in lobbying activities.

C. Funding Levels

The total amount of funds available for this solicitation is $300,000. It is anticipated that up to 5 awards will be made under this solicitation. Awards are expected to range from $50,000 to $75,000. The Federal government reserves the right to negotiate the amounts to be awarded under this competition. Please be advised that requests exceeding this range by 15% or more will be considered non-responsive.

D. Period of Performance

The period of performance will be for one year from date of award. It is expected that successful applicants will commence program operations under this solicitation on or before March 31, 1998. Actual start dates will be negotiated with each successful applicant.

E. Late Proposals

The grant application package must be received at the designated place by the date and time specified or it will not be considered. Any application received at the Office of Procurement Services after 4:45 pm EST, March 2, 1998, will not be considered unless it is received before the award is made and:

1. it was sent by registered or certified mail not later than the fifth calendar day before March 2, 1998;

2. it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the address indicated; or

3. it was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5:00 pm at the place of mailing two (2) working days, excluding weekends and Federal holidays, prior to March 2, 1998.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped or otherwise placed impression (not a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the date of mailing of a late application sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee is the date entered by the Post Office receiving clerk on the ''Express Mail Next Day Service-Post Office to Addressee'' label and the postmark on the envelope or wrapper

and on the original receipt from the U.S. Postal Service. ''Postmark'' has the same meaning as defined above. Therefore, applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U.S. Department of Labor is the date/time stamp of the Procurement Services Center on the application wrapper or other documentary evidence or receipt maintained by that office. Applications sent by telegram or facsimile (FAX) will not be accepted.

F. Submission of Proposal

A cover letter, and an original and three (3) copies of the proposal shall be submitted. The proposal shall consist of two(2) separate and distinct parts:

PART I—TECHNICAL PROPOSAL shall consist of a narrative proposal that demonstrates the applicant's knowledge of the need for this particular grant program, its understanding of the services and activities proposed to alleviate the need and its capabilities to accomplish the expected outcomes of the proposed project design. The technical proposal shall consist of a narrative not to exceed fifteen (15) pages double-spaced, typewritten on one side of the paper only. Charts and exhibits are not counted against the page limit. Applicants should be responsive to the Rating Criteria contained in Section VI and address all of the rating factors noted as thoroughly as possible in the narrative. The following format is strongly recommended:

1. Need for the project: The applicant should identify the geographical area to be served and the rural characteristics of the area; provide an estimate of the number of homeless veterans and their needs; poverty and unemployment rates in the area, and gaps in the local community infrastructure the project would fulfill in addressing the employment and other barriers of the targeted veterans. Include the outlook for job opportunities in the service area.

2. Approach or strategy to increase employment and job retention: The applicant should describe the specific supportive services and employment and training services to be provided under this grant and the sequence or flow of such services. Participant flow charts may be provided. Include a description of the relationship with other employment and training programs such as Disabled Veterans' Outreach Program (DVOP) and the Local Veterans' Employment Representative (LVER) program, and programs under the Job Training Partnership Act. Please include a plan for follow up of participants who entered employment at 30 and 90 days and the capacity to assist the Department of Labor in one-year and/or multi-year follow up efforts. (See discussion on results in Section V. D.) Please include the chart of proposed performance goals and planned expenditures listed in Appendix D. Although the form itself is not mandatory, the information called for in Appendix D must be provided by the applicant.

3. Linkages with other providers of employment and training services to the homeless and to veterans: Describe what linkages this programs will have with other providers of services to veterans and to the homeless in the community outside of the HVRP grant. List the types of services provided by each. Note the type of agreement in place if applicable. Any linkages with the workforce development system [inclusive of JTPA and State Employment Security Agencies (SESAs)] and with the Department of Veterans Affairs resources should be delineated.

4. Organizational capability in providing required program activities: The applicant's relevant current or prior experience in operating employment and training or related programs serving the homeless or veterans should be delineated. Provide information denoting outcomes of past programs in terms of enrollments and placements or other measures of success. Applicants who have operated an HVRP program, or more recent Homeless Veterans Employment and Training (HVET) program should include final or most recent technical performance reports. (This information is subject to verification by the Veterans' Employment and Training Service.) Provide evidence of key staff capability. Non-profit organizations should submit evidence of satisfactory financial management capability including recent financial and/or audit statements.

5. Proposed housing strategy for homeless veterans: Describe how housing resources for homeless veterans in the rural area may be obtained or accessed. These resources may be from linkages or sources other than the HVRP grant such as HUD, community housing resources, DVA leasing or other programs. The applicant should explain whether HVRP resources will be used and why this is necessary.

PART II—COST PROPOSAL shall contain the Standard Form (SF) 424, ''Application for Federal Assistance,'' and the Budget Information Sheet in Appendix B. In addition the budget shall include—on a separate page(s)—a detailed cost break-out of each line item on the Budget Information Sheet. Please label this page or pages the ''Budget Narrative.'' Also to be included in this Part is the Assurance and Certification Page, Appendix C. Copies of all required forms with instructions for completion are provided as appendices to this solicitation. The Catalog of Federal Domestic Assistance number for this program is 17.805, which should be entered on the SF 424, Block 10. In Block 11, please enter the following: Homeless Veterans Reintegration Project (RURAL). Please show leveraged resources/matching funds and/or the value of in-kind contributions in Section B of the Budget Information Sheet.

Budget Narrative Information

As an attachment to the Budget Information Sheet, the applicant must provide at a minimum, and on separate sheet(s), the following information:

(a) A breakout of all personnel costs by position, title, salary rates and percent of time of each position to be devoted to the proposed project (including subgrantees);

(b) An explanation of fringe benefit rates and associated charges. Rates exceeding 35% of salaries and wages require justification;

(c) An explanation of the purpose and composition of, and method used to derive the costs of each of the following: travel, equipment, supplies, subgrants/contracts and any other costs. The applicant should include costs of any required travel described in this Solicitation. Mileage charges shall not exceed 31 cents per mile;

(d) Description/specification of and justification for equipment purchases, if any. Tangible, non-expendable, personal property having a useful life of more than one year and a unit acquisition cost of $5,000 or more per unit must be specifically identified; and

(e) Identification of all sources of leveraged or matching funds and an explanation of the derivation of the value of matching/in-kind Services.

IV. Participant Eligibility

To be eligible for participation under HVRP, an individual must be homeless and a veteran defined as follows:

A. The term *homeless or homeless individual* includes persons who lack a fixed, regular, and adequate nighttime residence. It also includes persons whose primary nighttime residence is either a supervised public or private shelter designed to provide temporary living accommodations; an institution that provides a temporary residence for individuals intended to be institutionalized; or a private place not

designed for, or ordinarily used as, a regular sleeping accommodation for human beings. (Reference 42 USC 11302).

B. The term *veteran* means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. [Reference 38 USC 101(2)]

V. Project Summary

A. Program Concept and Emphasis

The HVRP grants under Section 738 of the Stewart B. McKinney Homeless Assistance Act are intended to address dual objectives:

Provide services to assist in reintegrating homeless veterans into the labor force; and stimulate the development of effective service delivery systems that will seek to address the complex problems facing homeless veterans. These programs are designed to be flexible in addressing the universal as well as local or regional problems barring homeless veterans from the workforce. The program in FY 1998 will continue to strengthen the provision of comprehensive services through a case management approach, the attainment of housing resources for veterans entering the labor force, and strategies for employment and retention.

B. Required Features

1. The HVRP has since its inception featured an outreach component consisting of veterans who have experienced homelessness. In recent years this requirement was modified to allow the projects to utilize formerly homeless veterans in other positions where there is direct client contact if outreach was not needed extensively, such as counseling, peer coaching, intake and follow up. This requirement applies to projects funded under this solicitation.

2. Projects will be required to show linkages with other programs and services which provide support to homeless veterans. Coordination with the Disabled Veterans' Outreach Program (DVOP) Specialists in the jurisdiction is particularly encouraged.

3. Projects will be ''employment focused.'' That is, they will be directed towards (a) increasing the employability of homeless veterans through providing for or arranging for the provision of services which will enable them to work; and (b) matching homeless veterans with potential employers.

C. Scope of Program Design

The HVRP project design should provide or arrange for the following services:

—Outreach, intake, assessment, counseling and employment services. Outreach should, to the degree practical, be provided at shelters, day centers, soup kitchens and/or other locations particular to the rural environment, and other programs for the homeless. Program staff providing outreach services are to be veterans who have experienced homelessness.

Coordination with veterans' services programs and organizations such as:

—Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans' Employment Representatives (LVERs) in the State Employment Security/Job Service Agencies (SESAs) or in the newly instituted workforce development system's One-Stop Centers, JTPA Title IV, Part C (IV–C) Veterans' Employment Program
—Department of Veterans' Affairs (DVA) services, including its Health Care for Homeless Veterans, Domiciliary and other programs, including those offering transitional housing
—Veteran service organizations such as The American Legion, Disabled American Veterans, and the Veterans of Foreign Wars, Vietnam Veterans of America, and the American Veterans (AMVETS)

Referral to necessary treatment services, rehabilitative services, and counseling including, but not limited to:

—Alcohol and drug
—Medical
—Post Traumatic Stress Disorder
—Mental Health
—Coordinating with MHAA Title VI programs for health care for the homeless

Referral to housing assistance provided by:

—Local shelters
—Federal Emergency Management Administration (FEMA) food and shelter programs
—Transitional housing programs and single room occupancy housing programs funded under MHAA Title IV
—Permanent housing programs for the handicapped homeless funded under MHAA Title IV
—Department of Veterans' Affairs programs that provide for leasing or sale of acquired homes to homeless providers
—Transitional housing leased by HVRP funds (HVRP funds cannot be used to purchase housing)

Employment and training services such as:

—Basic skills instruction
—Basic literacy instruction
—Remedial education activities
—Job search activities
—Job counseling
—Job preparatory training, including resume writing and interviewing skills
—Subsidized trial employment (Work Experience)
—On-the-Job Training
—Classroom Training
—Job placement in unsubsidized employment
—Placement follow up services
—Services provided under JTPA Program Titles

D. Results-Oriented Model

Based on past experience of grantees working with this target group, a workable program model evolved which is presented for consideration by prospective applicants. No model is mandatory, and the applicant should design a program that is responsive to local needs, but will carry out the objectives of the HVRP to successfully reintegrate homeless veterans into the workforce.

With the advent of implementing the Government Performance and Results Act (GPRA), Congress and the public are looking for results rather than process. While entering employment is a viable outcome, it will be necessary to measure results over a longer term to determine the success of programs. The following program discussion emphasizes that followup is an integral program component.

The first phase of activity consists of the level of outreach that is necessary in the community to reach veterans who are homeless. This may also include establishing contact with other agencies that encounter homeless veterans such as shelters, soup kitchens and other facilities in the rural area. An assessment should be made of the supportive and social rehabilitation needs of the client and referral may take place to services such as drug or alcohol treatment or temporary shelter. When the individual is stabilized, the assessment should focus on the employability of the individual and they are enrolled into the program if they would benefit from pre-employment preparation such as resume writing, job search workshops, related counseling and case management, and initial entry into the job market through temporary jobs, sheltered work environments, or entry into classroom or on-the-job training. Such services should also be noted in an Employability Development Plan so that successful completion of the plan may be monitored by the staff.

Entry into full-time employment or a specific job training program should

follow in keeping with the objective of HVRP to bring the participant closer to self-sufficiency. Transitional housing may assist the participant at this stage or even earlier. Job development is a crucial part of the employability process. Wherever possible, DVOP and LVER staff should be utilized for job development and placement activities for veterans who are ready to enter employment or who are in need of intensive case management services. Many of these staff have received training in case management at the National Veterans' Training Institution and have as a priority of focus, assisting those most at a disadvantage in the labor market. VETS urges working hand-in-hand with DVOP/LVER staff to achieve economies of resources.

Follow up to determine if the veteran is in the same or similar job at the 30 day period after entering employment is required and important in keeping contact with the veterans and so that assistance in keeping the job may be provided. The 90 day followup is fundamental to assessing the results of the program interventions. Grantees should be careful to budget for this activity so that followup can and will occur for those placed at or near the end of the grant period. Such results will be reported in the final technical performance report.

VETS emphasizes in its Strategic Plan to implement GPRA that suitable outcomes involve careers, not just jobs. Successful results are achieved when the veterans is in the same or similar job after one or more years. Towards that end, VETS solicits the cooperation of successful applicants in retaining participant information pertinent to a longitudinal follow up survey, i.e., at least for one year after the grant period ends. Retention of records will be reflected in the Special Provisions at time of award.

E. Related HVRP Program Development Activities

1. Community Awareness Activities

In order to promote linkages between the HVRP program and local service providers (and thereby eliminate gaps or duplication in services and enhance provision of assistance to participants), the grantee should provide project orientation and/or service awareness activities that it determines are the most feasible to local providers of hands-on services to the homeless, Federal, State and local entitlement services (such as the Social Security Administration, DVA, and the local Job Service office(s), and civic and private sector groups to enlist their support for the program.

VI. Rating Criteria for Award

Applications will be reviewed by a DOL panel using the point scoring system specified below. Applications will be ranked based on the score assigned by the panel after careful evaluation by each panel member. The ranking will be the primary basis to identify approximately 5 applicants as potential grantees. Although the Government reserves the right to award on the basis of the initial proposal submissions, the Government may establish a competitive range, based upon the proposal evaluation, for the purpose of selecting qualified applicants. The panel's conclusions are advisory in nature and not binding on the Grant Officer. The government reserves the right to ask for clarification or hold discussions, but is not obligated to do so. The Government further reserves the right to select applicants out of rank order if such a selection would, in its opinion, result in the most effective and appropriate combination of funding, program models, and geographical service areas. The Grant Officer's determination for award under SGA 98–02 is the final agency action. The submission of the same proposal from any prior year HVRP or HVET competition does not guarantee an award under this Solicitation.

Panel Review Criteria

1. Need for the Project: 15 Points

The applicant shall document the extent of need for this project, as demonstrated by: (1) The potential number or concentration of homeless individuals and homeless veterans in the proposed project area relative to other similar areas of jurisdiction; (2) the high rates of poverty and/or unemployment in the proposed project area as determined by the census or other surveys; and (3) the extent of gaps in the local infrastructure the program would fill to effectively address the employment barriers which characterize the target population in the rural area.

2. Overall Strategy to Increase Employment and Retention: 30 Points

The application must include a description of the proposed approach to providing comprehensive employment and training services, including job training, job development, placement and post placement follow up services. The supportive services to be provided as part of the strategy of promoting job readiness and job retention should be indicated. The applicant should identify the local human resources and sources of training to be used for participants. A description of the relationship, if any, with other employment and training program such as SESAs (DVOP and LVER Programs), JTPA IV–C, other JTPA programs, and Workforce Development Boards or entities where in place, should be presented. It should be indicated how the activities will be tailored or responsive to the needs of homeless veterans in the rural area. A participant flow chart may be used to show the sequence and mix of services.

Note: The applicant MUST complete the chart of proposed program outcomes to include participants served, and job retention. (See Appendix D)

3. Quality and Extent of Linkages With Other Providers of Services to the Homeless and to Veterans: 20 Points

The application should provide information on the quality and extent of the linkages this program will have with other providers of services to benefit the homeless or veterans in the local community outside of the HVRP grant. For each service, it should be specified who the provider is, the source of funding (if known), and the type of linkages/referral system established or proposed. Describe to the extent possible, how the project would fit into the community's approach to respond to homelessness.

4. Demonstrated Capability in Providing Required Program Services: 20 Points

The applicant should describe its relevant prior experience in operating employment and training programs and providing services to participants similar to that which is proposed under this solicitation. Specific outcomes achieved by the applicant should be described in terms of clients placed in jobs, or other outcome measures of success. The applicant must also delineate its staff capability and ability to manage the financial aspects of Federal grant programs. Relevant documentation such as financial and/or audit statements should be submitted (required for applicants who are non-profit agencies). Final or most recent technical reports for HVRP, HVET or other relevant programs should be submitted as applicable. The applicant should also address its capacity for timely startup of the program.

5. Quality of Overall Housing Strategy: 15 Points

The application should demonstrate how the applicant proposes to obtain or access housing resources for veterans in the program and entering the labor force. This discussion should specify the provisions made to access temporary, transitional, and permanent housing for participants through

community resources, HUD, lease, HVRP or other means unique to the locale. HVRP funds may not be used to purchase housing.

Applicants can expect that the cost proposal will be reviewed for allowability, allocability, and reasonableness of costs, but will not be scored.

VII. Post Award Conference

A post-award conference for those awarded FY 1998 HVRP funds is tentatively planned for April or May, 1998. Costs associated with attending this conference for up to three grantee representatives will be allowed as long as they were incurred in accordance with Federal travel regulations. Such costs shall be charged as administrative costs and reflected in the proposed budget. The site of the conference has not yet been determined but will likely be in Washington, D.C. Please use Washington, D.C. for budget planning purposes. The conference will focus on providing information and assistance on reporting, record keeping, and grant requirements, and will also include best practices from past projects.

VIII. Reporting Requirements

The grantee shall submit the reports and documents listed below:

A. Financial Reports

The grantee shall report outlays, program income, and other financial information on a quarterly basis using SF 269A, Financial Status Report, Short Form. These forms shall cite the assigned grant number and be submitted to the appropriate State Director for Veterans' Employment and Training (DVET) no later than 30 days after the ending date of each Federal fiscal quarter during the grant period. In addition, a final SF 269 shall be submitted no later than 90 days after the end of the grant period.

B. Program Reports

Grantees shall submit a Quarterly Technical Performance Report 30 days after the end of each Federal fiscal quarter to the DVET which contains the following:

1. a comparison of actual accomplishments to established goals for the reporting period and any findings related to monitoring efforts;

2. reason for slippage if established goals are not met and identification of the corrective action which will be taken to meet the goals, and the timetable for accomplishment of the corrective action.

A final Technical Performance Report will also be required as part of the final report package due 90 days after grant expiration.

C. Summary of Final Report Package

The grantee shall submit 90 days after the grant expiration date the following final report package:

1. Final Financial Status Report.

2. Final Technical Performance Report.

3. Final Narrative Report—Grantees will be required to submit a final narrative report identifying major successes of the program as well as obstacles to success.

IX. Administrative Provisions

A. Limitation on Administrative and Indirect Costs

1. Direct Costs for administration, plus any indirect charges claimed, may not exceed 20 percent of the total amount of the grant.

2. Indirect costs claimed by the applicant shall be based on a federally approved rate. A copy of the negotiated, approved, and signed indirect cost negotiation agreement must be submitted with the application. (Do not submit the State cost allocation plan.)

3. Rates traceable and trackable through the SESA Cost Accounting System represent an acceptable means of allocating costs to DOL and, therefore, can be approved for use in MHAA grants to SESAS.

4. If the applicant does not presently have an approved indirect cost rate, a proposed rate with justification may be submitted. Successful applicants will be required to negotiate an acceptable and allowable rate with the appropriate DOL Regional Office of Cost Determination within 90 days of grant award.

B. Allowable Costs

Determinations of allowable costs shall be made in accordance with the following applicable Federal cost principles:

State and local government—OMB Circular A–87

Nonprofit organizations—OMB Circular A–122

C. Administrative Standards and Provisions

All grants shall be subject to the following administrative standards and provisions:

29 CFR Part 97—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

29 CFR Part 95—Grants and Agreements with Institutes of Higher Education, Hospitals, and Other Non-Profit Organizations.

29 CFR Part 96—Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements.

29 CFR Part 30—Equal Employment Opportunity in Apprenticeship and Training.

29 CFR Part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964.

Signed at Washington, D.C. this 22nd day of January, 1998.

Lawrence J. Kuss,

Grant Officer.

Appendices

Appendix A: Application for Federal Assistance SF Form 424
Appendix B: Budget Information Sheet
Appendix C: Assurances and Certifications Signature Page
Appendix D: Technical Performance Goals Form

BILLING CODE 4510–79–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION:		**3. DATE RECEIVED BY STATE**	State Application Identifier
Application ☐ **Construction** ☐ **Non-Construction**	Preapplication ☐ **Construction** ☐ **Non-Construction**	**4. DATE RECEIVED BY FEDERAL AGENCY**	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, State, and zip code):*	Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN):*

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify):*

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ — ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.):*

13. PROPOSED PROJECT		**14. CONGRESSIONAL DISTRICTS OF:**	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

Previous Edition Usable
Authorized for Local Reproduction

Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: -- "New" means a new assistance award. -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel	$		
2. Fringe Benefits(Rate %)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)	$		
9. Indirect Cost(Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)	$		

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution	$		
3. TOTAL Cost Sharing / Match (Rate %)	$		

NOTE: Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. ***Personnel:*** *Show salaries to be paid for project personnel.*

2. ***Fringe Benefits:*** *Indicate the rate and amount of fringe benefits.*

3. ***Travel:*** *Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.*

4. ***Equipment:*** *Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more.*

5. ***Supplies:*** *Include the cost of consumable supplies and materials to be used during the project period.*

6. ***Contractual:*** *Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.*

7. ***Other:*** *Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.*

8. ***Total, Direct Costs:*** *Add lines 1 through 7.*

9. ***Indirect Costs:*** *Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.*

10. ***Training /Stipend Cost:*** *(If allowable)*

11. ***Total Federal funds Requested:*** *Show total of lines 8 through 10.*

SECTION B - Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

NOTE:

PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.

ASSURANCES AND CERTIFICATIONS - SIGNATURE PAGE

The Department of Labor will not award a grant or agreement where the grantee/recipient has failed to accept the ASSURANCES AND CERTIFICATIONS contained in this section. By signing and returning this signature page, the grantee/recipient is providing the certifications set forth below:

A. Assurances - Non-Construction Programs

B. Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters and Drug-Free/Tobacco-Free Workplace Requirements.

C. Certification of Release of Information

APPLICANT NAME and LEGAL ADDRESS:

If there is any reason why one of the assurances or certifications listed cannot be signed, please explain. Applicant need only submit and return this signature page with the grant application. All other instructions shall be kept on file by the applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL TITLE

APPLICANT ORGANIZATION DATE SUBMITTED

Please Note: **This signature page and any pertinent attachments which may be required by these assurances and certifications shall be attached to the applicant's Cost Proposal.**

RECOMMENDED FORMAT FOR PLANNED QUARTERLY TECHNICAL PERFORMANCE GOALS

(data entered cumulatively)

Performance Goals

	1ST QTR	2ND QTR	3RD QTR	4TH QTR
Assessments				
Participants Enrolled				
Placed Into Transitional Or Permanent Housing				
Direct Placements Into Unsubsidized Employment				
Assisted Placements Into Unsubsidized Employment				
Combined Placements Into Unsubsidized Employment (Direct & Assisted)				
Cost Per Placement				
Number Retaining Jobs For 30 Days				
Number Retaining Jobs For 90 Days				
Rate of Placement Into Unsubsidized Employment				
Average Hourly Wage At Placement				

Employability Development Services - (As Applicable)

Classroom Training				
On-The-Job Training				
Remedial Education				
Vocational Counseling				
Pre-employment Services				
Occupational Skills Training				
_____				
_____				
_____				
_____				

Planned Expenditures

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Total Expenditures	$	$	$	$
Administrative Costs	$	$	$	$
Participant Services*	$	$	$	$

*Services may include training and/or supportive.

HVRP PERFORMANCE GOAL DEFINITIONS

1. Assessments. This process includes addressing the supportive services and employability and training needs of individuals before enrolling them in an HVRP program. Generally, this includes an evaluation and/or measurement of vocational interests and aptitudes, present abilities, previous education and work experience, income requirements, addressing supportive service needs, substance abuse treatment needs, counseling needs, temporary or transitional housing needs, personal circumstances and other related services.

2. Participants Enrolled. A client should be recorded as having been enrolled when an intake form has been completed, and services, referral, or employment has been received through the HVRP program. This should be an unduplicated count over the year: i.e., each participant is recorded only once, regardless of the number of times she or he receives assistance.

3. Placed Into Transitional Or Permanent Housing. A placement into transitional or permanent housing should be recorded when a veteran served by the program upgrades his/her housing situation during the reporting period from shelter/streets to transitional housing or permanent housing or from transitional housing to permanent housing. Placements resulting from referrals by HVRP staff shall be counted. This item is however an unduplicated count over the year, except that a participant may be counted once upon entering transitional housing and again upon obtaining permanent housing.

4. Direct Placements Into Unsubsidized Employment. A direct placement into unsubsidized employment must be a placement made directly by HVRP-funded staff with an established employer who covers all employment costs for 20 or more hours per week at or above the minimum wage. Day labor and other very short-term placements should not be recorded as placements into unsubsidized employment.

5. Assisted Placements Into Unsubsidized Employment. Assisted placements into unsubsidized employment should be recorded where the definition for placement with unsubsidized employment above is met, but the placement was arranged by an agency to which the HVRP referred the homeless veteran, such as a Job Training Partnership Act (JTPA) program.

6. Cost Per Placement. The cost per placement into unsubsidized employment is obtained by dividing the total HVRP funds expended by the total of direct placements plus assisted placements.

7. Number Retaining Job For 30 Days. To be counted as retaining a job for 30 days, continuous employment with one or more employers for at least 30 days must be verified and the definition for either direct placement or assisted placement into unsubsidized employment above is met. This allows clients who have moved into a position with a different employer to be recorded as retaining the job for 30 days as long as the client has been steadily employed for that length of time.

8. Number Retaining Job For 90 Days. To be counted as retaining a job for 90 days, continuous employment with one or more employers for at least 90 days must be verified, and the definition for either placement or assisted placement into unsubsidized employment above is met. This allows clients who have moved into a position with a different employer to be recorded as retaining the job for 90 days as long as the client has been steadily employed for that length of time.

9. Rate of Placement Into Unsubsidized Employment. The rate of placement into unsubsidized employment is obtained by dividing the number placed into unsubsidized employment (HVRP), plus the number of assisted placements into unsubsidized employment by the number of clients enrolled.

10. Average Hourly Wage At Placement. The average hourly wage at placement is the average hourly wage rates at placement of all assisted placements plus direct placements.

11. Employability Development Services. This includes services and activities which will develop or increase the employability of the participant. Generally, this includes vocational counseling, classroom and on-the-job training, pre-employment services (such as job seeking skills and job search workshops), temporary or trial employment, sheltered work environments and other related services and activities. Planned services should assist the participant in addressing specific barriers to employment and finding a job. These activities may be provided by the applicant or by a subgrantee, contractor or another source such as the local Job Partnership Training Act program or the Disabled Veterans'Outreach Program (DVOP) personnel or Local Veterans' Employment Representatives (LVERs). Such services are not mandatory but entries should reflect the services described in the application and the expected number of participants receiving or enrolled in such services during each quarter. Participants may be recorded more than once if they receive more than one service.

12. Total Planned Expenditures. Total funds requested. Identify forecasted expenditures needed for each fiscal quarter.

13. Administrative Costs. Administrative costs shall consist of all direct and indirect costs associated with the supervision and management of the program. These costs shall include the administrative costs, both direct and indirect, of subrecipients and contractors.

14. Participant Services. This cost includes supportive, training, or social rehabilitation services which will assist in stabilizing the participant. This category should reflect all costs other than administrative.

[FR Doc. 98–2096 Filed 1–28–98; 8:45 am]
BILLING CODE 4510–79–C

LEGAL SERVICES CORPORATION

Meeting of the Board of Directors Operations and Regulations Committee; Sunshine Act Meeting

Time and Date: The Operations and Regulations Committee of the Legal Services Corporation's Board of Directors will meet on February 6, 1998. The meeting will begin at 9:00 a.m. and continue until the committee concludes its agenda.

Location: Legal Services Corporation, 750 First Street N.E.—10th Floor, Washington, DC 20002.

Status of Meeting: Open.

Matters to be Considered:

1. Approval of agenda.
2. Approval of minutes of the committee's meeting of Nov. 14, 1997.
3. Consideration of proposed amendments to the Corporation's 403(b) Thrift Plan.
4. Consideration of proposed revisions to 45 CFR Part 1602, Procedures for disclosure of information under the Freedom of Information Act.
5. Consideration of proposed rule 45 CFR Part 1644, Disclosure of case information.
6. Consider and act on other business.

CONTACT PERSON FOR INFORMATION:
Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Sylvia Speight at (202) 336–8906.

Dated: January 27, 1998.

Victor M. Fortuno,

General Counsel.

[FR Doc. 98–2378 Filed 1–27–98; 2:57 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Finance Committee

Time and Date: The Finance Committee of the Legal Services Corporation's Board of Directors will meet on February 6, 1998. The meeting will begin at 10:00 a.m. and continue until conclusion of the committee's agenda.

Location: Legal Services Corporation, 750 First Street NE.—10th Floor, Washington, DC 20002.

Status of Meeting: Open.

Matters to be Considered:

1. Approval of agenda.
2. Approval of minutes of the committee meeting of November 14, 1997.
3. Presentation of FY '97 financial audit by Thompson, Cobb, Bazilio & Associates, P.C.
4. Review and adoption of FY '98 operating budget.
5. Review of expenses through December 31, 1997.
6. Consider and act on other business.
7. Public comment.

CONTACT PERSON FOR INFORMATION:
Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Sylvia Speight at (202) 336–8906.

Dated: January 27, 1998.

Victor M. Fortuno,

General Counsel.

[FR Doc. 98–2379 Filed 1–27–98; 2:57 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Ad Hoc Committee on Performance Reviews of the President and Inspector General

Time and Date: The *Ad Hoc* Committee on Performance Reviews of the President and Inspector General of the Legal Services Corporation's Board of Directors will meet on February 6, 1998. The meeting will begin at 11:30 a.m. and continue until conclusion of the committee's agenda.

Location: Legal Services Corporation, 750 First Street NE.—10th Floor, Washington, DC 20002.

Status of Meeting: Except for approval of the committee's agenda and any miscellaneous business that may come before the committee, the meeting will be closed to the public. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552b(c)(2) and (6)] and the corresponding provisions of the Legal Services Corporation's implementing regulation [45 CFR 1622.5(a) and (e)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

Matters to be Considered:

Open Session:

1. Approval of agenda.
2. Approval of the minutes of the committee's meeting of Dec. 18, 1997.

Closed Session:

3. Continue and complete the committee's performance appraisal of the President of the Corporation.
4. Continue and complete the committee's performance appraisal of the Inspector General of the Corporation.

Open Session:

5. Consider and act on other business.

CONTACT PERSON FOR INFORMATION:
Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Sylvia Speight at (202) 336–8906.

Dated: January 27, 1998.

Victor M. Fortuno,

General Counsel.

[FR Doc. 98–2380 Filed 1–27–98; 2:57 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Committee on Provision for the Delivery of Legal Services

Time and Date: The Committee on Provision for the Delivery of Legal Services of the Legal Services Corporation's Board of Directors will meet on February 6, 1998. The meeting will begin at 2:00 p.m. and continue until conclusion of the committee's agenda.

Location: Legal Services Corporation, 750 First Street NE.—10th Floor, Washington, DC 20002.

Status of Meeting: Open.

Matters to be Considered:

1. Approval of agenda.
2. Approval of minutes of the July 13, 1997, committee meeting.
3. Report by the Corporation's Inspector General on the status of implementation of § 509 of Pub. L. 104–134.
4. Report by Office of Program Operations staff on the status of implementation of § 509 of Pub. L. 104–134.
5. Report on current and proposed activities of the Office of Program Operations.
6. Report on state planning initiative.
   a. Staff presentation.
   b. Field presentation.
7. Consider and act on other business.

CONTACT PERSON FOR INFORMATION:
Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Sylvia Speight at (202) 336–8906.

Dated: January 27, 1998.

Victor M. Fortuno,

General Counsel.

[FR Doc. 98–2381 Filed 1–27–98; 2:57 pm]

BILLING CODE 7050–01–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors

Time and Date: The Board of Directors of the Legal Services Corporation will meet on February 7, 1998. The meeting will begin at 9:00 a.m. and continue until conclusion of the Board's agenda.

Location: Legal Services Corporation, 750 First Street NE.—10th Floor, Washington, DC 20002.

Status of Meeting: Open, except that a portion of the meeting may be closed pursuant to a unanimous vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is or may become a party, and the Board may act on the matters reported. The closing is authorized by the relevant provisions of the Government in the Sunshine Act (5 U.S.C. 552b(c) (10)) and the corresponding provisions of the Legal Services Corporation's implementing regulation (45 CFR § 1622.5(h)). A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

Matters to be Considered:

Open Session:

1. Approval of agenda.
2. Approval of minutes of the Board's meeting of Nov. 15, 1997.
3. Approval of minutes of the Board's executive session meeting of Nov. 15, 1997.
4. Approval of minutes of the Board's teleconference meeting of Jan. 22, 1998.
5. Chairman's and Members' Reports.
6. Election of officers of the Board.
7. Scheduling meetings of the Board for the balance of FY '98.
8. President's Report.
9. Consider and act on the report of the Board's Operations and Regulations Committee.
10. Consider and act on the report of the Board's Finance Committee.
11. Consider and act on the report of the Board's Provision for the Delivery of Legal Services Committee.
12. Consider and act on the report of the Ad Hoc Committee on Performance Reviews of the President and Inspector General.
13. Consider and act on report on the strategic planning process.
14. Consider and act on a technical amendment to section 6.10 of the Corporation's bylaws.
15. Inspector General's Report.

Closed Session:

16. Briefing[1] by the Inspector General on the activities of the OIG, including a draft report on special audits.
17. Consider and act on the General Counsel's report on potential and pending litigation involving the Corporation.

Open Session:

18. Public comment.
19. Consider and act on other business.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel and Secretary of the Corporation, at (202) 336–8810.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Sylvia Speight, at (202) 336–8906.

Dated: January 27, 1998.

Victor M. Fortuno,

General Counsel and Secretary of the Corporation.

[FR Doc. 98–2382 Filed 1–27–98; 2:57 pm]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–010)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Yvonne Kellogg, Dryden Flight Research Center, Mail Stop D–4839A, P.O. Box 273, Edwards, CA 93523–0273, telephone (805) 258–3720.

NASA Case No. DRC–095–028: Digital Premodulation Lowpass Filter for Pulse-Code-Modulated Signals.

Dated: January 20, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–2246 Filed 1–28–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–011)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Office of the Patent Counsel, Langley Research Center, Mail Code 212, Hampton, VA 23681–0001; telephone (757) 864–9260.

NASA Case No. LAR 15289–2: Three-Dimensional Object Tracking System and Method Employing Plural Sensors and Plural Processors for Performing Parallel Processing (FWC of–1);

NASA Case No. LAR 15627–1: Sol-Gel Surface Preparation for Bonding Applications;

NASA Case No. LAR 15128–2: Method and Fabricating Composite Structures Including Continuous Press Forming & Pultrusion Processing (Div of–1);

NASA Case No. LAR 15128–3: Method for Fabricating Composite Structures Including Continuous Press Forming and Pultrusion Processing (Div of–1);

NASA Case No. LAR 15128–4: Method for Fabricating Composite Structures Including Continuous Press Forming and Pultrusion Processing;

NASA Case No. LAR 15515–2–CU: Improved Two-Stage Gas Measurement System (FWC of–1);

[1] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 CFR § 1622.2 & 1622.3.

NASA Case No. LAR 14640–4–CU: An Interferometer Having Fused Optical Fibers, and Apparatus and Method Using the Interferometer (FWC of–3, now aband);

NASA Case No. LAR 15496–2: Carbon-Carbon Turbocharger Housing Unit for Intermittent Combustion Engines (Div of–1);

NASA Case No. LAR 14898–2: Composite Sandwich Structure and Method for Making (Cont of–1);

NASA Case No. LAR 15280–3–SB: Cryogenic High Pressure Sensor (Div of–2).

Dated January 20, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–2247 Filed 1–28–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–112)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

DATES: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Beth Vrioni, Patent Counsel, Kennedy Space Center, Mail Stop DE–TPO, at (407) 867–6225.

NASA Case No. KSC–11865: Non-Intrusive Cable Tester;

NASA Case No. KSC–11929: Ultrasonic Bolt Gage;

NASA Case No. SSC–00048: Multi Spectral Imaging System.

Dated: January 20, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–2256 Filed 1–28–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–013)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

Copies of patent applications cited are available from the Office of Patent Counsel, Goddard Space Flight Center. Claims are deleted from the patent applications to avoid premature disclosure.

DATES: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Guy M. Miller, Patent Counsel, Goddard Space Flight Center, Mail Code 204, Greenbelt, MD 20771; telephone (301) 286–7351.

NASA Case No. GSC–13,703–1: Method of Apparatus for Ultra-High Sensitivity, Incremental and Absolute Optical Encoding;

NASA Case No. GSC–13,708–1: Segmented Cold Cathode Display Panel;

NASA Case No. GSC–13,710–2: Continuously Variable Planetary Transmission Having Gears with Movable Teeth;

NASA Case No. GSC–13,787–1: Portable Hyper-Spectral Flash Lamp Reflectance Analyzer System;

NASA Case No. GSC–13,813–1: Parallel Integrated Frame Synchronizer (PIFS) Chip;

NASA Case No. GSC–13,879–1: Method and Apparatus for Controlling a Tool;

NASA Case No. GSC–13,890–1: Service Processor;

NASA Case No. GSC–13,907–1: Method for Attitude Determination Using GPS Carrier Phase Measurements from Nonaligned Antennas.

Dated: January 20, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–2257 Filed 1–28–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–009)]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

Copies of patent applications cited are available from the Office of Patent Counsel, Lewis Research Center. Claims are deleted from the patent applications to avoid premature disclosure.

DATE: January 29, 1998.

FOR FURTHER INFORMATION CONTACT: Kent N. Stone, Patent Attorney, Lewis Research Center, Mail Code 500–118, Cleveland, OH 44135; telephone (216) 433–8855, fax (216) 433–6790.

NASA Case No. LEW–16,374–1: Method for Growth of Crystal Surfaces and Growth of Heteroepitaxial Single Crystal Films Thereon;

NASA Case No. LEW–16,368–1: Integrated Fluorescence Enhancement Filtering and Sensing System and Method;

NASA Case No. LEW–16,391–1: Method for Surface Texturing Titanium Products;

NASA Case No. LEW–16,345–1: High Speed Gear Failure Digital Video Imaging System;

NASA Case No. LEW–16,469–1: Method of Deploying or Dispensing Liquid Drops and Gas Bubbles Using Acoustic Radiation Pressure;

NASA Case No. LEW–16,470–1: Manipulation of Liquids Using Acoustic Phased Array Generated Acoustic Radiation Pressure and Acoustic Streaming;

NASA Case No. LEW–15,805–1: Process for Fabrication of Soft Tissue Implants with Microscopic Surface Roughness;

NASA Case No. LEW–16,390–1: Controlled Thermal Expansion Bond Coat for Thermal Barrier Coatings;

NASA Case No. LEW–16,457–1: Stereo Imaging Velocimetry.

Dated: January 20, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–2261 Filed 1–28–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–015)]

NASA Advisory Council (NAC), Aeronautics and Space Transportation Technology Advisory Committee, Task Force on NASA's Aviation Environmental Compatibility Research; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics and Space Transportation Technology Advisory Committee, Task Force on NASA's Aviation Environmental Compatibility Research meeting.

DATES: February 24, 1998, 8:30 a.m. to 5 p.m., and February 25, 1998, 8:30 a.m. to 12 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room 6H46, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Darlene Boykins, Office of Aeronautics and Space Transportation Technology, National Aeronautics and Space Administration, Washington DC 20546, (202) 358–4743.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The preliminary agenda for the meeting is as follows:

—Team Charter
—Environmental Impact of Aviation
—Emission Reduction Goals and Status
—Technology Transfer Into a Product
—Status of Emissions Regulations
—Environmental Impact of Aviation vs. Other Emissions Sources
—Status of Noise Regulations
—Go Forward Plan

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: January 23, 1998.

Alan M. Ladwig,

Associate Administrator for Policy and Plans.

[FR Doc. 98–2259 Filed 1–28–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–014)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Solar System Exploration Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Solar System Exploration Subcommittee.

DATES: Monday, February 16, 1998, 8:30 a.m. to 5 p.m.; and Tuesday, February 17, 1998, 8:30 a.m. to 5 p.m.

ADDRESSES: Jet Propulsion Laboratory, Building 180, Room 101, California Institute of Technology, 4800 Oak Grove Drive, Pasadena, California 91109–8099.

FOR FURTHER INFORMATION CONTACT: Carl Pilcher, Code S, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–2470.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

—Goals of meeting
—ESS and OSS updates, budget
—Mars program issues and mission options
—Near-Earth asteroid prospector
—R & A task group report
—Outer planets mission sets:
—Viable opportunities
—Program costs
—Technology needs and programs

Discussion and assessment of mission sets:

—Apply selection criteria
—Identify pros and cons
—Discussion and formulation of recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 23, 1998.

Alan M. Ladwig,

Associate Administrator for Policy and Plans, National Aeronautics and Space Administration.

[FR Doc. 98–2258 Filed 1–28–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–016)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astronomical Search for Origins and Planetary Systems (ORIGINS); Subcommittee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, ORIGINS Subcommittee.

DATES: Tuesday, February 24, 1998, 8:30 a.m. to 5 p.m.; Wednesday, February 25, 1998, 8:30 a.m. to 5 p.m.; and Thursday, February 26, 1998, 8:30 a.m. to noon.

ADDRESSES: Carnegie Observatory, 813 Santa Barbara Street, Pasadena, CA 91101.

FOR FURTHER INFORMATION CONTACT: Dr. Edward J. Weiler, Code SA, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Status of ORIGINS Mission
—Discussion of NGST Institute
—Status of 2002 HST Instruments
—ORIGINS Technology Status
—SScAC Task Force Status

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 23, 1998.

Alan M. Ladwig,

Associate Administrator for Policy and Plans, National Aeronautics and Space Administration.

[FR Doc. 98–2260 Filed 1–28–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (98–008)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives that SGL Carbon Composites, Inc., of Gardena, California 90249–2506, has applied for a partially exclusive to practice the inventions described and claimed in NASA Case Numbers LAR 15643–1, entitled ''Chopped-Fiber Composite Piston Architecture''; LAR 15274–1, entitled ''Carbon Fiber Reinforced Carbon Composite Valve for an Internal Combustion Engine,'' and LAR 15653–1, entitled ''Method of Manufacturing Carbon Fiber Reinforced Carbon Composite Valves for an Internal Combustion Engine,'' for which United States Patent Applications were filed by the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Langley Research Center.

DATE: Responses to this notice must be received by March 30, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly A. Chasteen, Patent Attorney, NASA Langley Research Center, Mail Stop 212, Hampton, VA 23681–0001, telephone 864–3227 and fax (757) 864–9190.

Dated: January 21, 1998.

Edward A. Frankle,

General Counsel.

[FR Doc. 98–2245 Filed 1–28–98; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL SCIENCE FOUNDATION

Committee Management; Notice of Establishment

The Deputy Director of the National Science Foundation has determined that the establishment of NSF2000 Steering Committee is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: NSF2000 Steering Committee.

Purpose: The Foundation will be observing its 50th anniversary in the year 2000. To advise and assist in this important endeavor, NSF is establishing a steering committee that includes representatives from science and engineering and other key groups, such as educators, to help ensure that the objectives of NSF2000 are met. These objectives are to highlight 50 years of U.S. achievements in science and engineering research and education, and to increase awareness of NSF's role in enabling U.S. world leadership in science and engineering.

Balanced Membership Plans. The Committee will be balanced with 15 to 20 men and women who represent science and engineering and education. Members will be selected:

- For having made significant contributions and commitment to science and technology and/or to science and engineering education,
- For having standing and creditability with the key target audiences of NSF2000,
- For having knowledge of or experience with NSF, and
- For having knowledge and experience to help NSF2000 reach its goals and objectives.

Responsible NSF Official: Mary Bullock, Section Head, Special Projects Section, Office of Legislative and Public Affairs, Room 1245, National Science Foundation, 4301 Wilson Boulevard, Arlington, Va. 22300, telephone (703) 306–1070.

Dated: January 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–2206 Filed 1–28–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Committee of Visitors; 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: Advisory Committee for Engineering, Committee of Visitors (1170).

Date and Time: February 18–19, 1998; 8:00 a.m. to 5:30 p.m.

Place: Rooms 365 and 580, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Delcie Durham, Program Director, Materials Processing and Manufacturing, and Dr. Ming Leu, Program Director, Manufacturing Machines and Equipment, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone (703) 306–1330.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewers comments, and other privileged materials.

Agenda: To provide oversight review of the Materials Processing and Manufacturing, and the Manufacturing Machines and Equipment Programs.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: January 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–2205 Filed 1–28–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Graduate Education

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Graduate Education (#57).

Date and time: February 18 and 19, 1998; 8:30 a.m.–5:00 p.m.

Place: Room 330, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of meeting: Closed.

Contact persons: Dr. Sonia Ortega, Mrs. Carolyn L. Piper and Mrs. Arneeta S. Speight, Division of Graduate Education, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, Telephone: (703) 306–1697.

Purpose of meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the NSF–NATO program 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: January 26, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–2202 Filed 1–28–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Information and Intelligent 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: Special Emphasis Panel in Information and Intelligent Systems (1200).

Date and Time: February 12–13, 1998, 8:30 am–5:00 pm

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Gary Strong, Acting Deputy Division Director, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1928.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Knowledge and Cognitive Systems Program proposals as part of the selection process of awards.

Reasons 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: January 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–2204 Filed 1–28–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Materials Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces that the Special Emphasis Panel in Materials Research (1203) will be holding panel meetings for the purpose of reviewing proposals submitted to the Integrative Graduate Education and Research Training Program. These proposals reflect multidisciplinary research themes that draw from all areas of science, engineering, and education supported by the National Science Foundation. In order to review the proposals, panel meetings will be held on February 19–20, 1998 (2). All meetings will be closed to the public and will be held at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia, from 8:00 AM to 5:00 PM each day.

Contact person: Dr. Henry Blount, Head, Office of Multidisciplinary Activities, Office of the Assistant Director for Mathematical and Physical Sciences, National Science Foundation, Room 1005, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1946.

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: January 26, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–2203 Filed 1–28–98; 8:45 am]

BILLING CODE 7555–01–M′

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Physics; 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:

Date and Time: Thursday, February 19, 1998; 8:30 a.m. to 5:00 p.m., Friday, February 20, 1998; 8:30 a.m. to 5:00 p.m., Saturday, February 21, 1998; 8:30 a.m. to 2:00 p.m. all in Room 1280.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Bradley D. Keister, Program Director for Nuclear Physics, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1891.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the Nuclear Physics program for financial support.

Agenda: To review and evaluate the Nuclear Physics proposals 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: January 26, 1998.

Linda Allen-Benton,

Deputy Director, Human Resource Management.

[FR Doc. 98–2201 Filed 1–28–98; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–334 and 50–412]

In the Matter of The Cleveland Electric Illuminating Company, et al; Order Approving Application Regarding Merger Agreement Between DQE, Inc. and Allegheny Power System, Inc.

I

The Cleveland Electric Illuminating Company (CEI), Duquesne Light Company (DLC), Ohio Edison Company (OE), Pennsylvania Power Company (Penn Power), and Toledo Edison Company (TE) are the licensees of Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and BVPS–2). DLC acts as agent for the other licensees and has exclusive responsibility for and control over the physical construction, operation, and maintenance of BVPS–1 and BVPS–2 as reflected in Facility Operating Licenses Nos. DPR–66 and NPF–73. The Nuclear Regulatory Commission (NRC) issued Licenses Nos. DPR–66 and NPF–73 on July 2, 1976, and on August 14, 1987, respectively, pursuant to Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50). The facility is located on the southern shore of the Ohio River in Beaver County, Pennsylvania, approximately 22 miles northwest of Pittsburgh and 5 miles east of East Liverpool, Ohio.

II

Under cover of a letter dated August 1, 1997, DLC submitted an application for consent under 10 CFR 50.80 regarding a proposed merger of DQE, Inc. (the parent holding company of DLC) and Allegheny Power System, Inc., which would result in DQE, Inc. becoming a wholly owned subsidiary of Allegheny Power System, Inc. Allegheny Power System, Inc. would change its name to Allegheny Energy, Inc. (Allegheny Energy). CEI, OE, Penn Power, and TE are not involved in the merger. Supplemental information was submitted by letter dated October 30, 1997.

Under the proposed merger, DLC will become an indirect subsidiary of Allegheny Energy by reason of DQE, Inc. becoming a subsidiary of Allegheny Energy. DLC and the other current licensees will continue to hold the licenses, and no direct transfer of the licenses will result from the merger. On September 12, 1997, a Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring was published in the **Federal Register** (62 FR 48113). An Environmental Assessment and Finding of No Significant Impact was published in the **Federal Register** on September 25, 1997 (62 FR 50411).

Under 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. Upon review of the information submitted in the application and letters of August 1, 1997, and October 30, 1997, the NRC staff has determined that the proposed merger will not affect the qualifications of DLC as holder of Facility Operating Licenses Nos. DPR–66 and NPF–73, and that the transfer of control of the licenses, to the extent effected by the proposed merger, is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth herein. These findings are supported by a safety evaluation dated January 23, 1998.

III

Accordingly, pursuant to Sections 161b, 161i, 161o. and 184 of the Atomic Energy Act of 1954, as amended, 42 USC 2201(b), 2201(i), 2201(o), and 2234; and 10 CFR 50.80, *It is hereby ordered*

that the Commission approve the application regarding the merger agreement between DQE, Inc. and Allegheny Power System, Inc. subject to the following: (1) DLC shall provide the Director of the Office of Nuclear Reactor Regulation a copy of any application, at the time it is filed, to transfer (excluding grants of security interests or liens) from DLC to its first- or second-tier parent or to any other affiliated company, facilities for the production, transmission, or distribution of electric energy having a depreciated book value exceeding 10 percent of DLC's consolidated net utility plant, as recorded on DLC's books of account; and (2) should the merger not be completed by December 31, 1998, this Order shall become null and void, unless upon application and for good cause shown this date is extended.

This Order is effective upon issuance.

IV

By March 2, 1998, any person adversely affected by this Order may file a request for a hearing with respect to issuance of the Order. Any person requesting a hearing shall set forth with particularity how such person's interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is to be held, the Commission will issue an order designating the time and place of such hearing.

The issue to be considered at any such hearing shall be whether this Order should be sustained.

Any request for a hearing must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Copies should also be sent to the Office of the General Counsel and to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to John O'Neill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for DLC.

For further details with respect to this action, see the application submitted under cover of a letter dated August 1, 1997, and supplemental letter dated October 30, 1997, and the safety evaluation dated January 23, 1998, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC., and at the local public document room located at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Dated at Rockville, Maryland, this 23rd day of January 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–2181 Filed 1–28–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–352 and 50–353]

Philadelphia Electric Company Notice of Consideration of Issuance of Amendment to Facility Operating Licenses and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF–39 and NPF–85, issued to Philadelphia Electric Company (the licensee), for operation of the Limerick Generating Station (LGS), Units 1 and 2, located in Montgomery and Chester Counties, Pennsylvania.

The proposed amendment would allow installation of replacement suction strainers for the Emergency Core Cooling System at LGS, Units 1 and 2. The installation for LGC, Unit 1, will be during the refueling outage currently scheduled for April 1998. Installation of the suction strainers in LGS, Unit 2, would be completed at a later date. Moreover, the licenses for LGS, Units 1 and 2, would be revised to reflect approval of the installation of the above cited strainers. The new large-capacity replacement strainers would be installed in the Residual Heat Removal and Core Spray systems' pump suction piping.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By March 2, 1998 the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Pottstown Public Library, 500 High Street, Pottstown, PA 19464. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to

rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to J.W. Durham, Sr., Esquire Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, PA 19101, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated October 6, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Pottstown Public Library, 500 High Street, Pottstown, PA 19464.

Dated at Rockville, Maryland, this 23rd day of January, 1998.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–2 Division of Reactor Projects—I/II Office of Nuclear Reactor Regulation.

[FR Doc. 98–2180 Filed 1–28–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–352]

Philadelphia Electric Company; Limerick Generating Station, Unit 1 Environmental Assessment and Finding of no Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License No. NPF–39 issued to Philadelphia Electric Company (the licensee), for operation of the Limerick Generating Station (LGS), Unit 1, located in Montgomery and Chester Counties, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt Philadelphia Electric Company from the requirements of 10 CFR 70.24(a), which requires in each area in which special nuclear material is handled, used, or stored, a monitoring system that will energize clear audible alarms if accidental criticality occurs. The proposed action would also exempt the licensee from the requirements to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored to ensure that all personnel withdraw to an area of safety upon the sounding of the alarm, to familiarize personnel with the evacuation plan, and to designate responsible individuals for determining the cause of the alarm, and to place radiation survey instruments in accessible locations for use in such an emergency.

The proposed action is in accordance with the licensee's application for exemption dated December 23, 1997.

The Need for the Proposed Action

The purpose of 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of special nuclear material, personnel would be alerted to that fact and would take appropriate action. At a commercial nuclear power plant the inadvertent criticality with which 10 CFR 70.24 is concerned could occur during fuel handling operations. The special nuclear material that could be assembled into a critical mass at a commercial nuclear power plant is in the form of nuclear fuel; the quantity of other forms of special nuclear material that is stored on site in any given location is small enough to preclude achieving a critical mass. Because the fuel is not enriched beyond 5.0 weight percent Uranium-235 and because commercial nuclear plant licensees have procedures and design features that prevent inadvertent criticality, the staff has determined that it is unlikely that an inadvertent criticality could occur due to the handling of special nuclear material at a commercial power reactor. The requirements of 10 CFR 70.24(a), therefore, are not necessary to ensure the safety of personnel during the handling of special nuclear materials at commercial power reactors. However, an exemption to 10 CFR 70.24(a) is needed to permit deviation from these requirements.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed action involves features located entirely within the protected area as defined in 10 CFR part 20.

The proposed action will not result in an increase in the probability or consequences of accidents or result in a change in occupational or offsite dose. Therefore, there are no radiological impacts associated with the proposed action.

The proposed action will not result in a change in nonradiological plant effluents and will have no other nonradiological environmental impact.

Accordingly, the Commission concludes that there are no environmental impacts associated with this action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or

greater environmental impact need not be evaluated. As an alternative to the proposed exemption, the staff considered denial of the requested exemption. Denial of the request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the ''Final Environmental Statement Related to the Operation of Limerick Generating Station, Units 1 and 2,'' dated November 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on January 23, 1998, the staff consulted with the Pennsylvania State official, Mr. David Ney of the Bureau of Radiation Protection, Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated December 23, 1997, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Pottstown Public Library, 500 High Street, Pottstown, PA 19464.

Dated at Rockville, Maryland, this 23rd day of January 1998.

For the Nuclear Regulatory Commission.

Bartholomew C. Buckley,

Senior Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–2179 Filed 1–28–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Proposed Generic Communication; Year 2000 Readiness of Computer Systems at Nuclear Power Plants (MA0138)

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a generic letter to all holders of operating licenses for nuclear power plants, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel, to require that all addressees provide certain information regarding their programs, planned or implemented, to address the Year 2000 (Y2K) problem in computer systems at their facilities. In particular, addressees are being asked to provide written confirmation of implementation of the programs, and written certification that their facilities are Y2K ready and in compliance with the terms and conditions of their licenses and NRC regulations. This information is being requested under 10 CFR 50.54(f).

The NRC is seeking comment from interested parties on both the technical and regulatory aspects of the proposed generic letter presented under the Supplementary Information heading. In this regard, the NRC encourages the industry to propose a viable alternative to the generic letter as a means of providing the necessary assurance to the NRC that licensees are effectively addressing the Y2K problem in computer systems at their facilities. Such an alternative could consist of a voluntary initiative on the part of the nuclear power industry to obtain licensee inputs and communicate its findings to the NRC.

The proposed generic letter has been endorsed by the Committee to Review Generic Requirements (CRGR). Relevant information that was sent to the CRGR will be placed in the NRC Public Document Room. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter. The NRC's final evaluation will include a review of the technical position and, as appropriate, an analysis of the value/impact on licensees. Should this generic letter be issued by the NRC, it will become available for public inspection in the NRC Public Document Room.

DATES: Comment period expires March 2, 1998. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules and Directives Branch, Division of Administrative Services, U.S. Nuclear Regulatory Commission, Mail Stop T6–D69, Washington, DC 20555–0001. Written comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, between 7:45 am to 4:15 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Matthew Chiramal, (301) 415–2845.

SUPPLEMENTARY INFORMATION:

NRC Generic Letter No. 98–XX: Year 2000 Readiness of Computer Systems at Nuclear Power Plants

Addressees

All holders of operating licenses for nuclear power plants, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this generic letter to require that all addressees provide the following information regarding their programs, planned or implemented, to address the Year 2000 (Y2K) problem in computer systems at their facilities: (1) written confirmation of implementation of the programs, and (2) written certification that the facilities are Y2K ready and in compliance with the terms and conditions of their licenses and NRC regulations.

Description of Circumstances

Simply stated the Y2K computer problem pertains to the potential inability of computers to correctly recognize dates beyond the current century, i.e., beginning with January 1, 2000 and beyond. The problem results from computer hardware or software that uses two-digit fields to represent the year. If the Y2K problem is not corrected, computer systems will be unable to recognize the change in century and will misread ''00,'' for the year 2000, as 1900. The Y2K problem has the potential to interfere with the proper operation of any computer system, any hardware that is microprocessor-based (embedded

software), and any software or database at nuclear power plants. As a consequence, there is a risk that affected plant systems and equipment will fail to function properly.

The Y2K problem is urgent because it has a fixed, non-negotiable deadline. This matter requires priority attention because of the limited time remaining to assess the magnitude of the problem, its associated technical and cost risks, and resource availability, and to implement programs that will achieve satisfactory resolution.

Existing reporting requirements under 10 CFR part 21, 10 CFR 50.72, and 10 CFR 50.73 provide for notification to the NRC staff of deficiencies, non-conformance and failures, such as the Y2K problem in safety-related systems. To date, the NRC staff has not identified nor received notification from licensees or vendors of digital protection systems (e.g., Westinghouse, General Electric, Combustion Engineering, Foxboro, Allen Bradley, or Framatome/Babcock & Wilcox) that a Y2K problem exists with safety-related initiation and actuation systems. However, problems have been identified in non-safety, but important, computer-based systems. Such systems, primarily databases and data collection processes necessary for plant operation that are date driven, may need to be modified for Y2K compliance. Some examples of systems and computer equipment that may be affected by Y2K problems follow:

Security computers
Plant process (data scan, log, and alarm) and safety parameter display system computers
Emergency response systems
Radiation monitoring systems
Dosimeters and readers
Plant simulators
Engineering programs
Communication systems
Inventory control systems
Surveillance and maintenance tracking systems
Control systems

To alert nuclear power plant licensees to the Y2K problem, the NRC issued Information Notice (IN) 96–70, ''Year 2000 Effect on Computer System Software,'' on December 24, 1996. In IN 96–70 the staff described the potential problems that nuclear power plant computer systems and software may encounter as a result of the change to the new century and how the Y2K issue may affect NRC licensees. In IN 96–70 the staff encouraged licensees to examine their uses of computer systems and software well before the turn of the century and suggested that licensees consider actions appropriate to examine and evaluate their computer systems for Y2K vulnerabilities. The NRC staff also incorporated recognition of the Y2K concern in the updated Standard Review Plan (SRP), NUREG–0800, Chapter 7, ''Instrumentation and Control,'' dated August 1997, which contains guidance for staff review of computer-based instrumentation and control systems.

At the Nuclear Utilities Software Management Group (NUSMG) Year 2000 Workshop, an industry workshop held in July 1997, nuclear power plant licensees described their Y2K programs, and gave examples of areas in which they addressed Y2K issues in order to ensure the safety and operability of their plants on January 1, 2000. Some of the issues discussed were the (1) evaluation of the impact of the Y2K problem on plant equipment, (2) assessment process involved in the identification of Y2K affected components, vendors, and interfaces, (3) development of Y2K testing strategies, and (4) identification of budget needs to address the Y2K problem.

The Nuclear Energy Institute (NEI) met with NUSMG and nuclear plant utility representatives in August 1997 to formulate an industry-wide plan to address the Y2K issue. On October 7, 1997, representatives of NEI and NUSMG met with the NRC staff to discuss actions NEI was taking to help utilities make their plants ''Year 2000 ready.'' NEI was preparing a framework document with guidance for utility use in readying for the Year 2000. The framework document makes a distinction in terminology between ''Y2K readiness'' (''Y2K Ready'' is defined as a computer system or application that has been determined to be suitable for continued use into the year 2000 even though the computer system or application is not fully Y2K Compliant) and ''Y2K compliance'' (''Y2K Compliant'' is defined as computer systems or applications that accurately process date/time data (including but not limited to, calculating, comparing, and sequencing) from, into and between the twentieth and twenty-first centuries, the years 1999 and 2000, and leap-year calculations). NEI/NUSMG issued the framework document NEI/NUSMG 97–07, ''Nuclear Utility Year 2000 Readiness'' to all licensees in November 1997. The document recommends methods for nuclear utilities to attain Y2K readiness and thereby ensure that their facilities remain safe and continue to operate within the requirements of their license. The scope of NEI/NUSMG 97–07 covers software, or software-based systems or interfaces, whose failure (due to the Y2K problem) would (1) prevent the performance of the safety function of a structure, system or component and (2) degrade, impair, or prevent operability of the nuclear facility.

Discussion

Diverse concerns are associated with the potential impact of the Y2K problem on nuclear power plants because of the variety and types of computer systems in use. Some of the concerns are the (1) scheduling of maintenance and technical specification surveillance requirements, (2) use and application of programmable logic controllers and other commercial off-the-shelf software and hardware, (3) operation of process control systems, (4) performance of engineering calculations, and (5) collection of operating and post-accident plant parameter data.

Some vendors have taken such actions as placing information on the Internet discussing which of their products are Y2K compliant, and how the vendor is addressing the Y2K problem with respect to specific products, including products purchased by their nuclear power plant customers. When addressing some of the particular issues associated with the use and application of software, it has been found that even if the application has no apparent date manipulation algorithms, it may still be affected by a Y2K related problem. For example, a subroutine that date stamps the header information in archival tapes regardless of the rest of the content of the tape may be affected. In addition, although individually several systems may be ''date safe,'' the integrated operations that the systems support may be vulnerable to the Y2K problem. Further, there are potential impacts from the operating system supporting their instrumentation system's application software and from sub-programs (such as calibration and data recording/reporting) associated with the main application software.

One application which is common to all power reactor licensees is the link between plant computers and the NRC's Emergency Response Data System (ERDS). This application performs the communication and data transmission function which provide near real-time data availability to NRC and state incident response personnel during declared emergencies. The NRC is currently performing Y2K related upgrades to ERDS which will maintain the same communication protocol as the current system with the exception that either 2-digit or 4-digit year fields will be accepted. Those licensees that anticipate changes to their ERDS link should allow time in their schedules for retesting their systems. NRC contractors

will support requests for testing on a ''first come, first served'' basis.

NEI/NUSMG 97–07 suggests a strategy for developing and implementing a nuclear utility Y2K program. The strategy recognizes management, implementation, quality assurance, regulatory considerations, and documentation as the fundamental elements of a successful Y2K project. The document contains additional guidance for these fundamental elements. The recommended components for management planning are management awareness, sponsorship, project leadership, project objectives, project management team, management plan, project reports, interfaces, resources, oversight, and quality assurance. The suggested phases of implementation are awareness, initial assessment (which includes inventory, categorization, classification, prioritization, and analysis of initial assessment), detailed assessment (including vendor evaluation, utility-owned or -supported software evaluation, interface evaluation, remedial planning), remediation, Y2K testing and validation, and notification. The quality assurance (QA) measures apply to project management QA and implementation QA.

Regulatory considerations include the performance of appropriate reviews, reporting requirements, and documentation. Documentation of Y2K program activities and results includes documentation requirements, project management documentation, vendor documentation, inventory lists, checklists for initial and detailed assessments, and record retention. NEI/NUSMG 97–07 also contains examples of various plans and checklists as appendices.

The staff believes that the guidance in NEI/NUSMG 97–07, when properly implemented, will present an appropriate approach for licensees to address the Y2K problem at nuclear power plant facilities.

In the course of implementing the Y2K readiness program, problems could be identified that potentially impact the licensing basis of the plants. In certain cases, license amendments may be needed to address the problem resolution. Licensees should submit such license amendments to the NRC on a timely basis. The utility Y2K readiness programs and schedules should have the flexibility to accommodate such an eventuality. In addition, licensees are reminded that any changes to their facilities that impact their current licensing basis must be reviewed in accordance with existing NRC requirements and the change properly documented.

Required Response

In order to gain the necessary assurance that addressees are effectively addressing the Y2K problem and are in compliance with the terms and conditions of their licenses and NRC regulations, the NRC staff requires that all addressees submit a written response to this generic letter as follows:

(1) Within 90 days of the date of this generic letter, submit a written response indicating whether or not you have pursued and are continuing to pursue a Y2K readiness program as outlined in NEI/NUSMG 97–07. If you are not conforming to the NEI/NUSMG guidance, present a brief description of the program(s) that have already been completed, are being conducted, or are planned to ensure Y2K readiness of the computer systems at your facility(ies). This response should address the program's scope, assessment process, and plans for corrective actions (including testing, and schedules).

(2) Upon completing your Y2K readiness program, or, in any event, no later than July 1, 1999, submit a written response confirming that your facility is Y2K ready and in compliance with the terms and conditions of your license(s) and NRC regulations. In addition, the response should contain a status report of work remaining to be done to complete your Y2K program, including completion schedules. {''Y2K Ready'' is defined as a computer system or application that has been determined to be suitable for continued use into the year 2000 even though the computer system or application is not fully Y2K Compliant. ''Y2K Compliant'' is defined as computer systems or applications that accurately process date/time data (including but not limited to, calculating, comparing, and sequencing) from, into and between the twentieth and twenty-first centuries, the years 1999 and 2000, and leap-year calculations.}

Address the written reports to the U.S. Nuclear Regulatory Commission, Attention: Document Control Desk, Washington, D.C. 20555–0001, under oath or affirmation under the provisions of Section 182a, Atomic Energy Act 1954, as amended, and 10 CFR 50.54(f). In addition, submit a copy to the appropriate regional administrator.

Backfit Discussion

This generic letter only requests information from addressees under the provisions of Section 182a of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.54(f). The requested information will enable the staff to verify that each nuclear power plant licensee is implementing an effective plan to address the Y2K problem and provide for safe operation of the facility before January 1, 2000, and is in compliance with the terms and conditions of their license(s) and NRC regulations. The following NRC regulations are a basis for this request:

- 10 CFR 50.36, ''Technical Specifications,'' paragraph (c)(3), ''Surveillance requirements,'' and paragraph (c) (5), ''Administrative controls.'' These relate, respectively, to requirements relating to test, calibration, or inspection to assure that the necessary quality of systems and components is maintained, and to provisions relating to management, procedures, record keeping, and review and audit necessary to assure operation of the facility in a safe manner.
- 10 CFR 50.47, ''Emergency plans,'' paragraph (b)(8), which relates to the provision and maintenance of adequate emergency facilities and equipment to support the emergency responses.
- Appendix B to 10 CFR Part 50, Criterion III, ''Design Control,'' requires that design control measures shall provide for verifying or checking the adequacy of design, such as by the performance of design reviews, by the use of alternate or simplified calculational methods, or by the performance of a suitable testing program.
- Appendix B to 10 CFR Part 50, Criterion XVII, ''Quality Assurance Records,'' requires that sufficient records shall be maintained to furnish evidence of activities affecting quality. The records are to include, among others, operating logs and results of reviews.
- Appendix E to 10 CFR 50, Section VI, ''Emergency Response Data System'' which relates to the provision and maintenance of licensee links to the Emergency Response Data System.

In addition, the following requirements from Appendix A to 10 CFR part 50, ''General Design Criteria for Nuclear Power Plants'', also provide a basis for the request: (In the statement of consideration (SOC) for the amendment to 10 CFR part 50 which added Appendix A, ''General Design Criteria for Nuclear Power Plants,'' published in the **Federal Register** on February 20, 1971, the Commission noted that the general design criteria added as Appendix A to Part 50 establish the minimum requirements for the principal design criteria for water-cooled nuclear power plants similar in design and location to plants for which construction permits have been issued

by the Commission. Principal design criteria established by an applicant and accepted by the Commission will be incorporated by reference in the construction permit. The SOC also notes that in considering the issuance of an operating license under part 50, the Commission will require assurance that these criteria have been satisfied in the detailed design and construction of the facility and any changes in such criteria are justified. It should be noted that a proposed Appendix A to 10 CFR part 50 was published in the **Federal Register** on July 11, 1967, and the comments and suggestions received in response to the notice of proposed rule making and subsequent developments in the technology and in the licensing process have been considered in developing the general design criteria.)

- Appendix A to 10 CFR part 50, General Design Criterion (GDC) 13, ''Instrumentation and control,'' which addresses the provision of appropriate instrumentation and controls to monitor and control systems and variables during normal operation, anticipated operational occurrences, and accident conditions as appropriate to ensure adequate safety.
- Appendix A to 10 CFR part 50, GDC 19, ''Control room,'' which requires the provision of a control room from which actions can be taken to operate the nuclear plant safely.
- Appendix A to 10 CFR part 50, GDC 23, ''Protection system failure modes,'' which requires that the protection system shall be designed to fail into a safe state or into a state demonstrated to be acceptable on some other defined basis.

Dated at Rockville, Maryland, this 23rd day of January 1998.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Acting Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 98–2182 Filed 1–28–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8989; License No. SUA–1559]

Envirocare of Utah, Inc.; Notice of Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by petition dated December 12, 1997, Mr. Thomas B. Cochran, Director of Nuclear Programs, Natural Resources Defense Council (NRDC) requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to Envirocare of Utah, Inc. (Envirocare). The Petitioner requests that the NRC: (1) Conduct an immediate investigation of issues raised in the Petition and immediately suspend Envirocare's NRC license; (2) conduct an investigation of possible criminal violations of section 223 of the Atomic Energy Act of 1954, as amended (the Act); (3) immediately suspend Envirocare's license with the State of Utah, under section 274j(2) of the Act; (4) investigate the adequacy of the State of Utah agreement state program to protect whistle blowers; (5) contact each current and former Envirocare employee personally, on a confidential basis, to advise them of their rights to inform the NRC of unsafe practices and violations, to inform them of the protections available to them, and to ask them if they have any information which they wish to disclose, on a confidential basis or otherwise; and (6) order a special independent review of Envirocare's relationships with its employees, along the lines of the review ordered by the NRC for the Millstone site.

As a basis for this request, the petitioner states that Envirocare's employee-related practices and contractual provisions constitute a violation of 42 U.S.C. 5851 and the NRC's whistle blower protection regulations under Parts 19 and 40 of Title 10 of the Code of Federal Regulations (i.e., 10 CFR 19.16, 19.20, and 40.7). Specifically, the petitioner states that current and former Envirocare employees who have provided to governmental authorities information adverse to Envirocare's interests fear for their lives and the lives of their families, should their identities become known to an officer of Envirocare. The petitioner also states that certain provisions in Envirocare's standard employment contract prevent its employees from disclosing to the NRC information concerning unsafe practices and violations under the NRC license and threaten them with severe financial penalties in the event of a disclosure.

The request for an investigation and the suspension of Envirocare's NRC license is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Material Safety and Safeguards. As provided by § 2.206, appropriate action will be taken on this petition within a reasonable time. By letter dated January 16, 1998, the Director denied the petitioner's request for immediate action concerning Envirocare's NRC license. A copy of the petition is available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 16th day of January 1998.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98–2178 Filed 1–28–98; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments Are Invited On

(a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and Purpose of Information Collection

Withholding Certificate for Railroad Retirement Monthly Annuity Payments; OMB 3220–0149.

The Internal Revenue Code requires all payers of tax liable private pensions to U.S. citizens to: (1) Notify each recipient at least concurrent with initial withholding that the payer is, in fact, withholding benefits for tax liability and that the recipient has the option of electing not to have the payer withhold, or to withhold at a specific rate; (2) withhold benefits for tax purposes (in the absence of the recipient's election not to withhold benefits); and (3) notify all beneficiaries, at least annually, that they have the option of changing their withholding status or elect not to have benefits withheld.

The Railroad Retirement Board provides Form RRB–W4P, Withholding Certificate for Railroad Retirement

Payments, to its annuitants to exercise their withholding options. Completion of the form is required to obtain or retain a benefit. One response is requested of each respondent.

No changes are being proposed to the current version of Form RRB W–4P used by the RRB. The RRB estimates that 25,000 annuitants utilize Form RRB W–4P annually. The completion time for Form RRB W–4P varies depending on individual circumstances. The average completion time for Form RRB W–4P is estimated at 40 minutes for recordkeeping, 20 minutes for learning about the law or the form, and 49 minutes for preparing the form.

ADDITIONAL INFORMATION OR COMMENTS: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 98–2129 Filed 1–28–98; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23007; 812–10932]

American Century Capital Investment Management, Inc., et al.; Notice of Application

January 22, 1998.

AGENCY: Securities and Exchange Commission (the ''SEC'' or the ''Commission'').

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: American Century Capital Portfolios, Inc. (the ''Company''), on behalf of its series American Century Real Estate Fund (the ''Fund''), American Century Investment Management, Inc. (the ''Advisor''), RREEF Real Estate Securities Adviser, L.P. (the ''Subadvisor''), and ROMEO America. L.L.C. (the ''New Subadvisor'').

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act to exempt applicants from the provisions of section 15 (a) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the implementation, without prior shareholder approval, of an investment subadvisory agreement (''New Subadvisory Agreement'') among the Fund, the Advisor and the New Subadvisor for a period of up to 120 days following the later of the acquisition of substantially all the assets of the Subadvisor by the New Subadvisor or the date on which the order is issued, but in no event later than May 27, 1998 (the ''Interim Period''). The order would also permit the New Subadvisor to receive from the Advisor fees earned under the New Subadvisory Agreement following approval by the Fund's shareholders.

FILING DATES: The application was filed on December 29, 1997. Applicant has agreed to file an amendment, the substance of which is incorporated in this notice, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An Order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 13, 1998, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, c/o Skadden, Arps, Slate, Meagher & Flom (Illinois), 333 West Wacker Drive, Suite 2300, Chicago, Illinois 60606, Attn: Peter C. Krupp.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Pisto, Senior Counsel, at (202) 942–0527, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549 (tel. (202) 942–8090).

Applicants' Representations

1. The Company is a Maryland corporation registered under the Act as an open-end management investment company. The Fund is a series of the Company. The Advisor, a Delaware corporation and an investment adviser registered under the Investment Advisers Act of 1940 (''Advisers Act''), acts as the Fund's investment adviser. The Subadvisor, a California limited partnership and an investment adviser registered under the Advisers Act, acts as subadviser to the Fund under the terms of a subadvisory agreement (the ''Existing Subadvisory Agreement''). The New Subadvisor is a Delaware limited liability company and an indirect, wholly-owned subsidiary of ROMEO U.S. Group, Inc. (''ROMEO''). The applicants represent that the New Subadvisor will be a duly registered investment adviser under the Advisers Act because either (i) the New Subadvisor shall have filed a Form ADV with the SEC that has become effective on or before the Closing Date (as defined below), or (ii) in reliance on section 203(g) of the Advisers Act.

2. The New Subadvisor has agreed to acquire and purchase substantially all of the assets of the Subadvisor pursuant to an acquisition agreement dated December 14, 1997 (the ''Acquisition''). In connection with the Acquisition, the Subadvisor will transfer all of the investment advisory agreements to which the Subadvisor is a party, including the Existing Subadvisory Agreement, to ROMEO. Applicants expect that the Acquisition will be consummated on January 27, 1998.

3. The consummation of the Acquisition will result in an assignment of the Existing Subadvisory Agreement within the meaning of section 2(a)(4) of the Act, terminating such agreement according to its terms and the Act. Applicants seek an exemption to permit: (i) The implementation, without prior shareholder approval, of the New Subadvisory Agreement; and (ii) the New Subadvisor to receive from the Advisor, subject to shareholder approval, any and all fees earned under the New Subadvisory Agreement during the Interim Period. The requested exemption would cover an Interim Period of not more than 120 days beginning on the later of the day the Acquisition is consummated (the ''Closing Date''), or the issuance of the requested order and continuing through the date the New Subadvisory Agreement is approved by the shareholders of the Fund (and in any event no later than May 27, 1998).[1] The

[1] Applicants state that if the Closing Date precedes issuance of the requested order, the New Subadvisor will serve as subadviser to the Fund after the Closing Date and until the issuance of the order in a manner consistent with its fiduciary duty. Applicants also state that the Advisor will be required to pay to the New Subadvisor, with respect to the period from the Closing Date until the

New Subadvisory Agreement will contain substantially the same terms and conditions as the Existing Subadvisory Agreement, except for the dates of execution and termination and the inclusion of escrow arrangements.

4. Applicants state that prior to the Closing Date, the Board of Directors of the Company (the ''Board'') will meet, in accordance with Section 15(c) of the Act to consider the New Subadvisory Agreement and to evaluate whether the terms of the New Subadvisory Agreement are in the best interests of the Fund and its shareholders. The Board intends to hold such a meeting on January 23, 1998. To the extent that the Board cannot meet prior to the Closing Date, applicants acknowledge that they may not rely on the exemptive relief requested in the application.

5. Applicants propose to enter into escrow arrangements with an unaffiliated financial institution as escrow agent. The arrangements, in substance, would provide that: (i) The portion of the investment subadvisory fees earned by the New Subadvisor during the Interim Period under the New Subadvisory Agreement would be paid into an interest-bearing escrow account maintained by the escrow agent; and (ii) the amounts in the escrow account (including interest earned on such amounts) would be paid to the New Subadvisor only upon approval by the Fund's shareholders of the New Subadvisory Agreement or, in the absence of such approval, to the Fund. Before any such release is made, the Board will be notified.

Applicants' Legal Analysis

1. Section 15(a) of the Act prohibits an investment adviser from providing investment advisory services to a registered investment company except under a written contract that has been approved by a majority of the voting securities of the investment company. Section 15(a) of the Act further requires that the written contract provide for automatic termination in event of its assignment. Section 2(a)(4) of the Act defines ''assignment'' to include any direct or indirect transfer of a contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor.

2. Applicants represent that the Acquisition will result in an ''assignment,'' within the meaning of section 2(a)(4) of the Act, of the Existing Subadvisory Agreement, terminating the Agreement according to its terms.

3. Rule 15a–4 provides, in pertinent part, that if an investment adviser's investment advisory contract with a registered investment company is terminated by assignment, the adviser may continue to act as such for 120 days under a written contract that has not been approved by the investment company's shareholders, if the new contract is approved by the board of directors of the investment company (including a majority of the noninterested directors), the compensation to be paid under the new contract does not exceed the compensation which would have been paid under the contract most recently approved by shareholders of the investment company, and neither the investment adviser nor any controlling person of the investment adviser ''directly or indirectly receive money or other benefit'' in connection with the assignment. Applicants cannot rely on rule 15a–4 because of the benefits to the members, partners and shareholders of the Subadviser arising from the Acquisition.

4. Section 6(c) of the Act permits the SEC to conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard.

5. Applicants note that the terms and timing of the Acquisition were determined by the New Subadvisor and the Subadvisor in response to a number of factors beyond the scope of the Act and substantially unrelated to the Fund. The Acquisition contemplates the sale of the assets of four entities, including the Subadvisor, and the assignment of more than 200 investment advisory and property management contracts. The assignment of the Existing Subadvisory Agreement constitutes a relatively small part of the Acquisition.

6. During the Interim Period, the New Subadvisor will render investment subadvisory services to the Fund under the New Subadvisory Agreement, which will be substantially the same as the Existing Subadvisory Agreement. The applicants represent that during the Interim Period the Fund will receive the same scope and quality of investment subadvisory services provided by essentially the same personnel under the New Subadvisory Agreement as it receives under the Existing Subadvisory Agreement, in the same manner and at the same fee levels. Although the Subadvisor does not anticipate any change in the personnel providing services to the Fund, if such personnel change materially, the New Subadvisor will apprise and consult with the Board to make sure that the Board, including a majority of the noninterested Board members, is satisfied that the services provided during the Interim Period will not be diminished in scope and quality.

7. Applicants believe that the requested relief is consistent with the protection of investors because it will permit continuity of investment subadvisory services to the Fund. Applicants submit that to deprive the New Subadvisor of investment advisory fees earned during the Interim Period would be an unduly harsh and unreasonable penalty.

Applicants' Conditions

Applicants agree as conditions to the issuance of the exemptive order requested by this application that:

1. The New Subadvisory Agreement will contain substantially the same terms and conditions as the Existing Subadvisory Agreement, except for the dates of execution and termination and the inclusion of escrow arrangements.

2. That portion of the investment subadvisory fee earned by the New Subadvisor during the Interim Period will be maintained in an interest-bearing escrow account, and amounts in the account (including interest earned on such amounts) will be paid (a) to the New Subadvisor in accordance with the New Subadvisory Agreement, only upon approval of the Fund's shareholders, or (b) in the absence of such approval prior to the expiration of the Interim Period, to the Fund.

3. The Fund will promptly schedule a meeting of shareholders to vote on the approval of the New Subadvisory Agreement to be held within 120 days following the commencement of the Interim Period (but in no event later than May 27, 1998).

4. The Subadvisor or the New Subadvisor will pay the costs of preparing and filing the application. The Subadvisor or the New Subadvisor will pay the costs relating to the solicitation and approval of Fund shareholders of the New Subadvisory Agreement necessitated by the Acquisition.

5. The New Subadvisor will take all appropriate actions to ensure that the scope and quality of subadvisory and other services provided to the Fund by the New Subadvisor during the Interim Period will be at least equivalent, in the

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issuance of the order, no more than the actual out-of-pocket cost to the New Subadvisor for providing investment subadvisory services to the Fund.

judgment of the Board, including a majority of the noninterested Board members, to the scope and quality of services previously provided. In the event of any material change in personnel providing material services pursuant to the New Subadvisory Agreement, the New Subadvisor will apprise and consult with the Board to make sure that the Board, including a majority of the noninterested members, is satisfied that the services provided will not be diminished in scope or quality.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–2135 Filed 1–28–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–23006; File No. 812–10750]

Great-West Life & Annuity Insurance Company, et al; Notice of Application

January 22, 1998.

AGENCY: The Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order pursuant to Section 26(b) of the Investment Company Act of 1940 (the ''1940 Act'') approving certain substitutions of securities, and pursuant to Section 17(b) of the 1940 Act exempting related transactions from Section 17(a) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain registered unit investment trusts to substitute shares of certain registered open-end investment companies for shares of certain registered investment companies currently held by those unit investment trusts, and to permit certain in-kind redemptions of portfolio securities in connection with the substitutions.

APPLICANTS: Great-West Life & Annuity Insurance Company (''GWL&A''), Maxim Series Account (the ''Maxim Account''), Pinnacle Series Account (the ''Pinnacle Account,'' together with GWL&A and the Maxim Account, the ''Separate Accounts''), Maxim Series Fund, Inc. (''Maxim Series Fund'') and BenefitsCorp Equities, Inc. (''BCE'').

FILING DATE: The application was filed on August 8, 1997, and amended and restated on December 9, 1997.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 17, 1998, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, c/o Jorden Burt Berenson & Johnson, LLP, 1025 Thomas Jefferson Street, N.W., Suite 400 East, Washington, D.C. 20007–0805, Attention: Josephine Cicchetti, Esq.

FOR FURTHER INFORMATION CONTACT: Ethan D. Corey, Senior Counsel, at (202) 942–0675, or Kevin M. Kirchoff, Branch Chief, at (202) 942–0672, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application may be obtained for a fee from the Public Reference Branch of the Commission, 450 5th Street, N.W., Washington, D.C. 20549 (tel. (202) 942–8090).

Applicants' Representations

1. GWL&A, a Colorado stock life insurance company, does business in the District of Columbia, Puerto Rico, and in all states of the United States, except New York.

2. GWL&A is wholly-owned by The Great-West Life Assurance Company, which is a subsidiary of Great-West Lifeco Inc., an insurance holding company. Great-West Lifeco Inc. is a subsidiary of Power Financial Corporation of Canada, which is controlled by Power Corporation of Canada.

3. The Maxim Account, a separate account established by GWL&A under Colorado law, is registered with the Commission as a unit investment trust. The Maxim Account is a distinct investment account of GWL&A which acts as a funding vehicle for certain individual flexible premium variable deferred annuity contracts (the ''Maxim Contracts'').

4. Currently there are three different Maxim Contracts issued under the Maxim Account. Two of the Maxim Contracts (''MSA–1'' and ''MSA–2'') are no longer sold, have fewer than 5,000 participants and no longer file post effective amendments in reliance upon a no-action letter. MSA–1 has five investment divisions, each of which invests exclusively in one of the corresponding portfolios of Maxim Series Fund, an open-end management investment company. MSA–2 has seven investment divisions, five of which invest solely in corresponding portfolios of Maxim Series Fund and two of which invest solely in corresponding portfolios of American Century Variable Portfolios, Inc. (''American Century''), another open-end management investment company. The third Maxim Contract (''MVP'') has fifteen investment divisions, thirteen of which invest solely in corresponding portfolios of Maxim Series Fund and two of which invest solely in corresponding portfolios of American Century.

5. The Maxim Account is used in connection with Maxim Contracts that may be issued under retirement plans which qualify for federal tax benefits under Sections 401 and 408 of the Internal Revenue Code (the ''Code'') as individual retirement accounts and under other retirement plans which do not qualify under the Code.

6. The Pinnacle Account, a separate account established by GWL&A under Colorado law, is registered with the Commission as a unit investment trust. The Pinnacle Account is a distinct investment account of GWL&A which acts as a funding vehicle for certain single premium variable life insurance policies (the ''Policies,'' together with the Maxim Contracts, the ''Contracts'').

7. The Policies have five investment divisions, each of which invests exclusively in one of the corresponding portfolios of the Maxim Series Fund.

8. The Pinnacle Account no longer files post-effective amendments to its registration statement in reliance upon a no-action letter granted to GWL&A and the Pinnacle Account.

9. BCE is the principle underwriter and distributor of MVP. The Policies, MSA–1, and MSA–2 are not currently sold and there is no need for an underwriter. BCE is registered with the Commission under the Securities Exchange Act of 1934 as a broker-dealer and is a member of the National Association of Securities Dealers, Inc.

10. Of the Contracts and Policies, only MVP is still sold. MVP may be issued under retirement plans which qualify for federal tax benefits under Sections 401 and 408 of the Code as individual retirement accounts and under other retirement plans which do not qualify under the Code.

11. All of the Contracts expressly reserve GWL&A's right, both on its own behalf and on behalf of the Separate Accounts, to eliminate investment divisions, combine two or more investment divisions, or substitute one or more underlying funds for others in which its investment divisions are invested.

12. GWL&A, on its own behalf and on behalf of the Pinnacle Account and the Maxim Account, proposes to exercise its contractual right to eliminate the Maxim Series Fund Total Return Portfolio (''Total Return Portfolio'') as an investment division under the Policies and MSA–1. GWL&A also proposes, on its behalf and on behalf of the Maxim Account to exercise its contractual right to eliminate the Total Return Portfolio and the American Century Balanced Portfolio (collectively, the ''Eliminated Portfolios'') as investment divisions under MVP and MSA–2.

13. With respect to MVP, GWL&A proposes to substitute shares of the Maxim Series Fund Maxim INVESCO Balanced Portfolio (the ''Balanced Portfolio'') for shares of the Eliminated Portfolios. In addition, with respect to MSA–1 and MSA–2, GWL&A proposes to substitute shares of the Maxim Series Fund Maxim Stock Index Portfolio (the ''Index Portfolio,'' together with the Balanced Portfolio, the ''Substituted Portfolios'') for shares of the Eliminated Portfolios. Finally, with respect to the Policies, GWL&A proposes to substitute shares of the Index Portfolio for shares of the Total Return Portfolio. When discussed together, the Pinnacle Account and the Maxim Account substitutions will be collectively referred to as the ''Substitution.'' Applicants believe the Substitution will benefit the Contract owners by eliminating portfolios with below average historical return..

14. The investment objective of the Total Return Portfolio is to obtain the highest possible total return, through a combination of income and capital appreciation, consistent with reasonable risk. The investment objective of the American Century Balanced Portfolio is capital growth and current income. The investment objective of the Index Portfolio is to provide investment results, before fees, that correspond to the total return of the Standard & Poor's (''S&P'') 500 Index and the S&P Mid-Cap Index, weighted according to their respective pro-rata shares of the market. The investment objective of the Balanced Portfolio is to achieve a high total return on investment through capital appreciation and current income.

15. As of September 30, 1997, the Maxim Total Return Portfolio has provided 1, 5 and 10 year (or since investment division inception) total returns of (i) 24.91%, 12.01% and 9.30% to MSA–1 Contract owners; (ii) 24.72%, 11.87% and 9.52% to MSA–2 Contract owners; (iii) 24.95% and 9.39% to MVP Contract owners; and (iv) 25.81%, 12.87% and 12.43% to Pinnacle Policy owners.[1] The American Century Balanced Portfolio has provided 1, 5 and 10 year (or since investment division inception) total returns of 19.20%, 10.56% and 10.23% to MSA–2 Contract owners. The Maxim Stock Index Fund has provided 1, 5 and 10 year (or since investment division inception) total returns of: (i) 36.68%, 17.00% and 11.37% to MSA–1 Contract owners; (ii) 37.40%, 17.21% and 11.41% to MSA–2 Contract owners; and (iii) 38.52%, 18.31% and 12.42% to Pinnacle Policy owners. The Maxim INVESCO Balanced Portfolio has provided total return of 28.26% to MVP Contract owners since its inception on October 1, 1996. The Maxim INVESCO Balanced Portfolio was created to copy the investment strategy of the INVESCO Balanced Fund and is sub-advised by the same portfolio manager that advises the INVESCO Balanced Fund. The one-year and since-inception total return of the INVESCO Balanced Fund are 25.75% and 20.63%, respectively. The expense level of the INVESCO Balanced Fund is 1.29%; the expense level of the Maxim INVESCO Balanced Portfolio is 1.00%.

16. Contract owners will be advised of their ability to transfer their Contract value to the remaining investment divisions or to leave their Contract value in the Eliminated Portfolios for an automatic substitution on the date that GWL&A will schedule the Substitution to occur (the ''Automatic Selection Date''). As of the Automatic Selection Date, all Contract values allocated to the Eliminated Portfolios automatically will be reallocated to the Substituted Portfolios. No Eliminated Portfolio will accept additional premium payments (i.e., new money or transfers) on or after the Automatic Selection Date. Contract owners can transfer their assets from the Substituted Portfolios to any remaining investment division available under their Contracts. No sales load deductions or transfer charges will be assessed in connection with any transfers among the portfolios because of the Substitution or otherwise.

[1] Total return figures for the Pinnacle Policies do not reflect the deduction of cost of insurance charges..

17. Applicants represent that, as noted before, the total expenses of the Balanced Portfolio currently are 1.00%, which is the same as the total expenses of the American Century Balanced Portfolio. Therefore, MVP owners with investments in the American Century Balanced Portfolio will not pay greater costs at the portfolio level. The total expenses of the Maxim Total Return Portfolio are 0.60%. Should MVP owners with current allocations in the Maxim Total Return Portfolio determine that another investment is more appropriate, due to the change in portfolio expenses, those owners of MVP can transfer their assets to any of the remaining twelve investment divisions available under their Contract.

18. With respect to MSA–1 and MSA–2, Applicants represent the total expenses of the Index Portfolio are 0.60%. This is less than the total expenses of the American Century Balanced Portfolio and equal to the total expenses of the Maxim Total Return Portfolio. Should MSA–1 and MSA–2 Contract owners with current allocations in the Eliminated Portfolios determine that another investment is more appropriate for their needs, such Contract owners can transfer their assets to any of the remaining investment divisions available under their respective Contracts.

19. Policy owners will not incur any additional expenses at the policy level. As stated above, the total expenses of the Index Portfolio are equal to the total expenses of the Maxim Total Return Portfolio. Should Policy owners with current allocations in the Eliminated Portfolio determine that another investment is more appropriate for their needs, such Policy owners can transfer their assets to any of the remaining investment divisions.

Applicants' Legal Analysis And Conditions

1. Section 26(b) of the 1940 Act provides that it shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution; and the Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the 1940 Act. Section 26(b) protects the expectation of investors that the unit investment trust will accumulate shares of a particular issuer and is intended to insure that unnecessary or burdensome sales loads, additional reinvestment

costs or other charges will not be incurred due to unapproved substitutions of securities.

2. Applicants request an order pursuant to Section 26(b) of the 1940 Act approving the Substitution. Applicants represent that the purposes, terms, and conditions of the Substitution are consistent with the protection for which Section 26(b) was designed. Applicants believe the Substitution will benefit MVP and MSA–2 owners by eliminating two portfolios with below-average historical returns and consolidating their investments in portfolios which have investment objectives similar to the Eliminated Portfolios. MSA–1 owners and Policy owners will also benefit because of the elimination of a poorly performing portfolio and the consolidation of their investments in a portfolio which has investment objectives similar to the Total Return Portfolio.

3. Any Contract owner who does not want his or her assets allocated to the Substituted Portfolios would be able to transfer assets to any one of the other investment divisions available under their Contract without charge prior to or after the Automatic Selection Date.

4. Applicants represent that the Substitution will be effected at net asset value in conformity with Sections 22(c) and 22(g) of the 1940 Act and Rule 22c–1 thereunder. The Substitution may be effected primarily for cash, but also may involve partial redemptions in-kind of securities (''Related Transactions''). The use of in-kind redemptions in conformity with Section 22(g) of the 1940 Act would alleviate the impact of the brokerage fees and expenses upon GWL&A or the investment adviser or sub-adviser of the Substituted Portfolio, as these entities will bear all expenses related to the Substitution. The Related Transactions will be effected to the extent consistent with the investment objectives and any applicable diversification requirements.

5. GWL&A or the investment adviser of the Substituted Portfolios will assume the transfer and custodial expenses and legal and accounting fees incurred with respect to the Substitution. Contract owners will not incur any fees or charges as a result of the transfer of account values from any portfolio. Applicants represent that there will be no increase in the Contract or Separate Account fees and charges after the Substitution. Applicants further represent that the Substitution is designed to avoid any adverse federal income tax effect on Contract owners or Policy owners.

6. Section 17(a)(1) of the 1940 Act prohibits any affiliated person or an affiliate of an affiliated person, of a registered investment company, from selling any security or other property to such registered investment company. Section 17(a)(2) of the 1940 Act prohibits such affiliated persons from purchasing any security or other property from such registered investment company.

7. Section 17(b) of the 1940 Act authorizes the Commission to issue an order exempting a proposed transaction from Section 17(a) if: (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policy of each registered investment company concerned; and (c) the proposed transaction is consistent with the general purposes of the 1940 Act.

8. Applicants request an order pursuant to Section 17(b) of the 1940 Act exempting the Related Transactions from the provisions of Section 17(a) of the 1940 Act.

9. Applicants represent that the terms of the Substitution are reasonable and fair and do not involve overreaching on the part of any person concerned. The Substitution will be effected at the net asset value of the securities involved and the interests of Contract owners will not be diluted. In-kind redemptions will alleviate some of the expenses involved with the Substitution and only will be used to the extent they are consistent with the investment objectives and applicable diversification requirements of the affected portfolios. All in-kind redemptions will be conducted in a manner conforming with the conditions of Rule 17a–7 under the 1940 Act.

10. Applicants represent that the Substitution and the Related Transactions are consistent with the policies of each investment company involved and the general purposes of the 1940 Act, and comply with the requirements of Section 17(b).

Conclusion

Applicants assert that, for the reasons summarized above, the requested order approving the Substitution and Related Transactions should be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–2134 Filed 1–28–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39570; File No. SR–Amex–98–2]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange, Inc., To Revise the Exchange's Equity Fee Schedule To Include Transactions in DIAMONDS

January 22, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 12, 1998, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the Exchange. 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 Exchange seeks to revise its Equity Fee Schedule to reflect to transaction charges that will be imposed on trades in the newly listed and traded product called DIAMONDS.™ The Exchange commenced trading in DIAMONDS on January 20, 1998.

The text of the proposed rule change is available at the Office of the Secretary, the Exchange, 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 Exchange 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 Exchange 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).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Purposed Rule Change

1. Purpose

The Exchange recently amended its Equity Fee Schedule to revise the transaction charges that apply to trades in Standard & Poor's Depositary Receipts (''SPDRs'') and Standard Poor's MidCap Depositary Receipts (''MidCap SPDRs'')[2]. The transaction charges vary depending on for whom the trade is executed. Under the updated fee schedule, specialists are assessed a transaction charge of $.006 per share ($.60 per 100 shares), capped at $300 per trade (50,000 shares). Registered Traders are assessed a transaction charge of $.007 per share ($.70 per 100 shares), capped at $350 per trade (50,000 shares). Off-floor orders (both customer and broker-dealer) are assessed a transaction charge of $.006 per share ($.60 per 100 shares), capped at $100 per trade (16,667) shares).

In addition, orders up to 5,099 shares in SPDRs and MidCap SPDRs routed to the Exchange floor electronically through the Exchange's Post Execution Reporting (PER) System are exempt from transaction charges. This provision is consistent with the waiver that also exempts from transaction charges those PER System orders for up to 1,099 shares in equity securities. However, neither of those exemptions may be applied to a PER System order that is for the account of a non-member competing market maker.[3] Lastly, all trades executed on the Exchange in SPDRs and MidCAP SPDRs are exempt from the Exchange's Regulatory Fee ($.00005 × Total Value).[4]

The Exchange seeks to impose on DIAMONDS the same transaction charge schedule that currently applies to trading in SPDRs and MidCap SPDRs. As a result, all transaction charges and exemptions therefrom now applicable to SPDRs and MidCap SPDRS will also apply to trades in DIAMONDS. The exchange also proposed to charge the specialist in DIAMONDS, in addition to the $.006 per share transaction charge, a separate fee of $90,000 per month payable at the beginning of each month.

These changes are intended to lower the costs incurred by users of the DIAMONDS product while making the cost of trading DIAMONDS on the Exchange comparable to the economics of trading this and functionally similar products in other markets. The revisions to the Equity Fee Schedule have been implemented by the Exchange concurrently with the start of trading in DIAMONDS. Accordingly, the Exchange notified member firms regarding the changes to the equity Fee Schedule, as well as the date of their effectiveness.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(4),[6] in particular, in that it is designed to assure the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using the Exchange's facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange did not solicit or receive written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change establishes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and subparagraph (e) of Rule 19b–4[8] thereunder. 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. 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 submissions, 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 persons, 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 will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–98–2 and should be submitted by February 19, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–2188 Filed 1–28–98; 8:45 am]

BILLING CODE 8010–01–M

[2] See Securities Exchange Act Release No. 39333 (Nov. 17. 1997), 62 FR 62795 (Nov. 25, 1997).

[3] The Amex Equity Fee Schedule defines a ''competing market maker'' as a specialist or market maker registered as such on a registered stock exchange (other than Amex), or a market maker bidding and offering over-the-counter, in an Amex-traded security.

[4] Like the previously described exemptions, this provision does not apply to PER System orders that are for the accounts of non-member competing market makers.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(e).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39575; File No. SR–CBOE–97–68]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Changes by the Chicago Board Options Exchange, Inc. Relating to Continuing Education of Registered Persons

January 23, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on December 30, 1997, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission is concurrently publishing notice of parallel proposed rule changes from other self-regulatory organizations relating to continuing education for registered persons. See Securities Exchange Act Releases Nos. 39574 (NASD); 39576 (MSRB); and 39577 (NYSE).

I. Self Regulatory Organization's Statement of the Term of Substance of the Proposed Rule Change

The CBOE, in support of the recommendations of The Securities Industry/Regulatory Council on Continuing Education (''Council''),[3] proposes to amend CBOE 9.3A *Continuing Education of Registered Persons,* by strengthening the requirements applicable to registered persons and implementing a new program specifically designed for managers and supervisors.

The text of the proposed rule change may be examined at the places specified in Item IV below.

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 CBOE included statements concerning the purpose of, and statutory basis for, the proposed rule changes 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 CBOE 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, Proposed Rule Change

1. Purpose

The proposed rule change is to revise the CBOE's continuing education requirements contained in Rule 9.3A. The continuing education program consists of two parts—a Regulatory Element and a Firm Element. The Regulatory Element requires registered persons to participate in an interactive computer-based training at specified intervals and encompasses regulatory and compliance issues, sales practice concerns and business ethics. The current Regulatory Element contains content common to all registered representatives, supervisory persons, as well as other registration categories. This proposed rule change is intended to strengthen the continuing education requirements for Registered Representatives by implementing a new program component specifically designed for managers and supervisors. In addition, it is contemplated that in the future, specific programs may be implemented for other registration categories.

The CBOE also proposes, as recommended by the Council, to require ongoing participation in the Regulatory Element for the duration of a registered person's career in the industry, specifically, on the second registration anniversary and every three years thereafter (i.e., the fifth, eighth, eleventh, etc. anniversaries), with no graduation from the program. Under the current Rule 9.3A, after ten years an individual does not have to participate in the computer-based training, unless they have been subject to certain disciplinary action as enumerated in the Rule. The CBOE also proposes to amend the rule to clarify that a person's initial registration date shall establish the cycle of anniversary dates for purposes of the Rule.

The proposed rule change will allow a one-time graduation from the Regulatory Element for persons who, as of the effective date of the rule amendments, have been registered for more than ten years and who have not been the subject of a disciplinary action. However, persons delegated supervisory responsibility or authority pursuant to Rule 9.8 will have to have been registered for more than ten years and not been subject to any disciplinary action as enumerated in the Rule in order to be covered by this one-time provision for graduation. Therefore, those supervisors who have graduated from the program requirements based on their initial registration date but who have not completed ten years as a supervisor, will be required to re-enter the program.

Finally, the CBOE is proposing an amendment to the Firm Element component of Rule 9.3A. The proposed rule change will require each member organization's required analysis of training needs to specifically focus on supervisory training needs. If it is determined that there is a specific need for supervisory training, it must then be addressed in the Firm Element training plan.

These amendments, which will be adopted uniformly with rule changes of the other SRO Council members, will significantly enhance the continuing education program by requiring all registered persons to participate in the Regulatory Element on an ongoing basis.

2. Statutory Basis

The CBOE believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with Section 6(c)(3) of the Act.[4] Under that Section, it is the CBOE's responsibility to prescribe standards of training, experience and competence for persons associated with Exchange members and member organizations. Pursuant to this statutory obligation, the CBOE has proposed this rule change in order to enhance the established continuing education program for registered persons.

The proposed rule change is also consistent with the requirements of Section 6(b)(5) of the Act.[5] Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule changes will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

[3] The Council is comprised of 6 self-regulatory organizations (''SROs'') and 13 broker-dealer representatives to represent the interests and needs of wide cross-section of the industry. The SROs, in addition to the CBOE, are the American Stock Exchange; the Municipal Securities Rulemaking Board; the National Association of Securities Dealers; the New York Stock Exchange, and the Philadelphia Stock Exchange.

[4] 15 U.S.C. 78f(c)(3).

[5] 15 U.S.C. 78f(b)(5).

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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the file number SR–CBOE–97–68 and should be submitted by February 19, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–2187 Filed 1–28–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39576; File No. SR–MSRB–98–2]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Rule G–3 on Professional Qualifications

January 23, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1935 (''Act''),[1] notice is hereby given that on January 21, 1998, the Municipal Securities Rulemaking Board (''Board'' or ''MSRB'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') a proposed rule change (File No. SR–MSRB–98–2). The proposed rule change is described in Items I, II, and III below, which Items have been prepared by the Board. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[2]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board is filing herewith an amendment to rule G–3, on professional qualifications (hereinafter referred to as the ''proposed rule change''). The proposed rule change consists of an amendment to rule G–3 regarding the Board's continuing education requirements. The text of the proposed rule change may be examined at the places specified in Item IV below.

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 Board 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 texts of these statements may be examined at the places specified in Item IV below. The Board has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change is to revise the Board's continuing education requirements contained in rule G–3(h). Rule G–3(h) provides for a continuing education program for registered persons of brokers, dealers and municipal securities dealers. The program, which is uniform within the securities industry, consists of two parts—a Regulatory Element and a Firm Element. The Regulatory Element requires registered persons to participate in interactive computer-based training at specified intervals and encompasses regulatory and compliance issues, sales practice concerns and business ethics.

The Regulatory Element program applies generally to *all* registered persons and currently does not discern between registration types or categories. The exiting program contains content common to registered representatives, supervisory persons as well as other registration categories. The Securities Industry/Regulatory Council on Continuing Education (a council of broker-dealer and self-regulatory organization (''SRO'')[3] representatives that oversees and provides ongoing development and operation of the program) has recommended development of a new program component specifically for supervisors. In addition, it is contemplated that in the future, specific programs may be implemented for other registration categories. The proposed rule change will allow for the Board to require new programs as appropriate with customized training for various registration categories, with the supervisor's program being the first such initiative. For purposes of Board rules, the following registration categories shall be deemed to be included in the supervisory categories: Series 8 (Municipal Securities Sales Supervisor Examination); Series 27 (Financial and Operations Principal Examination); and Series 53 (Municipal Securities Principal Qualification Examination).

The proposed rule change also addresses the time-frames at which registered persons must participate in the Regulatory Element computer-based training. Rule G–3(h) currently requires all registered persons to complete the training on three occasions, *i.e.*, their second, fifth and tenth registration anniversaries, and also when they are the subject of significant disciplinary action(s). Once persons are registered for more than ten years, they are graduated from the program and are not required to participate further in the Regulatory Element unless they become subject to significant disciplinary action. The Council has recommended that this requirement be revised to require ongoing participation in the program by registered persons. In accordance with that recommendation, the proposed rule change will require participation in the Regulatory Element throughout a registered person's career, specifically on the second registration anniversary and *every* three years thereafter (*i.e*, the fifth, eight, eleventh, etc, anniversaries), with no graduation from the program.

The proposed rule change will allow a one-time exemption for persons currently graduated from the program by providing that those persons who have been registered for more than ten years as of the effective date of the rule amendments, and who have not been the subject of a disciplinary action during the past ten years, will continue to be excluded from required ongoing participation in the Regulatory Element. However, persons registered in a

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission is concurrently publishing notice of parallel proposed rule changes from other self-regulatory organizations relating to continuing education for registered persons. See Securities Exchange Act Releases Nos. 39574 (NASD); 39575 (CBOE); and 39577 (NYSE).

[3] In addition to the Board, SROs represented on the Council include the American Stock Exchange, Chicago Board Options Exchange, National Association of Securities Dealers, New York Stock Exchange and Philadelphia Stock Exchange.

supervisory capacity will have to have been registered in a supervisory capacity for more than 10 years in order to be covered by this one-time provision for graduation from participation in the program. Therefore, those supervisors who have graduated from the program requirements based on their initial registration date who have not completed 10 years as a supervisor, will be required to re-enter the program.

The Firm Element requires that each broker, dealer and municipal securities dealer conduct annually an analysis of their training needs and administer such training, as is appropriate, to their registered persons who have direct contact with customers and the immediate supervisors of such registered persons, on an ongoing basis in topics specifically related to their business such as new products, sales practices, risk disclosure and new regulatory requirements and concerns. The proposed rule change will require brokers, dealers and municipal securities dealers to specifically focus on supervisory training needs in conducting their analysis of training needs and, if it is determined that there is a specific need for supervisory training, it must be addressed in the Firm Element training plan.

These amendments, which will be adopted uniformly with rule changes of the other SRO Council members, will significantly enhance the continuing education program by requiring all registered persons to participate in the Regulatory Element on an ongoing basis throughout their securities industry careers. In addition, the Board believes that rule amendments allowing for the implementation of a program specifically geared towards supervisors and the issues that may arise in that role will result in more effective regulatory training of supervisors as well as improved front-line supervision overall of brokers, dealers and municipal securities dealers.

2. Statutory Basis

The Board believes the proposed rule change is consistent with the Act and the rules and regulations thereunder. The Board believes that the proposed rule change is consistent with Section 15B(b)(2)(A) of the Act,[4] which states that the rules of the Board, as a minimum, shall provide such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors. The proposed rule change is also consistent with Section 15B(b)(2)(C) of the Act,[5] which requires, in pertinent part, that the Board's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principals of trade, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest. Pursuant to this statutory obligation, the Board has proposed this rule change in order to enhance the established continuing education program for registered persons.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, since it would apply equally to all brokers, dealers and municipal securities dealers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested people are invited to submit written data, views, and arguments concerning the foregoing. People 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 submissions, 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 the filing will also be available for inspection and copying at the Board's principal offices. All submissions should refer to File No. SR–MSRB–98–2 and should be submitted by February 19, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–2184 Filed 1–28–98; 8:45 am]

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[4] 15 U.S.C. 78*o*–4.

[5] 15 U.S.C. 78*o*–4.

[6] 17 CFR 200–30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39574; File No. SR–NASD–98–03]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Continuing Education Requirements

January 23, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 22, 1998, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD Regulation, Inc. (''NASD Regulation''). The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[2]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to Amend Rule 1120 regarding the continuing education requirements for registered persons. Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission is concurrently publishing notice of parellel proposed rule changes from other self-regulatory organizations relating to continuing education for registered persons. See Securities Exchange Act Releases Nos. 39575 (CBOE); 39576 (MSRB); and 39577 (NYSE).

1120. Continuing Education Requirements

This Rule prescribes requirements regarding the continuing education of certain registered persons subsequent to their initial qualification and registration with the Association. The requirements shall consist of a Regulatory Element and a Firm Element as set forth below.

(a) Regulatory Element

(1) Requirements: No member shall permit any registered person to continue to, and no registered person shall continue to, perform duties as a registered person unless such person has complied with the requirements of paragraph (a) hereof.

(A) Each registered person shall complete the Regulatory Element on [three occasions, after] the occurrence of their second[, fifth and tenth] registration anniversary [dates] *date and every three years thereafter,* or as otherwise prescribed by the Association. On each [of three occasions] occasion, the Regulatory Element must be completed within [one hundred twenty] *120* days after the person's registration anniversary date. *A person's initial registration date shall establish the cycle of anniversary dates for purposes of this Rule.* The content of the Regulatory Element shall be [prescribed by the Association] *determined by the Association and shall be appropriate to either the registered representative or principal status of person subject to the Rule.*

(B) *Persons Exempted from the Rule*—[Registered persons] *Persons* who have been continuously registered for more than 10 years [as of the effective date of this Rule] *on July 1, 1998,* shall be exempt from participation in the Regulatory Element *programs for registered representatives,* provided such persons have not been subject *within the last ten years* to any disciplinary action [within the last 10 years] as enumerated in paragraph (a)(3). *A person who has been continuously registered as a principal for more than 10 years on July 1, 1998, shall be exempt from participation in the Regulatory Element programs for registered principals, provided such person has not been subject within the last ten years to any disciplinary action as enumerated in paragraph (a)(3).* In the event [of such disciplinary action,] *that* a [person] *registered representative or principal who was exempt from participation in Regulatory Element programs subsequently becomes the subject of a disciplinary action as enumerated in paragraph (a)(3), such person shall* [will] be required to satisfy the requirements of the Regulatory Element [by participation for the period from the effective date of this Rule to 10 years after the occurrence of the disciplinary action] *as if the date of such disciplinary action is such person's initial registration date with the Association.*

(C) Persons who have been currently registered for 10 years or less as of [the effective date of this Rule] *July 1, 1998,* shall [initially] participate in the Regulatory Element within 120 days after the occurrence of the second[, fifth or tenth] registration anniversary date, *or every third year thereafter,* whichever anniversary date first applies[, and on the applicable registration anniversary date(s) thereafter. Such persons will have satisfied the requirements of the Regulatory Element after participation on the tenth registration anniversary].

[(D) All registered persons who have satisfied the requirements of the Regulatory Element shall be exempt from further participation in the Regulatory Element subject to re-entry into the program as set forth in paragraph (a)(3).]

(2) Failure to Complete—No change.

(3) Re-entry into Program: Unless otherwise determined by the Association, a registered person will be required to re-enter the Regulatory Element and satisfy all of its requirements in the event such person:

(A)–(C) No change.

Re-entry shall commence with initial participation within 120 days of the registered person becoming subject to the statutory disqualification, in the case of (A) above, or the disciplinary action becoming final, in the case of (B) and (C) above[, and on three additional occasions thereafter, at intervals of two, five and 10 years after re-entry, notwithstanding that such person has completed all or part of the program requirements based on length of time as a registered person or completion of ten years of participation in the program]. *The date of the disciplinary action shall be treated as such person's initial registration date with the Association.*

(4) Reassociation in a Registered Capacity: Any registered person who has terminated association with a member and who has, within two years of the date of termination, become reassociated in a registered capacity with a member shall participate in the Regulatory Element at such intervals [(two, five and 10 years)] that may apply (*second anniversary and every three years thereafter*) based on the initial registration anniversary date rather than based on the date of reassociation in a registered capacity.

(5) Definition of Registered Person: For purposes of this Rule, the term ''registered person'' means any person registered with the Association as a representative, principal, or assistant representative pursuant to the Rule 1020, 1030, 1040, and 1110 Series.

(b) Firm Element

(1) Persons Subject to the Firm Element—No change.

(2) Standards for the Firm Element: (A) Each member must maintain a continuing and current education program for its covered registered persons to enhance their securities knowledge, skill, and professionalism. At a minimum, each member shall at least annually evaluate and prioritize its training needs and develop a written training plan. The plan must take into consideration the member's size, organizational structure, and scope of business activities, as well as regulatory developments and the performance of covered registered persons in the Regulatory Element. *If a member's analysis establishes the need for supervisory training for persons with supervisory responsibilities, such training must be included in the member's training plan.*

(B) Minimum Standards for Training Programs—Programs used to implement a member's training plan must be appropriate for the business of the member and, at a minimum must cover the following matters concerning securities products, services, and strategies offered by the member:

(i) General investment features and associated risk factors;

(ii) Suitability and sales practice considerations; *and*

(iii) Applicable regulatory requirements.

(C) Administration of Continuing Education Program—A member must administer its continuing education programs in accordance with its annual evaluation and written plan and must maintain records documenting the content of the programs and completion of the programs by covered registered persons.

(3) Participation in the Firm Element: Covered registered persons included in a member's plan must take all appropriate and reasonable steps to participate in continuing education programs as required by the member.

(4) Specific Training Requirements: The Association may require a member, individually or as part of a larger group, to provide specific training to its covered registered persons in such areas as the Association deems appropriate. Such a requirement may stipulate the class of covered registered persons for

which it is applicable, the time period in which the requirement must be satisfied, and, where appropriate, the actual training content.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation 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. NASD Regulation has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to revise Rule 1120. Rule 1120 provides for a continuing education program for certain persons registered with the NASD. The program, which is uniform within the industry, consists of two parts, a Regulatory Element and a Firm Element. The Regulatory Element requires registered persons to participate in interactive computer-based training at specified intervals and encompasses regulatory and compliance issues, sales practice concerns, and business ethics. The Regulatory Element program applies generally to all registered persons and currently does not distinguish among registration types or categories. The existing program contains content common to registered representatives, supervisors, and other registration categories. The Securities Industry/Regulatory Council on Continuing Education [3] has recommended development of a new program component specifically for supervisors. In addition, it is contemplated that in the future, specific programs may be implemented for other registration categories. The proposed amendments to Rule 1120 would allow for NASD Regulation to require new programs as appropriate with customized training for various registration categories, with the supervisor's program being the first initiative. For purposes of the proposed rule, all the principal registration categories under Rule 1022 would be included in the supervisory program.

The proposed amendments also address the time frames at which registered persons must participate in the Regulatory Element computer-based training. Rule 1120 currently requires all registered persons to complete the training on three occasions, *i.e.*, their second, fifth and tenth registration anniversaries. After a person is registered for more than ten years, he or she is graduated from the program and not required to participate further in the Regulatory Element. However, if at any time a registered person is subject to certain disciplinary actions enumerated in the Rule, then the registered person is required to re-enter the Regulatory Element program. The Council has recommended that these requirements be revised to require ongoing participation in the program by registered persons. In accordance with that recommendation, the proposed amendments to Rule 1120 would require participation in the Regulatory Element throughout a registered persons's career, specifically, on the second registration anniversary and *every* three years thereafter, with no graduation from the program.

Proposed Rule 1120 would allow a one-time exemption for persons currently graduated from the program by providing that those persons who have been registered for more than ten years as of the effective date of the proposed rule, and who have not been the subject of a disciplinary action enumerated in the Rule during the past ten years, would continue to be excluded from required ongoing participation in the Regulatory Element. Persons registered in a supervisory capacity would have to have been registered in a supervisory capacity for more than 10 years in order to be covered by this one-time provision for graduation from participation in the program. Therefore, those supervisors who have graduated from the program requirements based on their initial registration date but who have not completed 10 years as a supervisor would be required to re-enter the program.

The Firm Element requires that each member conduct annually an analysis of their training needs and administer such training, as is appropriate, to their registered persons who have direct contact with customers and the immediate supervisors of such registered persons, on an ongoing basis. Topics must be specifically related to their business, such as new products, sales practices, risk disclosure, and new regulatory requirements and concerns. The proposed amendments to Rule 1120 would require members to focus specifically on supervisory training needs in conducting their analysis of training needs, and if it is determined that there is a specific need for supervisory training, it must be addressed in the Firm Element training plan.

These amendments, which would be adopted uniformly with rule changes of the other SRO Council members, would significantly enhance the continuing education program by requiring all registered persons to participate in the Regulatory Element on an ongoing basis throughout their securities industry careers. In addition, NASD Regulation believes that the proposed rule allowing for the implementation of a program specifically geared towards supervisory and the issues that may arise in that role would result in more effective regulatory training of supervisors as well as improved overall supervision of members.

NASD Regulation proposes to make the rule change effective on July 1, 1998.

2. Statutory Basis

NASD Regulation believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the NASD, and in particular, Section 15A(g)(3).[4] Under that Section, it is the NASD's responsibility to prescribe standards of training, experience, and competence for persons associated with NASD members. Pursuant to this statutory obligation, NASD Regulation has proposed this rule change in order to enhance the established continuing education program for registered persons.

The proposed rule change also is consistent with Section 15A(b)(6) of the Act,[5] which requires, among other things, that the rules of a registered securities association be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

[3] The Securities Industry/Regulatory Council on Continuing Education was created in November 1993 and comprises six self-regulatory organizations (''SROs'') and 13 broker-dealers to represent the interests and needs of a wide cross-section of the industry. The SROs include the American Stock Exchange; the Chicago Board Options Exchange, Incorporated; the Municipal Securities Rulemaking Board; the National Association of Securities Dealers Inc.; the New York Stock Exchange, Inc.; and the Philadelphia Stock Exchange. In addition, the Commission and the North American Securities Administrators Association have each assigned liaisons to the Council.

[4] 15 U.S.C. 78*o*–3(g)(3).

[5] 15 U.S.C. 78*o*–3(b)(6).

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe the proposed rule change would 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.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. 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. Copies of such filing will also be available for inspection and copying at the principal office of NASD Regulation. All submissions should refer to the file number in the caption above and should be submitted by February 19, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

[6] 17 CFR 300.30(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–2186 Filed 1–28–98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39577; File No. SR–NYSE–97–33]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Continuing Education for Registered Persons

January 23, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 8, 1997, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[2]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend Rule 345A (''Continuing Education for Registered Persons''). Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

Continuing Education for Registered Persons

Rule 345A

(a) Regulatory Element—No member or member organization shall permit any registered person to continue to, and no registered person shall continue to, perform duties as a registered person, unless such person has complied with the continuing education requirements of Section (a) of this Rule.

Each registered person shall complete the Regulatory Element of the continuing education program on [three occasions, after] the occurrence of their second[, fifth and tenth] registration anniversary date[s] *and every three years thereafter* or as otherwise prescribed by the Exchange. On each [of the three] occasion[s], the Regulatory Element must be completed within one hundred twenty days after the person's registration anniversary date. *A person's initial registration date shall establish the cycle of anniversary dates for purposes of this Rule.* The content of the Regulatory Element of the program shall be [prescribed] *determined* by the Exchange *for each registration category of persons subject to the rule.*

(1) [Registered] *P*ersons who have been continuously registered for more than ten years as of the effective date of this rule [shall be] *are* exempt from *the requirements of this rule relative to* participation in the Regulatory Element of the continuing education program, provided such persons have not been subject to any disciplinary action within the last ten years as enumerated in subsection (a)(3)(i)–(ii) of this Rule. *However, persons delegated supervisory responsibility or authority pursuant to Rule 342 and registered in such supervisory capacity are exempt from participation in the Regulatory Element under this provision only if they have been continuously registered in a supervisory capacity for more than ten years as of the effective date of this rule and provided that such supervisory person has not been subject to any disciplinary action under subsection (a)(3)(i)–(ii) of this Rule.*

In the event that a registered person who is exempt from participation in the Regulatory Element subsequently becomes the subject of a disciplinary action as enumerated in subsection (a)(3)(i)–(ii), such person shall be required to satisfy the requirements of the Regulatory Element as if the date the disciplinary action becomes final is the person's initial registration anniversary date. [Persons who have been currently registered for ten years or less as of the effective date of this Rule shall initially participate in the Regulatory Element of the continuing education program within one hundred twenty days after the occurrence of the second, fifth or tenth registration anniversary date, whichever anniversary date first applies, and on the applicable registration anniversary dates thereafter. Such persons will have satisfied the requirements of the Regulatory Element of the program after participation on the tenth registration anniversary.]

[All registered persons who have satisfied the requirements of the Regulatory Element shall be exempt from further participation in the Regulatory Element of the program, subject to re-entry into the program as set forth in subsection (a)(3) of this Rule.]

(2) No change.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission is concurrently publishing notice of parallel proposed rule changes from other self-regulatory organizations relating to continuing education for registered persons. See Securities Exchange Act Releases Nos. 39574 (NASD); 39575 (CBOE); and 39576 (MSRB).

(3) Re-entry into the program—Unless otherwise determined by the Exchange, a registered person will be required to re-enter the Regulatory Element of the program and satisfy the program's requirements in their entirety in the event such person:

(i)–(iii) No change.

Re-entry shall commence with initial participation within one hundred twenty days of the registered person becoming subject to the statutory disqualification, in the case of (i) above, or the completion of the sanction or the disciplinary action becoming final, in the case of (ii) and (iii) above. [, and on three additional occasions thereafter, after the occurrence of their second, fifth and tenth anniversary dates of re-entry into the program, notwithstanding that such person has completed all or part of the program requirements based on length of time as a registered person or completion of ten years of participation in the program] *The date that the disciplinary action becomes final will be deemed the person's initial registration anniversary date for purposes of this Rule.*

(b) Firm Element:

(1) No change.

(2) Standards

(i) Each member and member organization must maintain a continuing and current education program for its covered registered persons to enhance their securities knowledge, skills and professionalism. At a minimum, each member and member organization shall at least annually evaluate and prioritize its training needs and develop a written training plan. The plan must take into consideration the member's or member organization's size, organizational structure, and scope of business activities, as well as regulatory developments and the performance of covered registered persons in the Regulatory Element. *If a member's or member organization's analysis determines a need for supervisory training for persons with supervisory responsibilities, such training must be included in the member's or member organization's training plan.*

(ii)–(iii) No Change.

(3) No change.

(4) No change.

* * * Supplementary Material.

.10 No change.

.20 No change.

[.30 A registered person who has been continuously registered for more than ten years as of the date of implementation of this Rule who has been subject to a disciplinary action as enumerated in subsections (a) (3)(i)-(ii) of the Rule within the last ten years, will be required to satisfy the requirements of the Regulatory Element of the continuing education program by participation for the period from the date of implementation of this rule to ten years after the occurrence of the disciplinary action.]

[.40] *.30* Any registered person who has terminated associated with a registered broker or dealer and who has, within two years of the date of termination, become reassociated in a registered capacity with a registered broker or dealer shall participate in the Regulatory Element of the continuing education program [on three occasions, after the occurrence of their second, fifth or tenth] *at such intervals that apply (second registration anniversary and every three years thereafter) based on the* initial registration anniversary date, rather than based on the date of reassociation in a registered capacity.

Any former registered person who becomes reassociated in a registered capacity with a registered broker or dealer more than two years after termination as such will be required to satisfy the program's requirements in their entirety [on three occasions] (*second registration anniversary and every three years thereafter),* based on the most recent registration date.

[.50] *.40* No change in text.

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 Exchange included statements concerning the purpose of, and statutory basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to revise Rule 345A. Exchange Rule 345A provides for a continuing education program for registered persons of Exchange members and member organizations. The program, which is uniform within the industry, consists of two parts—a Regulatory Element and a Firm Element. The Regulatory Element requires registered persons to participate in interactive computer-based training at specified intervals and encompasses regulatory and compliance issues, sales practice concerns and business ethics.

The Regulatory Element program applies generally to *all* registered persons and currently does not discern between registration types or categories. The existing program contains content common to registered representatives, supervisory persons as well as other registration categories. The Securities Industry/Regulatory Council on Continuing Education (a council of broker-dealer and Self-Regulatory Organization (''SRO'') [3] representatives that oversees and provides ongoing development and operation of the program) has recommended development of a new program component specifically for supervisors. In addition, it is contemplated that in the future, specific programs may be implemented for other registration categories. The proposed amendments to Rule 345A will allow for the Exchange to require specific new programs as appropriate with customized training for various registration categories, with the supervisor's program, being the first such initiative. For purposes of Exchange rules, the following registration categories shall be deemed to be included in the supervisory category: Series 4 (Registered Options Principal Examination); Series 8 (General Securities Sales Supervisor Examination); Series 12 (NYSE Branch Manager Examination); Series 14 (NYSE Compliance Official Examination); Series 16 (NYSE Supervisory Analyst Examination); Series 27 (Financial and Operations Principal Examination); Series 28 (Introducing Broker-Dealer Financial and Operational Principal Examination); and the Series 53 (Municipal Securities Principal Qualification Examination).

The proposed amendments also address the time-frames at which registered persons must participate in the Regulatory Element computer-based training. Rule 345A currently requires all registered persons to complete the training on three occasions, *i.e.*, their second, fifth and tenth registration anniversaries, and also when they are the subject of significant disciplinary action(s). Once persons are registered for more than ten years they are currently graduated from the program and are not required to participate further in the Regulatory Element unless they become subject to significant

[3] SROs represented on the Council include the American Stock Exchange, Chicago Board Options Exchange, Municipal Securities Rulemaking Board, National Association of Securities Dealers, New York Stock Exchange, and Philadelphia Stock Exchange.

disciplinary action. The Council has recommended that the requirement be revised to require ongoing participation in the program by registered persons. In accordance with that recommendation, the proposed amendments to Rule 345A will require participation in the Regulatory Element throughout a registered person's career, specifically, on the second registration anniversary and *every* three years thereafter (*i.e.*, the fifth, eighth, eleventh, etc. anniversaries), with no graduation from the program.

Proposed amended Rule 345A will allow a one-time exemption for persons currently graduated from the program by providing that those persons who have been registered for more than ten years as of the effective date of the rule amendments, and who have not been the subject of a disciplinary action during the past ten years, will continue to be excluded from required ongoing participation in the Regulatory Element. However, persons registered in a supervisory capacity will have to have been registered in a supervisory capacity for more than 10 years in order to be covered by this one-time provision for graduation from participation in the program. Therefore, those supervisors who have graduated from the program requirements based on their initial registration date, but who have not completed 10 years as a supervisor, will be required to re-enter the program.

The Firm Element requires that each member and member organization conduct annually an analysis of their training needs and administer such training, as is appropriate, to their registered persons who have direct contact with customers and the immediate supervisors of such registered persons, on an ongoing basis in topics specifically related to their business such as new products, sales practices, risk disclosure and new regulatory requirements and concerns. The proposed amendments to Rule 345A will require members and member organizations to additionally focus on supervisory training needs in conducting their analysis of training needs and, if it is determined that there is a specific need for supervisory training, address such training needs in the Firm Element training plan.

These amendments, which will be adopted uniformly with rule changes of the other SRO Council members, will significantly enhance the continuing education program by requiring all registered persons to participate in the Regulatory Element on an ongoing basis throughout their securities industry careers. In addition, we believe that rule amendments allowing for the implementation of a program specifically geared towards supervisors and the issues that may arise in that role will result in more effective regulatory training of supervisors as well as improved front-line supervision overall of members and member organizations.

2. Statutory Basis

The proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with Section 6(c)(3) of the Act.[4] Under that Section, it is the Exchange's responsibility to prescribe standards of training, experience and competence for persons associated with Exchange members and member organizations. Pursuant to this statutory obligation, the Exchange has proposed this rule change in order to enhance the established continuing education program for registered persons.

The proposed rule change is also consistent with the requirements of Section 6(b)(5) of the Act.[5] Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal does not 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

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to the file number SR–NYSE–97–33 and should be submitted by February 19, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–2185 Filed 1–28–98; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f(c)(3).

[5] 15 U.S.C. 78f(b)(5).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39571; File No. SR–Phlx–97–53]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendments 1 and 2 Thereto by the Philadelphia Stock Exchange, Inc. Relating to Amending Its Floor Procedure Advice A–1 Regarding Displaying Best Bids and Offers

January 22, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 3, 1997, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'')

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. On December 23, 1997, and January 20, 1998, respectively, the Exchange filed amendments 1 and 2 to the proposal with the Commission.[3] 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 Phlx hereby proposes to amend its Floor Procedure Advice A–1, regarding Displaying Best Bids and Offers, in order to require Floor Brokers and Registered Options Traders (''ROT''s) to immediately remove stale bids/offers. Accordingly, the Phlx is proposing to amend Floor Procedure Advice (''Advice'') A–1 to require that the Floor Broker or ROT, after voicing a bid/offer, use due diligence to inform the Specialist when s/he is no longer bidding/offering at that price. The Floor Broker or ROT must immediately inform the Specialist when s/he is ''out'' of that bid/offer, including due to an execution or departure from the crowd.

The Phlx also proposes to adopt a fine schedule, pursuant to the Exchange's minor rule violation enforcement and reporting plan (''minor rule plan''),[4] for minor violations of proposed new paragraph (b) of the Advice.

The text of the proposed rule change is available at the Office of the Secretary, the Phlx and at the Commission.

[3] See Letter from Michele R. Weisbaum, Vice President and Associate General Counsel, Phlx to David Sieradzki, Attorney, SEC dated December 18, 1997 and letter from J. Keith Kessel, Phlx to David Sieradzki, Attorney, SEC dated January 16 1998. Amendments 1 and 2 made several changes to clarify the purpose section of the filing.

[4] The Phlx's minor rule plan, codified in Phlx Rule 970, contains floor procedure advices, such as Advice A–1, along with the accompanying fine schedules. Rule 19d–1(c)(2) under the Act authorizes national securities exchanges and other self-regulatory organizations (SRO's) to adopt minor rule violation plans for summary discipline and abbreviated reporting. Rule 19d–1(c)(1) under the Act requires that SROs promptly file notice with the Commission of any final disciplinary actions. However, minor rule violations not exceeding $2,500 where the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies at the SRO with respect to the matter are deemed not final for purposes of Rule 19d–1(c)(1), thereby permitting periodic, as opposed to immediate, reporting. See Phlx Rule 970 and 17 CFR 240.19d–1(c).

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 Phlx 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 Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx is proposing to amend its Advice A–1, regarding Displaying Best Bids and Offers in order to require Floor Brokers and ROTs to immediately remove stale bids/offers. Currently, Advice A–1 requires that Specialists use due diligence to ensure that the best available bid and offer is displayed for those option series in which s/he is assigned. For the purposes of Advice A–1, bids and offers for the Specialist's own account, bids and offers on the book, and bids and offers established in the crowd are deemed to be available for display purposes. The Phlx proposes: (i) To designate the foregoing display advice as paragraph (a) and (ii) to create an additional paragraph, (b), to govern situations where a member of the trading crowd is no longer bidding and offering. In the latter situations, the Floor Broker or ROT shall use due diligence to inform the Specialist when s/he is no longer bidding/offering at that price. The Floor Broker or ROT must immediately inform the Specialist when s/he is ''out'' of that bid/offer, including due to an execution or departure from the crowd.

Maintaining accurate option quotes is integral to the Specialist's role in the marketplace. Thus, although a member posting a bid/offer is generally not held to that market after leaving the trading crowd, the purpose of the proposed rule change is to discourage stale markets by giving the Exchange the ability to impose fines for failure to remove such a bid/offer. Failure to remove a bid/offer may cause the member making the bid/offer or other crowd participants to have to honor an incorrectly disseminated quote that may have attracted order flow, including Phlx Automatic Execution System orders.

The proposed new paragraph (b) is being proposed to address situations where members have been ''out'' of a bid/offer, yet failed to inform the Specialist. Oftentimes, that member is no longer present in the trading crowd. In that instance, if a trade occurs because someone accepted the stale bid/offer, either the member who initiated the bid/offer, the Specialist or the other members of the trading crowd will be required to honor the trade. Regardless of who honors the trade, the intent of this proposal is to deter these occurrences by imposing fines for such conduct. The proposed language refers to being ''out'' of a market for reasons including (but not limited to) an execution or a departure from the crowd. Other reasons may also apply, but the Exchange determined that an exhaustive list is neither possible, nor necessary, and, therefore, the violation involve the general failure to inform the Specialist, regardless of the particular reason for being ''out.''

Failure to uphold the obligations imposed by new paragraph (b) will subject the member of the fine.[5] Fines are imposed by Option Floor Officials who would make a determination based upon the facts of the case whether a stale quote was caused by a Specialist not using the due diligence to ensure that the best available bid and offer is displayed pursuant to paragraph (a) or whether it was caused by a Floor Broker or ROT not using due diligence to inform the Specialist that it was longer bidding/offering at that price, pursuant to paragraph (b) of the Advice. The Exchange believes that the proposed fine schedule is appropriate and reasonable. Specifically, violations of proposed new paragraph (b) of the Advice involving a failure to notify the Specialist when a Floor Broker or ROT is ''out'' of a market are within the purview of Phlx Rule 970 and are otherwise designed to be easily verifiable and objective. The proposed fines are comparable to those in other advices, such as Advices A–2, B–4 and B–5.

The Advice will apply on both the Equity/Index Options floor and the Foreign Currency Options floor.

[5] The fine schedule applicable to proposed new paragraph (b) of the Advice will be as follows:

1st Occurrence—$250.000.

2nd Occurrence—$500.000.

3rd and Thereafter—Sanction is discretionary with Business Conduct Committee.

The fine schedule applicable to specialists, which will remain unchanged, is as follows:

1st Occurrence—$50.00.

2nd Occurrence—$100.00.

3rd Occurrence—$250.00.

4th and Thereafter—Sanction is discretionary with Business Conduct Committee.

2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with Section 6(b)(5) of the Act [6] in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, protect investors and the public interest, as well as prevent unfair discrimination among customers, issuers, brokers or dealers by ensuring the dissemination of accurate option market quotes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange represents that no written comments were solicited or received regarding the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the 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 the 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. 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 of the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange.

All submissions should refer to File No. SR–PHLX–97–53 and should be submitted by February 19, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–2192 Filed 1–28–98; 8:45 am]

BILLING CODE 8010–01–M

[6] 15 U.S.C. 78f(b)(5).

[7] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3045]

State of Florida (Amendment #1)

In accordance with notices from the Federal Emergency Management Agency dated January 12 and 14, 1998, the above-numbered Declaration is hereby amended to include the counties of Citrus, Lake, Orange, Pasco, and Sumter in the State of Florida as a disaster area due to damages caused by severe storms, high winds, tornadoes, and flooding, and to establish the incident period for this disaster as beginning on December 25, 1997 and continuing through January 14, 1998.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Levy, Marion, Seminole, and Volusia in the State of Florida may be filed until the specified date at the previously designated location. All other information remains the same, i.e., the deadline for filing applications for physical damage is March 7, 1998 and for economic injury the termination date is October 6, 1998.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 16, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–2232 Filed 1–28–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3052]

State of Maine

As a result of the President's major disaster declaration on January 13, 1998 for Public Assistance only, and an amendment thereto on January 15, 1998 adding Individual Assistance, I find that the entire State of Maine constitutes a disaster area due to damages caused by severe ice storms, rain and high winds beginning on January 5, 1998 and continuing. Applications for loans for physical damages may be filed until the close of business on March 16, 1998, and for loans for economic injury until the close of business on October 15, 1998 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd. South, 3rd Floor, Niagara Falls, NY 14303

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Carroll, Coos, Rockingham, and Strafford in the State of New Hampshire may be filed until the specified date at the above location.

The interest rates are:

	Percent
Physical Damage:	
HOMEOWNERS WITH CREDIT AVAILABLE ELSEWHERE	7.625
HOMEOWNERS WITHOUT CREDIT AVAILABLE ELSEWHERE	3.812
BUSINESSES WITH CREDIT AVAILABLE ELSEWHERE	8.000
BUSINESSES AND NON-PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000
OTHERS (INCLUDING NON-PROFIT ORGANIZATIONS) WITH CREDIT AVAILABLE ELSEWHERE	7.125
For Economic Injury:	
BUSINESSES AND SMALL AGRICULTURAL COOPERATIVES WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000

The number assigned to this disaster for physical damage is 305211. For economic injury the numbers are 972000 for Maine and 972100 for New Hampshire.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 16, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–2234 Filed 1–28–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3046]

State of New York

As a result of the President's major disaster declaration on January 10, 1998 and an amendment thereto on January 12, I find that Clinton, Essex, Franklin, Jefferson, Lewis, and St. Lawrence Counties in the State of New York constitute a disaster area due to damages caused by severe winter and ice storms, high winds, and flooding beginning on January 5, 1998 and continuing. Applications for loans for physical damages as a direct result of this disaster may be filed until the close of business on March 10, 1998, and for loans for economic injury until the close of business on October 13, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd. South, 3rd Floor, Niagara Falls, NY 14303.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Hamilton, Herkimer, Oneida, Oswego, Warren, and Washington in the State of New York, and Addison, Chittenden, and Grand Isle Counties in the State of Vermont may be filed until the specified date at the above location.

The interest rates are:

	Percent
Physical damage:	
Homeowners with credit available elsewhere	7.625
Homeowners without credit available elsewhere	3.812
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 304611. For economic injury the numbers are 971200 for New York and 971300 for Vermont.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 15, 1998.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 98–2231 Filed 1–28–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3053]

State of North Carolina

As a result of the President's major disaster declaration on January 15, 1998, I find that Avery and Mitchell Counties in the State of North Carolina constitute a disaster area due to damages caused by severe storms and flooding beginning on January 7, 1998 and continuing. Applications for loans for physical damages may be filed until the close of business on March 16, 1998, and for loans for economic injury until the close of business on October 15, 1998 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Burke, Caldwell, McDowell, Watauga, and Yancey in North Carolina may be filed until the specified date at the above location.

Any counties contiguous to the above-named counties and not listed herein have been previously declared under a separate declaration for the same occurrence.

The interest rates are:

	Percent
Physical Damage:	
HOMEOWNERS WITH CREDIT AVAILABLE ELSEWHERE	7.625
HOMEOWNERS WITHOUT CREDIT AVAILABLE ELSEWHERE	3.812
BUSINESSES WITH CREDIT AVAILABLE ELSEWHERE	8.000
BUSINESSES AND NON-PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000
OTHERS (INCLUDING NON-PROFIT ORGANIZATIONS) WITH CREDIT AVAILABLE ELSEWHERE	7.125
For Economic Injury:	
BUSINESSES AND SMALL AGRICULTURAL COOPERATIVES WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000

The number assigned to this disaster for physical damage is 305306 and for economic injury the number is 972200.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 16, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–2235 Filed 1–28–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3050]

Pennsylvania (and Contiguous Counties in New Jersey)

Philadelphia County and the contiguous Counties of Bucks, Delaware, and Montgomery in Pennsylvania, and Burlington, Camden, and Gloucester Counties in New Jersey constitute a disaster area as a result of damages caused by a fire on January 1, 1998 in the Gorgas Court apartment complex in the City of Philadelphia. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on March 16, 1998 and for economic injury until the close of business on October 15, 1998 at the address listed below or other locally announced locations:

U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Boulevard South, 3rd Floor, Niagara Falls, NY 14303

The interest rates are:

	Percent
For Physical Damage:	
HOMEOWNERS WITH CREDIT AVAILABLE ELSEWHERE	7.625
HOMEOWNERS WITHOUT CREDIT AVAILABLE ELSEWHERE	3.812
BUSINESSES WITH CREDIT AVAILABLE ELSEWHERE	8.000
BUSINESSES AND NON-PROFIT ORGANIZATIONS WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000
OTHERS (INCLUDING NON-PROFIT ORGANIZATIONS) WITH CREDIT AVAILABLE ELSEWHERE	7.125
For Economic Injury:	
BUSINESSES AND SMALL AGRICULTURAL COOPERATIVES WITHOUT CREDIT AVAILABLE ELSEWHERE	4.000

The numbers assigned to this disaster for physical and economic injury damages are 305005 and 971800 for Pennsylvania, and 305105 and 971900 for New Jersey.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 15, 1998.

John T. Spotila,

Acting Administrator.

[FR Doc. 98–2233 Filed 1–28–98; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3049]

State of Tennessee

As a result of the President's major disaster declaration on January 13, 1998, I find that Carter County in the State of Tennessee constitutes a disaster area due to damages caused by severe storms and flooding beginning on January 6, 1998 and continuing. Applications for loans for physical damages may be filed until the close of business on March 13, 1998, and for loans for economic injury until the close of business on October 13, 1998 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Johnson, Sullivan, Unicoi, and Washington in Tennessee, and Avery, Mitchell, and Watauga Counties in North Carolina may be filed until the specified date at the above location.

The interest rates are:

	Percent
Physical damage:	
Homeowners with credit available elsewhere	7.625
Homeowners without credit available elsewhere	3.812
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 304906. For economic injury the numbers are 971600 for Tennessee and 971700 for North Carolina.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 15, 1998.

Herbert L. Mitchell,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 98–2230 Filed 1–28–98; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

Office of Defense Trade Controls

[Public Notice No. 2671]

Notifications to the Congress of Proposed Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to section 36(c) and in compliance with section 36(e) of the Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: As shown on each letter.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State ((703) 875–6644).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to section 36(c) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: December 18, 1997.

William J. Lowell,

Director, Office of Defense Trade Controls.

United States Department of State

Washington, D.C. 20520

December 4, 1997.

Dear Mr. Speaker: Pursuant to section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed export of defense articles or defense services sold under contract in the amount of $50,000,000 or more.

The transaction described in the attached certification involves training, operation and maintenance for Peace Shield, a command, control and communications system supporting air defense for the Kingdom of Saudi Arabia.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, although unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Barbara Larkin,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC–3–98

The Honorable Newt Gingrich, Speaker of the House of Representatives.

[FR Doc. 98–2126 Filed 1–28–98; 8:45 am]

BILLING CODE 4710–25–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–192 (Sub-No. 1)]

The Birmingham Southern Railroad Company; Abandonment and Discontinuance of Trackage Rights in Jefferson County, AL

On January 9, 1998, the Birmingham Southern Railroad Company (BS) amended an application it filed with the Surface Transportation Board (Board) on December 22, 1997, to abandon a portion of its line of railroad known as the Birmingham Branch, extending from BS Milepost 146+97.22 near East Thomas Station to the end of the line near Birmingham Station, a distance of 3.869 miles, in Jefferson County, AL; [1] and to discontinue its trackage rights over Norfolk Southern Railway Company's (NSR) line between NSR's Mileposts 143 and 144 near Birmingham Station, a distance of .614 miles in Jefferson County, AL. The trackage rights include the right of BS to travel over approximately 500 feet of main line track over which NSR continues to maintain traffic, and approximately 2,741 feet of yard track which was removed by NSR approximately 10 years ago. The line includes only one station, Birmingham Station No. 605, near BS Milepost 25+67.42 and

[1] BS amended its original filing to clarify that the portion of the Birmingham Branch sought to be abandoned consists of only two segments: (1) The Birmingham Running Track, extending a distance of 2.78 miles between BS station 0+00 and BS station 146+97.22; and (2) the Birmingham Yard, extending a distance of 1.08 miles between BS station 0+00 and BS station 56+83.94. BS maintains that a third segment originally included in its December 22, 1997 filing (the Ingalls Iron Works Track, extending a distance of .29 miles between BS station 3+20.28 and BS station 18+41.48), is actually exempt industry/switching track that should not have been included in the abandonment application. Accordingly, BS does not seek abandonment authorization for the Ingalls Iron Works Track. The abandonment application will be deemed to have been filed on January 9, 1998, the date the clarification was filed, and hence the procedural schedule will run from that date.

traverses United States Postal Service ZIP Codes 35203, 35204 and 35233.

The line does not contain federally granted rights-of way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The applicant's entire case for abandonment and discontinuance was filed with the application.

The Birmingham Branch has appeared on the applicant's system diagram map or has been included in its narrative in category 1 since 1990.

The interest of railroad employees will be protected by the conditions in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

Any interested person may file with the Board written comments concerning the proposed abandonment and discontinuance or protests (including the protestant's entire opposition case), by February 23, 1998. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by February 23, 1998. Each trail use request must be accompanied by a $150 filing fee. See 49 CFR 1002.2(f)(27). The applicant's reply to any opposition statements and its response to trail use requests must be filed by March 10, 1998. See 49 CFR 1152.26(a).

Persons opposing the proposed abandonment and discontinuance that wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment and discontinuance but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses containing detailed evidence should file comments. Persons interested only in seeking public use or trail use conditions should also file comments.

In addition, a commenting party or protestant may provide:

(i) An offer of financial assistance (OFA) for continued rail service under 49 U.S.C. 10904 (due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner);

(ii) Recommended provisions for protection of the interests of employees;

(iii) A request for a public use condition under 49 U.S.C. 10905; and

(iv) A statement pertaining to prospective use of the right-of way for interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29.

All filings in response to this notice must refer to STB Docket No. AB–192 (Sub-No. 1) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001; and (2) Maria A. Sandala, Attorney, 135 Jamison Lane, P.O. Box 68, Monroeville, PA 15146. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The lines sought to be abandoned and discontinued will be available for subsidy or sale for continued rail use if the Board decides to permit the abandonment and discontinuance in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). Each OFA must be accompanied by a $900 filing fee. See 49 CFR 1002.2(f)(25). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is Mr. J. L. Neis, General Superintendent, Birmingham Southern Railroad Company, 6200 E. J. Oliver Blvd., P.O. Box 579, Fairfield, AL 35064.

Persons seeking further information concerning the abandonment and discontinuance procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at (202) 565–1695.]

An environmental sessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Decided: January 22, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–2198 Filed 1–28–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–31 (Sub–No. 31X)]

Grand Trunk Western Railroad, Incorporated—Abandonment Exemption—in Oakland County, MI

Grand Trunk Western Railroad Incorporated (GTW) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a 0.72-mile line of its railroad between milepost MP–0.0 (south end) and MP–0.72 (north of Tregent Street) on the Cass City Subdivision in Pontiac, Oakland County, MI. The line traverses United States Postal Service Zip Code 48342.

GTW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic that previously moved over the line can be rerouted over other GTW lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short LineR. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of

financial assistance (OFA) has been received, this exemption will be effective on February 28, 1998, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 9, 1998. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 18, 1998, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Robert P. vom Eigen, Esq., Rachel Danish Campbell, Esq., Hopkins & Sutter, 888 Sixteenth Street, NW., Washington, DC 20006.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

GTW has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 3, 1998. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), GTW shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by GTW's filing of a notice of consummation by January 29, 1999, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $900. *See* 49 CFR 1002.2(f)(25).

Decided: January 22, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–2364 Filed 1–28–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network; Proposed Collection; Comment Request

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Financial Crimes Enforcement Network (''FinCEN'') is soliciting comments concerning certain regulations in 31 CFR part 103 relating to Financial Recordkeeping and Reporting of Currency and Foreign Transactions, and TD F 90–22.1, Report of Foreign Bank and Financial Accounts.

DATES: Written comments should be received on or before March 30, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to: Office of Legal Counsel, Financial Crimes Enforcement Network, Department of the Treasury, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182–2536, *Attention:* Extension of OMB Number 1506–0009. Comments also may be submitted by electronic mail to the following Internet address: ''regcomments@fincen.treas.gov'' with the caption in the body of the text, ''*Attention:* Extension of OMB Number 1506–0009.''

FOR FURTHER INFORMATION CONTACT: Requests for information should be directed to Charles Klingman, Financial Institutions Policy Specialist, FinCEN, at (703) 905–3602.

SUPPLEMENTARY INFORMATION:

Title: Financial Recordkeeping and Reporting of Currency and Foreign Transactions, and TD F 90–22.1, Report of Foreign Bank and Financial Accounts.

OMB Number: 1506–0009. (This collection was formerly assigned Control Number 1505–0063.)

Form Number: TD F 90–22.1.

Abstract: The Bank Secrecy Act, Titles I and II of Pub. L. 91–508, as amended, codified at 12 U.S.C. 1829, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5330, authorizes the Secretary of the Treasury, inter alia, to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. Regulations implementing Title II of the Bank Secrecy Act (codified at 31 U.S.C. 5311–5330) appear at 31 CFR part 103. The authority of the Secretary to administer the Bank Secrecy Act regulations has been delegated to the Director of FinCEN.

Money laundering is a vital component of, not only drug trafficking, but other illegal operations throughout the world. The reporting and recordkeeping requirements of the Bank Secrecy Act, codified at 12 U.S.C. 1829, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5330, aid in creating a paper trail to trace drug and other proceeds back to their illegal sources and help to identify the sources, volume, and movements of domestic and international currency. The Secretary of the Treasury has determined that the records and reports required by the Bank Secrecy Act have a high degree of usefulness in criminal, tax, or regulatory investigations. The information collected and retained under these regulations and the information collected on form TD F 90–22.1 (as well as other Bank Secrecy Act reporting and recordkeeping requirements that are not the subject of this notice) assist federal, state and local law enforcement in the identification, investigation, and prosecution of individuals involved in money laundering, tax evasion, narcotics trafficking, organized crime, fraud, embezzlement and other crimes. The information also assists in tax collection and examination and other regulatory matters. The implementing regulations have been issued in 31 CFR part 103 and provide, to the extent covered by this control number, as follows:

1. *103.22*—Financial institutions must report transactions in currency that exceed $10,000 in one business day (103.22(a); 103.27(a), (d), (e); 103.28). Financial institutions must satisfy requirements for exempt customers (103.22(f), (g), and (h)). Financial institutions must keep exemption statements of customers that have been unilaterally exempted from the reporting requirements of 103.22(a) (103.22(d)). Financial institutions may

apply to the Internal Revenue Service for additional exemption authority not granted under 103.22(b) (103.22(e)).[1]

2. *103.23*—Reports required on the international transportation and receipt of currency or monetary instruments that exceed $10,000 (103.23; 103.27(b), (d), (e)).

3. *103.24*—Reports must be filed by persons with foreign bank or other financial accounts (103.24; 103.27(c), (d), and (e)).

4. *103.25*—Reports of transactions with foreign financial agencies are required on a targeted basis.

5. *103.26*—Reports of certain domestic coin and currency transactions must be made as required on a geographically targeted basis.

6. *103.27*—Reports required by 103.22, 103.23, and 103.24 must be filed as provided in 103.27.

7. *103.28*—Before concluding any transaction with respect to which a report must be filed under 103.22, a financial institution must verify and record the name of the individual presenting the transaction and must record certain other information about the individual.

8. *103.29*—Financial institutions must maintain logs of the cash sale of bank checks or drafts, cashier's checks, money orders and traveler's checks between $3,000–$10,000, and must provide the logs to Treasury, upon request.

9. *103.32*—Records must be maintained by persons having financial interests in foreign financial accounts.

10. *103.33*—This section addresses records that must be made and retained by all financial institutions.

11. *103.34*—This section addresses additional records required to be made and retained by banks.

12. *103.35*—This section addresses additional records required to be made and retained by brokers or dealers in securities.

13. *103.36*—This section addresses additional records required to be made and retained by casinos.

14. *103.37*—This section addresses additional records required to be made and retained by currency dealers or exchangers.

15. *103.38*—This section addresses the nature of records and retention period.

16. *103.43*—This section addresses the availability of information.

17. *103.45*—The Secretary may grant exceptions and exemptions, including exemptions for casinos in states whose regulatory system substantially meets the reporting and recordkeeping requirements of 31 CFR part 103.

18. *103.54*—This section addresses special rules for casinos, including a written compliance program.

19. *103.71, 103.72, 103.73, 103.75, 103.76, and 103.77*—These sections address administrative rulings under the Bank Secrecy Act. They explain how to submit a ruling request (103.71), how nonconforming requests are handled (103.72), how oral communications are treated (103.73), how rulings are issued (103.75), how rulings are modified or rescinded (103.76), and how information may be disclosed (103.77).

Form TD F 90–22–1 is filed by persons with foreign bank or other financial accounts.

Current Actions: This document does not change the existing regulations or the form.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit institutions, not-for-profit institutions, individuals, (and in limited situations) federal, state, local, and tribal governments.

Estimated Number of Respondents: 140,000.

Estimated Total Annual Responses: 13,000,000.

Estimated Total Annual Burden Hours: 11,529,711.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the Bank Secrecy Act must be retained for five years. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: January 23, 1998.

Stanley E. Morris,

Director, Financial Crimes Enforcement Network.

[FR Doc. 98–2189 Filed 1–28–98; 8:45 am]

BILLING CODE 4820–03–P

[1] The exemption system is currently being re-examined. *See* the notice of proposed rulemaking published September 8, 1997. (62 FR 47156).

DEPARTMENT OF THE TREASURY

Customs Service

Notice of Issuance of Final Determination Concerning PC Cards

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that Customs has issued a final determination concerning the country of origin of certain PC cards which are being offered for sale to the U.S. Government. The final determination found that based upon the facts presented, the country of origin of the PC cards which are produced in Mexico from U.S. and foreign components is Mexico.

DATES: The final determination was issued on January 9, 1998. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of the final determination within 30 days of January 29, 1998. A copy of the final determination will be published in the Customs Bulletin.

FOR FURTHER INFORMATION CONTACT: Burton L. Schlissel, Senior Attorney, Office of Regulations and Rulings, (202) 927–1034.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on January 9, 1998, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), Customs issued a final determination concerning the country of origin of certain PC cards which are being offered to the U.S. Government. The U.S. Customs ruling number is HQ 559815. This final determination was issued at the request of the offeror under procedures set forth in 19 CFR 177 subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). The final determination concluded that based upon the facts presented, printed circuit boards and other components imported into Mexico are substantially transformed as a consequence of the

assembly operations performed in Mexico resulting in the completed PC cards. Accordingly, the country of origin of the PC cards is Mexico. This document gives notice pursuant to § 177.29, Customs Regulations (19 CFR 177.29), of that final determination. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within 30 days of January 29, 1998.

Dated: January 26, 1998.

John Durant,

Acting Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 98–2253 Filed 1–28–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0325]

Proposed Information Collection Activity: Proposed Collection; Comment Request; Revision

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to authorize advance payment of educational assistance benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0325'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Certification of Delivery of Advance Payment and Enrollment, VA Form 22–1999v.

OMB Control Number: 2900–0325.

Type of Review: Extension of a currently approved collection.

Abstract: VA is authorized to pay educational assistance to veterans and other eligible individuals pursuing approved programs of education under Title 38, U.S.C., chapters 30, 32 and 35, section 903 of Public Law 96–342, and Title 10, U.S.C., chapter 1606. If certain requirements are met, VA is authorized to issue payments in advance of the beginning date of training. The schools or training establishments deliver advance payments and are required to certify the deliveries to VA. The schools or training establishments are also required to report the following to VA: (1) The failure of the student to enroll; (2) an interruption or termination of attendance; or, (3) a finding of unsatisfactory attendance conduct or progress. VA Form 22–1999v serves as the certification of delivery of the advance payment and also the report of any changes in training status.

Affected Public: Business or other for-profit—not-for-profit institutions—State, Local or Tribal Governments.

Estimated Annual Burden: 2,829 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Responses: 33,590.

Dated: December 24, 1997.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst/Information Management Service.

[FR Doc. 98–2099 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0212]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to decline Veterans Mortgage Life Insurance and the information needed to determine insurance premiums.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0212'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the

collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Veterans Mortgage Life Insurance Statement, VA Form 29–8636.

OMB Control Number: 2900–0212.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by veterans who have received Specially Adapted Housing Grants to decline Veterans Mortgage Life Insurance or to provide information upon which the insurance premium can be based. The information is used by VA to process the veteran's request.

Affected Public: Individuals or households.

Estimated Annual Burden: 113 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 450.

Dated: December 24, 1997.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 98–2100 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0202]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to apply for replacement insurance to replace the amount of Modified Life Insurance that was reduced at age 70.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0202'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Numbers: Application for Ordinary Life Insurance (Age 70), VA Form 29–8485a; and Information About Modified Life Insurance Reduction and Replacement Features (Age 70), VA Form 29–8701.

OMB Control Number: 2900–0202.

Type of Review: Extension of a currently approved collection.

Abstract: The forms are used by the insured to apply for replacement insurance to replace the amount of Modified Life Insurance that was reduced at age. The information is used by VA to initiate the granting of the coverage for which applied.

Affected Public: Individuals or households.

Estimated Annual Burden: 642 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 7,700.

Dated: December 24, 1997.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 98–2101 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0093]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on requirements to obtaining organizational information from builders in order to identify individuals who have controlling, proprietary, or financial interest in their company.

DATES: Comments must be submitted on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0093'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the

information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Request for Organizational Data from Builder, VA Form Letter 26–312.

OMB Control Number: 2900–0093.

Type of Review: Extension of a currently approved collection.

Abstract: VA will refuse to appraise properties if it is determined that any party or parties involved, or financially interested in the construction of a unit, have participated in the construction of units sold to veterans which involved substantial deficiencies in construction or a failure or indicated inability to discharge contractual obligations to the veteran who contracted for the construction of the unit. The form letter is completed by builders and sponsors to identify individuals who have controlling, proprietary, or financial interest in their company. The information is used by VA to determine eligibility for participation in the Loan Guaranty Program.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 4,000 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 8,000.

Dated: December 24, 1997.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 98–2102 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0387]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on requirements to determine whether a veteran qualified as a prospective mortgagor for mortgage insurance or guaranty or as a borrower for a rehabilitation loan under the VA program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0387'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–5079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Request for Verification of Deposit, VA Form 26–8497a.

OMB Control Number: 2900–0387.

Type of Review: Extension of a currently approved collection.

Abstract: The form is primarily used by lenders making guaranteed and insured loans to verify deposits of applicants in banks and other savings institutions. It is also used in processing direct loans, offers on acquired properties, and release from liability/substitution of entitlement cases when needed. In these types of cases, part I of the form is completed by the lender and signed by the applicant then forwarded to the depository. The depository completes part II, verifying the applicant's deposits, providing information and payment experience on outstanding loans, and returns the form to the lender. The information is used by VA to determine the applicant's present and anticipated income and expenses and that the applicant is a satisfactory credit risk.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 21,565 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 258,775.

Dated: December 24, 1997.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 98–2103 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0525]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to change the

account number and/or bank from which automatic deductions were previously authorized.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0525'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: VA MATIC, VA Form 29–0165.

OMB Control Number: 2900–0525.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to change the account number and/or bank from which a VA MATIC deduction was previously authorized. The information is used by VBA to process the veteran's request.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,250 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 5,000.

Dated: December 18, 1997.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98–2104 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0317]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on obtaining additional information from a correspondent when the incoming correspondence does not provide sufficient information to identify and associate the previous correspondence with the correct veteran's loan application or loan records.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0317'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–5079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Request for Identifying Information Re: Veteran's Loan Records, VA Form Letter 26–626.

OMB Control Number: 2900–0317.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used to notify a correspondent that additional information is needed in order to identify and associate the previous correspondence with the correct veteran's loan application or loan records.

Affected Public: Individuals or households.

Estimated Annual Burden: 200 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,400.

By direction of the Secretary.

Dated: December 18, 1997.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98–2105 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0118]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed

extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to ensure that individuals are pursuing their approved program while enrolled at a different training institution.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0118'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Transfer of Scholastic Credit (Schools), VA Form Letter 22–315.

OMB Control Number: 2900–0118.

Type of Review: Extension of a currently approved collection.

Abstract: When a student receiving VA education benefits is enrolled at two training institutions, the institution at which the student pursues his approved program of education must verify that courses pursued at a second or supplemental institution will be accepted at full credit toward the student's course objective. Educational payment for courses pursued at the second institution are not payable unless evidence is received to verify that the student is pursuing his or her approved program while enrolled in these courses. VA Form Letter 22–315 is sent to the student by a VA claims examiner. The letter directs the student to have the certifying official of his or her primary institution complete the bottom portion of the form. The certifying official uses the letter to list the course or courses pursued at the second institution for which the primary institution will give full credit. The completed letter is then returned to the VA regional office and the information is used to ensure that students are pursuing their approved program while enrolled at a different school. Without this information, VA might underpay or overpay benefits.

Affected Public: Not-for-profit institutions—State, Local or Tribal Government.

Estimated Annual Burden: 175 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,048.

By direction of the Secretary.
Dated: December 18, 1997.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98–2106 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0066]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on a request to an employer for employment information in connection with a veteran's claim for disability insurance benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0066'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Request to Employer for Employment Information in Connection with Claim for Disability Benefits, VA Form 29–459.

OMB Control Number: 2900–0066.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to request employment information in connection with a claim for disability insurance benefits. The information collected is used by VBA to establish the insured's eligibility for disability insurance benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 862 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 5,167.

Dated: December 18, 1997.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98–2107 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0046]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on an application for payment of credits due the estate of a deceased veteran.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 30, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0046'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Statement of Heirs for Payment of Credits Due Estate of Deceased Veteran, VA Form Letter 29–596.

OMB Control Number: 2900–0046.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used to obtain information for payment of credits due the estate of a deceased veteran. The information is used by VBA to establish entitlement to the refundable credits.

Affected Public: Individuals or households.

Estimated Annual Burden: 78 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 312.

Dated: December 18, 1997.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98–2108 Filed 1–28–98; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 63, No. 19

Thursday, January 29, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Office of Surface and Mining Reclamation and Enforcement

30 CFR Part 901

[SPATS No. AL-067-FOR]

Alabama Regulatory Program

Correction

In rule document 97–33335 beginning on page 66819, in the issue of Monday, December 22, 1997, make the following corrections:

1. On page 66819, in the table, in the first column, in the third line, ''Hydrologic Ground Water Monitoring'' should read ''Hydrologic Balance: Surface and Ground Water Monitoring''.

2. On page 66819, in the second column, in the fifth line from the bottom, after ''Federal Regulations'', start a new paragraph with the heading ''Rules 880-X-10C-.40 and 880-X-10D-.36 Coal Mine Waste: Refuse Piles''.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–32]

Amendment to Class E Airspace; Columbus, NE

Correction

In rule document 98–1230, beginning on page 2887, in the issue of Tuesday, January 20, 1998, make the following correction:

§ 71.1 [Corrected]

On page 2888, in the second column, in the tenth line, ''360°'' should read ''330°''.

BILLING CODE 1505-01-D

Federal Register

Thursday
January 29, 1998

Part II

Small Business Administration

Table of Small Business Size Standards; Notice

SMALL BUSINESS ADMINISTRATION

Table of Small Business Size Standards

Note: The U.S. Small Business Administration (SBA) is withdrawing its January 7, 1998 **Federal Register** (63 FR 902–921) Notice of publication of full table of small business size standards. That table contained a large number of errors that occurred during publication and that were outside of SBA's control. SBA is therefore republishing the full table of small business size standards to correct those errors. This corrected table replaces the one that was published on January 7, 1998.

AGENCY: Small Business Administration.

ACTION: Correction. Republication of full table of small business size standards.

SUMMARY: The U.S. Small Business Administration (SBA) is publishing a full table of small business size standards by four-digit Standard Industrial Classification (SIC) code. This table does not create, establish or modify any size standards currently in existence. This table merely presents all four-digit SIC codes for which SBA has established a small business size standard as a convenient reference for users of SBA's size standards.

FOR FURTHER INFORMATION CONTACT: SBA Office of Size Standards at (202) 205–6618.

SUPPLEMENTARY INFORMATION: SBA is publishing below a full table of small business size standards in accordance with 13 CFR § 121.101. On January 31, 1996, SBA published in the **Federal Register** (61 FR 3280) a Final Rule that clarified and streamlined its small business size standards and related eligibility requirements under 13 CFR 101, ''Small Business Size Regulations.'' The simplification of SBA's Small Business Size Regulations reduced the apparent size of the table of small business size standards in § 121.201 by listing general size standards by SIC Division. Those standards apply to all industries in that Division except those two-digit major group or four-digit industry codes listed with other specific standards. This streamlined table eliminated the duplication of common industry size standards within a Division and reduced the Code of Federal Regulations by fourteen pages.

Since the January 31, 1996, publication of the streamlined size standards table in § 121.201, no small business size standard has been changed. The table published here does not create, establish or modify any size standards currently in existence, but only presents all size standards in an expanded and more convenient format. Changes or modifications to 13 CFR § 121 are only made in accordance with the Administrative Procedures Act and the Regulatory Flexibility Act. Any changes to the table of small business size standards will be reflected in the annual publication of the full list of size standards. SBA will also provide copies of any size related rules on its Internet web site at http://www.sba.gov/. Those with access to the Internet can obtain and download the current table of size standards, listed by four-digit SIC industry code, at http://www.sbaonline.sba.gov/gopher/Financial-Assistance/Size-Standards/. Others may contact any SBA office to verify size standards currently in effect.

SBA was aware when it published the streamlined table of size standards that many users prefer a table listing size standards for each four-digit SIC code. To accommodate those users, the SBA stated in the Final Rule (§ 121.101) that it would publish such an entire table annually in the **Federal Register**. SBA recognizes that having the entire list of small business size standards with the four-digit SIC codes often makes it easier for users to apply the proper standards to their needs, and that it should also reduce the chance for error. This also provides users with additional size standards information without expanding federal regulations. Accordingly, this notice contains a table matching a small business size standard with each four-digit SIC code for which SBA has established a size standard.

Since the publication of the streamlined size standards table, SBA has received questions as to whether small business size standards apply to the four-digit SIC codes that are not specifically listed in the text of § 121.201. The paragraph at the head of the table in § 121.201 states that ''Size standards are listed by Division and apply *to all industries in that Division* [emphasis added] except those specifically listed with separate size standards for a specific two-digit major group or four-digit industry code.'' This means that *all* four-digit SIC codes within that major group have the same size standard, unless otherwise noted as exceptions. For example, the size standard for management consulting services, SIC code 8742, is $5 million in average annual revenues. Although this industry is not listed in the size table in § 121.201, a size standard does exist for that industry.

The proper application of the size standards table in § 121.201 is very important since to be eligible for programs reserved for small businesses, SBA requires that a concern qualify as a small business using the size standard(s) for the appropriate industry. In connection with SBA financial assistance programs, § 121.301 states that ''(a) For Business Loans and Disaster Loans (other than physical disaster loans), an applicant must not exceed the size standard for the *industry* [emphasis added] in which: (1) The applicant combined with its affiliates is primarily engaged; and (2) The applicant alone is primarily engaged.'' Also, to be eligible as a small business for federal procurement programs, a concern must meet the size standard specified in the solicitation, which the contracting officer selects giving primary consideration ''to the *industry descriptions in the SIC Manual, * * ** [emphasis added]'' (§ 121.402).

The 1987 SIC Manual, Appendix B (page 699), designates ''industry'' by a four-digit SIC code. The industries described in the SIC Manual are all four-digit industries. SBA's small business size standards were established and continue to exist for the various SIC industries, which are identified solely by their four-digit codes. By publishing this full table of small business size standards annually, SBA intends to facilitate the correct use of the small business size standards.

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
	DIVISION A—AGRICULTURE, FORESTRY AND FISHING	
	MAJOR GROUP 01—AGRICULTURAL PRODUCTION—CROPS	
0111	Wheat	$0.5
0112	Rice	$0.5
0115	Corn	$0.5
0116	Soybeans	$0.5
0119	Cash Grains, N.E.C.	$0.5
0131	Cotton	$0.5
0132	Tobacco	$0.5
0133	Sugarcane and Sugar Beets	$0.5
0134	Irish Potatoes	$0.5
0139	Field Crops, Except Cash Grains, N.E.C.	$0.5
0161	Vegetables and Melons	$0.5
0171	Berry Crops	$0.5
0172	Grapes	$0.5
0173	Tree Nuts	$0.5
0174	Citrus Fruits	$0.5
0175	Deciduous Tree Fruits	$0.5
0179	Fruits and Tree Nuts, N.E.C.	$0.5
0181	Ornamental Floriculture Nursery Products	$0.5
0182	Food Crops Grown Under Cover	$0.5
0191	General Farms, Primarily Crop	$0.5
	MAJOR GROUP 02—LIVESTOCK AND ANIMAL SPECIALTIES	
0211	Beef Cattle Feedlots (Custom)	$1.5
0212	Beef Cattle, Except Feedlots	$0.5
0213	Hogs	$0.5
0214	Sheep and Goats.	$0.5
0219	General Livestock, Except Dairy and Poultry	$0.5
0241	Dairy Farms.	$0.5
0251	Broiler, Fryer, and Roaster Chickens	$0.5
0252	Chicken Eggs	$9.0
0253	Turkeys and Turkey Eggs	$0.5
0254	Poultry Hatcheries	$0.5
0259	Poultry and Eggs, N.E.C.	$0.5
0271	Fur-Bearing Animals and Rabbits	$0.5
0272	Horses and Other Equines	$0.5
0273	Animal Aquaculture	$0.5
0279	Animal Specialties, N.E.C.	$0.5
0291	General Farms, Primarily Livestock and Animal Specialties	$0.5
	MAJOR GROUP 07—AGRICULTURAL SERVICES	
0711	Soil Preparation Services	$5.0
0721	Crop Planting, Cultivating, and Protecting	$5.0
0722	Crop Harvesting, Primarily by Machine	$5.0
0723	Crop Preparation Service for Market, Except Cotton Ginning	$5.0
0724	Cotton Ginning	$5.0
0741	Veterinary Services for Livestock	$5.0
0742	Veterinary Services for Animal Specialties	$5.0
0751	Livestock Services, Except Veterinary	$5.0
0752	Animal Specialty Services, Except Veterinary	$5.0
0761	Farm Labor Contractors and Crew Leaders	$5.0
0762	Farm Management Services	$5.0
0781	Landscape Counseling and Planning	$5.0
0782	Lawn and Garden Services	$5.0
0783	Ornamental Shrub and Tree Services	$5.0
	MAJOR GROUP 08—FORESTRY	
0811	Timber Tracts	$5.0
0831	Forest Nurseries and Gathering of Forest Products	$5.0
0851	Forestry Services	$5.0

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
	MAJOR GROUP 09—FISHING, HUNTING, AND TRAPPING	
0912	Finfish	$3.0
0913	Shellfish	$3.0
0919	Miscellaneous Marine Products	$3.0
0921	Fish Hatcheries and Preserves	$3.0
0971	Hunting and Trapping, and Game Propagation	$3.0
	DIVISION B—MINING	
	MAJOR GROUP 10—METAL MINING	
1011	Iron Ores	500
1021	Copper Ores	500
1031	Lead and Zinc Ores	500
1041	Gold Ores	500
1044	Silver Ores	500
1061	Ferroalloy Ores, Except Vanadium	500
1081	Metal Mining Services	$5.0
1094	Uranium-Radium-Vanadium Ores	500
1099	Miscellaneous Metal Ores, N.E.C.	500
	MAJOR GROUP 12—COAL MINING	
1221	Bituminous Coal and Lignite Surface Mining	500
1222	Bituminous Coal Underground Mining	500
1231	Anthracite Mining	500
1241	Coal Mining Services	$5.0
	MAJOR GROUP 13—OIL AND GAS EXTRACTION	
1311	Crude Petroleum and Natural Gas	500
1321	Natural Gas Liquids	500
1381	Drilling Oil and Gas Wells	500
1382	Oil and Gas Field Exploration Services	$5.0
1389	Oil and Gas Field Services, N.E.C	$5.0
	MAJOR GROUP 14—MINING AND QUARRYING OF NONMETALLIC MINERALS, EXCEPT FUELS	
1411	Dimension Stone	500
1422	Crushed and Broken Limestone	500
1423	Crushed and Broken Granite	500
1429	Crushed and Broken Stone, N.E.C.	500
1442	Construction Sand and Gravel	500
1446	Industrial Sand	500
1455	Kaolin and Ball Clay	500
1459	Clay, Ceramic, and Refractory Minerals, N.E.C.	500
1474	Potash, Soda, and Borate Minerals	500
1475	Phosphate Rock	500
1479	Chemical and Fertilizer Mineral Mining, N.E.C.	500
1481	Nonmetallic Minerals Services, Except Fuels	$5.0
1499	Miscellaneous Nonmetallic Minerals, Except Fuels	500
	DIVISION C—CONSTRUCTION	
	MAJOR GROUP 15—BUILDING CONSTRUCTION—GENERAL CONTRACTORS AND OPERATIVE BUILDERS	
1521	General Contractors—Single-Family Houses	$17.0
1522	General Contractors—Residential Buildings, Other than Single-Family	$17.0
1531	Operative Builders	$17.0
1541	General Contractors—Industrial Buildings and Warehouses	$17.0
1542	General Contractors—Nonresidential Buildings, Other than Industrial Buildings and Warehouses	$17.0
	MAJOR GROUP 16—HEAVY CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION—CONTRACTORS	
1611	Highway and Street Construction, Except Elevated Highways	$17.0
1622	Bridge, Tunnel, and Elevated Highway Construction	$17.0

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
1623	Water, Sewer, Pipeline, and Communications and Power Line Construction	$17.0
1629	Heavy Construction, N.E.C.	$17.0
EXCEPT,	Dredging and Surface Cleanup Activities	[1] $13.5
	MAJOR GROUP 17—CONSTRUCTION—SPECIAL TRADE CONTRACTORS	
1711	Plumbing, Heating, and Air-Conditioning	$7.0
1721	Painting and Paper Hanging	$7.0
1731	Electrical Work	$7.0
1741	Masonry, Stone Setting, and Other Stone Work	$7.0
1742	Plastering, Drywall, Acoustical and Insulation Work	$7.0
1743	Terrazzo, Tile, Marble, and Mosaic Work	$7.0
1751	Carpentry Work	$7.0
1752	Floor Laying and Other Floor Work, N.E.C.	$7.0
1761	Roofing, Siding, and Sheet Metal Work	$7.0
1771	Concrete Work	$7.0
1781	Water Well Drilling	$7.0
1791	Structural Steel Erection	$7.0
1793	Glass and Glazing Work	$7.0
1794	Excavation Work	$7.0
1795	Wrecking and Demolition Work	$7.0
1796	Installation or Erection of Building Equipment, N.E.C.	$7.0
1799	Special Trade Contractors, N.E.C.	$7.0
EXCEPT,	Base Housing Maintenance	[12] $7.0
	DIVISION D—MANUFACTURING [2]	
	MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS	
2011	Meat Packing Plants	500
2013	Sausages and Other Prepared Meat Products	500
2015	Poultry Slaughtering and Processing	500
2021	Creamery Butter	500
2022	Natural, Processed, and Imitation Cheese	500
2023	Dry, Condensed, and Evaporated Dairy Products	500
2024	Ice Cream and Frozen Desserts	500
2026	Fluid Milk	500
2032	Canned Specialties	1,000
2033	Canned Fruits, Vegetables, Preserves, Jams, and Jellies	[3] 500
2034	Dried and Dehydrated Fruits, Vegetables, and Soup Mixes	500
2035	Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings	500
2037	Frozen Fruits, Fruit Juices, and Vegetables	500
2038	Frozen Specialties, N.E.C.	500
2041	Flour and Other Grain Mill Products	500
2043	Cereal Breakfast Foods	1,000
2044	Rice Milling	500
2045	Prepared Flour Mixes and Doughs	500
2046	Wet Corn Milling	750
2047	Dog and Cat Food	500
2048	Prepared Feeds and Feed Ingredients for Animals and Fowls, Except Dogs and Cats	500
2051	Bread and Other Bakery Products, Except Cookies and Crackers	500
2052	Cookies and Crackers	750
2053	Frozen Bakery Products, Except Bread	500
2061	Cane Sugar, Except Refining	500
2062	Cane Sugar Refining	750
2063	Beet Sugar	750
2064	Candy and Other Confectionery Products	500
2066	Chocolate and Cocoa Products	500
2067	Chewing Gum	500
2068	Salted and Roasted Nuts and Seeds	500
2074	Cottonseed Oil Mills	500
2075	Soybean Oil Mills	500
2076	Vegetable Oil Mills, Except Corn, Cottonseed, and Soybean	1,000
2077	Animal and Marine Fats and Oils	500
2079	Shortening, Table Oils, Margarine, and Other Edible Fats and Oils, N.E.C.	750
2082	Malt Beverages	500
2083	Malt	500
2084	Wines, Brandy, and Brandy Spirits	500
2085	Distilled and Blended Liquors	750

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
2086	Bottled and Canned Soft Drinks and Carbonated Waters	500
2087	Flavoring Extracts and Flavoring Syrups, N.E.C.	500
2091	Canned and Cured Fish and Seafoods	500
2092	Prepared Fresh or Frozen Fish and Seafoods	500
2095	Roasted Coffee	500
2096	Potato Chips, Corn Chips, and Similar Snacks	500
2097	Manufactured Ice	500
2098	Macaroni, Spaghetti, Vermicelli, and Noodles	500
2099	Food Preparations, N.E.C.	500
	MAJOR GROUP 21—TOBACCO PRODUCTS	
2111	Cigarettes	1,000
2121	Cigars	500
2131	Chewing and Smoking Tobacco and Snuff	500
2141	Tobacco Stemming and Redrying	500
	MAJOR GROUP 22—TEXTILE MILL PRODUCTS	
2211	Broadwoven Fabric Mills, Cotton	1,000
2221	Broadwoven Fabric Mills, Manmade Fiber and Silk	500
2231	Broadwoven Fabric Mills, Wool (Including Dyeing and Finishing)	500
2241	Narrow Fabric and Other Smallwares Mills: Cotton, Wool, Silk and Manmade Fiber	500
2251	Women's Full-Length and Knee-Length Hosiery, Except Socks	500
2252	Hosiery, N.E.C.	500
2253	Knit Outerwear Mills	500
2254	Knit Underwear and Nightwear Mills	500
2257	Weft Knit Fabric Mills	500
2258	Lace and Warp Knit Fabric Mills	500
2259	Knitting Mills, N.E.C.	500
2261	Finishers of Broadwoven Fabrics of Cotton	1,000
2262	Finishers of Broadwoven Fabrics of Manmade Fiber and Silk	500
2269	Finishers of Textiles, N.E.C.	500
2273	Carpets and Rugs	500
2281	Yarn Spinning Mills	500
2282	Yarn Texturizing, Throwing, Twisting, and Winding Mills	500
2284	Thread Mills	500
2295	Coated Fabrics, Not Rubberized	1,000
2296	Tire Cord and Fabrics	1,000
2297	Nonwoven Fabrics	500
2298	Cordage and Twine	500
2299	Textile Goods, N.E.C.	500
	MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS	
2311	Men's and Boys' Suits, Coats and Overcoats	500
2321	Men's and Boys' Shirts, Except Work Shirts	500
2322	Men's and Boys' Underwear and Nightwear	500
2323	Men's and Boys' Neckwear	500
2325	Men's and Boys' Separate Trousers and Slacks	500
2326	Men's and Boys' Work Clothing	500
2329	Men's and Boys' Clothing, N.E.C.	500
2331	Women's, Misses', and Juniors' Blouses and Shirts	500
2335	Women's, Misses', and Juniors' Dresses	500
2337	Women's, Misses', and Juniors' Suits, Skirts, and Coats	500
2339	Women's, Misses', and Juniors' Outerwear, N.E.C.	500
2341	Women's, Misses', Children's, and Infants' Underwear and Nightwear	500
2342	Brassieres, Girdles, and Allied Garments	500
2353	Hats, Caps, and Millinery	500
2361	Girls', Children's, and Infants' Dresses, Blouses, and Shirts	500
2369	Girls', Children's, and Infants' Outerwear, N.E.C.	500
2371	Fur Goods	500
2381	Dress and Work Gloves, Except Knit and All-Leather	500
2384	Robes and Dressing Gowns	500
2385	Waterproof Outerwear	500
2386	Leather and Sheep-Lined Clothing	500
2387	Apparel Belts	500
2389	Apparel and Accessories, N.E.C.	500
2391	Curtains and Draperies	500
2392	Housefurnishings, Except Curtains and Draperies	500
2393	Textile Bags	500

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
2394	Canvas and Related Products	500
2395	Pleating, Decorative and Novelty Stitching, and Tucking for the Trade	500
2396	Automotive Trimmings, Apparel Findings, and Related Products	500
2397	Schiffli Machine Embroideries	500
2399	Fabricated Textile Products, N.E.C.	500
	MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	
2411	Logging	500
2421	Sawmills and Planing Mills, General	500
2426	Hardwood Dimension and Flooring Mills	500
2429	Special Product Sawmills, N.E.C.	500
2431	Millwork	500
2434	Wood Kitchen Cabinets	500
2435	Hardwood Veneer and Plywood	500
2436	Softwood Veneer and Plywood	500
2439	Structural Wood Members, N.E.C.	500
2441	Nailed and Lock Corner Wood Boxes and Shook	500
2448	Wood Pallets and Skids	500
2449	Wood Containers, N.E.C.	500
2451	Mobile Homes	500
2452	Prefabricated Wood Buildings and Components	500
2491	Wood Preserving	500
2493	Reconstituted Wood Products	500
2499	Wood Products, N.E.C.	500
	MAJOR GROUP 25—FURNITURE AND FIXTURES	
2511	Wood Household Furniture, Except Upholstered	500
2512	Wood Household Furniture, Upholstered	500
2514	Metal Household Furniture	500
2515	Mattresses, Foundations, and Convertible Beds	500
2517	Wood Television, Radio, Phonograph, and Sewing Machine Cabinets	500
2519	Household Furniture, N.E.C.	500
2521	Wood Office Furniture	500
2522	Office Furniture, Except Wood	500
2531	Public Building and Related Furniture	500
2541	Wood Office and Store Fixtures, Partitions, Shelving, and Lockers	500
2542	Office and Store Fixtures, Partitions, Shelving, and Lockers, Except Wood	500
2591	Drapery Hardware and Window Blinds and Shades	500
2599	Furniture and Fixtures, N.E.C.	500
	MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS	
2611	Pulp Mills	750
2621	Paper Mills	750
2631	Paperboard Mills	750
2652	Setup Paperboard Boxes	500
2653	Corrugated and Solid Fiber Boxes	500
2655	Fiber Cans, Tubes, Drums, and Similar Products	500
2656	Sanitary Food Containers, Except Folding	750
2657	Folding Paperboard Boxes, Including Sanitary	750
2671	Packaging Paper and Plastics Film, Coated and Laminated	500
2672	Coated and Laminated Paper, N.E.C.	500
2673	Plastics, Foil, and Coated Paper Bags	500
2674	Uncoated Paper and Multiwall Bags	500
2675	Die-Cut Paper and Paperboard and Cardboard	500
2676	Sanitary Paper Products	500
2677	Envelopes	500
2678	Stationery, Tablets, and Related Products	500
2679	Converted Paper and Paperboard Products, N.E.C.	500
	MAJOR GROUP 27—PRINTING, PUBLISHING, AND ALLIED INDUSTRIES	
2711	Newspapers: Publishing, or Publishing and Printing	500
2721	Periodicals: Publishing, or Publishing and Printing	500
2731	Books: Publishing, or Publishing and Printing	500
2732	Book Printing	500
2741	Miscellaneous Publishing	500
2752	Commercial Printing, Lithographic	500
2754	Commercial Printing, Gravure	500

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
2759	Commercial Printing, N.E.C.	500
2761	Manifold Business Forms	500
2771	Greeting Cards	500
2782	Blankbooks, Looseleaf Binders and Devices	500
2789	Bookbinding and Related Work	500
2791	Typesetting	500
2796	Platemaking and Related Services	500
	MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS	
2812	Alkalies and Chlorine	1,000
2813	Industrial Gases	1,000
2816	Inorganic Pigments	1,000
2819	Industrial Inorganic Chemicals, N.E.C.	1,000
2821	Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers	750
2822	Synthetic Rubber (Vulcanizable Elastomers)	1,000
2823	Cellulosic Manmade Fibers	1,000
2824	Manmade Organic Fibers, Except Cellulosic	1,000
2833	Medicinal Chemicals and Botanical Products	750
2834	Pharmaceutical Preparations	750
2835	In Vitro and In Vivo Diagnostic Substances	500
2836	Biological Products, Except Diagnostic Substances	500
2841	Soap and Other Detergents, Except Specialty Cleaners	750
2842	Specialty Cleaning, Polishing, and Sanitation Preparations	500
2843	Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants	500
2844	Perfumes, Cosmetics, and Other Toilet Preparations	500
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products	500
2861	Gum and Wood Chemicals	500
2865	Cyclic Organic Crudes and Intermediates, and Organic Dyes and Pigments	750
2869	Industrial Organic Chemicals, N.E.C.	1,000
2873	Nitrogenous Fertilizers	1,000
2874	Phosphatic Fertilizers	500
2875	Fertilizers, Mixing Only	500
2879	Pesticides and Agricultural Chemicals, N.E.C.	500
2891	Adhesives and Sealants	500
2892	Explosives	750
2893	Printing Ink	500
2895	Carbon Black	500
2899	Chemicals and Chemical Preparations, N.E.C.	500
	MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES	
2911	Petroleum Refining	[4] 1,500
2951	Asphalt Paving Mixtures and Blocks	500
2952	Asphalt Felts and Coatings	750
2992	Lubricating Oils and Greases	500
2999	Products of Petroleum and Coal, N.E.C.	500
	MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS	
3011	Tires and Inner Tubes	[5] 1,000
3021	Rubber and Plastics Footwear	1,000
3052	Rubber and Plastics Hose and Belting	500
3053	Gaskets, Packing, and Sealing Devices	500
3061	Molded, Extruded, and Lathe-Cut Mechanical Rubber Goods	500
3069	Fabricated Rubber Products, N.E.C.	500
3081	Unsupported Plastics Film and Sheet	500
3082	Unsupported Plastics Profile Shapes	500
3083	Laminated Plastics Plate, Sheet, and Profile Shapes	500
3084	Plastics Pipe	500
3085	Plastics Bottles	500
3086	Plastics Foam Products	500
3087	Custom Compounding of Purchased Plastics Resins	500
3088	Plastics Plumbing Fixtures	500
3089	Plastics Products, N.E.C.	500
	MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS	
3111	Leather Tanning and Finishing	500
3131	Boot and Shoe Cut Stock and Findings	500
3142	House Slippers	500

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
3143	Men's Footwear, Except Athletic	500
3144	Women's Footwear, Except Athletic	500
3149	Footwear, Except Rubber, N.E.C.	500
3151	Leather Gloves and Mittens	500
3161	Luggage	500
3171	Women's Handbags and Purses	500
3172	Personal Leather Goods, Except Women's Handbags and Purses	500
3199	Leather Goods, N.E.C.	500
	MAJOR GROUP 32—STONE, CLAY, GLASS, AND CONCRETE PRODUCTS	
3211	Flat Glass	1,000
3221	Glass Containers	750
3229	Pressed and Blown Glass and Glassware, N.E.C.	750
3231	Glass Products, Made of Purchased Glass	500
3241	Cement, Hydraulic	750
3251	Brick and Structural Clay Tile	500
3253	Ceramic Wall and Floor Tile	500
3255	Clay Refractories	500
3259	Structural Clay Products, N.E.C.	500
3261	Vitreous China Plumbing Fixtures and China and Earthenware Fittings and Bathroom Accessories	750
3262	Vitreous China Table and Kitchen Articles	500
3263	Fine Earthenware (Whiteware) Table and Kitchen Articles	500
3264	Porcelain Electrical Supplies	500
3269	Pottery Products, N.E.C.	500
3271	Concrete Block and Brick	500
3272	Concrete Products, Except Block and Brick	500
3273	Ready Mixed Concrete	500
3274	Lime	500
3275	Gypsum Products	1,000
3281	Cut Stone and Stone Products	500
3291	Abrasive Products	500
3292	Asbestos Products	750
3295	Minerals and Earths, Ground or Otherwise Treated	500
3296	Mineral Wool	750
3297	Nonclay Refractories	750
3299	Nonmetallic Mineral Products, N.E.C.	500
	MAJOR GROUP 33—PRIMARY METAL INDUSTRIES	
3312	Steel Works, Blast Furnaces (Including Coke Ovens), and Rolling Mills	1,000
3313	Electrometallurgical Products, Except Steel	750
3315	Steel Wiredrawing and Steel Nails and Spikes	1,000
3316	Cold-Rolled Steel Sheet, Strip, and Bars	1,000
3317	Steel Pipe and Tubes	1,000
3321	Gray and Ductile Iron Foundries	500
3322	Malleable Iron Foundries	500
3324	Steel Investment Foundries	500
3325	Steel Foundries, N.E.C.	500
3331	Primary Smelting and Refining of Copper	1,000
3334	Primary Production of Aluminum	1,000
3339	Primary Smelting and Refining of Nonferrous metals, Except Copper and Aluminum	750
3341	Secondary Smelting and Refining of Nonferrous Metals	500
3351	Rolling, Drawing, and Extruding of Copper	750
3353	Aluminum Sheet, Plate, and Foil	750
3354	Aluminum Extruded Products	750
3355	Aluminum Rolling and Drawing, N.E.C.	750
3356	Rolling, Drawing, and Extruding of Nonferrous Metals, Except Copper and Aluminum	750
3357	Drawing and Insulating of Nonferrous Wire	1,000
3363	Aluminum Die-Castings	500
3364	Nonferrous Die-Castings, Except Aluminum	500
3365	Aluminum Foundries	500
3366	Copper Foundries	500
3369	Nonferrous Foundries, Except Aluminum and Copper	500
3398	Metal Heat Treating	750
3399	Primary Metal Products, N.E.C.	750
	MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION EQUIPMENT	
3411	Metal Cans	1,000
3412	Metal Shipping Barrels, Drums, Kegs, and Pails	500

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
3421	Cutlery	500
3423	Hand and Edge Tools, Except Machine Tools and Handsaws	500
3425	Saw Blades and Handsaws	500
3429	Hardware, N.E.C.	500
3431	Enameled Iron and Metal Sanitary Ware	750
3432	Plumbing Fixture Fittings and Trim	500
3433	Heating Equipment, Except Electric and Warm Air Furnaces	500
3441	Fabricated Structural Metal	500
3442	Metal Doors, Sash, Frames, Molding, and Trim	500
3443	Fabricated Plate Work (Boiler Shops)	500
3444	Sheet Metal Work	500
3446	Architectural and Ornamental Metal Work	500
3448	Prefabricated Metal Buildings and Components	500
3449	Miscellaneous Structural Metal Work	500
3451	Screw Machine Products	500
3452	Bolts, Nuts, Screws, Rivets, and Washers	500
3462	Iron and Steel Forgings	500
3463	Nonferrous Forgings	500
3465	Automotive Stampings	500
3466	Crowns and Closures	500
3469	Metal Stampings, N.E.C.	500
3471	Electroplating, Plating, Polishing, Anodizing, and Coloring	500
3479	Coating, Engraving, and Allied Services, N.E.C.	500
3482	Small Arms Ammunition	1,000
3483	Ammunition, Except for Small Arms	1,500
3484	Small Arms	1,000
3489	Ordnance and Accessories, N.E.C.	500
3491	Industrial Valves	500
3492	Fluid Power Valves and Hose Fittings	500
3493	Steel Springs, Except Wire	500
3494	Valves and Pipe Fittings, N.E.C.	500
3495	Wire Springs	500
3496	Miscellaneous Fabricated Wire Products	500
3497	Metal Foil and Leaf	500
3498	Fabricated Pipe and Pipe Fittings	500
3499	Fabricated Metal Products, N.E.C.	500
	MAJOR GROUP 35—INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT	
3511	Steam, Gas, and Hydraulic Turbines, and Turbine Generator Set Units	1,000
3519	Internal Combustion Engines, N.E.C.	1,000
3523	Farm Machinery and Equipment	500
3524	Lawn and Garden Tractors and Home Lawn and Garden Equipment	500
3531	Construction Machinery and Equipment	750
3532	Mining Machinery and Equipment, Except Oil and Gas Field Machinery and Equipment	500
3533	Oil and Gas Field Machinery and Equipment	500
3534	Elevators and Moving Stairways	500
3535	Conveyors and Conveying Equipment	500
3536	Overhead Traveling Cranes, Hoists, and Monorail Systems	500
3537	Industrial Trucks, Tractors, Trailers, and Stackers	750
3541	Machine Tools, Metal Cutting Types	500
3542	Machine Tools, Metal Forming Types	500
3543	Industrial Patterns	500
3544	Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds	500
3545	Cutting Tools, Machine Tool Accessories, and Machinists' Precision Measuring Devices	500
3546	Power-Driven Handtools	500
3547	Rolling Mill Machinery and Equipment	500
3548	Electric and Gas Welding and Soldering Equipment	500
3549	Metalworking Machinery, N.E.C.	500
3552	Textile Machinery	500
3553	Woodworking Machinery	500
3554	Paper Industries Machinery	500
3555	Printing Trades Machinery and Equipment	500
3556	Food Products Machinery	500
3559	Special Industry Machinery, N.E.C.	500
3561	Pumps and Pumping Equipment	500
3562	Ball and Roller Bearings	750
3563	Air and Gas Compressors	500
3564	Industrial and Commercial Fans and Blowers and Air Purification Equipment	500
3565	Packaging Machinery	500
3566	Speed Changers, Industrial High-Speed Drives, and Gears	500

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
3567	Industrial Process Furnaces and Ovens	500
3568	Mechanical Power Transmission Equipment, N.E.C.	500
3569	General Industrial Machinery and Equipment, N.E.C.	500
3571	Electronic Computers	1,000
3572	Computer Storage Devices	1,000
3575	Computer Terminals	1,000
3577	Computer Peripheral Equipment, N.E.C.	1,000
3578	Calculating and Accounting Machines, Except Electronic Computers	1,000
3579	Office Machines, N.E.C.	500
3581	Automatic Vending Machines	500
3582	Commercial Laundry, Drycleaning, and Pressing Machines	500
3585	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment	750
3586	Measuring and Dispensing Pumps	500
3589	Service Industry Machinery, N.E.C.	500
3592	Carburetors, Pistons, Piston Rings, and Valves	500
3593	Fluid Power Cylinders and Actuators	500
3594	Fluid Power Pumps and Motors	500
3596	Scales and Balances, Except Laboratory	500
3599	Industrial and Commercial Machinery and Equipment, N.E.C.	500
	MAJOR GROUP 36—ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS, EXCEPT COMPUTER EQUIPMENT	
3612	Power, Distribution, and Specialty Transformers	750
3613	Switchgear and Switchboard Apparatus	750
3621	Motors and Generators	1,000
3624	Carbon and Graphite Products	750
3625	Relays and Industrial Controls	750
3629	Electrical Industrial Apparatus, N.E.C.	500
3631	Household Cooking Equipment	750
3632	Household Refrigerators and Home and Farm Freezers	1,000
3633	Household Laundry Equipment	1,000
3634	Electric Housewares and Fans	750
3635	Household Vacuum Cleaners	750
3639	Household Appliances, N.E.C.	500
3641	Electric Lamp Bulbs and Tubes	1,000
3643	Current-Carrying Wiring Devices	500
3644	Noncurrent-Carrying Wiring Devices	500
3645	Residential Electric Lighting Fixtures	500
3646	Commercial, Industrial, and Institutional Electric Lighting Fixtures	500
3647	Vehicular Lighting Equipment	500
3648	Lighting Equipment, N.E.C.	500
3651	Household Audio and Video Equipment	750
3652	Phonograph Records and Prerecorded Audio Tapes and Disks	750
3661	Telephone and Telegraph Apparatus	1,000
3663	Radio and Television Broadcasting and Communications Equipment	750
3669	Communications Equipment, N.E.C.	750
3671	Electron Tubes	750
3672	Printed Circuit Boards	500
3674	Semiconductors and Related Devices	500
3675	Electronic Capacitors	500
3676	Electronic Resistors	500
3677	Electronic Coils, Transformers, and Other Inductors	500
3678	Electronic Connectors	500
3679	Electronic Components, N.E.C.	500
3691	Storage Batteries	500
3692	Primary Batteries, Dry and Wet	1,000
3694	Electrical Equipment for Internal Combustion Engines	750
3695	Magnetic and Optical Recording Media	1,000
3699	Electrical Machinery, Equipment, and Supplies	750
	MAJOR GROUP 37—TRANSPORTATION EQUIPMENT	
3711	Motor Vehicles and Passenger Car Bodies	1,000
3713	Truck and Bus Bodies	500
3714	Motor Vehicle Parts and Accessories	750
3715	Truck Trailers	500
3716	Motor Homes	1,000
3721	Aircraft	1,500
3724	Aircraft Engines and Engine Parts	1,000
3728	Aircraft Parts and Auxiliary Equipment, N.E.C.	[9] 1,000
3731	Shipbuilding and Repair of Nuclear Propelled Ships	1,000

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
EXCEPT, ...	Shipbuilding of Nonnuclear Propelled Ships and Nonpropelled Ships	1,000
	Ship Repair (Including Overhauls and Conversions) Performed on Nonnuclear Propelled and Nonpropelled Ships East of the 108th Meridian.	1,000
	Ship Repair (Including Overhauls and Conversions) Performed on Nonnuclear Propelled and Nonpropelled Ships West of the 108th Meridian.	1,000
3732	Boat Building and Repairing	500
3743	Railroad Equipment	1,000
3751	Motorcycles, Bicycles, and Parts	500
3761	Guided Missiles and Space Vehicles	1,000
3764	Guided Missile and Space Vehicle Propulsion Units and Propulsion Unit Parts	1,000
3769	Guided Missile and Space Vehicle Parts and Auxiliary Equipment, N.E.C.	1,000
3792	Travel Trailers and Campers	500
3795	Tanks and Tank Components	1,000
3799	Transportation Equipment, N.E.C.	500
	MAJOR GROUP 38—MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC, MEDICAL, AND OPTICAL GOODS; WATCHES AND CLOCKS	
3812	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical Systems and Instruments	750
3821	Laboratory Apparatus and Furniture	500
3822	Automatic Controls for Regulating Residential and Commercial Environments and Appliances	500
3823	Industrial Instruments for Measurement, Display, and Control of Process Variables; and Related Products	500
3824	Totalizing Fluid Meters and Counting Devices	500
3825	Instruments for Measuring and Testing of Electricity and Electrical Signals	500
3826	Laboratory Analytical Instruments	500
3827	Optical Instruments and Lenses	500
3829	Measuring and Controlling Devices, N.E.C.	500
3841	Surgical and Medical Instruments and Apparatus	500
3842	Orthopedic, Prosthetic, and Surgical Appliances and Supplies	500
3843	Dental Equipment and Supplies	500
3844	X-Ray Apparatus and Tubes and Related Irradiation Apparatus	500
3845	Electromedical and Electrotherapeutic Apparatus	500
3851	Ophthalmic Goods	500
3861	Photographic Equipment and Supplies	500
3873	Watches, Clocks, Clockwork Operated Devices, and Parts	500
	MAJOR GROUP 39—MISCELLANEOUS MANUFACTURING INDUSTRIES	
3911	Jewelry, Precious Metal	500
3914	Silverware, Plated Ware, and Stainless Steel Ware	500
3915	Jewelers' Findings and Materials, and Lapidary Work	500
3931	Musical Instruments	500
3942	Dolls and Stuffed Toys	500
3944	Games, Toys, and Children's Vehicles, Except Dolls and Bicycles	500
3949	Sporting and Athletic Goods, N.E.C.	500
3951	Pens, Mechanical Pencils, and Parts	500
3952	Lead Pencils, Crayons, and Artists' Materials	500
3953	Marking Devices	500
3955	Carbon Paper and Inked Ribbons	500
3961	Costume Jewelry and Costume Novelties, Except Precious Metal	500
3965	Fasteners, Buttons, Needles, and Pins	500
3991	Brooms and Brushes	500
3993	Signs and Advertising Specialties	500
3995	Burial Caskets	500
3996	Linoleum, Asphalted-Felt-Base, and Other Hard Surface Floor Coverings, N.E.C.	750
3999	Manufacturing Industries, N.E.C.	500
	DIVISION E—TRANSPORTATION, COMMUNICATIONS ELECTRIC, GAS AND SANITARY SERVICES	
	MAJOR GROUP 40—RAILROAD TRANSPORTATION	
4011	Railroads, Line-Haul Operating	1,500
4013	Railroad Switching and Terminal Establishments	500
	MAJOR GROUP 41—LOCAL AND SUBURBAN TRANSIT AND INTERURBAN HIGHWAY PASSENGER TRANSPORTATION	
4111	Local and Suburban Transit	.....$5.0
4119	Local Passenger Transportation, N.E.C.	.....$5.0
4121	Taxicabs	.....$5.0

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
4131	Intercity and Rural Bus Transportation	$5.0
4141	Local Bus Charter Service	$5.0
4142	Bus Charter Service, Except Local	$5.0
4151	School Buses	$5.0
4173	Terminal and Service Facilities for Motor Vehicle Passenger Transportation	$5.0
	MAJOR GROUP 42—MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING	
4212	Local Trucking Without Storage	$18.5
EXCEPT,	Garbage and Refuse Collection, Without Disposal	$6.0
4213	Trucking, Except Local	$18.5
4214	Local Trucking With Storage	$18.5
4215	Courier Services, Except by Air	$18.5
4221	Farm Product Warehousing and Storage	$18.5
4222	Refrigerated Warehousing and Storage	$18.5
4225	General Warehousing and Storage	$18.5
4226	Special Warehousing and Storage, N.E.C.	$18.5
4231	Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation	$5.0
	MAJOR GROUP 44—WATER TRANSPORTATION	
4412	Deep Sea Foreign Transportation of Freight	500
4424	Deep Sea Domestic Transportation of Freight	500
4432	Freight Transportation on the Great Lakes—St. Lawrence Seaway	500
4449	Water Transportation of Freight, N.E.C.	500
4481	Deep Sea Transportation of Passengers, Except by Ferry	500
4482	Ferries	500
4489	Water Transportation of Passengers, N.E.C.	500
4491	Marine Cargo Handling	$18.5
4492	Towing and Tugboat Services	$5.0
4493	Marinas	$5.0
4499	Water Transportation Services, N.E.C.	$5.0
EXCEPT,	Offshore Marine Water Transportation Services	$20.5
	MAJOR GROUP 45—TRANSPORTATION BY AIR	
4512	Air Transportation, Scheduled	1,500
4513	Air Courier Services	1,500
4522	Air Transportation, Nonscheduled	1,500
EXCEPT,	Offshore Marine Air Transportation Services	$20.5
4581	Airports, Flying Fields, and Airport Terminal Services	$5.0
	MAJOR GROUP 46—PIPELINES, EXCEPT NATURAL GAS	
4612	Crude Petroleum Pipelines	1,500
4613	Refined Petroleum Pipelines	1,500
4619	Pipelines, N.E.C.	$25.0
	MAJOR GROUP 47—TRANSPORTATION SERVICES	
4724	Travel Agencies	[6] $1.0
4725	Tour Operators	$5.0
4729	Arrangement of Passenger Transportation, N.E.C.	$5.0
4731	Arrangement of Transportation of Freight and Cargo	$18.5
4741	Rental of Railroad Cars	$5.0
4783	Packing and Crating	$18.5
4785	Fixed Facilities and Inspection and Weighing Services for Motor Vehicle Transportation	$5.0
4789	Transportation Services, N.E.C.	$5.0
	MAJOR GROUP 48—COMMUNICATIONS	
4812	Radiotelephone Communications	1,500
4813	Telephone Communications, Except Radiotelephone	1,500
4822	Telegraph and Other Message Communications	$5.0
4832	Radio Broadcasting Stations	$5.0
4833	Television Broadcasting Stations	$10.5
4841	Cable and Other Pay Television Services	$11.0
4899	Communications Services, N.E.C.	$11.0

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
	MAJOR GROUP 49—ELECTRIC, GAS, AND SANITARY SERVICES	
4911	Electric Services	4 million megawatt hrs.
4922	Natural Gas Transmission	$5.0
4923	Gas Transmission and Distribution	$5.0
4924	Natural Gas Distribution	500
4925	Mixed, Manufactured, or Liquefied Petroleum Gas Production and/or Distribution	$5.0
4931	Electric and Other Services Combined	$5.0
4932	Gas and Other Services Combined	$5.0
4939	Combination Utilities, N.E.C.	$5.0
4941	Water Supply	$5.0
4952	Sewerage Systems	$5.0
4953	Refuse Systems	$6.0
4959	Sanitary Services, N.E.C.	$5.0
4961	Steam and Air-Conditioning Supply	$9.0
4971	Irrigation Systems	$5.0
	DIVISION F—WHOLESALE TRADE	
	(Not Applicable to Government procurement of supplies. The nonmanufacturer size standard of 500 employees shall be used for purposes of Government procurement of supplies.)	
	MAJOR GROUP 50—WHOLESALE TRADE—DURABLE GOODS	
5012	Automobiles and Other Motor Vehicles	100
5013	Motor Vehicle Supplies and New Parts	100
5014	Tires and Tubes	100
5015	Motor Vehicle Parts, Used	100
5021	Furniture	100
5023	Homefurnishings	100
5031	Lumber, Plywood, Millwork, and Wood Panels	100
5032	Brick, Stone, and Related Construction Materials	100
5033	Roofing, Siding, and Insulation Materials	100
5039	Construction Materials, N.E.C.	100
5043	Photographic Equipment and Supplies	100
5044	Office Equipment	100
5045	Computers and Computer Peripheral Equipment and Software	100
5046	Commercial Equipment, N.E.C.	100
5047	Medical, Dental, and Hospital Equipment and Supplies	100
5048	Ophthalmic Goods	100
5049	Professional Equipment and Supplies, N.E.C.	100
5051	Metals Service Centers and Offices	100
5052	Coal and Other Minerals and Ores	100
5063	Electrical Apparatus and Equipment, Wiring Supplies, and Construction Materials	100
5064	Electrical Appliances, Television and Radio Sets	100
5065	Electronic Parts and Equipment, N.E.C.	100
5072	Hardware	100
5074	Plumbing and Heating Equipment and Supplies (Hydronics)	100
5075	Warm Air Heating and Air-Conditioning Equipment and Supplies	100
5078	Refrigeration Equipment and Supplies	100
5082	Construction and Mining (Except Petroleum) Machinery and Equipment	100
5083	Farm and Garden Machinery and Equipment	100
5084	Industrial Machinery and Equipment	100
5085	Industrial Supplies	100
5087	Service Establishment Equipment and Supplies	100
5088	Transportation Equipment and Supplies, Except Motor Vehicles	100
5091	Sporting and Recreational Goods and Supplies	100
5092	Toys and Hobby Goods and Supplies	100
5093	Scrap and Waste Materials	100
5094	Jewelry, Watches, Precious Stones, and Precious Metals	100
5099	Durable Goods, N.E.C.	100
	MAJOR GROUP 51—WHOLESALE TRADE—NONDURABLE GOODS	
5111	Printing and Writing Paper	100
5112	Stationery and Office Supplies	100
5113	Industrial and Personal Service Paper	100

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
5122	Drugs, Drug Proprietaries, and Druggists' Sundries	100
5131	Piece Goods, Notions, and Other Dry Goods	100
5136	Men's and Boys' Clothing and Furnishings	100
5137	Women's, Children's, and Infants' Clothing and Accessories	100
5139	Footwear	100
5141	Groceries, General Line	100
5142	Packaged Frozen Foods	100
5143	Dairy Products, Except Dried or Canned	100
5144	Poultry and Poultry Products	100
5145	Confectionery	100
5146	Fish and Seafood	100
5147	Meats and Meat Products	100
5148	Fresh Fruits and Vegetables	100
5149	Groceries and Related Products, N.E.C.	100
5153	Grain and Field Beans	100
5154	Livestock	100
5159	Farm-Product Raw Materials, N.E.C.	100
5162	Plastics Materials and Basic Forms and Shapes	100
5169	Chemical and Allied Products, N.E.C.	100
5171	Petroleum Bulk Stations and Terminals	100
5172	Petroleum and Petroleum Products Wholesalers, Except Bulk Stations and Terminals	100
5181	Beer and Ale	100
5182	Wine and Distilled Alcoholic Beverages	100
5191	Farm Supplies	100
5192	Books, Periodicals, and Newspapers	100
5193	Flowers, Nursery Stock, and Florists' Supplies	100
5194	Tobacco and Tobacco Products	100
5198	Paints, Varnishes, and Supplies	100
5199	Nondurable Goods, N.E.C.	100
	DIVISION G—RETAIL TRADE	
	(Not Applicable to Government procurement of supplies. The nonmanufacturer size standard of 500 employees shall be used for purposes of Government procurement of supplies.)	
	MAJOR GROUP 52—BUILDING MATERIALS, HARDWARE, GARDEN SUPPLY, AND MOBILE HOME DEALERS	
5211	Lumber and Other Building Materials Dealers	$5.0
5231	Paint, Glass, and Wallpaper Stores	$5.0
5251	Hardware Stores	$5.0
5261	Retail Nurseries, Lawn and Garden Supply Stores	$5.0
5271	Mobile Home Dealers	$9.5
	MAJOR GROUP 53—GENERAL MERCHANDISE STORES	
5311	Department Stores	$20.0
5331	Variety Stores	$8.0
5399	Miscellaneous General Merchandise Stores	$5.0
	MAJOR GROUP 54—FOOD STORES	
5411	Grocery Stores	$20.0
5421	Meat and Fish (Seafood) Markets, Including Freezer Provisioners	$5.0
5431	Fruit and Vegetable Markets	$5.0
5441	Candy, Nut, and Confectionery Stores	$5.0
5451	Dairy Products Stores	$5.0
5461	Retail Bakeries	$5.0
5499	Miscellaneous Food Stores	$5.0
	MAJOR GROUP 55—AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS	
5511	Motor Vehicle Dealers (New and Used)	$21.0
5521	Motor Vehicle Dealers (Used Only)	$17.0
5531	Auto and Home Supply Stores	$5.0
5541	Gasoline Service Stations	$6.5
5551	Boat Dealers	$5.0
5561	Recreational Vehicle Dealers	$5.0
5571	Motorcycle Dealers	$5.0

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
5599	Automotive Dealers, N.E.C.,	$5.0
EXCEPT,	Aircraft Dealers, Retail	$7.5
	MAJOR GROUP 56—APPAREL AND ACCESSORY STORES	
5611	Men's and Boys' Clothing and Accessory Stores	$6.5
5621	Women's Clothing Stores	$6.5
5632	Women's Accessory and Specialty Stores	$5.0
5641	Children's and Infants' Wear Stores	$5.0
5651	Family Clothing Stores	$6.5
5661	Shoe Stores	$6.5
5699	Miscellaneous Apparel and Accessory Stores	$5.0
	MAJOR GROUP 57—HOME FURNITURE, FURNISHINGS, AND EQUIPMENT STORES	
5712	Furniture Stores	$5.0
5713	Floor Covering Stores	$5.0
5714	Drapery, Curtain, and Upholstery Stores	$5.0
5719	Miscellaneous Homefurnishings Stores	$5.0
5722	Household Appliance Stores	$6.5
5731	Radio, Television, and Consumer Electronics Stores	$6.5
5734	Computer and Computer Software Stores	$6.5
5735	Record and Prerecorded Tape Stores	$5.0
5736	Musical Instrument Stores	$5.0
	MAJOR GROUP 58—EATING AND DRINKING PLACES	
5812	Eating Places	$5.0
EXCEPT,	Food Service, Institutional	$15.0
5813	Drinking Places (Alcoholic Beverages)	$5.0
	MAJOR GROUP 59—MISCELLANEOUS RETAIL	
5912	Drug Stores and Proprietary Stores	$5.0
5921	Liquor Stores	$5.0
5932	Used Merchandise Stores	$5.0
5941	Sporting Goods Stores and Bicycle Shops	$5.0
5942	Book Stores	$5.0
5943	Stationery Stores	$5.0
5944	Jewelry Stores	$5.0
5945	Hobby, Toy, and Game Shops	$5.0
5946	Camera and Photographic Supply Stores	$5.0
5947	Gift, Novelty, and Souvenir Shops	$5.0
5948	Luggage and Leather Goods Stores	$5.0
5949	Sewing, Needlework, and Piece Goods Stores	$5.0
5961	Catalog and Mail-Order Houses	$18.5
5962	Automatic Merchandising Machine Operators	$5.0
5963	Direct Selling Establishments	$5.0
5983	Fuel Oil Dealers	$9.0
5984	Liquefied Petroleum Gas (Bottled Gas) Dealers	$5.0
5989	Fuel Dealers, N.E.C	$5.0
5992	Florists	$5.0
5993	Tobacco Stores and Stands	$5.0
5994	News Dealers and Newsstands	$5.0
5995	Optical Goods Stores	$5.0
5999	Miscellaneous Retail Stores, N.E.C.	$5.0
	DIVISION H—FINANCE, INSURANCE, AND REAL ESTATE	
	MAJOR 60—DEPOSITORY INSTITUTIONS	
6021	National Commercial Banks	$100 million in Assets [7]
6022	State Commercial Banks	$100 million in Assets [7]
6029	Commercial Banks, N.E.C.	$100 million in Assets [7]
6035	Savings Institutions, Federally Chartered	$100 million in Assets [7]

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
6036	Savings Institutions, Not Federally Chartered	$100 million in Assets [7]
6061	Credit Unions, Federally Chartered	$100 million in Assets [7]
6062	Credit Unions, Not Federally Chartered	$100 million in Assets [7]
6081	Branches and Agencies of Foreign Banks	$100 million in Assets [7]
6082	Foreign Trade and International Banking Instutitions	$100 million in Assets [7]
6091	Nondeposit Trust Facilities	$5.0
6099	Functions Related to Depository Banking, N.E.C.	$5.0
	MAJOR GROUP 61—NONDEPOSITORY INSTITUTION	
6141	Personal Credit Institutions	$5.0
6153	Short-Term Business Credit Institutions, Except Agriculture	$5.0
6159	Miscellaneous Business Credit Institutions	$5.0
6162	Mortgage Bankers and Loan Correspondents	$5.0
6163	Loan Brokers	$5.0
	MAJOR GROUP 62—SECURITY AND COMMODITY BROKERS, DEALERS, EXCHANGES AND SERVICES	
6211	Security Brokers, Dealers and Flotation Companies	$5.0
6221	Commodity Contracts Brokers and Dealers	$5.0
6231	Security and Commodity Exchanges	$5.0
6282	Investment Advice	$5.0
6289	Services Allied With the Exchange of Securities or Commodities, N.E.C.	$5.0
	MAJOR GROUP 63—INSURANCE CARRIERS	
6311	Life Insurance	$5.0
6321	Accident and Health Insurance	$5.0
6324	Hospital and Medical Service Plans	$5.0
6331	Fire, Marine, and Casualty Insurance	1,500
6351	Surety Insurance	$5.0
6361	Title Insurance	$5.0
6371	Pension, Health and Welfare Funds	$5.0
6399	Insurance Carriers, N.E.C.	$5.0
	MAJOR GROUP 64—INSURANCE AGENTS, BROKERS, AND SERVICE	
6411	Insurance Agents, Brokers, and Service	$5.0
	MAJOR GROUP 65—REAL ESTATE	
6512	Operators of Nonresidential Buildings	$5.0
6513	Operators of Apartment Buildings	$5.0
6514	Operators of Dwellings Other Than Apartment Buildings	$5.0
6515	Operators of Residential Mobile Home Sites	$5.0
EXCEPT,	Leasing of Building Space to Federal Government by Owners	[8] $15.0
6517	Lessors of Railroad Property	$5.0
6519	Lessors of Real Property, N.E.C.	$5.0
6531	Real Estate Agents and Managers	[6] $1.5
6541	Title Abstract Offices	$5.0
6552	Land Subdividers and Developers, Except Cemeteries	$5.0
6553	Cemetery Subdividers and Developers	$5.0
	MAJOR GROUP 67—HOLDING AND OTHER INVESTMENT OFFICES	
6712	Offices of Bank Holding Companies	$5.0
6719	Offices of Holding Companies, N.E.C.	$5.0
6722	Management Investment Offices, Open-End	$5.0
6726	Unit Investment Trusts, Face-Amount Certificate Offices, and Closed-End Management Investment Offices	$5.0
6732	Educational, Religious, and Charitable Trusts	$5.0
6733	Trusts, Except Educational, Religious, and Charitable	$5.0
6792	Oil Royalty Traders	$5.0
6794	Patent Owners and Lessors	$5.0
6798	Real Estate Investment Trusts	$5.0
6799	Investors, N.E.C.	$5.0

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
	DIVISION I—SERVICES	
	MAJOR GROUP 70—HOTELS, ROOMING HOUSES, CAMPS, AND OTHER LODGING PLACES	
7011	Hotels and Motels	$5.0
7021	Rooming and Boarding Houses	$5.0
7032	Sporting and Recreational Camps	$5.0
7033	Recreational Vehicle Parks and Campsites	$5.0
7041	Organization Hotels and Lodging Houses, on Membership Basis	$5.0
	MAJOR GROUP 72—PERSONAL SERVICES	
7211	Power Laundries, Family and Commercial	$10.5
7212	Garment Pressing, and Agents for Laundries and Drycleaners	$5.0
7213	Linen Supply	$10.5
7215	Coin-Operated Laundries and Drycleaning	$5.0
7216	Drycleaning Plants, Except Rug Cleaning	$3.5
7217	Carpet and Upholstery Cleaning	$3.5
7218	Industrial Launderers	$10.5
7219	Laundry and Garment Services, N.E.C.	$5.0
7221	Photographic Studios, Portrait	$5.0
7231	Beauty Shops	$5.0
7241	Barber Shops	$5.0
7251	Shoe Repair Shops and Shoeshine Parlors	$5.0
7261	Funeral Service and Crematories	$5.0
7291	Tax Return Preparation Services	$5.0
7299	Miscellaneous Personal Services, N.E.C.	$5.0
	MAJOR GROUP 73—BUSINESS SERVICES	
7311	Advertising Agencies	[6] $5.0
7312	Outdoor Advertising Services	[6] $5.0
7313	Radio, Television, and Publishers' Advertising Representatives	[6] $5.0
7319	Advertising, N.E.C.	[6] $5.0
7322	Adjustment and Collection Services	$5.0
7323	Credit Reporting Services	$5.0
7331	Direct Mail Advertising Services	$5.0
7334	Photocopying and Duplicating Services	$5.0
7335	Commercial Photography	$5.0
7336	Commercial Art and Graphic Design	$5.0
7338	Secretarial and Court Reporting Services	$5.0
7342	Disinfecting and Pest Control Services	$5.0
7349	Building Cleaning and Maintenance Services, N.E.C.	$12.0
7352	Medical Equipment Rental and Leasing	$5.0
7353	Heavy Construction Equipment Rental and Leasing	$5.0
7359	Equipment Rental and Leasing, N.E.C.	$5.0
7361	Employment Agencies	$5.0
7363	Help Supply Services	$5.0
7371	Computer Programming Services	$18.0
7372	Prepackaged Software	$18.0
7373	Computer Integrated Systems Design	$18.0
7374	Computer Processing and Data Preparation and Processing Services	$18.0
7375	Information Retrieval Services	$18.0
7376	Computer Facilities Management Services	$18.0
7377	Computer Rental and Leasing	$18.0
7378	Computer Maintenance and Repair	$18.0
7379	Computer Related Services, N.E.C.	$18.0
7381	Detective, Guard, and Armored Car Services	$9.0
7382	Security Systems Services	$9.0
7383	News Syndicates	$5.0
7384	Photofinishing Laboratories	$5.0
7389	Business Services, N.E.C.	$5.0
EXCEPT,	Map Drafting Services, Mapmaking (Including Aerial) and Photogrammetric Mapping Services	$3.5
	MAJOR GROUP 75—AUTOMOTIVE REPAIR, SERVICES, AND PARKING	
7513	Truck Rental and Leasing, Without Drivers	$18.5
7514	Passenger Car Rental	$18.5
7515	Passenger Car Leasing	$18.5
7519	Utility Trailer and Recreational Vehicle Rental	$5.0

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
7521	Automobile Parking	$5.0
7532	Top, Body, and Upholstery Repair Shops and Paint Shops	$5.0
7533	Automotive Exhaust System Repair Shops	$5.0
7534	Tire Retreading and Repair Shops	$10.5
7536	Automotive Glass Replacement Shops	$5.0
7537	Automotive Transmission Repair Shops	$5.0
7538	General Automotive Repair Shops	$5.0
7539	Automotive Repair Shops, N.E.C.	$5.0
7542	Carwashes	$5.0
7549	Automotive Services, Except Repair and Carwashes	$5.0
	MAJOR GROUP 76—MISCELLANEOUS REPAIR SERVICES	
7622	Radio and Television Repair Shops	$5.0
7623	Refrigeration and Air-Conditioning Service and Repair Shops	$5.0
7629	Electrical and Electronic Repair Shops, N.E.C.	$5.0
7631	Watch, Clock, and Jewelry Repair	$5.0
7641	Reupholstery and Furniture Repair	$5.0
7692	Welding Repair	$5.0
7694	Armature Rewinding Shops	$5.0
7699	Repair Shops and Related Services, N.E.C.	[9] $5.0
	MAJOR GROUP 78—MOTION PICTURES	
7812	Motion Picture and Video Tape Production	$21.5
7819	Services Allied to Motion Picture Production	$21.5
7822	Motion Picture and Video Tape Distribution	$21.5
7829	Services Allied to Motion Picture Distribution	$5.0
7832	Motion Picture Theaters, Except Drive-In	$5.0
7833	Drive-In Motion Picture Theaters	$5.0
7841	Video Tape Rental	$5.0
	MAJOR GROUP 79—AMUSEMENT AND RECREATION SERVICES	
7911	Dance Studios, Schools, and Halls	$5.0
7922	Theatrical Producers (Except Motion Picture) and Miscellaneous Theatrical Services	$5.0
7929	Bands, Orchestras, Actors, and Other Entertainers and Entertainment Groups	$5.0
7933	Bowling Centers	$5.0
7941	Professional Sports Clubs and Promoters	$5.0
7948	Racing, Including Track Operation	$5.0
7991	Physical Fitness Facilities	$5.0
7993	Coin-Operated Amusement Devices	$5.0
7996	Amusement Parks	$5.0
7997	Membership Sports and Recreation Clubs	$5.0
7999	Amusement and Recreation Services, N.E.C.	$5.0
	MAJOR GROUP 80—HEALTH SERVICES	
8011	Offices and Clinics of Doctors of Medicine	$5.0
8021	Offices and Clinics of Dentists	$5.0
8031	Offices and Clinics of Doctors of Osteopathy	$5.0
8041	Offices and Clinics of Chiropractors	$5.0
8042	Offices and Clinics of Optometrists	$5.0
8043	Offices and Clinics of Podiatrists	$5.0
8049	Offices and Clinics of Health Practitioners, N.E.C.	$5.0
8051	Skilled Nursing Care Facilities	$5.0
8052	Intermediate Care Facilities	$5.0
8059	Nursing and Personal Care Facilities, N.E.C.	$5.0
8062	General Medical and Surgical Hospitals	$5.0
8063	Psychiatric Hospitals	$5.0
8069	Specialty Hospitals, Except Psychiatric	$5.0
8071	Medical Laboratories	$5.0
8072	Dental Laboratories	$5.0
8082	Home Health Care Services	$5.0
8092	Kidney Dialysis Centers	$5.0
8093	Specialty Outpatient Facilities, N.E.C.	$5.0
8099	Health and Allied Services, N.E.C.	$5.0

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
	MAJOR GROUP 81—LEGAL SERVICES	
8111	Legal Services	$5.0
	MAJOR GROUP 82—EDUCATIONAL SERVICES	
8211	Elementary and Secondary Schools	$5.0
8221	Colleges, Universities, and Professional Schools	$5.0
8222	Junior Colleges and Technical Institutes	$5.0
8231	Libraries	$5.0
8243	Data Processing Schools	$5.0
8244	Business and Secretarial Schools	$5.0
8249	Vocational Schools, N.E.C.	$5.0
8299	Schools and Educational Services, N.E.C.	$5.0
EXCEPT,	Flight Training Services	$18.5
	MAJOR GROUP 83—SOCIAL SERVICES	
8322	Individual and Family Social Services	$5.0
8331	Job Training and Vocational Rehabilitation Services	$5.0
8351	Child Day Care Services	$5.0
8361	Residential Care	$5.0
8399	Social Services, N.E.C.	$5.0
	MAJOR GROUP 84—MUSEUMS, ART GALLERIES, AND BOTANICAL AND ZOOLOGICAL GARDENS	
8412	Museums and Art Galleries	$5.0
8422	Arboreta and Botanical or Zoological Gardens	$5.0
	MAJOR GROUP 86—MEMBERSHIP ORGANIZATIONS	
8611	Business Associations	$5.0
8621	Professional Membership Organizations	$5.0
8631	Labor Unions and Similar Labor Organizations	$5.0
8641	Civic, Social, and Fraternal Associations	$5.0
8651	Political Organizations	$5.0
8661	Religious Organizations	$5.0
8699	Membership Organizations, N.E.C.	$5.0
	MAJOR GROUP 87—ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT, AND RELATED SERVICES	
8711	Engineering Services	$2.5
EXCEPT,	Military and Aerospace Equipment and Military Weapons	$20.0
EXCEPT,	Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992	$20.0
EXCEPT,	Marine Engineering and Naval Architecture	$13.5
8712	Architectural Services	$2.5
8713	Surveying Services	$2.5
8721	Accounting, Auditing, and Bookkeeping Services	$6.0
8731	Commercial Physical and Biological Research	[10] 500
EXCEPT,	Aircraft	1,500
EXCEPT,	Aircraft Parts, and Auxiliary Equipment, and Aircraft Engine Parts	1,000
EXCEPT,	Space Vehicles and Guided Missiles, their Propulsion Units, their Propulsion Units Parts, and their Auxiliary Equipment and Parts.	1,000
8732	Commercial Economic, Sociological, and Educational Research	$5.0
8733	Noncommercial Research Organizations	$5.0
8734	Testing Laboratories	$5.0
8741	Management Services	$5.0
EXCEPT,	Conference Management Services	[6] $5.0
8742	Management Consulting Services	$5.0
8743	Public Relations Services	$5.0
8744	Facilities Support Management Services	[11] $5.0
EXCEPT,	Base Maintenance	[12] $20.0
EXCEPT,	Environmental Remediation Services	[13] 500
8748	Business Consulting Services, N.E.C.	$5.0
	MAJOR GROUP 89—SERVICES, NOT ELSEWHERE CLASSIFIED	
8999	Services, N.E.C.	$5.0

SIC	Size Standards by SIC industry Description (N.E.C.= Not Elsewhere Classified) (See Endnotes, where indicated)	Size standards in number of employees or millions of dollars
DIVISION K—NONCLASSIFIABLE ESTABLISHMENTS		
9999	Nonclassifiable Establishments	.....$5.0

Endnotes

1. SIC code 1629—Dredging: To be considered small for purposes of Government procurement, a firm must perform at least 40 percent of the volume dredged with its own equipment or equipment owned by another small dredging concern.

2. SIC Division D—Manufacturing: For rebuilding machinery or equipment on a factory basis, or equivalent, use the SIC code for a newly manufactured product. Concerns performing major rebuilding or overhaul activities do not necessarily have to meet the criteria for being a ''manufacturer'' although the activities may be classified under a manufacturing SIC code. Ordinary repair services or preservation are not considered rebuilding.

3. SIC code 2033: For purposes of Government procurement for food canning and preserving, the standard of 500 employees excludes agricultural labor as defined in 3306(k) of the Internal Revenue Code, 26 U.S.C. 3306(k).

4. SIC code 2911: For purposes of Government procurement, the firm may not have more than .1,500 employees nor more than 75,000 barrels per day capacity of petroleum-based inputs, including crude oil or bona fide feedstocks. Capacity includes owned or leased facilities as well as facilities under a processing agreement or an arrangement such as an exchange agreement or a throughput. The total product to be delivered under the contract must be at least 90 percent refined by the successful bidder from either crude oil or bona fide feedstocks.

5. SIC code 3011: For purposes of Government procurement, a firm is small for bidding on a contract for pneumatic tires within Census Classification codes 30111 and 30112, provided that:

(1) The value of tires within Census Classification codes 30111 and 30112 which it manufactured in the United States during the previous calendar year is more than 50 percent of the value of its total worldwide manufacture,

(2) the value of pneumatic tires within Census Classification codes 30111 and 30112 comprising its total worldwide manufacture during the preceding calendar year was less than 5 percent of the value of all such tires manufactured in the United States during that period, and

(3) the value of the principal product which it manufactured or otherwise produced, or sold worldwide during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during that period.

6. SIC codes 4724, 653.1, 731.1, 7312, 7313, 7319, and 8741 (part): As measured by total revenues, but excluding funds received in trust for an unaffiliated third party, such as bookings or sales subject to commissions. The commissions received are included as revenue.

7. A financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year. *Assets* for the purposes of this size standard means the assets defined according to the Federal Financial Institutions Examination Council 034 call report form.

8. SIC code 6515: Leasing of building space to the Federal Government by Owners: For Government procurement, a size standard of $15.0 million in gross receipts applies to the owners of building space leased to the Federal Government. The standard does not apply to an agent.

9. SIC codes 7699 and 3728: Contracts for the rebuilding or overhaul of aircraft ground support equipment on a contract basis are classified under SIC code 3728.

10. SIC code 8731: For research and development contracts requiring the delivery of a manufactured product, the appropriate size standard is that of the manufacturing industry.

(1) Research and Development means laboratory or other physical research and development. It does not include economic, educational, engineering, operations, systems, or other nonphysical research; or computer programming, data processing, commercial and/or medical laboratory testing.

(2) For purposes of the Small Business Innovation Research (SBIR) program only, a different definition has been established by law. See § 121.701 of these regulations.

(3) Research and development for guided missiles and space vehicles includes evaluations and simulation, and other services requiring thorough knowledge of complete missiles and spacecraft.

11. Facilities Management, a component of SIC code 8744, includes establishments, not elsewhere classified, which provide overall management and the personnel to perform a variety of related support services in operating a complete facility in or around a specific building, or within another business or Government establishment. Facilities management means furnishing three or more personnel supply services which may include, but are not limited to, secretarial services, typists, telephone answering, reproduction or mimeograph service, mailing service, financial or business management, public relations, conference planning, travel arrangements, word processing, maintaining files and/or libraries, switchboard operation, writers, bookkeeping, minor office equipment maintenance and repair, or use of information systems (not programming).

12. SIC code 8744

(1) If one of the activities of base maintenance, as defined in paragraph (2) of this endnote, can be identified with a separate industry and that activity (or industry) accounts for 50 percent or more of the value of an entire contract, then the proper size standard is that of the particular industry, and not the base maintenance size standard.

(2) ''Base Maintenance'' requires the performance of three or more separate activities in the areas of service or special trade construction industries. If services are performed, these activities must each be in a separate SIC code including, but not limited to, Janitorial and Custodial Service, Fire Prevention Service, Messenger Service, Commissary Service, Protective Guard Service, and Grounds Maintenance and Landscaping Service. If the contract requires the use of special trade contractors (plumbing, painting, plastering, carpentry, etc.), all such special trade construction activities are considered a single activity and classified as Base Housing Maintenance. Since Base Housing Maintenance is only one activity, two additional activities are required for a contract to be classified as ''Base Maintenance.''

13. SIC code 8744

(1) For SBA assistance as a small business concern in the industry of Environmental Remediation Services, other than for Government procurement, a concern must be engaged primarily in furnishing a range of services for the remediation of a contaminated environment to an acceptable condition including, but not limited to, preliminary assessment, site inspection, testing, remedial investigation, feasibility studies, remedial design, containment, remedial action, removal of contaminated materials, storage of contaminated materials and security and site closeouts. If one of such activities accounts for 50 percent or more of a concern's total revenues, employees, or other related factors, the concern's primary industry is that of the particular industry and not the Environmental Remediation Services Industry.

(2) For purposes of classifying a Government procurement as Environmental Remediation Services, the general purpose of the procurement must be to restore a contaminated environment and also the procurement must be composed of activities in three or more separate industries with separate SIC codes or, in some instances (e.g., engineering), smaller sub-components of SIC codes with separate, distinct size standards.

These activities may include, but are not limited to, separate activities in industries such as: Heavy Construction; Special Trade Construction; Engineering Services; Architectural Services; Management Services; Refuse Systems; Sanitary Services, Not Elsewhere Classified; Local Trucking Without Storage; Testing Laboratories; and Commercial, Physical and Biological Research. If any activity in the procurement can be identified with a separate SIC code, or component of a code with a separate distinct size standard, and that industry accounts for 50 percent or more of the value of the entire procurement, then the proper size standard is the one for that particular industry, and not the Environmental Remediation Service size standard.

Note: The U.S. Small Business Administration (SBA) is withdrawing its January 7, 1998 **Federal Register** (63 FR 902–921) Notice of publication of full table of small business size standards. That table contained a large number of errors that occurred during publication and that were outside of SBA's control. SBA is therefore republishing the full table of small business size standards to correct those errors. This corrected table replaces the one that was published on January 7, 1998.

Dated: January 13, 1998.

Gary M. Jackson,

Assistant Administrator for Size Standards.

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LIST OF PUBLIC LAWS

The List of Public Laws for the 105th Congress, First Session, has been completed. It will resume when bills are enacted into Public Law during the second session of the 105th Congress, which convenes on January 27, 1998.

Note: A Cumulative List of Public Laws was published in the **Federal Register** on December 31, 1997.

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