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Thursday
March 26, 1998

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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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Docket No. FV98–925–1 FIR]

Grapes Grown in a Designated Area of Southeastern California; Temporary Suspension of Continuing Assessment Rate

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 which suspended the continuing assessment rate for the Desert Grape Administrative Committee (Committee) under Marketing Order No. 925 for the 1998 fiscal period. The Committee is responsible for local administration of the marketing order, and recommended that no handler assessments be collected in 1998. It made this recommendation because it has enough reserve funds to cover 1998 fiscal year expenses and expenses expected during the first several months of fiscal year 1999, and to keep its operating reserve within the maximum permitted under the marketing order. The assessment rate will apply again during fiscal year 1999 to cover expenses and to replenish the Committee's reserve funds. That rate will continue in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: April 27, 1998.

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 925, both as amended (7 CFR part 925), regulating the handling of grapes grown in southeastern 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. Under the marketing order now in effect, California grape handlers are subject to assessments. Funds to administer the order are derived from such assessments. In 1997, an assessment rate of $.01 per lug of grapes was fixed by the Secretary to continue in effect indefinitely unless modified, suspended, or terminated. This action continues to suspend that assessment rate for the 1998 fiscal year. The assessment rate again will apply in fiscal year 1999, and it will be applicable to all assessable grapes beginning January 1, 1999, and continue in effect until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule continues to temporarily suspend § 925.215 of the order's rules and regulations. Section 925.215 established an assessment rate of $0.01 per lug for fiscal period 1997 and subsequent fiscal periods. Continuous assessment rates remain in effect from fiscal period to fiscal period indefinitely unless modified, suspended, or terminated by the Secretary. This rule continues to suspend the $0.01 assessment rate for the 1998 fiscal period.

Section 925.41 of the grape 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. In addition, § 925.42 authorizes the use of reserve funds to cover program expenses. The members of the Committee are producers and handlers of California grapes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. Recommendations concerning the assessment rate were formulated and discussed in a public meeting. Thus, all directly affected persons had an opportunity to participate and provide input.

The Committee met on November 12, 1997, and unanimously recommended carrying over the 1997 reserve fund of almost $190,000, adopting a budget of $160,619, and suspending the assessment rate of $0.01 per lug of grapes for the 1998 fiscal period. The Committee determined that sufficient funds would be available to meet expected 1998 fiscal period expenses, and to cover anticipated expenses during the first few months of fiscal year 1999, before handler assessments are collected. The Committee discussed alternatives to this rule, including not

suspending the assessment rate, but concluded that an assessment rate for 1998 would not be necessary because sufficient reserve funds and interest income would be available to meet 1998 fiscal period expenses, and early season expenses in 1999. Also, the Committee recommended that the major expenditures for the 1998 fiscal period should include $100,000 for research, $25,000 for the sheriff's patrol, and $9,109 for the manager's salary. Budgeted expenses for these items in 1997 were $100,000 for research, $25,000 for compliance purposes, and $8,675 for the manager's salary. Funds in the reserve will be kept within the maximum permitted by the order (approximately one fiscal period's expenses; § 925.42).

The temporary suspension of the continuing assessment rate is effective only for the 1998 fiscal period. The assessment rate of $0.01 per lug will apply again during the 1999 fiscal period, unless subsequent action to suspend or revise this rate is taken by the Department.

Prior to the 1999 fiscal period, and prior to or during each successive fiscal period, the Committee will continue to meet 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 1998 budget has been approved; 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 rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and 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 27 handlers of California grapes subject to regulation under the marketing order and approximately 80 producers in the production area. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. Ten of the 27 handlers subject to regulation have annual grape sales of at least $5,000,000, excluding receipts from any other sources. The remaining 17 handlers have annual receipts less than $5,000,000, excluding receipts from any other sources. In addition, 70 of the 80 producers subject to regulation have annual sales of at least $500,000, excluding receipts from any other sources. The remaining 10 producers have annual sales less than $500,000, excluding receipts from any other sources. Therefore, a majority of handlers and a minority of producers are classified as small entities.

This rule continues to suspend § 925.215 of the order's rules and regulations, which established an assessment rate of $0.01 per lug for fiscal period 1997 and subsequent fiscal periods. This suspension is in effect for the 1998 fiscal period.

The Committee discussed alternatives to this rule, including not suspending the assessment rate, but concluded that no assessment rate is necessary for 1998 because funds in the reserve and interest income would be adequate to meet 1998 fiscal period's expenses, and expenses for the first several months of fiscal year 1999. Also, the Committee recommended that the major expenditures for the 1998 fiscal period include $100,000 for research, $25,000 for the sheriff's patrol, and $9,109 for the manager's salary. Budgeted expenses for these items in 1997 were $100,000 for research, $25,000 for compliance purposes, and $8,675 for the manager's salary. Funds in the reserve will be kept within the maximum permitted by the order (approximately one fiscal period's expenses; § 925.42).

Handler costs will be reduced during the 1998 fiscal year, as assessments will not be collected. The Committee's meeting was widely publicized throughout the grape industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the November 12, 1997, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons were invited to submit information on the regulatory and informational impacts of this action on small businesses.

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

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

An interim final rule concerning this action was published in the **Federal Register** on December 31, 1997 (62 FR 68150). Copies of that rule were also mailed or sent via facsimile to all grape handlers. Finally, the interim final rule was made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons to respond to the interim final rule. The comment period ended on March 2, 1998, and no comments were received.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that a continuing assessment rate on handlers during the 1998 fiscal period no longer tends to effectuate the declared policy of the Act. The suspension shall continue only through December 31, 1998, at which time it shall terminate and the suspended assessment rate specified in § 925.215 will apply again beginning January 1, 1999.

List of Subjects in 7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 925 is amended as follows:

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

Accordingly, the interim final rule amending 7 CFR part 925 which was published at 62 FR 68150 on December 31, 1997, is adopted as a final rule without change.

Dated: March 20, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–7941 Filed 3–25–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–131–AD; Amendment 39–10342; AD 98–04–30]

RIN 2120–AA64

Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–500M Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This action confirms the effective date of Airworthiness Directive (AD) 98–04–30, which applies to Glaser-Dirks Flugzeugbau GmbH Model DG–500M gliders. AD 98–04–30 requires repetitively inspecting the propeller mounting plate for cracks, replacing any cracked propeller mounting plate, and modifying the bolt connections of the propeller mounting plate. This AD was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified in this AD are intended to prevent the propeller mounting plate from separating from the glider, which could result in propeller separation and possible loss of control of the glider.

EFFECTIVE DATE: May 15, 1998.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with request for comments in the **Federal Register** on February 26, 1998 (63 FR 9743). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA anticipates that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, was received within the comment period, the regulation would become effective on May 15, 1998. No adverse comments were received, and thus this notice confirms that this final rule will become effective on that date.

Issued in Kansas City, Missouri, on March 20, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7887 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–171–AD; Amendment 39–10349, AD 98–04–37]

Airworthiness Directives; Sabreliner Model NA–265–40, –60, –70, and –80 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a typographical error that appeared in the applicability statement of airworthiness directive (AD) 98–04–37, amendment 39–10349, that was published in the **Federal Register** on February 18, 1998 (63 FR 8086). Although the AD referred to the airplane models by using the commonly accepted designations, the typographical error resulted in the omission of the correct and complete type certification name of the specific airplane models addressed by this AD. This AD is applicable to all Sabreliner Model NA–265–40, –60, –70, and –80 series airplanes and requires revising the Airplane Flight Manual (AFM) to specify procedures that would prohibit flight in severe icing conditions (as determined by certain visual cues), limit or prohibit the use of various flight control devices while in severe icing conditions, and provide the flight crew with recognition cues for, and procedures for exiting from, severe icing conditions.

EFFECTIVE DATE: March 25, 1998.

FOR FURTHER INFORMATION CONTACT: Charles Riddle, Program Manager, Flight Test and Program Management, ACE–117W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4144; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: Airworthiness Directive (AD) 98–04–37, amendment 39–10349, applicable to all Sabreliner Model NA–265–40, –60, –70, and –80 series airplanes, was published in the **Federal Register** on February 18, 1998 (63 FR 8086). That AD requires revising the Airplane Flight Manual (AFM) to specify procedures that would prohibit flight in severe icing conditions (as determined by certain visual cues), limit or prohibit the use of various flight control devices while in severe icing conditions, and provide the flight crew with recognition cues for, and procedures for exiting from, severe icing conditions.

As published, that AD contained an inadvertent omission of the complete name of the airplane models in the applicability statement of the AD. Throughout the preamble and in the applicability statement of that AD, the FAA referred to ''Sabreliner Model 40, 60, 70, and 80 series airplanes.'' However, the certificate authorizing type design authority for these series airplanes identifies the models as ''Sabreliner Model NA–265–40, –60, –70, and –80 series airplanes.'' Although common and standard reference to these models may not include the phrase ''NA–265,'' as listed in the type certificate, the FAA has determined that omission of part of the official designation of the airplane models must be corrected. In all other respects, the original document is correct.

Since no other part of the regulatory information has been changed, the final rule is not being republished.

The effective date of the AD remains March 25, 1998.

§ 39.13 [Corrected]

On page 8089, in the first column, the applicability statement of AD 98–04–37 is corrected to read as follows:

* * * * *

Applicability: Model NA–265–40, –60, –70, and –80 series airplanes equipped with pneumatic deicing boots, certificated in any category.

* * * * *

Issued in Renton, Washington, on March 19, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7878 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–28]

Amendment to Class D and Class E Airspace; Poplar Bluff, MO; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date and correction.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class D and Class E airspace at Poplar Bluff Municipal Airport, MO, and amends the effective date as published.

DATES: The direct final rule published at 63 FR 2889 is effective on 0901 UTC, April 23, 1998.

This correction is effective April 23, 1998.

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

SUPPLEMENTARY INFORMATION: On January 20, 1998, the FAA published in the **Federal Register** a direct final rule; request for comments which modified the Class D and Class E airspace at Poplar Bluff Municipal Airport, MO (FR Doc. 98–1226, 63 FR 2889, Airspace Docket No. 97–ACE–28). The effective date of the document is amended to coincide with the chart change date.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require adoption of the rule. The FAA has determined that these corrections will not change the meaning of the action nor add any additional burden on the public beyond that already published. This action amends and confirms the effective date of the direct final rule.

The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 23, 1998, the effective date as herein amended. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Correction

In rule FR Doc. 98–1226 published in the **Federal Register** on January 20, 1998, 63 FR 2889, make the following correction to the Poplar Bluff Municipal Airport, MO, Class D and Class E airspace designation incorporated by reference in 14 CFR 71.1:

§ 71.1 [Corrected]

On page 2889 in the third column, after **DATES,** correct ''April 20, 1998'' to read, ''April 23, 1998.''

Issued in Kansas City, MO, on February 25, 1998.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–7905 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–21]

Amendment to Class D and Class E Airspace; Manhattan, KS; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date and correction.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class D and Class E airspace at Manhattan Municipal Airport, KS, and includes the inadvertent omission of the Manhattan Municipal Airport ILS and coordinates.

DATES: The direct final rule published at 63 FR 2884 is effective on 0901 UTC, April 23, 1998.

This correction is effective on April 23, 1998.

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

SUPPLEMENTARY INFORMATION: On January 20, 1998, the FAA published in the **Federal Register** a direct final rule and request for comments which modified the Class D and Class E airspace at Manhattan Municipal Airport, KS (FR Doc. 98–1229, 63 FR 2884, Airspace Docket No. 97–ACE–21). An error was subsequently discovered in the Class E airspace designation. After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require adoption of the rule. The FAA has determined that this correction will not change the meaning of the action nor add any additional burden on the public beyond that already published. This action corrects the error and confirms the effective date of the direct final rule.

The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 23, 1998. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Correction

In rule FR Doc. 98–1229 published in the **Federal Register** on January 20, 1998, 63 FR 2884, make the following correction to the Manhattan Municipal Airport, KS, Class E airspace designation incorporated by reference in 14 CFR 71.1:

§ 71.1 [Corrected]

On page 2885, in the third column, in the airspace designation, following line 7, insert; ''Manhattan Municipal Airport ILS (lat. 39°08′55″N., long. 96°39′43″W.)''.

Issued in Kansas City, MO on February 26, 1998.

Bryan H. Burleson,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–7903 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ACE–7]

Proposed Amendment to Class E Airspace; Le Mars, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Le Mars Municipal Airport, Le Mars, IA. The FAA has developed a Global Positioning System (GPS) Runway 18 Standard Instrument Approach Procedure (SIAP) to serve Le Mars Municipal Airport, Le Mars, IA. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate this SIAP. The enlarged area will contain the new GPS RWY 18 SIAP in controlled airspace. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 18 SIAP and segregation of aircraft using instrument approach procedures in instrument conditions.

DATES: Effective date: 0901 UTC, June 18, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 4, 1998.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 98–ACE–7, 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 a GPS RWY 18 SIAP to serve Le Mars Municipal Airport, Le Mars, IA. The amendment to the Class E airspace at Le Mars, IA, is necessary to provide additional controlled airspace extending upward from 700 feet AGL in order to contain the SIAP within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules. 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, 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. 98–ACE–7.'' The postcard will be date stamped and retuned 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 reason 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) 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.

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 IA E5 Le Mars, IA [Revised]

Le Mars Municipal Airport, IA
(Lat 42°46′41″ N., long. 96°11′37″ W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Le Mars Municipal Airport, excluding that airspace within the Orange City, IA Class E airspace.

* * * * *

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

Bryan H. Burleson,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–7909 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ACE–13]

Amendment to Class E Airspace; Aurora, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This notice proposes to amend the Class E airspace area at Aurora Municipal Airport, Aurora, NE. A review of the Class E airspace for Aurora Municipal Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The area has been enlarged to conform to the criteria of FAA Order 7400.2D. The intended effect of this rule is to comply with the criteria of FAA Order 7400.2D, and provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR).

DATES: Effective date: 0901 UTC, August 13, 1998.

Comments for inclusion in the Rules Docket must be received on or before May 15, 1998.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 98–ACE–13, 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 71 revises the Class E airspace at Aurora, NE. A review of the Class E airspace for Aurora Municipal Airport, indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified 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 Airport Reference Point to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Aurora Municipal Airport will meet the criteria of FAA Order 7400.2D, provide additional controlled airspace at and above 700 feet AGL, and thereby facilitate separation of aircraft operating under Instrument Flight Rules. 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, 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. 98–ACE–13''. 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 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) 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.

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 NE E5 Aurora, NE [Revised]

Aurora Municipal Airport, NE
(Lat. 40°53′39″N., long. 97°59′40″ W.)
Aurora NDB
(Lat. 40°53′33″N., long. 97°59′50″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Aurora Municipal Airport and within 2.2 miles each side of the 357° bearing from the Aurora NDB extending from the 6.4-mile radius to 7.4 miles north of the airport.

* * * * *

Issued in Kansas City, MO, on March 9, 1998.

Jack L. Skelton,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–7908 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–33]

Amendment to Class E Airspace; Norfolk, NE; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date and correction.

SUMMARY: This notice confirms the effective date of a direct final rule which revises the Class E airspace at Norfolk, Karl Stefan Municipal Airport, NE, and amends the effective date as published.

DATES: The direct final rule published at 63 FR 2888 is effective on 0901 UTC, April 23, 1998.

This correction is effective April 23, 1998.

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

SUPPLEMENTARY INFORMATION: On January 20, 1998, the FAA published in the **Federal Register** a direct final rule; request for comments which modified the Class E airspace at Norfolk, Karl Stefan Municipal Airport, NE (FR Doc. 98–1228, 63 FR 2888, Airspace Docket No. 97–ACE–33). The effective date of the document is amended to coincide with the chart change date.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require adoption of the rule. The FAA has determined that these corrections will not change the meaning of the action nor add any additional burden on the public beyond that already published. This action amends and confirms the effective date of the direct final rule.

The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 23, 1998, the effective date as herein amended. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Correction

In rule FR Doc. 98–1228 published in the **Federal Register** on January 20, 1998, 63 FR 2888, make the following correction to the Norfolk, Karl Stefan Municipal Airport, NE, Class E airspace designation incorporated by reference in 14 CFR 71.1:

§ 71.1 [Corrected]

On page 2888 in the second column, after **DATES**, correct ''April 20, 1998,'' to read, ''April 23, 1998.''

Issued in Kansas City, MO, on February 25, 1998.

Christopher R. Blum,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–7907 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–32]

Amendment to Class E Airspace; Columbus NE; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date and correction.

SUMMARY: This notice confirms the effective date of a direct final rule which revises the Class E airspace at Columbus Municipal Airport, NE, and amends the effective date as published.

DATES: The direct final rule published at 63 FR 2887 is effective on 0901 UTC, April 23, 1998.

This correction is effective April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration 601 East 12th

Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: On January 20, 1998, the FAA published in **Federal Register** a direct final rule; request for comments which modified the Class E airspace at Columbus Municipal Airport, NE (FR Doc. 98–1230, 63 FR 2887, Airspace Docket No. 97–ACE–32). The effective date of the document is amended to coincide with the chart change date. After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require adoption of the rule. The FAA has determined that these corrections will not change the meaning of the action nor add any additional burden on the public beyond that already published. This action amends and confirms the effective date of the direct final rule.

The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 23, 1998, the effective date as herein amended. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Correction

In rule FR Doc. 98–1230 published in the **Federal Register** on January 20, 1998, 63 FR 2887, make the following correction to the Columbus Municipal Airport, NE, Class E airspace designation incorporated by reference in 14 CFR 71.1:

§ 71.1 [Corrected]

On page 2887 in the second column, after **DATES**, correct ''April 20, 1998,'' to read, ''April 23, 1998.''

Issued in Kansas City, MO, on February 26, 1998.

Bryan H. Burleson,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 98–7906 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ACE–20]

Amendment to Class E Airspace; Marshall Army Airfield, Fort Riley, KS

AGENCY: Federal Aviation Administration, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This notice confirms the effective date of a direct final rule which revises Class E airspace at Marshall Army Airfield, Fort Riley, KS.

DATES: The direct final rule published at 63 FR 2885 is effective on 0901 UTS, April 23, 1998.

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

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on January 20, 1998 (63 FR 2885). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on April 23, 1998. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on February 23, 1998.

Christopher R. Blum,

Acting Manager, Air Traffic Division Central Region.

[FR Doc. 98–7904 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 91G–0451]

Direct Food Substances Affirmed as Generally Recognized as Safe; Maltodextrin Derived From Rice Starch

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to affirm that maltodextrin derived from rice starch is generally recognized as safe (GRAS). This action is in response to a petition filed by Zumbro, Inc.

DATES: Effective March 26, 1998. The Director of the Office of the **Federal Register** approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, of a certain publication at 21 CFR 184.1444, effective March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3071.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the procedures described in § 170.35 (21 CFR 170.35), Zumbro, Inc., Rt. 1, Box 3, Hayfield, MN 55940, submitted a petition (GRASP 2G0380) proposing that maltodextrin derived from rice starch be affirmed as GRAS for use as a direct food ingredient.

FDA published a notice of filing of this petition in the **Federal Register** of April 23, 1992 (57 FR 14839), and gave interested parties an opportunity to submit comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. FDA received no comments in response to that notice.

II. Standards for GRAS Affirmation

Under § 170.30 (21 CFR 170.30), general recognition of safety may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of food substances. The basis of such views may be either: (1) Scientific procedures, or (2) in the case of a substance used in food prior to January 1, 1958, through

experience based on common use in food (§ 170.30(a)). General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence as is required to obtain approval of a food additive, and ordinarily is to be based upon published studies, which may be corroborated by unpublished studies and other data and information (21 CFR 170.30(b)). General recognition of safety through experience based on common use of a substance in food prior to January 1, 1958, may be determined without the quantity or quality of scientific procedures required for approval of a food additive, and ordinarily is to be based upon generally available data and information concerning the pre-1958 history of use of the substance in food (§ 170.30(c)(1)).

III. Safety Evaluation

FDA has evaluated the petition submitted by Zumbro, Inc., (GRASP 2G0380) on the basis of scientific procedures to determine whether the use of maltodextrin derived from rice starch is GRAS. In addition to evaluating the data in the petition, FDA also has considered published articles in scientific journals along with other available information in its review. The agency concludes, based upon scientific procedures, that the information presented in the petition, and other published and unpublished information, support a determination that the use of maltodextrin derived from rice starch is GRAS.

Data in the petition, along with other information in the agency's files, demonstrate that rice starch is chemically equivalent to corn starch or potato starch. Additionally, the hydrolysis products made from these starch sources, including maltodextrins, are essentially equivalent. Thus, maltodextrin derived from rice starch is equivalent in all material respects to maltodextrin derived from corn starch or potato starch, both of which have been affirmed as GRAS (§ 184.1444 (21 CFR 184.1444)).

A. Evidence of Chemical Equivalency of Potato Starch and Corn Starch to Rice Starch

Starch is the reserve carbohydrate in tubers such as potatoes, in grains such as rice, corn, or barley, in seeds, and in many fruits. As early as 1811, scientists had determined that food starches from various plant sources were essentially equivalent (Ref. 1). All food starches, regardless of the plant source, are composed of chemically equivalent polymeric forms of alpha-bond-linked glucose units (Ref. 2). Starch consists of polymers of amylose and amylopectin polysaccharides (Refs. 1 and 3). The relative proportions of amylose and amylopectin are characteristic of the plant species from which the starch is derived (Refs. 3 and 4).

Because food starches derived from different plant sources are equivalent in all material respects (Ref. 1), FDA's food additive regulation for modified food starch (21 CFR 172.892) does not specify that any particular source of food starch be used to manufacture the additive. In the **Federal Register** of April 1, 1985 (50 FR 12821) (Ref. 5), FDA published a proposal to affirm that rice starch (as well as several other starches) is GRAS for use in food. FDA has not issued a final rule in that rulemaking. In addition, the Committee on Food Chemicals Codex of the National Academy of Sciences has published a monograph on maltodextrin stating that it may be obtained from any edible starch (Ref. 6). Like FDA's food additive regulation for modified food starch, the monograph does not require that the starch be derived from any particular plant source.

Producing maltodextrin by the degradation of starch requires the formation of intermediate breakdown products called dextrins, which result from the partial hydrolysis of starch with mineral acids or amylase (Refs. 2 and 7). Further hydrolysis of the starch dextrins yields maltodextrins.

Dextrins are affirmed as GRAS under 21 CFR 184.1277 and can be prepared by partially hydrolyzing the starch in corn, potato, arrowroot, wheat, rice, or other starch sources. It has been common industrial practice to use a wide variety of starch sources in manufacturing commercial dextrin products (Refs. 2 and 7). During digestion, acid and enzymatic processes in the stomach convert the starch macromolecules to smaller molecules, such as maltodextrin, and eventually to glucose. This digestion process is similar to the commercial process used to produce glucose and fructose, which are GRAS starch-based sweeteners presently used in foods (Ref. 7). (See corn sugar, 21 CFR 184.1857; corn syrup, 21 CFR 184.1865; and high fructose corn syrup, 21 CFR 184.1866).

Starch hydrolysates below 20 dextrose equivalents (D.E.) are classified as maltodextrins (Refs. 8 and 9). Specifications for maltodextrins are listed in the Food Chemicals Codex, 4th ed., (1996) (Ref. 6). Equivalent maltodextrin products result from equivalent hydrolysis of edible starch sources (Ref. 10). Because corn starch, potato starch, and rice starch are essentially equivalent, the products of hydrolysis, from simple glucose molecules to more complex starch hydrolysates, such as dextrins and maltodextrins, are essentially equivalent in terms of chemical, physical, and organoleptic properties.

B. Corroborative Evidence of Chemical Equivalency

The petitioner has submitted data to demonstrate the equivalency of maltodextrin derived from rice starch with maltodextrin derived from tapioca and potato starches, based upon chemical properties such as dextrose equivalents (D.E.) and commercial uses (Refs. 11 and 12). Additionally, the petitioner provided carbohyrate profiles for corn maltodextrin and rice maltodextrin that demonstrate that the range of carbohydrate composition in maltodextrins derived from corn starch is virtually identical to that for maltodextrins derived from rice starch (Ref. 13). Moreover, based upon information submitted by the petitioner and on information available in the current scientific literature, FDA concludes (Ref. 10) that rice starch may be considered chemically equivalent to corn starch in regard to the content of the basic chemical components of starch (i.e., amylose and amylopectin) (Refs. 1, 2, 3, 4, 7, 14, and 15).

C. Proposed Use in Food

Information supplied by the petitioner indicates that maltodextrin derived from rice starch will be used as a replacement for maltodextrin derived from corn starch or potato starch in the same foods, at essentially the same levels, and for the same technical effects that maltodextrin derived from corn starch or potato starch is now used (Ref. 16). The petitioner indicates that maltodextrins are currently used in a wide range of processed and convenience foods, principally as a filler or carrier for flavorings and intensive sweeteners and as a sweetness reducer or texture modifier. Because maltodextrin derived from rice starch will be used as a replacement for maltodextrin derived from corn starch or potato starch, the exposure of consumers to maltodextrin is not expected to increase.

D. General Recognition of Safety

The agency has determined, based on published information, that the safety of maltodextrin derived from rice starch is generally recognized by food safety experts. Foremost in the support of safety is published information that shows that corn starch, potato starch, and rice starch are chemically equivalent, and therefore, maltodextrin

derived from rice starch is equivalent to the maltodextrin derived from corn starch or potato starch. Thus, maltodextrin derived from rice starch presents no more of a safety concern than maltodextrin derived from corn starch or potato starch, both of which have been affirmed as GRAS.

Moreover, many countries, including those represented by the European Starch Association (Ref. 9), recognize ''food starches,'' including rice starch, as a suitable raw material for maltodextrin production. Furthermore, the Food and Agriculture Organization/World Health Organization and the Joint Expert Committee on Food Additives (JECFA) (Refs. 17 and 18) recognizes maltodextrin as an intermediate product in the production of enzyme-treated starches, a process that JECFA has stated results in the production of normal (meaning safe) food constituents. JECFA does not restrict the sources of food starches used in the production of products such as maltodextrins. JECFA also does not require toxicological testing of products such as maltodextrins that are produced from enzyme-treated starches. Finally, as noted in section III.A. of this document, the agency has proposed to find that rice starch is GRAS (Ref. 5).

The agency concludes that maltodextrin derived from rice starch is chemically and functionally equivalent to maltodextrin derived from edible starch from other sources (Ref. 10). No increase in exposure to maltodextrin would be expected due to the substitution of one source for the other. Because rice starch is already a significant constituent of the typical diet (Ref. 5), the agency does not believe that consumption of maltodextrin derived from rice would cause a dietary concern (Ref. 19).

E. Specifications

The agency has reviewed the specifications for maltodextrin published in the Food Chemicals Codex, 4th ed. (1996), pp. 239 and 240, and it finds that they are acceptable for maltodextrin derived from edible starches. Therefore, the agency is adopting the specifications for maltodextrin derived from edible starches for maltodextrin derived from rice starch.

IV. Conclusions

The agency has evaluated the information in the petition, along with other available data, and has reached the following conclusions:

(1) Rice starch is chemically equivalent to corn and potato starch.

(2) Maltodextrin derived from rice starch is chemically equivalent to maltodextrin derived from corn starch and potato starch, both of which are currently affirmed as GRAS for food use without restriction under § 184.1444.

(3) When maltodextrin derived from rice starch is manufactured according to the methods specified in § 184.1444, for corn and potato starch, there is general recognition among qualified experts that the use of maltodextrin derived from rice starch in food is safe.

Based upon the evaluation of published information, corroborated by unpublished data and information, i.e., based upon scientific procedures (§ 170.30(b)), the agency concludes that maltodextrin derived from rice starch is GRAS for use as a replacement for maltodextrin derived from corn or potato starch. Therefore, the agency is affirming that maltodextrin derived from rice starch is GRAS when used in accordance with good manufacturing practice (21 CFR 184.1(b)(1)).

V. Environmental Effects

The agency has determined under 21 CFR 25.32(f) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. Analysis for Executive Order 12866

FDA has examined the impacts of this final rule under Executive Order 12866. Executive Order 12866 directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select the regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). According to Executive Order 12866, a regulatory action is significant if it meets any one of a number of specified conditions, including having an annual effect on the economy of $100 million, adversely affecting in a material way a sector of the economy, competition, or jobs, or if it raises novel legal or policy issues. FDA finds that this final rule is not a significant regulatory action as defined by Executive Order 12866. In addition, the agency has determined that this final rule is not a major rule for the purpose of congressional review.

The primary benefit of this action is to remove uncertainty about the regulatory status of the petitioned substance. No compliance costs are associated with this final rule because no new activity is required and no current or future activity is prohibited by this rule.

VII. Regulatory Flexibility Analysis

FDA has examined the impact of this final rule under the Regulatory Flexibility Act. The Regulatory Flexibility Act (5 U.S.C. 601–612) requires Federal agencies to consider alternatives that would minimize the economic impact of their regulations on small entities. FDA finds that this final rule will not have a significant economic impact on a substantial number of small entities.

No compliance costs are associated with this final rule because no new activity is required and no current or future activity is prohibited. Accordingly, under the Regulatory Flexibility Act, 5 U.S.C. 605(b), the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

VIII. Effective Date

As this rule recognizes an exemption from the food additive definition in the Federal Food, Drug, and Cosmetic Act, and from the approval requirements applicable to food additives, no delay in effective date is required by the Administrative Procedure Act (5 U.S.C. 553(d)). The rule will therefore be effective immediately (5 U.S.C. 553(d)(1)).

IX. References

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

1. Wolfrom, M. L., and H. El Khadem, ''Chemical Evidence for the Structure of Starch,'' *Starch: Chemistry and Technology*, edited by R. L. Whistler, and E. F. Paschall, Academic Press, Inc., New York, pp. 251–278, 1965.

2. ''Starch Hydrolysis Products: An Introduction and History,'' *Starch Hydrolysis Products, Worldwide Technology, Production, and Applications*, edited by F. W. Schenck and R. E. Hebeda, VCH Publishers, Inc., New York, pp. 1–21, 1992.

3. ''Evaluation of the Health Aspects of Starch and Modified Starches as Food Ingredients,'' Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1979.

4. Young, A. H., ''Fractionation of Starch,'' *Starch*, 2d ed., edited by R. L. Whistler, and E. F. Paschall, Academic Press, Inc., New York, pp. 249–283, 1984.

5. ''Unmodified Food Starches and Acid-Modified Starches; Proposed Affirmation of GRAS Status as Direct and Indirect Human Food Ingredients,'' 50 FR 12821, April 1, 1985.

6. Food Chemicals Codex, 4th ed., National Academy Press, Washington, DC, pp. 239 and 240, 1996.

7. Evans, R. B., and O. B. Wurzburg, ''Production and Use of Starch Dextrins,'' *Starch: Chemistry and Technology*, vol. 2, edited by R. L. Whistler, and E. F. Paschall, Academic Press, Inc., New York, pp. 253–278, 1967.

8. ''Food Additives and Contaminants Committee Report on Modified Starches,'' United Kingdom Ministry of Agriculture, Fisheries and Food, FAC/REP/31, Her Majesty's Stationery Office, London, p. 5, 1980.

9. ''Definition of Maltodextrin,'' European Starch Associations, Circular Letter Stex 4/88, February 1988.

10. Memorandum from the Chemistry Review Branch to the Direct Additives Branch, ''Maltodextrin from Rice,'' dated January 13, 1997.

11. ''Paselli SA2,'' *Technical Bulletin*, No. 5.12.33.188EU, AVEBE America, Inc., Princeton, NJ.

12. ''INSTANT N–OIL II,'' *Techical Service Bulletin*, No. 15889–238, National Starch and Chemical Corp., Bridgewater, NJ.

13. Warthesen, J. J., ''Analysis of Saccharides in Low-Dextrose Equivalent Starch Hydrolysates Using High-Performance Liquid Chromatography,'' *Cereal Chemistry*. vol. 61, No. 2, pp. 194 and 195, 1984.

14. Zuber, M. S., ''Genic Control of Starch Development'' *Starch: Chemistry and Technology*, edited by R. L. Whistler and E. F. Paschall, Academic Press, Inc., New York, pp. 45, 61–63, 1965.

15. Whistler, R. L., and J. R. Daniel, ''Starch,'' *Kirk-Othmer's Encyclopedia of Chemical Technology*, 3d ed., vol. 21, edited by J. Brown, C. I. Eastman, Galojuch, et al., John Wiley & Sons, New York, pp. 492–507, 1983.

16. ''Maltodextrin; Proposed Affirmation of GRAS Status as Direct Human Food Ingredient,'' 47 FR 36443, August 20, 1982.

17. ''Specifications for the Identity and Purity of Food Additives and Their Toxicological Evaluation,'' *FAO Nutrition Meetings Report Series*, No. 46 and *WHO Technical Report Series*, No. 445, pp. 13 and 14, 1970.

18. ''Toxicological Evaluation of Some Food Colours, Emulsifiers, Stabilizers, Anti-Caking Agents, and Certain Other Substances,'' *FAO Nutrition Meetings Report Series*, No. 46A, p. 62 and WHO/FOOD ADD./70.36, 1970.

19. Memorandum from the Additives Evaluation Branch, to the Direct Additives Branch, ''GRP 2G0380–GRAS Affirmation Petition for Maltodextrin Derived from Derived Rice: Division of Health Effects Evaluation Review (DHEE; HFS–225),'' dated August 3, 1993.

List of Subjects in 21 CFR Part 184

Food additives, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 184 continues to read as follows:

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

2. Section 184.1444 is amended by revising the second sentence in paragraph (a) and by adding paragraph (b)(3) to read as follows:

§ 184.1444 Maltodextrin.

(a) * * * It is prepared as a white powder or concentrated solution by partial hydrolysis of corn starch, potato starch, or rice starch with safe and suitable acids and enzymes.

(b) * * *

(3) Maltodextrin derived from rice starch meets the specifications of the Food Chemicals Codex, 4th ed. (1996), pp. 239 and 240, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

* * * * *

Dated: March 3, 1998.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–7894 Filed 3–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 314 and 600

[Docket No. 93N–0181]

RIN 0910–AA97

Expedited Safety Reporting Requirements for Human Drug and Biological Products; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that appeared in the **Federal Register** of October 7, 1997 (62 FR 52237), to include some conforming amendments that were inadvertently omitted. The final rule amended the expedited safety reporting regulations for human drug and biological products. This action is being taken to ensure the accuracy and consistency of the regulations.

EFFECTIVE DATE: April 6, 1998.

FOR FURTHER INFORMATION CONTACT: LaJuana D. Caldwell, Office of Policy (HF–27), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 7, 1997 (62 FR 52237), FDA amended, among other things, its regulations in § 314.80 *Postmarketing reporting of adverse drug experiences* (21 CFR 314.80) and § 600.80 *Postmarketing reporting of adverse experiences* (21 CFR 600.80). In that document, the agency inadvertently omitted conforming amendments to §§ 314.80(k) and 600.80(l) to correct the current cross-references to §§ 314.80(c)(1)(ii) and 600.80(c)(1)(ii). These paragraphs should reference §§ 314.80(c)(1)(iii) and 600.80(c)(1)(iii), respectively. This correction does not, in any way, alter the scope or intent of the October 7, 1997, document.

In final rule FR Doc. 97–26255, published on October 7, 1997 (62 FR 52237), make the following corrections:

§ 314.80 [Corrected]

1. On page 52251, in amendatory instruction 8, in the second column, beginning in line 7, the phrase, ''; and by removing paragraph (j) and redesignating paragraphs (k) and (l) as paragraphs (j) and (k), respectively'' is corrected to read, ''; by removing paragraph (j), redesignating paragraphs (k) and (l) as paragraphs (j) and (k), respectively; and by revising the last sentence in newly redesignated paragraph (k)''.

2. On page 52252, in the second column, in § 314.80, the last sentence of redesignated paragraph (k) is correctly revised to read as follows:

§ 314.80 Postmarketing reporting of adverse drug experiences.

* * * * *

(k) * * * For purposes of this provision, the term ''applicant'' also includes any person reporting under paragraph (c)(1)(iii) of this section.

§ 600.80 [Corrected]

3. On the page 52252, in the second column, in amendatory instruction 10, beginning in line 5, the phrase, ''; and by removing paragraph (j) and redesignating paragraphs (k), (l), and (m) as paragraphs (j), (k), and (l),

respectively,'' is corrected to read, ''; by removing paragraph (j), redesignating paragraphs (k), (l), and (m) as paragraphs (j), (k), and (l), respectively; and by revising the last sentence in newly redesignated paragraph (l)''.

4. On page 52253, in the second column, in § 600.80, the last sentence of newly redesignated paragraph (l) is correctly revised to read as follows:

§ 600.80 Postmarketing reporting of adverse experiences.

* * * * *

(l) * * * For the purposes of this provision, this paragraph also includes any person reporting under paragraph (c)(1)(iii) of this section.

Dated: March 18, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–7833 Filed 3–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor address for Koffolk, Inc.

EFFECTIVE DATE: March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas J. McKay, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0213.

SUPPLEMENTARY INFORMATION: Koffolk, Inc., One Parker Plaza, Fort Lee, NJ 07024, has informed FDA of a change of sponsor address to P.O. Box 675935, 14735 Las Quintas, Rancho Santa Fe, CA 92067. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the change of sponsor address.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by revising the sponsor address for ''Koffolk, Inc.'' and in the table in paragraph (c)(2) in the entry for ''063271'' by revising the sponsor address to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * *	* * * *
Koffolk, Inc., P.O. Box 675935, 14735 Las Quintas, Rancho Santa Fe, CA 92067.	063271
* * *	* * * *

(2) * * *

Drug labeler code	Firm name and address
* * *	* * * *
063271	Koffolk, Inc., P.O. Box 675935, 14735 Las Quintas, Rancho Santa Fe, CA 92067.
* * *	* * * *

Dated: March 17, 1998.

Andrew J. Beaulieau,

Acting Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 98–7835 Filed 3–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs For Use In Animal Feeds; Bacitracin Zinc; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that published in the **Federal Register** of October 23, 1997 (62 FR 55161). The document amended the animal drug regulations to reflect approval of abbreviated new animal drug application (ANADA) 200–223 filed by ALPHARMA Inc. In amending the animal drug regulations, the document did not reflect that Boehringer Ingelheim Animal Health, Inc.'s approval for use of bacitracin zinc Type A medicated articles is for chickens only. This document corrects that error.

EFFECTIVE DATE: October 23, 1997.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1739.

SUPPLEMENTARY INFORMATION: In FR Doc. 97–28015, appearing on page 55161 in the **Federal Register** of October 23, 1997, the following correction is made:

§ 558.78 [Amended]

1. On page 55162, in the second column, § 558.78 *Bacitracin zinc* is amended in paragraph (a)(3) by adding the phrase ''for chickens'' after the word ''pound''.

Dated: March 17, 1998.

Andrew J. Beaulieau,

Acting Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 98–7834 Filed 3–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[TD 8767]

RIN 1545–AWO7

Guidance Under Subpart F Relating to Partnerships and Branches

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary and final regulations.

SUMMARY: This document contains regulations relating to the treatment under subpart F of certain payments involving branches of a controlled foreign corporation (CFC) that are treated as separate entities for foreign tax purposes or partnerships in which CFCs are partners. These regulations are necessary to provide guidance on transactions relating to such entities. These regulations will affect United States shareholders of controlled foreign corporations. The text of these temporary regulations also serves as the text of the proposed regulations published elsewhere in this issue of the **Federal Register**.

DATES: *Effective date:* These regulations are effective March 23, 1998.

Applicability date: For dates of applicability see §§ 1.904–5T(o), 1.954–1T(c)(1)(i)(E), 1.954–2T(a)(5)(iii) and (a)(6)(ii), 1.954–9T(d) and 301.7701–3T(f) of these regulations.

FOR FURTHER INFORMATION CONTACT: Valerie Mark, (202) 622–3840 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

I. In General

In these temporary regulations and in proposed regulations published elsewhere in this issue of the **Federal Register**, the Treasury and IRS set forth a framework for dealing with issues posed by the use of certain entities that are regarded as fiscally transparent for purposes of U.S. tax law, with regard to the application of subpart F of the Internal Revenue Code.

Subpart F was enacted by Congress to limit the deferral of U.S. taxation of certain income earned outside the United States by foreign corporations controlled by U.S. persons. Limited deferral was retained after the enactment of subpart F to protect the competitiveness of controlled foreign corporations (CFCs) doing business overseas. See S. Rep. No. 1881, 87th Cong., 2d Sess. 78–80 (1962). This limited deferral furthers the objective of allowing a CFC engaged in an active business, and located in a foreign country for appropriate economic reasons, to compete in a similar tax environment with non-U.S.-owned corporations located in the same country.

Conversely, one of the purposes of subpart F is to prevent CFCs from converting active income that is not easily moveable and is earned in a jurisdiction in which a business is located for non-tax reasons, into passive, easily moveable income that is shifted to a lower tax jurisdiction primarily for tax avoidance. Moreover, when subpart F was first enacted it was realized that related person transactions can be easily manipulated to reduce both United States and foreign taxes. Consequently, in enacting subpart F, Congress provided that transactions of CFCs that involve related persons generally give rise to subpart F income with certain enumerated exceptions.

Hybrid branches, which, by definition, are not regarded as fiscally transparent under foreign law, are particularly well suited to the type of tax avoidance described above. In light of the recent proliferation of hybrid branches, Treasury and the IRS believe that it is appropriate to consider the issues related to transactions involving hybrid branches, or other hybrid entities, under subpart F.

The use of partnerships that are fiscally transparent for U.S. tax purposes raises additional issues in the context of subpart F that are similar to those raised in connection with hybrid branches. Such partnerships may or may not be fiscally transparent under foreign law. (Other fiscally-transparent entities, such as grantor trusts, will be the subject of guidance issued in conjunction with the finalization of regulations under section 672(f).)

The entity classification regulations of §§ 301.7701–1 through 301.7701–3 (the check-the-box regulations) make entity classification generally elective, in part so that taxpayers can choose a tax status that is consistent with their business objectives. This administrative provision was not intended to change substantive law. Particularly in the international area, the ability to more easily achieve fiscal transparency can lead to inappropriate results under certain substantive international provisions of the Code. Thus, the Treasury and the IRS believe that it is necessary to provide additional guidance regarding the use of hybrid entities in the international context. See

preamble to TD 8697, 61 FR 66585 (December 18, 1996).

II. Hybrid Branches

As announced in Notice 98–11 (1998–6 I.R.B. 13), the Treasury and the IRS understand that certain taxpayers are using arrangements involving hybrid branches to circumvent the purposes of subpart F (sections 951 through 964 of the Code). These arrangements generally involve the use of deductible payments to reduce the taxable income of a CFC under foreign law, thereby reducing that CFC's foreign tax and, also under foreign law, the corresponding creation in another entity of low-taxed, passive income of the type to which subpart F was intended to apply. Because of the structure of these arrangements, however, taxpayers take the position that this income is not taxed under subpart F. Treasury and the IRS have concluded that use of these hybrid branch arrangements is contrary to the policies and rules of subpart F.

U.S. international tax policy seeks to balance the objective of neutrality of taxation between domestic and foreign business enterprises (seeking neither to encourage nor to discourage one over the other), while keeping U.S. business competitive. Subpart F strongly reflects and enforces that balance, while the arrangements described above involving hybrid branches upset that balance.

Explanation of Provisions

Under these temporary regulations, hybrid branch payments, as defined in the regulations, between a CFC and its hybrid branch, or between hybrid branches of the CFC may give rise to subpart F income. When certain conditions are present, the non-subpart F income of the CFC, in the amount of the hybrid branch payment, is recharacterized as subpart F income of the CFC. Those conditions include that: the hybrid branch payment reduces the foreign tax of the payor; the hybrid branch payment would have been foreign personal holding company income if made between separate CFCs; and there is a disparity between the effective rate of tax on the payment in the hands of the payee and the hypothetical rate of tax that would have applied if the income had been taxed in the hands of the payor. Treasury and the IRS are considering applying similar principles with respect to the foreign base company services income rules of section 954(e). Comments are requested on this issue. Any regulations promulgated on this issue will be prospective.

Policies underlying subpart F would also be avoided in certain non-hybrid branch transactions that do not reduce the tax of the payor. Treasury and the IRS invite comments on the extent to which rules should be provided to address such transactions. Any regulations promulgated on this issue will be prospective. Comments are also requested regarding the application of these rules to dividend and other equity distributions.

The temporary regulations make clear that the CFC and the hybrid branch, or the hybrid branches, are treated as separate corporations only to recharacterize non-subpart F income as subpart F income in the amount of the hybrid branch payment, and to apply the tax disparity rule of § 1.954–9T(a)(5)(iv). For all other purposes (e.g., for purposes of the earnings and profits limitation of section 952), a CFC and its hybrid branch, or hybrid branches, are not treated as separate corporations.

The temporary regulations provide that the amount recharacterized as subpart F income is the gross amount of the hybrid branch payment limited by the amount of the CFC's earnings and profits attributable to non-subpart F income. This amount is the excess of current earnings and profits over subpart F income, determined after the application of the rules of sections 954(b) and 952(c) and before the application of these temporary regulations. To the extent that the full amount required to be recharacterized under this provision cannot be recharacterized because it exceeds earnings and profits attributable to non-subpart F income, there is no requirement to carry such amounts back or forward to another year.

For purposes of determining the amount of taxes deemed paid under section 960, the amount of non-subpart F income recharacterized as subpart F income is treated as attributable to income in separate foreign tax credit baskets in proportion to the ratio of non-subpart F income in each basket to the total amount of non-subpart F income of the CFC for the taxable year.

The temporary regulations provide that, under certain circumstances, the recharacterization rules will also apply to a CFC s proportionate share of any hybrid branch payment made between a partnership in which the CFC is a partner and a hybrid branch of the partnership, or between hybrid branches of such a partnership. When the partnership is treated as fiscally transparent by the CFC's taxing jurisdiction, the recharacterization rules are applied by treating the hybrid branch payment as if it had been made directly between the CFC and the hybrid branch, or as though the hybrid branches of the partnership had been hybrid branches of the CFC, as applicable. If the partnership is treated as a separate entity by the CFC's taxing jurisdiction, the recharacterization rules are applied to the partnership as if it were a CFC. Comments are requested on whether the rule for such non-fiscally transparent partnerships should be relaxed in the case of small ownership interests.

The temporary regulations provide that income will not be recharacterized unless there is a disparity between the effective rate at which the hybrid branch payment is taxed to the payee and a hypothetical tax rate that measures the tax savings to the payor from the deductible payment. This provision is similar to the rule in § 1.954–3(b), and adopts the same percentage tests as contained in that provision. The regulations also provide a special high tax exception applicable to the hybrid branch payment that is similar to the one contained in section 954(b)(4). Comments are invited on whether the rules of § 1.954–9T could cause inappropriate multiple recharacterizations where the hybrid branch payments are made through a series of related hybrid entities.

The temporary regulations provide that if these provisions affect an entity that has elected under § 301.7701–3(c) to be treated as an entity disregarded as separate from its owner, such an entity may elect to be classified as a corporation, provided it fulfills certain requirements, notwithstanding the sixty-month limitation in that section.

III. Related Provisions

These temporary regulations provide rules, contained in § 1.954–1T(c)(1)(i)(B), to prevent expenses, including related person interest expense which would normally be allocable under section 954(b)(5) to subpart F income of a CFC, from being allocated to a payment from which the expense arises. The allocation limit applies: (i) to the extent such payment is included in the subpart F income of the CFC; (ii) if the expense arises from any payment by the CFC to a hybrid partnership in which the CFC is a partner; and (iii) if the payment reduces foreign tax and there is a significant disparity in tax rates between the payor and payee jurisdictions.

These temporary regulations also address the application of the related person exceptions to the foreign personal holding company income rules in the context of partnership distributive shares and transactions involving hybrid branches. Under section 954(c)(3), foreign personal

holding company income does not include certain interest, dividends, rents and royalties received from related corporations. These exceptions apply, in the case of interest and dividends, when the related corporate payor is organized in the country in which the CFC is organized and uses a substantial part of its assets in a trade or business in that country and, in the case of rents and royalties, when the rent or royalty payment is made for the use or privilege of using property within the CFC's country of incorporation.

The rules regarding the application of the related person exceptions with respect to a CFC partner's distributive share of partnership income are part of the broader set of rules addressing distributive share issues in the context of subpart F contained in the proposed regulations published elsewhere in this issue of the **Federal Register**. Certain rules relating to the related person exception with respect to a CFC partner's distributive share of partnership income, and certain rules relating to the related person exception with respect to hybrid branches, however, are included in these temporary regulations because they address a fact pattern similar to the one to which the hybrid branch payment rules apply. No inference is intended as to the treatment under existing law of such arrangements in relation to the related party exceptions.

Under these rules, if the partnership receives an item of income that reduces the income tax of the payor, the related person exceptions of section 954(c)(3) apply to exclude the income from the foreign personal holding company income of the CFC partner only where: the exception would have applied if the CFC earned the income directly (testing relatedness and country of incorporation at the CFC partner level); and either the partnership is organized and operates in the CFC's country of incorporation, the partnership is treated as fiscally transparent in the CFC's countries of incorporation and operation, or there is no significant disparity between the effective rate of tax imposed on the income and the rate of tax that would be imposed on the income if earned directly by the CFC partner.

The rules applying the related person exceptions with respect to hybrid branches address transactions illustrated in the first example of Notice 98–11 (1998–6 I.R.B. 13). These rules apply to payments by a CFC to a hybrid branch of a related CFC. Under these rules, the related person exceptions will apply to exclude the payments from the foreign personal holding company income of the recipient CFC only if the payment would have qualified for the exception if the hybrid branch had been a separate CFC incorporated in the jurisdiction in which the payment is subject to tax (other than a withholding tax).

IV. Effective Date.

These regulations are effective March 23, 1998. For dates of applicability see §§ 1.904–5T(o), 1.954–1T(c)(1)(i)(E), 1.954–2T(a)(5)(iii) and (6)(iii), 1.954–9T(d) and 301.7701–3T(f) of these regulations.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedures 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, these temporary regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Valerie Mark, of the Office of the Associate Chief Counsel (International). Other personnel from the IRS and Treasury Department also participated in the development of these regulations.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 301 are amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for 26 CFR part 1 continues to read in part as follows:

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

Par. 2. In § 1.904–5, paragraph (o) is amended by adding a sentence at the end to read as follows:

§ 1.904–5 Look-through rules as applied to controlled foreign corporations and other entities.

* * * * *

(o) * * * Paragraph (k)(1) of this section does not apply on or after March 23, 1998. For rules applicable on or after March 23, 1998, see § 1.904–5T(k)(1).

Par. 3. § 1.904–5T is added to read as follows:

§ 1.904–5T Look-through rules as applied to controlled foreign corporations and other entities (temporary).

(a) through (j) [Reserved]. For further guidance, see § 1.904–5(a) through (j).

(k) *Ordering rules*—(1) *In general.* Income received or accrued by a related person to which the look-through rules apply is characterized before amounts included from, or paid or distributed by, that person and received or accrued by a related person. For purposes of determining the character of income received or accrued by a person from a related person if the payor or another related person also receives or accrues income from the recipient and the look-through rules apply to the income in all cases, the rules of paragraph (k)(2) of this section apply. Notwithstanding any other provision of this section, the principles of § 1.954–1T(c)(1)(i) will apply to any expense subject to that subparagraph.

(k)(2) through (n) [Reserved]. For further guidance, see § 1.904–5(k)(2) through (n).

(o) *Effective date.* Section 1.904–5T(k)(1) applies on or after March 23, 1998. For rules prior to March 23, 1998, see § 1.904–5(k)(1).

Par. 4. Section 1.954–0(b) is amended by revising the paragraph heading and the entry for § 1.954–0(b) in the list to read as follows:

§ 1.954–0 Introduction.

* * * * *

(b) *Outline of §§ 1.954–0, 1.954–1 and 1.954–2.*

§ 1.954–0 Introduction.

* * * * *

(b) Outline of §§ 1.954–0, 1.954–1, and 1.954–2.

* * * * *

Par. 5. Section 1.954–1 is amended by adding a new paragraph (c)(1)(iv) to read as follows:

§ 1.954–1 Foreign base company income.

* * * * *

(c) * * *

(1) * * *

(iv) *Effective date.* Paragraph (c)(1)(i) of this section does not apply to all

amounts paid or accrued on or after March 23, 1998 except for amounts paid or accrued pursuant to arrangements entered into before March 23, 1998 and not substantially modified (including, for example, by expansion of the arrangement (whether by exercise of an option or otherwise) such as by an increase in the amount of or term of any borrowing, leasing or licensing constituting the arrangement, changes in direct or indirect control of any entity that is a party to the arrangement, or any similar measure which materially increases the tax benefit of the arrangement) on or after March 23, 1998. For rules applicable on or after March 23, 1998, see § 1.954–1T(c)(1)(i).

Par. 6. Section 1.954–1T is added to read as follows:

§ 1.954–1T Foreign base company income (temporary).

(a) through (c)(1)(i) [Reserved]. For further guidance, see § 1.954–1(a) through (c)(1).

(c)(1)(i) *Deductions against gross foreign base company income*—(A) *In general.* [Reserved]. For further guidance, see § 1.954–1(c)(1)(i).

(B) *Special rule for deductible payments to certain non-fiscally transparent entities.* Notwithstanding any other provision of this section, except as provided in paragraph (c)(1)(i)(C) of this section, an expense (including a distributive share of any expense) that would otherwise be allocable under section 954(b)(5) against the subpart F income of a controlled foreign corporation shall not be allocated against subpart F income of the controlled foreign corporation resulting from the payment giving rise to the expense if—

(*1*) Such expense arises from a payment between the controlled foreign corporation and a partnership in which the controlled foreign corporation is a partner and the partnership is not regarded as fiscally transparent, as defined in § 1.954–9T(a)(7), by any country in which the controlled foreign corporation does business or has substantial assets; and

(*2*) The payment from which the expense arises would have met the foreign tax reduction test of § 1.954–9T(a)(3) and the tax disparity test of § 1.954–9T(a)(5)(iv) if those provisions had been applicable to the payment.

(C) *Limitations.* Paragraph (c)(1)(i)(B) shall not apply to the extent that the controlled foreign corporation partner has no income against which to allocate the expense, other than its distributive share of a payment described in paragraph (c)(1)(i)(B) of this section. Similarly, to the extent an expense described in paragraph (c)(1)(i)(B) of this section exceeds the controlled foreign corporation partner's distributive share of the payment from which the expense arises, such excess amount of the expense may reduce subpart F income (other than such payment) to which it is properly allocable or apportionable under section 954(b)(5).

(D) *Example.* The following example illustrates the application of paragraph (c)(1)(i)(B) and (C) of this section:

Example. CFC, a controlled foreign corporation in Country A, is a 70 percent partner in partnership P, located in Country B. Country A's tax laws do not classify P as a fiscally transparent entity. The rate of tax in country B is 15 percent of the tax rate in country A. P loans $100 to CFC at a market rate of interest. In year 1, CFC pays P $10 of interest on the loan. The interest payment would have caused the recharacterization rules of § 1.954–9T to apply if the payment were made between the entities described in § 1.954–9T(a)(2). CFC's distributive share of P's interest income is $7, which is foreign personal holding company income to CFC under section 954(c). Under paragraph (c)(1)(i)(B) of this section, $7 of the $10 interest expense may not be allocated against any of CFC's subpart F income. However, to the extent the remaining $3 of interest expense is properly allocable to subpart F income of CFC other than its distributive share of P's interest income, this expense may offset such other subpart F income.

(E) *Effective date.* Paragraph (c)(1)(i)(B), (C) and (D) of this section shall apply to all amounts paid or accrued on or after March 23, 1998, except for amounts paid or accrued pursuant to arrangements entered into before March 23, 1998 and not substantially modified (including, for example, by expansion of the arrangement (whether by exercise of an option or otherwise) such as by an increase in the amount of or term of any borrowing, leasing or licensing constituting the arrangement, changes in direct or indirect control of any entity that is a party to the arrangement, or any similar measure which materially increases the tax benefit of the arrangement) on or after March 23, 1998. For rules applicable to amounts paid or accrued pursuant to arrangements entered into before March 23, 1998, see § 1.954–1.

(c)(1)(ii) through (f) [Reserved]. For further guidance, see § 1.954–1(c)(1)(ii) through (f).

Par. 7. Section 1.954–2T is added to read as follows:

§ 1.954–2T Foreign personal holding company income (temporary).

(a)(1) through (4) [Reserved]. For further guidance, see § 1.954–2(a) through (4).

(5) *Special rules applicable to distributive share of partnership income*—(i) *Application of related person exceptions where payment reduces foreign tax of payor.* If a partnership receives an item of income that reduced the foreign income tax of the payor (determined under the principles of § 1.954–9T(a)(3)), to determine the extent to which a controlled foreign corporation's distributive share of such item of income is foreign personal holding company income, the exceptions contained in section 954(c)(3) shall apply only if—

(A)(*1*) Any such exception would have applied to exclude the income from foreign personal holding company income if the controlled foreign corporation had earned the income directly (determined by testing, with reference to such controlled foreign corporation, whether an entity is a related person, within the meaning of section 954(d)(3), or is organized under the laws of, or uses property in, the foreign country in which the controlled foreign corporation is created or organized); and

(*2*) The distributive share of such income is not in respect of a payment made by the controlled foreign corporation to the partnership; and

(B)(*1*) The partnership is created or organized, and uses a substantial part of its assets in a trade or business in the country under the laws of which the controlled foreign corporation is created or organized (determined under the principles of § 1.954–2(b)(4));

(*2*) The partnership is regarded as fiscally transparent, as defined in § 1.954–9T(a)(7), by all countries under the laws of which the controlled foreign corporation is created or organized or has substantial assets; or

(*3*) The income is taxed in the year when earned at an effective rate of tax (determined under the principles of § 1.954–1(d)(2)) that is not less than 90 percent of, and not more than five percentage points less than, the effective rate of tax that would have applied to such income under the laws of the country in which the controlled foreign corporation is created or organized if such income were earned directly by the controlled foreign corporation partner from local sources.

(ii) *Certain other exceptions applicable to foreign personal holding company income.* [Reserved].

(iii) *Effective date.* Paragraph (a)(5)(i) of this section shall apply to all amounts paid or accrued on or after March 23, 1998, except for amounts paid or accrued pursuant to arrangements entered into before March 23, 1998 and

not substantially modified (including, for example, by expansion of the arrangement (whether by exercise of an option or otherwise) such as by an increase in the amount of or term of any borrowing, leasing or licensing constituting the arrangement, changes in direct or indirect control of any entity that is a party to the arrangement, or any similar measure which materially increases the tax benefit of the arrangement) on or after March 23, 1998.

(6) *Special rules applicable to exceptions from foreign personal holding company income treatment in circumstances involving hybrid branches*—(i) *In general.* In the case of a payment between a controlled foreign corporation (or its hybrid branch, as defined in § 1.954–9T(a)(6)) and the hybrid branch of a related controlled foreign corporation, the exceptions contained in section 954(c)(3) shall apply only if the payment would have qualified for the exception if the payor were a separate controlled foreign corporation created or organized in the jurisdiction where foreign tax is reduced and the payee were a separate controlled foreign corporation created or organized under the laws of the jurisdiction in which the payment is subject to tax (other than a withholding tax).

(ii) *Exception where no tax reduction or tax disparity.* Paragraph (a)(6)(i) of this section shall not apply unless the payment would have met the foreign tax reduction test of § 1.954–9T(a)(3) and the tax disparity test of § 1.954–9T(a)(5)(iv) if those provisions had been applicable to the payment.

(iii) *Effective date.* The rules of this section shall apply to all amounts paid or accrued on or after January 16, 1998, except for amounts paid or accrued pursuant to arrangements entered into before January 16, 1998, and not substantially modified (including, for example, by expansion of the arrangement (whether by exercise of an option or otherwise) such as by an increase in the amount of or term of any borrowing, leasing or licensing constituting the arrangement, changes in direct or indirect control of any entity that is a party to the arrangement, or any similar measure which materially increases the tax benefit of the arrangement) on or after January 16, 1998.

(b) through (h) [Reserved]. For further guidance, see § 1.954–2(b) through (h).

Par. 8. Section 1.954–9T is added to read as follows:

§ 1.954–9T Hybrid branches (temporary).

(a) *Subpart F income arising from certain payments involving hybrid branches*—(1) *Payment causing foreign tax reduction gives rise to additional subpart F income.* The non-subpart F income of the controlled foreign corporation will be recharacterized as subpart F income, to the extent provided in paragraph (a)(5) of this section, if—

(i) A hybrid branch payment, as defined in paragraph (a)(6) of this section, is made between the entities described in paragraph (a)(2) of this section;

(ii) The hybrid branch payment reduces foreign tax, as determined under paragraph (a)(3) of this section; and

(iii) The hybrid branch payment is treated as falling within a category of foreign personal holding company income under the rules of paragraph (a)(4) of this section.

(2) *Hybrid branch payment between certain entities*—(i) *In general.* Paragraph (a)(1) of this section shall apply to hybrid branch payments between—

(A) A controlled foreign corporation and its hybrid branch;

(B) Hybrid branches of a controlled foreign corporation;

(C) A partnership in which a controlled foreign corporation is a partner (either directly or through one or more branches or other partnerships) and a hybrid branch of the partnership; or

(D) Hybrid branches of a partnership in which a controlled foreign corporation is a partner (either directly or through one or more branches or other partnerships).

(ii) *Hybrid branch payment involving partnership*—(A) *Fiscally transparent partnership.* To the extent of the controlled foreign corporation's proportionate share of a hybrid branch payment, the rules of paragraphs (a)(3), (4) and (5) of this section shall be applied by treating the hybrid branch payment between the partnership and the hybrid branch as if it were made directly between the controlled foreign corporation and the hybrid branch, or as if the hybrid branches of the partnership were hybrid branches of the controlled foreign corporation, if the hybrid branch payment is made between—

(*1*) A fiscally transparent partnership in which a controlled foreign corporation is a partner (either directly or through one or more branches or other fiscally transparent partnerships) and the partnership's hybrid branch; or

(*2*) Hybrid branches of a fiscally transparent partnership in which a controlled foreign corporation is a partner (either directly or through one or more branches or other fiscally transparent partnerships).

(B) *Non-fiscally transparent partnership.* To the extent of the controlled foreign corporation's proportionate share of a hybrid branch payment, the rules of paragraphs (a)(3) and (4) and (a)(5)(iv) of this section shall be applied to the non-fiscally transparent partnership as if it were the controlled foreign corporation, if the hybrid branch payment is made between—

(*1*) A non-fiscally transparent partnership in which a controlled foreign corporation is a partner (either directly or through one or more branches or other partnerships) and the partnership's hybrid branch; or

(*2*) Hybrid branches of a non-fiscally transparent partnership in which a controlled foreign corporation is a partner (either directly or through one or more branches or other partnerships).

(C) *Examples.* The following examples illustrate the application of this paragraph (a)(2)(ii).

Example 1. CFC, a controlled foreign corporation in Country A, is a 90 percent partner in partnership P, which is treated as fiscally transparent under the laws of Country A. P has a hybrid branch, BR, in Country B. P makes an interest payment of $100 to BR. Under Country A law, CFC's 90 percent share of the payment reduces CFC's Country A income tax. Under paragraph (a)(2)(ii)(A) of this section, the recharacterization rules of this section are applied by treating the payment as if made by CFC to BR. Ninety dollars of CFC's non-subpart F income, to the extent available, and subject to the earnings and profits and tax rate limitations of § 1.954–9T(a)(5), is recharacterized as subpart F income.

Example 2. CFC, a controlled foreign corporation in Country A, is a 90 percent partner in partnership P, which is treated as fiscally transparent under the laws of Country A. P has two branches in Country B, BR1 and BR2. BR1 is treated as fiscally transparent under the laws of Country A. BR2 is a hybrid branch. BR1 makes an interest payment of $100 to BR2. Under paragraph (a)(2)(ii)(A) of this section, the payment by BR1, the fiscally transparent branch, is treated as a payment by P, and the deemed payment by P, a fiscally transparent partnership, is treated as made by CFC. Under Country A law, CFC's 90 percent share of BR1's payment reduces CFC's Country A income tax. Ninety dollars of CFC's non-subpart F income, to the extent available, and subject to the earnings and profits and tax rate limitations of § 1.954–9T(a)(5), is recharacterized as subpart F income.

(3) *Application when payment reduces foreign tax.* For purposes of paragraph (a)(1) of this section, a hybrid branch payment reduces foreign tax when the foreign tax imposed on the

income of the payor or any owner of the payor is less than the foreign tax that would have been imposed on such income had the hybrid branch payment not been made, or the hybrid branch payment creates or increases a loss or deficit or other tax attribute which may be carried back or forward to reduce the foreign income tax of the payor or any owner in another year (determined by taking into account any refund of such tax made to the payor, payee or any other person).

(4) *Hybrid branch payment that is included within a category of foreign personal holding company income*—(i) *In general.* For purposes of paragraph (a)(1) of this section, whether the hybrid branch payment is treated as income included within a category of foreign personal holding company income is determined by treating a hybrid branch that is either the payor or recipient of the hybrid branch payment as a separate wholly-owned subsidiary corporation of the controlled foreign corporation that is incorporated in the jurisdiction under the laws of which such hybrid branch is created, organized for foreign law purposes, or has substantial assets. Thus, the hybrid branch payment will be treated as included within a category of foreign personal holding company income if, taking into account any specific exceptions for that category, the payment would be included within a category of foreign personal holding company income if the branch or branches were treated as separately incorporated for U.S. tax purposes.

(ii) *Extent to which controlled foreign corporation and hybrid branches treated as separate entities.* For purposes other than the determination under paragraph (a)(4)(i) of this section, a controlled foreign corporation and its hybrid branch, a partnership and its hybrid branch, or hybrid branches shall not be treated as separate entities. Thus, for example, if a controlled foreign corporation, including all of its hybrid branches, has an overall deficit in earnings and profits to which section 952(c) applies, the limitation of such section on the amount includible in the subpart F income of such corporation will apply. Similarly, for purposes of applying the de minimis and full inclusion rules of section 954(b)(3), a controlled foreign corporation and its hybrid branch, or hybrid branches shall not be treated as separate corporations. Further, a hybrid branch payment that would reduce foreign personal holding company income under section 954(b)(5) if made between two separate entities will not create an expense if made between a controlled foreign corporation and its hybrid branch, a partnership and its hybrid branch, or hybrid branches.

(5) *Recharacterization of income attributable to current earnings and profits as subpart F income*—(i) *General rule.* Non-subpart F income of a controlled foreign corporation in an amount equal to the excess of earnings and profits of the controlled foreign corporation for the taxable year over subpart F income, as defined in section 952(a), will be recharacterized as subpart F income under paragraph (a)(1) of this section only to the extent provided under paragraphs (a)(5)(ii) through (vi) of this section.

(ii) *Subpart F income.* For purposes of determining the excess of current earnings and profits over subpart F income under paragraph (a)(1) of this section, the amount of subpart F income is determined before the application of the rules of this section but after the application of the rules of sections 952(c) and 954(b). Further, such amount is determined by treating the controlled foreign corporation and all of its hybrid branches as a single corporation.

(iii) *Recharacterization limited to gross amount of hybrid branch payment*—(A) *In general.* The amount recharacterized as subpart F income under paragraph (a)(1) of this section is limited to the amount of the hybrid branch payment.

(B) *Exception for duplicative payments.* [Reserved].

(iv) *Tax disparity rule*—(A) *In general.* Paragraph (a)(1) of this section will apply only if the hybrid branch payment falls within the tax disparity rule. The hybrid branch payment falls within the tax disparity rule if it is taxed in the year when earned at an effective rate of tax that is less than 90 percent of, and at least 5 percentage points less than, the hypothetical effective rate of tax imposed on the hybrid branch payment, as determined under paragraph (a)(5)(iv)(B) of this section.

(B) *Hypothetical effective rate of tax*—(*1*) *In general.* The hypothetical effective rate of tax imposed on the hybrid branch payment is—

(*i*) For the taxable year of the payor in which the hybrid branch payment is made, the amount of income taxes that would have been paid or accrued by the payor if the hybrid branch payment had not been made, less the amount of income taxes paid or accrued by the payor; divided by

(*ii*) The amount of the hybrid branch payment.

(*2*) *Hypothetical effective rate of tax when hybrid branch payment causes or increases loss or deficit.* If the hybrid branch payment causes or increases a loss or deficit of the payor for foreign tax purposes, and such loss or deficit can be carried forward or back, the hypothetical effective rate of tax imposed on the hybrid branch payment is the effective rate of tax that would be imposed on the taxable income of the payor for the year in which the foreign law payment is made if the payor's taxable income were equal to the amount of the hybrid branch payment.

(C) *Examples.* The application of this paragraph (a)(5)(iv) is illustrated by the following examples.

Example 1. In 1998, CFC organized in Country A had net income of $60 from manufacturing for Country A tax purposes. It also had a branch (BR) in Country B. BR is a hybrid entity under paragraph (a)(1) of this section. CFC made a payment of $40 to BR, which was a hybrid branch payment under paragraph (a)(6) of this section, and was treated by CFC as a deductible payment for Country A tax purposes. CFC paid $30 of Country A taxes in 1998. It would have paid $50 of Country A taxes without the deductible payment. Country A did not impose any withholding tax on the $40 payment to BR. Country B also did not impose a tax on the $40 received by BR. Therefore, the effective rate of tax on that payment is 0%. Furthermore, the hypothetical effective rate of tax on the $40 hybrid branch payment is 50% ($50 − $30/$40). The effective rate of tax (0%) is less than 90% of, and more than 5 percentage points less than, this hypothetical rate of tax of 50%. As a result, the $40 hybrid branch payment falls within the tax disparity rule of this paragraph (a)(5)(iv).

Example 2. Assume the same facts as in *Example 1,* except that CFC has a loss of $100 for the year for Country A tax purposes. Under Country A law, CFC can carry the loss forward for use in subsequent years. CFC paid no Country A taxes in 1998. The rate of tax in Country A is graduated from 20% to 50%. If the $40 hybrid branch payment were the only item of taxable income of CFC, Country A would have imposed tax at an effective rate of 30%. The effective rate of tax (0%) is less than 90 percent of, and more than 5 percentage points less than, the hypothetical effective rate of tax (30%) imposed on the hybrid branch payment. As a result, the $40 hybrid branch payment falls within the tax disparity rule of this paragraph (a)(5)(iv).

Example 3. Assume the same facts as in *Example 1,* except that Country B imposes tax on the $40 hybrid payment to BR at an effective rate of 50%. The effective rate of 50% is equal to the hypothetical effective rate of tax. As a result, the hybrid branch payment does not fall within the tax disparity rule of this paragraph (a)(5)(iv) and, thus, the recharacterization rules of paragraph (a)(1) of this section do not apply. See also the special high tax exception of paragraph (a)(5)(v) of this section.

(v) *Special high tax exception*—(A) *In general.* Paragraph (a)(1) of this section shall not apply if the non-subpart F income recharacterized as subpart F

income under this section was subject to foreign income taxes imposed by a foreign country or countries at an effective rate that is greater than 90 percent of the maximum rate of tax specified in section 11 for the taxable year of the controlled foreign corporation.

(B) *Effective rate of tax.* The effective rate of tax imposed on the net amount of the hybrid branch payment is determined under the principles of § 1.954–1(d)(2) and (3). See paragraph (c) of this section for the application of section 960 to amounts recharacterized as subpart F income under this section.

(vi) *No carryback or carryforward of amounts in excess of current year earnings and profits limitation.* To the extent that some or all of the amount required to be recharacterized under this section is not recharacterized as subpart F income because the hybrid branch payment exceeds the amount that can be recharacterized, as determined under paragraph (a)(5)(i) of this section, this excess shall not be carried back or forward to another year.

(6) *Definitions.* For purposes of this section—

Entity means any person that is treated by the United States or any jurisdiction as other than an individual.

Hybrid branch means an entity that—

(i) Has a single owner (including ownership through branches) that is either a controlled foreign corporation or a partnership in which a controlled foreign corporation is a partner (either directly or indirectly through one or more branches or partnerships);

(ii) Is treated as fiscally transparent by the United States; and

(iii) Is treated as non-fiscally transparent by the country in which the payor entity, any owner of a fiscally-transparent payor entity, the controlled foreign corporation, or any intermediary partnership is created, organized or has substantial assets.

Hybrid branch payment means the gross amount of any payment (including any accrual) which, under the tax laws of any foreign jurisdiction to which the payor is subject, is regarded as a payment between two separate entities but which, under U.S. income tax principles, is not income to the recipient because it is between two parts of a single entity.

(7) *Fiscally transparent and non-fiscally transparent.* For purposes of this section an entity shall be treated as fiscally transparent with respect to an interest holder of the entity, if such interest holder is required, under the laws of any jurisdiction to which it is subject, to take into account separately, on a current basis, such interest holder's share of all items which, if separately taken into account by such interest holder, would result in an income tax liability for the interest holder in such jurisdiction different from that which would result if the interest holder did not take the share of such items into account separately. A non-fiscally transparent entity is an entity that is not fiscally transparent under this paragraph (a)(7).

(b) *Election to change classification*—(1) *In general.* If a hybrid branch subject to the provisions of paragraph (a) of this section is an entity that has made an election under § 301.7701–3(c)(1) of this chapter to be disregarded as an entity separate from its owner, such entity may elect to change its classification to that of an association taxable as a corporation, under the procedures described in § 301.7701–3(c) of this chapter, without regard to the limitation of § 301.7701–3T(c)(1)(iv) of this chapter, but only if such election is made on or before the last day of the first taxable year beginning on or after January 1, 1998. An election made pursuant to this paragraph (b)(1) is effective as of the first day of such taxable year. The 75 day limitation on retroactivity in § 301.7701–3(c)(1)(iii) of this chapter does not apply.

(2) *Limitation.* An entity can elect to change its classification under the provisions of this paragraph only one time.

(c) *Application of section 960*—For purposes of determining the amount of taxes deemed paid under section 960, the amount of non-subpart F income recharacterized as subpart F income under this section shall be treated as attributable to income in separate categories, as defined in § 1.904–5(a)(1), in proportion to the ratio of non-subpart F income in each such category to the total amount of non-subpart F income of the controlled foreign corporation for the taxable year.

(d) *Effective dates*—(1) *Hybrid branches of controlled foreign corporations.* With respect to hybrid branch payments described in paragraph (a)(2)(i)(A) and (B) of this section, the rules of this section shall apply to all amounts paid or accrued on or after January 16, 1998, except for amounts paid or accrued pursuant to arrangements entered into before January 16, 1998, and not substantially modified (including, for example, by expansion of the arrangement (whether by exercise of an option or otherwise) such as by an increase in the amount of or term of any borrowing, leasing or licensing constituting the arrangement, changes in direct or indirect control of any entity that is a party to the arrangement, or any similar measure which materially increases the tax benefit of the arrangement) on or after January 16, 1998.

(2) *Hybrid branches of partnerships in which controlled foreign corporations are partners.* With respect to hybrid branch payments described in paragraph (a)(2)(i)(C) and (D) of this section, the rules of this section shall apply to all amounts paid or accrued on or after March 23, 1998, except for amounts paid or accrued pursuant to arrangements entered into before March 23, 1998 and not substantially modified (including, for example, by expansion of the arrangement (whether by exercise of an option or otherwise) such as by an increase in the amount of or term of any borrowing, leasing or licensing constituting the arrangement, changes in direct or indirect control of any entity that is a party to the arrangement, or any similar measure which materially increases the tax benefit of the arrangement) on or after March 23, 1998.

PART 301—PROCEDURE AND ADMINISTRATION

Par. 9. The authority citation for 26 CFR part 301 continue to read in part as follows:

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

Par. 10. In § 301.7701–3, paragraph (f)(1) is amended by adding a sentence at the end to read as follows:

§ 301.7701–3. Classification of certain business entities.

* * * * *

(f)(1) * * * Paragraphs (a), (c)(1)(iv) and (f) of this section do not apply on or after March 23, 1998. For rules applicable on or after March 23, 1998, see § 301.7701–3T(a), (c)(1)(iv) and (f).

Par. 11. Section 301.7701–3T is added to read as follows:

§ 301.7701–3T Classification of certain business entities (temporary).

(a) *In general.* A business entity that is not classified as corporation under § 301.7701–2(b)(1), (3), (4), (5), (6), (7), or (8) (an eligible entity) can elect its classification for federal tax purposes as provided in this section. An eligible entity with at least two members can elect to be classified as either an association (and thus a corporation under § 301.7701–2(b)(2)) or a partnership, and an eligible entity with a single owner can elect to be classified as an association or to be disregarded as an entity separate from its owner. Paragraph (b) of this section provides a default classification for an eligible entity that does not make an election.

Thus, elections are necessary only when an eligible entity chooses to be classified initially as other than the default classification or when an eligible entity chooses to change its classification. An entity whose classification is determined under the default classification retains that classification (regardless of any changes in the members' liability that occurs at any time during the time that the entity's classification is relevant as defined in paragraph (d) of this section) until the entity makes an election to change that classification under paragraph (c)(1) of this section. Paragraph (c) of this section provides rules for making express elections. Paragraph (d) provides special rules for foreign eligible entities. Paragraph (e) of this section provides special rules for classifying entities resulting from partnership terminations and divisions under section 708(b). Paragraph (f) of this section sets forth the effective date of this section and a special rule relating to prior periods. An entity that has elected to be disregarded as an entity separate from its owner may nevertheless be treated as a corporation for the limited purposes of § 1.954–9T(a)(4)(i) of this chapter.

(b) through (c)(1)(iii) [Reserved]. For further guidance, see § 301.7701–3(b) through (c)(1)(iii).

(c)(1)(iv) *Limitation.* If an eligible entity makes an election under paragraph (c)(1)(i) of this section to change its classification (other than an election made by an existing entity to change its classification as of the effective date of this section), the entity cannot change its classification by election again during the sixty months succeeding the effective date of the election. However, the Commissioner may permit the entity to change its classification by election within the sixty months if more than fifty percent of the ownership interests in the entity as of the effective date of the subsequent election are owned by person that did not own any interests in the entity on the filing date or on the effective date of the entity's prior election. See § 1.954–9T(b) of this chapter, for circumstances under which certain eligible entities may make an election to change their classification within the sixty-month period.

(c)(1)(v) through (e) [Reserved]. For further guidance, see § 301.7701–3(c)(1)(v) through (e).

(f) *Effective date.* Section 301.7701–3T(a) and (c)(1)(iv) applies on or after March 23, 1998. For rules prior to March 23, 1998, see § 301.7701–3(a) and (c)(1)(iv).

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

Approved:

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 98–7891 Filed 3–23–98; 12:58 pm]

BILLING CODE 4830–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–98–018]

Drawbridge Operation Regulations; Stony Creek, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the S173 Bridge across Stony Creek at mile 0.9, in Riviera, Maryland. Beginning March 2 through May 1, 1998, this deviation allows the bridge to remain closed to navigation between the hours of 8 p.m. to 6:30 a.m., Monday through Friday excluding Federal and State holidays. This closure is necessary to facilitate extensive cleaning and painting operations while still providing for the reasonable needs of navigation.

DATES: This deviation is effective from 8 p.m. on March 2, 1998 until 6:30 a.m. on May 1, 1998.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222.

SUPPLEMENTARY INFORMATION: The S173 Bridge is owned and operated by the Maryland Department of Transportation (MDOT). Alpha Painting & Construction Company, Inc., MDOT's contractor, requested a temporary deviation from the normal operation of the bridge to implement extensive cleaning and painting operations. The current regulation at Title 33, Code of Federal Regulations, Section 117.573 requires the draw to open on signal with the following exceptions: (a) from 6:30 a.m. to 9 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday except Federal and State holidays, the draw need only open at 7:30 a.m. and 5 p.m., if any vessels are waiting to pass; (b) From 11 a.m. to 7 p.m. on Saturday and 12 p.m. to 5 p.m. on Sunday, the draw need only open on the hour and half hour; and (c) all public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

The work entails the sandblasting and cleaning of the bridge. Sandblasting will immobilize operation of the drawbridge due to the installation of an encapsulation shield with scaffolding during the closed period. On weekends, holidays, and during all other hours, the bridge will operate in accordance with the current regulations.

Discussions with MDOT concerning the S173 Bridge logs revealed that recreational vessel nighttime transits through this bridge for 1996 and 1997 from March through May caused an average of 12 openings per week, excluding weekends. MDOT's advance publication of the closure in local newspapers, along with the Coast Guard's Local Notice to Mariners, will reduce this temporary deviation's negative impact on transiting vessels.

Beginning March 2 through May 1, 1998, this deviation allows the S173 Bridge to remain closed to navigation between the hours of 8 p.m. to 6:30 a.m.; Monday through Friday excluding Federal and State holidays.

Dated: March 18, 1998.

J. Carmichael,

Acting Captain,

U.S. Coast Guard Commander,

Fifth Coast Guard District.

[FR Doc. 98–7913 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Western Alaska 98–002]

RIN 2115–AA97

Safety Zone; Summer Bay, Unalaska Island, AK

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary Safety zone in Summer Bay, Unalaska Island, AK. The zone is needed to protect the ongoing salvage operation of the M/V KUROSHIMA and the salvage barge. Entry of vessels or persons into this zone not involved in the salvage operation is prohibited unless specifically authorized by the Captain of the Port or his on scene representative, the supervisor of Marine Safety Detachment Unalaska.

DATES: This regulation becomes effective on February 25, 1998 at 1:00 p.m. ADT and terminates on March 31, 1998 at 11:59 p.m. ADT.

FOR FURTHER INFORMATION CONTACT: LCDR Rick Rodriguez, Chief of Port Operations, Coast Guard Captain of the Port Western Alaska, Anchorage, 510 L Street, Suite 100; Anchorage, Alaska 99501; (907) 271–6700.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The purpose of this safety zone is to allow the salvage barge to conduct salvage operations unencumbered by vessels at or proceeding to anchor within the zone defined later in this rule.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent disruption of the safe salvage operation of the M/V KUROSHIMA.

Regulatory Evaluation

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

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

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

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

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

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

2. A new temporary § 165.T17–002 is added to read as follows:

§ 165.T17–002 Summer Bay Safety Zone.

(a) *Location.* The following area is a Safety Zone: the body of water enclosed by the following coordinates: from Second Priest Rock (N53–54.18, W166–28.0) north to N53–55.0, W166–28.0 east to N53–55.0, W166–26.6 south to the southwest bluff bordering Morris Cove (N53–54.70, W166–26.6).

(b) *Effective dates.* This section becomes effective on February 25, 1998 at 1:00 p.m. ADT and terminates on March 31, 1998 at 11:59 p.m. ADT unless otherwise cancelled by the Captain of the Port Western Alaska.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port or his on scene representative, the supervisor of Marine Safety Detachment Unalaska.

Dated: February 24, 1998.

E. P. Thompson,

Captain, U.S. Coast Guard, Captain of the Port Western Alaska.

[FR Doc. 98–7912 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego; 98–007]

RIN 2115–AA97

Safety Zone; San Diego Bay and Adjacent Waters, San Diego, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: In conjunction with the release of 'JJ' the gray whale by Sea World of California, the Coast Guard is establishing a temporary, moving safety zone around the USCGC CONIFER from 1:00 p.m. (PST) on March 23, 1998 until 6:00 p.m. (PST) on March 30, 1998. The safety zone will encompass all navigable waters within 250 yards of the USCGC CONIFER while it transits from Naval Station 32nd Street to lighted buoys 5 and 6. The safety zone will expand to 500 yards at lighted buoys 5 and 6, and the safety zone will remain at 500 yards while the USCGC CONIFER transits any/all navigable waters located within the territorial sea of the United States.

This temporary regulation is established to serve three purposes: to protect and facilitate the continued development of the gray whale being released by Sea World of California on behalf of the National Marine Fisheries Service (NMFS) (pursuant to a grant of authority signed by NMFS on November 17, 1995, authorizing Sea World of California to rescue and rehabilitate marine mammals as a member of the California Mammal Stranding Network) to ensure the safety of the vessels and personnel involved in the release, including the USCGC CONIFER and its crew; and, to ensure the safety of any spectator vessels and persons. Entry into, transit through, or anchoring within this moving safety zone is prohibited unless authorized by the Captain of the Port.

In order to ensure maximum safety and environmental protection, to the extent that the USCGC CONIFER navigates to any point located beyond 3 nautical miles from the baseline from which the territorial sea is measured to release 'JJ' the gray whale during the dates and times that this temporary safety zone is in effect, the Coast Guard is also establishing a temporary, nonobligatory moving exclusionary area encompassing all waters within 500 yards of the USCGC CONIFER. Entry into this nonobligatory exclusionary area by any mariner constitutes a risk to navigational safety and a risk to the marine mammal being released, and it may prevent the release of 'JJ' the gray whale. It may also constitute a factor to be considered in determining whether a person has operated a vessel in a negligent manner in violation of 46 USC § 2302, or has engaged in activities in violation of the MMPA and its implementing regulations.

EFFECTIVE DATES: This regulation becomes effective at 1:00 p.m. (PST) on March 23, 1998, and continues until 6:00 p.m. (PST) on March 30, 1998.

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

FOR FURTHER INFORMATION CONTACT: LT Mike Arguelles, U.S. Coast Guard

Marine Safety Office San Diego at (619) 683–6484.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this temporary regulation and good cause exists for making it effective prior to, or in less than 30 days after, **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of its effective date would be contrary to public interest because the precise location of the release of 'JJ' the gray whale, and other logistical details surrounding the release, were not finalized until a date fewer than 30 days prior to the scheduled release dates.

Background and Purpose

The release of 'JJ' the gray whale requiring promulgation of this temporary, moving safety zone is scheduled to take place in the navigable waters of San Diego Bay at a point approximately located 3 miles off Point Loma, sometime between March 23–28, 1998; however, the actual release of 'JJ' the gray whale may occur at a point located somewhere further off the coast of Point Loma. The precise release date, time, and location are dependent upon variable northbound marine mammal migratory patterns in the Pacific Ocean.

Territorial sea, as defined in 33 CFR 2.05–5, means all waters within the belt, 3 nautical miles wide, that is adjacent to the coast of the United States and seaward of the territorial sea baseline. The ''territorial sea baseline'' is defined in 33 CFR 2.05–10. To the extent that the USCGC CONIFER navigates to any point located beyond 3 nautical miles off the coast of Point Loma to release 'JJ' the gray whale during the dates and times that this temporary safety zone is in effect, the Coast Guard is also establishing a temporary, nonobligatory moving exclusionary area encompassing all waters within 500 yards of the USCGC CONIFER. Entry into this nonobligatory exclusionary area by any mariner may pose such a danger to the safety of all parties involved that it might prevent the release of 'JJ' the gray whale; it may also constitute a factor to be considered in determining whether a person has operated a vessel in a negligent manner in violation of 46 U.S.C. 2302, or has engaged in activities in violation of the MMPA and its implementing regulations.

Discussion of Regulation

Gray whales are a protected species under the Marine Mammal Protection Act (16 U.S.C. 1362(6); 50 CFR 216.3), and all federal agencies are required to cooperate with the Commerce Department in carrying out the purposes of the Marine Mammal Protection Act (16 U.S.C. 1382(b)). Sea World is releasing 'JJ' the gray whale on behalf of NMFS, pursuant to a grant of authority signed by NMFS on November 17, 1995, authorizing Sea World of California to rescue and rehabilitate marine mammals as a member of the California Mammal Stranding Network. This temporary regulation is established to serve three purposes: (1) To protect and facilitate the continued development of the gray whale being released by Sea World of California on behalf of NMFS (pursuant to a grant of authority signed by NMFS on November 17, 1995, authorizing Sea World of California to rescue and rehabilitate marine mammals as a member of the California Mammal Stranding Network), (2) to ensure the safety of the vessels and personnel involved in the release, including the USCGC CONIFER and its crew; and (3) to ensure the safety of any spectator vessels and persons. Entry into, transit through, or anchoring within this moving safety zone is prohibited unless authorized by the Captain of the Port.

Regulatory Evaluation

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

Collection of Information

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

Federalism

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

Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2. of Commandant Instruction M16475.1B, it will have no significant environmental impact, including no adverse effect on species or habitats protected by the Endangered Species Act, and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

Regulation

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

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

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

2. A new § 165.T11–047 is added to read as follows:

§ 165.T11–049 Moving Safety Zone: San Diego Bay and Adjacent Waters, San Diego, CA.

(a) *Location*. The safety zone will encompass all navigable waters within 250 yards of the USCGC CONIFER while it transits from Naval Station 32nd Street to lighted buoys 5 and 6. The safety zone will expand to 500 yards at lighted buoys 5 and 6, and the safety zone will remain at 500 yards while the USCGC CONIFER transits any/all navigable waters located within the territorial sea of the United States. ''Territorial sea,'' as defined in 33 CFR 2.05–5, means all waters within the belt, 3 nautical miles wide, that is adjacent to the coast of the United States and seaward of the territorial sea baseline. The ''territorial sea baseline'' is defined in 33 CFR 2.05–10.

Note: *Nonobiligatory Exclusionary Area.* In order to ensure maximum safety and environmental protection, to the extent that the USCGC CONIFER navigates to any point located beyond 3 nautical miles from the baseline from which the territorial sea is measured to release ''JJ'' the gray whale during the dates and times that this temporary safety zone is in effect, the Coast Guard is also establishing a temporary, nonobligatory moving exclusionary area

encompassing all waters within 500 yards of the USCGC CONIFER. Entry into this nonobligatory exclusionary area by any mariner constitutes a risk to navigational safety and a risk to the marine mammal being released, and it may prevent the release of ''JJ'' the gray whale. It may also constitute a factor to be considered in determining whether a person has operated a vessel in a negligent manner in violation of 46 USC § 2302, or has engaged in activities in violation of the MMPA and its implementing regulations.

(b) *Effective Dates.* This regulation becomes effective at 1:00 p.m. (PST) on March 23, 1998, and continues until 6:00 p.m. (PST) on March 30, 1998, unless canceled earlier by the Captain of the Port.

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

Dated: March 16, 1998.

J.A. Watson,

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

[FR Doc. 98–7911 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[OH107a; KY101–9809a; FRL–5985–9]

Clean Air Act Promulgation of Extension of Attainment Date for Ozone Nonattainment Area; Ohio; Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is extending the attainment date for the Cincinnati-Hamilton interstate moderate ozone nonattainment area from November 15, 1997 to November 15, 1998. This extension is based in part on monitored air quality readings for the national ambient air quality standard (NAAQS) for ozone during 1997. Accordingly, EPA is revising the table in the Code of Federal Regulations concerning ozone attainment dates in this area. In this action, EPA is approving the States' request through ''direct final'' rulemaking; the rationale for this approval is set forth below. Elsewhere in this **Federal Register**, EPA is proposing approval and soliciting comment on this action; should EPA receive such comment, it will publish an action informing the public that this rule did not take effect; otherwise no further rulemaking will occur on this SIP revision request.

DATES: This final rule is effective May 26, 1998 unless substantive written adverse comments not previously addressed by the State or EPA are received by April 27, 1998. If the effective date is delayed, timely notification will be published in the **Federal Register**.

ADDRESSES: Written comments may be mailed to Joseph M. LeVasseur at the EPA Region 4 address listed below or to J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Region 5 at the address listed below. Copies of the material submitted by the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC) may be examined during normal business hours at the following locations:

Environmental Protection Agency, Atlanta Federal Center, Region 4 Air Planning Branch, 61 Forsyth Street, Atlanta, Georgia 30303–3104.

Natural Resources and Environmental Protection Cabinet, 803 Schenkel Lane, Frankfort, Kentucky 40601.

Copies of the materials submitted by the Ohio Environmental Protection Agency (OEPA) may be examined during normal business hours at the following locations:

Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

OEPA, Division of Air Pollution Control, 1800 Watermark Drive, Columbus, OH 43215.

FOR FURTHER INFORMATION CONTACT: Joseph M. LeVasseur at the EPA Region 4 address listed above or Randolph O. Cano at the Region 5 address listed above. (It is recommended that you contact Joseph M. LeVasseur at (404) 562–9035 before visiting the Region 4 office.) (It is recommended that you contact Randolph O. Cano at (312) 886–6036 before visiting the Region 5 office.)

SUPPLEMENTARY INFORMATION:

Request for Attainment Date Extension for the Cincinnati-Hamilton Metropolitan Moderate Ozone Nonattainment Area

On November 14, 1997, OEPA requested a one-year attainment date extension for the Ohio portion of the Cincinnati-Hamilton moderate ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties in Ohio. Similarly on January 7, 1998 KNREPC requested a one-year attainment date extension for the Kentucky portion of the Cincinnati-Hamilton moderate ozone nonattainment area which consists of Kenton, Boone and Campbell Counties. Since this area was classified as a moderate ozone nonattainment area, the statutory ozone attainment date, as prescribed by section 181(a) of the Clean Air Act (CAA), was November 15, 1996. On November 17, 1997 (62 FR 61241, and see 63 FR 6664) EPA extended the attainment date to November 15, 1997. The submittals request that the attainment date be extended to November 15, 1998.

CAA Requirements and EPA Actions Concerning Designation and Classification

Section 107(d)(4) of the CAA requires the States and EPA to designate areas as attainment, nonattainment, or unclassifiable for ozone as well as other pollutants for which national ambient air quality standards (NAAQS) have been set. Section 181(a)(1) requires that ozone nonattainment areas be classified as marginal, moderate, serious, severe, or extreme, depending on their air quality. In a series of **Federal Register** documents, EPA completed this process by designating and classifying all areas of the country for ozone. See, e.g., 56 FR 58694 (Nov. 6, 1991); 57 FR 56762 (Nov. 30, 1992); 59 FR 18967 (April 21, 1994).

Areas designated nonattainment for ozone are required to meet attainment dates specified under the CAA. The Cincinnati-Hamilton ozone nonattainment area was designated nonattainment and classified moderate for ozone pursuant to 56 FR 58694 (Nov. 6, 1991). By this classification, its attainment date became November 15, 1996. A discussion of the attainment dates is found in 57 FR 13498 (April 16, 1992) (the General Preamble).

CAA Requirements and EPA Actions Concerning Meeting the Attainment Date

Section 181(b)(2)(A) requires the Administrator, within six months of the attainment date, to determine whether ozone nonattainment areas attained the NAAQS. For ozone, EPA determines attainment status on the basis of the average number of expected exceedances of the NAAQS over the most recent three-year period. See General Preamble, 57 FR 13506. In the case of moderate ozone nonattainment areas, the three-year period is 1994–1996. CAA section 181(b)(2)(A) further states that, for areas classified as marginal, moderate, or serious, if the Administrator determines that the area did not attain the standard by its

attainment date, the area must be reclassified upwards.

However, CAA section 181(a)(5) provides an exemption from these bump up requirements. Under this exemption, EPA may grant up to two one-year extensions of the attainment date under specified conditions:

Upon application by any State, the Administrator may extend for 1 additional year (hereinafter referred to as the ''Extension Year'') the date specified in table 1 of paragraph (1) of this subsection if—

(A) the State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan, and,

(B) no more than one exceedance of the national ambient air quality standard level for ozone has occurred in the area in the year preceding the Extension Year.

No more than two one-year extensions may be issued for a single nonattainment area.

EPA interprets this provision to authorize the granting of a one-year extension under the following minimum conditions:

(1) The State requests a one-year extension,

(2) all requirements and commitments in the EPA-approved SIP for the area have been complied with, and,

(3) the area has no more than one measured exceedance of the NAAQS during the year that includes the attainment date (or the subsequent year, if a second one-year extension is requested).

On November 17, 1997 (62 FR 61241), EPA granted the Ohio and Kentucky requests to extend the attainment date for the Cincinnati Hamilton Interstate moderate ozone nonattainment area from November 15, 1996 to November 15, 1997. The November 17, 1997 approval was based in part on monitored air quality readings for the national air quality standard for 1996.

Ohio's second ozone attainment date extension was supported by monitored air quality readings during 1997.

A review of the actual ambient air quality ozone data from the EPA Aerometric Information Retrieval System (AIRS), shows that a number of air quality monitors located in the Cincinnati-Hamilton ozone nonattainment area recorded exceedances of the NAAQS for ozone during the three year period from 1995 to 1997. At one of these monitors, Middletown OH, the number of expected exceedances was 2.0 for 1995, 1.0 for 1996 and 1.0 for 1997. Because these exceedances averaged more than 1.0 over the three year period, they constitute a violation of the ozone NAAQS for the Cincinnati-Hamilton area during the three year period. Thus the area did not meet the November 15, 1997 attainment date.

Kentucky provided no discussion of monitoring data in its January 7, 1998 request. However, in its November 14, 1997 request, Ohio indicated that Ohio and Kentucky had satisfied the compliance date extension criteria in as much as no monitors in the Cincinnati-Hamilton area monitored more than one exceedance each during 1997. The 1997 monitoring data has been quality controlled and quality assured as has been the data for 1995 and 1996. These data have been summarized in Table 1. The monitoring data for the Oxford, Ohio site located in Butler County is not provided in the list. Currently, quality assured data is not available for this site for 1997.

An examination of the data indicate that three of the ten monitors, currently in operation, recorded one exceedance each during 1997. EPA has determined that the requirements for a second one-year extension of the attainment date have been fulfilled as follows:

TABLE 1.—CINCINNATI-HAMILTON MONITORED EXCEEDANCES AND VIOLATION 1995–97

	Kentucky		
	Boone County	Campbell County	Kenton County
1995	0	0	1.0
1996	0	1.0	1.0
1997	0	0	0

	Ohio							
	Butler County		Hamilton County			Warren County		
	Hamilton	Middletown	Grooms Rd	Ripple Rd	Cincinnati	Lebanon	Cook Rd	Clermont Co
1995	1.0	2.0	0	1.0	1.0	2.0	(1)	1.0
1996	0	1.0	0	0	0	0	(1)	0
1997	0	1.0	1.0	0	0	(1)	1.0	0

[1] No data is available for this site during this year.

(1) Ohio and Kentucky have formally submitted the attainment date extension requests.

(2) Ohio and Kentucky are currently implementing the EPA-approved SIPs.

(3) A review of actual ozone ambient air quality data for the Cincinnati-Hamilton Interstate area indicates that the area has monitored no more than one exceedance of the NAAQS at any monitor during 1997.

Therefore, EPA approves the Ohio and Kentucky second one-year attainment date extension requests for the Cincinnati-Hamilton ozone nonattainment area. As a result, the Kentucky Control Strategy for Ozone which is codified at 40 CFR 52.930 and the Ohio Control Strategy for Ozone which is codified at 40 CFR 52.1885 are being amended to record these attainment date extensions. The chart in 40 CFR 81.318 entitled ''Kentucky-Ozone'' is being modified to reflect EPA's approval of Kentucky's attainment date extension request. The chart in 40 CFR 81.336 entitled ''Ohio-Ozone'' is also being modified to reflect EPA's approval of Ohio's attainment date extension request.

EPA Action

EPA is approving the second one-year attainment date extension requests for the Cincinnati-Hamilton moderate

ozone nonattainment area from November 15, 1997 to November 15, 1998 without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve this part 52 and part 81 action should written adverse or critical comments be filed.

This rule will become effective without further notice unless EPA receives relevant adverse written comment on the parallel proposed rule (published in the proposed rules section of this **Federal Register**) by April 27, 1998. Should EPA receive such comments, it will publish a final rule informing the public that this rule did not take effect. Any party interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on May 26, 1998.

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

Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

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

Extension of an area's attainment date under the CAA does not impose any new requirements on small entities. Extension of an attainment date is an action that affects a geographical area and does not impose any regulatory requirements on sources. EPA certifies that the approval of the attainment date extension will not affect a substantial number of small entities.

C. Unfunded Mandates

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

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

D. Audit Privilege and Immunity Law

Nothing in this action should be construed as making any determination or expressing any position regarding Ohio's audit privilege and immunity law (sections 3745.70–3745.73 of the Ohio Revised Code). The EPA will be reviewing the effect of the Ohio audit privilege and immunity law on various Ohio environmental programs, including those under the CAA. The EPA will take appropriate action(s), if any, after thorough analysis and opportunity for Ohio to state and explain its views and positions on the issues raised by the law. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any Ohio CAA program resulting from the effect of the audit privilege and immunity law. As a consequence of the review process, the regulations subject to the action taken herein may be disapproved, Federal approval for the CAA program under which they are implemented may be withdrawn, or other appropriate action may be taken, as necessary.

E. Submission to Congress and the General Accounting Office

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

F. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 26, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to grant Ohio and Kentucky an extension to attain the ozone NAAQS in the Cincinnati-Hamilton ozone nonattainment area as defined in 40 CFR 81.318 and 40 CFR 81.336 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Ozone

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: February 27, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Dated: March 16, 1998.

David A. Ullrich,

Acting Regional Administrator, Region 5.

Parts 52 and 81 of chapter I, title 40 of the Code of Federal Regulations are amended as follows:

PART 52—[AMENDED]

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

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

2. Section 52.930 is amended by adding paragraph (f) to read as follows:

§ 52.930 Control strategy: Ozone.

* * * * *

(f) Kentucky's January 7, 1998, request for a one-year attainment date extension for the Kentucky portion of the Cincinnati-Hamilton metropolitan

moderate ozone nonattainment area which consists of Kenton, Boone, and Campbell Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1998.

3. Section 52.1885 is amended by adding paragraph (cc) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(cc) Ohio's November 14, 1997, request for a one-year attainment date extension for the Ohio portion of the Cincinnati-Hamilton metropolitan moderate ozone nonattainment area which consists of Hamilton, Butler, Clermont and Warren Counties is approved. The date for attaining the ozone standard in these counties is November 15, 1998.

PART 81—[AMENDED]

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

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

2. In § 81.318, the ''Kentucky—Ozone'' table is amended by revising the entry for the ''Cincinnati–Hamilton Area'' to read as follows:

§ 81.318 Kentucky.

* * * * *

KENTUCKY—OZONE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Cincinnati-Hamilton Area:				
Boone County		Nonattainment		Moderate.[2]
Campbell County		Nonattainment		Moderate.[2]
Kenton County		Nonattainment		Moderate.[2]
* * *	*	*	*	*

[1] This date is November 15, 1990, unless otherwise noted.
[2] Attainment date extended to November 15, 1998.

* * * * *

3. In section 81.336, the ''Ohio—Ozone'' table is amended by revising the entry for the ''Cincinnati-Hamilton Area'' to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—OZONE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
* * *	*	*	*	*
Cincinnati-Hamilton Area:				
Butler County		Nonattainment		Moderate.[2]
Clermont County		Nonattainment		Moderate.[2]
Hamilton County		Nonattainment		Moderate.[2]
Warren County		Nonattainment		Moderate.[2]
* * *	*	*	*	*

[1] This date is November 15, 1990, unless otherwise noted.
[2] Attainment date extended to November 15, 1998.

* * * * *

[FR Doc. 98–7760 Filed 3–25–98; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 85

[FRL–5986–2]

RIN 2060–AH45

Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Additional Update of Post-Rebuild Emission Levels in 1998

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule amends regulations governing EPA's Urban Bus Retrofit/Rebuild Program to provide for the revision of post-rebuild particulate levels based on equipment certified by July 1, 1998. This amendment allows equipment manufacturers additional time to certify equipment capable of influencing compliance under Option 2 (the fleet averaging option) of the program. This amendment provides assurance that the two compliance options of the program remain equivalent, and that urban buses utilize the best retrofit technology reasonably achievable as Congress required. In addition, the amendment provides assurance that urban areas realize the full PM benefits of this program.

DATES: This final rule is effective April 27, 1998.

ADDRESSES: Materials relevant to this amendment are contained in Public Docket No. A–91–28 at the address listed below. This docket is located in room M–1500, Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Dockets may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: William Rutledge, Engine Programs and

Compliance Division (6403–J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Telephone: (202) 564–9297.

SUPPLEMENTARY INFORMATION:

I. Regulated Entities

Entities potentially regulated by this amendment consist of the same entities currently regulated by the existing Retrofit/Rebuild Requirements of 40 CFR Part 85, Subpart O, and include urban transit operators in Metropolitan Statistical Areas (MSA's) and Consolidated Metropolitan Statistical Areas (CMSA's) with 1980 populations of 750,000 or more, and equipment manufacturers who voluntarily seek equipment certification pursuant to the program regulations. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Equipment manufacturers who voluntarily seek equipment certification pursuant to the program regulations.
Transit operators	Transit bus operators in Metropolitan Statistical Areas (MSA's) and Consolidated Metropolitan Statistical Areas (CMSA's) with 1980 populations of 750,000 or more, that operate 1993 and earlier model year urban buses.

This table is not meant to be exhaustive, but rather to provide a guide for readers regarding entities regulated by this final rule. This table lists the type of entities that EPA is aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility or company is regulated by this action, you should carefully examine the existing urban bus retrofit/rebuild regulations contained in 40 CFR Part 85, Subpart O, and the preamble to the final rule (58 FR 21359, April 21, 1993). If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Obtaining Electronic Copies of the Rulemaking Documents

In addition to being available at the location listed above at **ADDRESSES**, copies of the preamble and the regulatory text of this rulemaking are available electronically from two EPA internet Web locations. This service is free of charge, except for any cost you already incur for internet connectivity. An electronic version is made available on the day of publication on the primary Web location listed below. The EPA Office of Mobile Sources also publishes documents on the secondary Web location listed below.

Primary Web location: http://www.epa.gov/EPA–AIR/ (either select desired date or use Search feature).

Secondary Web location: http://www.epa.gov/OMSWWW/ (look in ''What's New'' or under the specific rulemaking topic).

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

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IV. Background

A. Legal Authority

Authority for the actions promulgated in this final rule is granted to EPA by Sections 202, 206, 207, 219, and 301 of the Clean Air Act as amended in 1990. This final rule was promulgated in accordance with Section 307(d) of the Clean Air Act.

B. General Program Background

Section 219(d) of the Clean Air Act as amended in 1990 requires EPA to promulgate regulations that require certain 1993 and earlier model year urban buses, having engines which are replaced or rebuilt after January 1, 1995, to comply with an emission standard or control technology reflecting the best retrofit technology and maintenance practices reasonably achievable. Section 219(d) restricts this requirement to 1993 and earlier model year urban buses operating in Metropolitan Statistical Areas and Consolidated Metropolitan Statistical Areas with 1980 populations of 750,000 or more.

On April 21, 1993, EPA published final Retrofit/Rebuild Regulations for 1993 and Earlier Model Year Urban Buses (58 FR 21359). The regulations require affected urban bus operators to comply with one of two program options, beginning January 1, 1995. Option 1 establishes particulate matter (PM) emissions requirements for each urban bus in an operator's fleet when the engine is rebuilt or replaced. Option 2 is a fleet averaging program that sets out specific annual target levels for average PM emissions from urban buses in an operator's fleet. The two compliance options are designed to yield equivalent emissions reductions for approximately the same cost.

Option 1 requires affected urban buses to meet a 0.10 g/bhp-hr PM standard at the time of engine rebuild or replacement, if equipment has been certified by EPA for at least six months as meeting the 0.10 g/bhp-hr standard for less than a life cycle cost limit of $7,940 (in 1992 dollars). (The regulation allows a six month lead time before requiring such equipment to allow transit operators to plan their budgeting and procurement activities, and to help ensure that an adequate supply of parts are available from equipment manufacturers.) If equipment is not certified as meeting the 0.10 g/bhp-hr standard for less than the life cycle cost limit, then affected buses must receive equipment which reduces PM emissions by 25 percent, if such equipment has been certified by EPA for at least six months as meeting the 25 percent reduction standard for less than a life cycle cost limit of $2,000 (in 1992 dollars). If no equipment is certified to meet either the 0.10 g/bhp-hr standard, or the 25 percent reduction standard, then affected bus engines must be rebuilt to the original engine configuration, or to an engine configuration certified to have a PM level lower than that of the original engine.

Option 2 is an averaging-based program that requires bus operators to meet an annual average fleet PM level, instead of requiring each individual rebuilt engine to meet a specific PM level. On an annual basis, an operator must reduce its ''actual'' PM emissions

from its buses to a level no greater than its annual target level for the fleet (TLF). The operator calculates the TLF for each year of the program, beginning calendar year 1996, based on actual fleet composition, an assumed engine rebuild and retirement schedule, and EPA's determination of expected PM levels for each engine model. As an engine in a fleet is assumed to be rebuilt in a particular calendar year, the TLF calculations ''switch'' from a ''pre-rebuild'' PM emission level to a lower ''post-rebuild'' level that reflects the assumed use of lower-emitting, certified equipment. Over the years of the program, as the engines in a fleet are assumed to be rebuilt, this ''switching'' results in numerically lower TLF values. As discussed further below, EPA established pre-rebuild levels in the final rule of April 21, 1993, and has established post-rebuild levels based on equipment certified for each engine model. The operator also calculates its ''actual'' fleet level attained (FLA) for each year of the program, which must not exceed its TLF. The FLA is a fleet weighted average PM level based on the ''actual'' PM level of each affected engine. The ''actual'' PM level of each engine is determined by the certification PM level of the equipment used to rebuild or retrofit the engine. If no retrofit equipment is installed on an engine, or if no retrofit equipment is certified for the engine, then the actual PM level is the pre-rebuild PM level.

In the final rule of April 21, 1993, EPA established pre-rebuild PM levels for all engine models, but could only estimate the post-rebuild PM levels because no equipment had been certified. EPA recognized that estimated PM levels may not accurately reflect future equipment certifications, therefore, the final rule contained provisions for EPA to revise the post-rebuild PM levels based on equipment that is actually certified by certain points in time. The final rule provides for review of retrofit/rebuild equipment and for revision of post-rebuild PM emission levels based on equipment certified by July 1, 1994, and again by July 1, 1996. In **Federal Register** documents of September 2, 1994 (59 FR 45626) and August 16, 1996 (61 FR 42764), EPA published post-rebuild PM levels based on equipment that was certified as of July 1, 1994, and July 1, 1996, respectively.

Certification activity under the retrofit program has lagged substantially behind the schedule anticipated by EPA when the final rule of April 21, 1993 was promulgated. No equipment was certified when EPA revised post-rebuild levels based on equipment certified by July 1, 1994. That revision is based on default provisions of the regulation (40 CFR 85.1403(c)(1)(iii)). The first certification for the program occurred on May 31, 1995 (60 FR 28402), almost a year after the post-rebuild levels were revised the first time. Several rebuild/retrofit kits were certified by July 1, 1996, but none were certified to the 0.10 g/bhp-hr PM standard. Therefore, the revision of the post-rebuild levels based on equipment certified by July 1, 1996 is based only on equipment certified to reduce PM by 25 percent, or on no equipment (for those engine models for which no equipment was certified as meeting emissions and cost requirements).

EPA's assumption that certification activity would begin early was incorrect, and more importantly, EPA's assumption that certification activity would be complete by mid-1996 was incorrect. For example, EPA recently certified equipment manufactured by Engelhard Corporation (see 62 FR 12166; March 14, 1997) that triggers the 0.10 g/bhp-hr standard for 1979 through 1989 model year Detroit Diesel Corporation (DDC) 6V92TA MUI engines. Additionally, Johnson Matthey Incorporated has submitted an application to certify equipment to the same standard and applicable to these, and other, DDC engines (see 62 FR 4528; January 30, 1997). As discussed below, EPA is also aware of other plans for certifying equipment to the 0.10 g/bhp-hr standard for several more engine models. For these reasons, EPA expects equipment to be certified that will trigger the 0.10 g/bhp-hr standard for a large segment of the affected engine population.

C. Potential Inequality Between Compliance Options

As noted above, the post-rebuild levels based on equipment certified by July 1, 1996, are based only on equipment certified to reduce PM by 25 percent, or on no equipment in some cases. Absent today's amendment, transit operators complying with Option 2 would determine their TLFs based only on equipment reflective of those post-rebuild levels. On the other hand, transit operators choosing to comply with Option 1 are required to use equipment certified to the 0.10 g/bhp-hr standard, when this standard is triggered. For example, under Option 1 the above-mentioned Engelhard certification (62 FR 12166; March 14, 1997) means that equipment certified to the 0.10 g/bhp-hr standard must be used when applicable urban bus engines are rebuilt or replaced six months or more after the effective date of the certification (that is, on rebuilds or replacements performed after September 14, 1997). Without today's amendment, this and other such equipment certified to the 0.10 g/bhp-hr standard would result in Option 2 producing less emission reductions than Option 1, and Option 1 becoming more costly than Option 2.

Given the current level of certification activity and continued interest from equipment manufacturers, certification of additional 0.10 g/bhp-hr technology is likely. Without today's amendment to the program regulations, transit operators, the majority of whom EPA currently believes are complying with Option 1, would have significant incentive to switch to Option 2. As a result, PM reductions would be significantly reduced in those cities where transit operators switch to Option 2. Furthermore, such a loophole is in direct conflict with the Clean Air Act language that urban buses use the best retrofit technology reasonably achievable.

To ensure equivalent compliance options, a notice of proposed rulemaking (NPRM) was published on November 12, 1996 (61 FR 58022) to maintain the continued link between the requirements of Option 2 and Option 1. That notice proposed amending the program regulations to provide for EPA's review of equipment certified by July 1, 1997, and revision of the post-rebuild levels as necessary. The notice requested comments on several aspects of the proposal, including the effect on the Urban Bus Retrofit/Rebuild Program, transit operators, equipment manufacturers, and the timing of a third revision.

Today's action amends the program regulations to provide for EPA to review equipment certified by July 1, 1998, and to revise the post-rebuild levels for Option 2 TLF calculations, as appropriate. EPA is using July 1, 1998 as the appropriate cut-off instead of the proposed date of July 1, 1997 because, based on comments from an equipment certifier (Johnson Matthey, Incorporated, in comments dated December 9, 1996), EPA expects equipment to be certified at a level of 0.10 g/bhp-hr for additional engine models by mid-1998. These additional engine models comprise a significant portion of the affected fleet. EPA thus believes that providing one more year for review of certified equipment will allow Option 1 and Option 2 to remain equivalent compliance options.

V. Requirements of Today's Amendment to the Urban Bus Retrofit/Rebuild Regulations

As discussed below, today's action amends 40 CFR 85.1403(c)(1) to allow the Agency to include equipment certified by July 1, 1998 to the 0.10 g/bhp-hr standard for less than the life cycle cost ceiling of $7,940 (1992 dollars) in the Option 2 fleet average program for the purpose of setting post-rebuild levels. Thereafter, the Agency will publish in the **Federal Register** the post-rebuild emissions levels that will be required to be used under Option 2 for calculating the target levels for the fleet (TLF). Post-rebuild levels revised as a result of this amendment may be more stringent for calculating TLFs than the post-rebuild levels published on August 16, 1996 (61 FR 42764).

EPA will base the final revision of post-rebuild PM levels on equipment certified by July 1, 1998. This date provides six months lead time prior to January 1, 1999, when the rebuild schedule in section 85.1403(c)(1) will begin to take into account the revisions in post-rebuild levels resulting from any new certifications. Only the TLFs for year 2000 and later are affected by today's amendment.

Also discussed below is a minor correction to the post-rebuild levels used in the TLF calculations for certain model years.

A. Equipment Certification

Today's amendment does not limit the ability of equipment manufacturers to certify equipment. Equipment manufacturers can still certify equipment after July 1, 1998. However, EPA will not consider equipment certified after July 1, 1998 in determining the appropriate post-rebuild levels under Option 2. No additional revisions of post-rebuild levels under Option 2 will occur beyond July 1998 because such revisions would not be expected to impact a significant number of rebuilds under this program.

B. TLF Calculations; Use of Pre- and Post-Rebuild PM Levels

The final rule of April 21, 1993, describes modeling used to calculate, on an annual basis, the target level for a fleet using Option 2. The target level for a fleet (TLF) establishes the maximum average emissions from a fleet, and as such is a compliance standard for a fleet, but it does not establish requirements on any specific bus engine. In general, the model is based on an ''adjusted'' rebuild schedule that predicts (i.e., ''assumes'') when each model year engine in a fleet will be rebuilt. The model assumes that certified equipment is applied at the time of an assumed rebuild occurring after program start (January 1, 1995). (Each bus engine is assumed to receive several rebuilds during its lifetime.) When an engine is assumed to be rebuilt in a particular calendar year, the TLF calculations for subsequent calendar years ''switch'' from one PM emission level to a lower ''post-rebuild'' level that reflects the assumed use of lower-emitting, certified equipment. This switch results in numerically lower TLF values over the years of the program.

For the TLF calculations, engines in original configurations are assumed to emit at pre-rebuild PM emissions levels. After an assumed rebuild, engines are assumed to emit at post-rebuild levels reflecting use of equipment certified to one of two emissions standards (depending on what equipment is certified): a reduction in PM of at least 25 percent, or a more stringent 0.10 g/bhp-hr standard. Numerical values for the pre-rebuild PM levels are established in the final rule of April 21, 1993 (58 FR 21359). The post-rebuild levels have been established in **Federal Register** documents of September 2, 1994 (59 FR 45626) based on equipment certified by July 1, 1994, and August 16, 1996 (61 FR 42764) based on equipment certified by July 1, 1996. Pursuant to today's amendment, revised post-rebuild levels based on equipment certified by July 1, 1998, may affect TLFs for year 2000 and beyond, depending on a particular fleet's composition.

Crucial to TLF model is the adjusted rebuild schedule, which is described in the final rule of April 21, 1993, and found as a table in the regulations at 40 CFR 85.1403(c)(1)(iv). The adjusted schedule predicts when each model year engine is assumed to be rebuilt. This schedule is shown below pictorially as Figure 1. For purposes of calculating the TLF for each year of the program, the date at which the emission level for a model year engine switches from one PM level to another is January 1st of the year following a rebuild assumed to occur subsequent to program start (January 1, 1995). Today's amendment does not change either the adjusted rebuild schedule or the year of a switch from one PM level to another.

Today's amendment also includes a minor correction regarding the post-rebuild levels used for several year's TLF calculations. This correction to the regulation will prevent overly stringent TLF values for calendar years 1998, 1999, and 2000 (TLF_{98}, TLF_{99}, and TLF_{2000}, respectively) for operators of fleets having 1984 and/or 1985 model year buses, that otherwise might result from application of the original regulation promulgated on April 21, 1993. The original regulation incorrectly assigns post-rebuild levels, based on equipment certified by July 1996, to these two model year engines for the TLF calculations for calendar years 1998, 1999, and 2000. This assignment is not correct because it is not consistent with the adjusted rebuild schedule, which predicts that the 1984 and 1985 model year engines are rebuilt for the last time in 1995 and 1996, respectively. It therefore is not reasonable that the TLF calculations (for these three calendar years) reflect post-rebuild levels established after the last rebuilds of engines are assumed to occur. (Post-rebuild levels were lowered for many engine models based on equipment certified by July 1996.) Today's action corrects the regulation at § 85.1403(c)(1) so that the TLF calculations for these three calendar years use post-rebuild levels based on equipment certified by July 1, 1994, until any 1984 and 1985 model year engines in a fleet is assumed to be retired (see Figure 1).

In general, for TLF calculations, the post-rebuild level used for a particular engine in a fleet is the post-rebuild level effective at the time the engine is assumed to be rebuilt, according to the adjusted rebuild schedule. For the years subsequent to the assumed rebuild, the post-rebuild level remains unchanged until the next rebuild is predicted, at which point the same or a different post-rebuild level may be effective, depending on whether it has been revised. The TLF calculation for a given calendar year is based on engines no older than 15 years of age. (As noted previously, Option 2, as an averaging program, places no specific requirements on individual engines. As a result, the actual date that an engine is rebuilt is not relevant to TLF calculations.)

Additionally, due to today's amendment and for reasons analogous to those described in the preceding paragraphs, it is necessary to clarify what post-rebuild levels are used for calendar year 2000 and later. For fleets having any 1986, 1987, and 1988 model year engines, the TLF calculations must use the post-rebuild levels based on equipment certified by July 1, 1996, until the engines are assumed to be retired (see Figure 1). This is consistent with the adjusted rebuild schedule, which assumes 1986 model year engines are rebuilt for the last time in calendar year 1997 and, 1987 and 1988 model year engines are both assumed to be rebuilt for the last time in 1998. These model year engines cannot reasonably

be expected to be equipped subsequent to their last presumed rebuild, with equipment certified by July 1, 1998. Therefore, the TLF for year 2000 and later must be performed using post-rebuild levels that are in effect for these three model year engines during the year that the last rebuild is performed.

As a result, in accordance with the adjusted rebuild schedule, only engines of model year 1989 through 1993 are assumed to have rebuilds in 1999 or later. Engines assumed to be rebuilt in 1999 are the first that could employ applicable equipment certified by July 1, 1998. Therefore, only 1989 through 1993 model year engines may have revised post-rebuild PM levels based on equipment certified by July 1, 1998. The post-rebuild PM levels for only these engines may be more stringent (based on equipment certified by July 1, 1998) for calculating the TLFs for year 2000 and thereafter.

For purposes of calculating the TLF for each year of the program, section 85.1403(c)(1)(iv) of the regulation states when to use pre- or post-rebuild PM levels. Today's rule revises the chart at 40 CFR 85.1403(c)(1)(iv) to clarify which emissions levels are used for calculating the TLF for each year of the program (that is, whether to use the pre-rebuild PM level, or the post-rebuild level based on equipment certified by July 1, 1994; July 1, 1996; or July 1, 1998).

Figure 2 below is developed from Figure 1 and indicates what PM emissions level is used, for each model year engine in a fleet, to calculate the TLF for a given calendar year. Figure 2 is a pictorial representation of the chart at 40 CFR 85.1403(c)(1)(iv), and as such, indicates which emissions level to use—that is, whether to use the pre- rebuild level; or the post-rebuild level based on equipment certified by July 1, 1994; July 1, 1996; or July 1, 1998. For the purpose of calculating TLFs, the date at which the emissions level for each model year engine switches from one PM level to another is January 1st of the year following a rebuild assumed to occur (as shown in Figure 1) subsequent to program start (January 1, 1995). For example, for TLF_{2000}, only 1985 and later model year engines in a fleet are considered, all of which are assumed to be operating at an appropriate post-rebuild level. For TLF_{2000}, operators must use the post-rebuild levels based on equipment certified by July 1, 1994 (59 FR 45626, September 2, 1994) for any 1985 model year engines, the post-rebuild levels based on equipment certified by July 1, 1996 (61 FR 42764, August 16, 1996) for any 1986 through 1988, and 1991 through 1993 model year engines, and the post-rebuild levels based on equipment certified by July 1, 1998, for any 1989 and 1990 model year engines in their fleets.

As many followers of the Urban Bus Retrofit/Rebuild Program are aware, the Agency developed a computer spreadsheet (also known as ''URBAN7.WK1'') to assist operators by calculating TLFs and FLAs. With today's action, it becomes apparent for a couple reasons, that operators using URBAN7 may need to determine TLFs separately for several distinct time periods. First, and obvious, some TLFs cannot be determined until post-rebuild levels, based on equipment certified by July 1, 1998, are known. Second, due to limitations in spreadsheet design, URBAN7 accommodates only two PM emissions levels for each model year engine—a pre- rebuild level and one post-rebuild level. URBAN7 does not have provisions for the engine model years that have more than one post-rebuild level. (Some engines experience two assumed rebuilds during the program, each of which may have associated with it a different post-rebuild level.)

For such situations, the user must re-enter the post-rebuild levels for such engines, and ''re-run'' URBAN7 to determine the TLFs for the appropriate time period(s). It may be necessary to determine TLFs separately for several distinct periods, depending on fleet composition and post-rebuild levels based on equipment certified by July 1, 1998. Presently, given that post-rebuild levels have been established at two points in time (based on equipment certified by July 1, 1994, and July 1, 1996), URBAN7 can calculate the TLFs for calendar years 1996 through 1999. Once the post-rebuild levels based on equipment certified by July 1, 1998 are known, the TLFs for all periods can be calculated, although possibly not in one ''run''. The Agency will revise the instructions for URBAN7, but does not expect to revise the URBAN7 spreadsheet. Revised instructions will be made available upon request to the person listed above under **FOR FURTHER INFORMATION CONTACT.**

Irrespective of today's amendment, it is worthwhile to remind fleet operators that it becomes increasingly difficult to keep buses older than 15 years in their fleets, because the TLF for a particular calendar year is calculated without consideration of buses that are past 15 years of age. As a result, the TLF for a fleet becomes numerically zero (0.00) when the youngest pre-1994 model year engine is more than 15 years old. On the other hand, operators are able to retain bus engines older than 15 years that have been retrofit with equipment certified to the 0.10 g/bhp-hr standard or, that were originally certified to a 0.10 g/bhp-hr standard, because emissions from these buses are not included in the FLA.

FIGURE 1.—ADJUSTED REBUILD SCHEDULE

Engine model year	Calendar year															
	1993	1994	1995*	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1993						R1			R2			R3				RETIRE
1992						R1					R3				RETIRE	
1991					R1					R3				RETIRE		
1990		R1					R2			R3			RETIRE			
1989		R1					R3					RETIRE				
1988	R1					R3					RETIRE					
1987			R2			R3				RETIRE						
1986		R2			R3				RETIRE							
1985	R2			R3				RETIRE								
1984			R3				RETIRE									
1983		R3				RETIRE										
1982	R3				RETIRE											
1981				RETIRE												
1980			RETIRE													
1979		RETIRE														

*January 1, 1995 is the start of the program.
R1, R2, R3 = First, second, and third engine rebuild, respectively.

FIGURE 2.—PM EMISSIONS LEVELS FOR TLF CALCULATIONS

Engine model year	"TLF-Year"															
	1993	1994	1995*	1996**	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1993				pre	pre	pre	post [2]	post [2]	post [2]	post [3]	post [3]	post [3]	post [3]	post [3]	post [3]	post [3]
1992				pre	pre	pre	post [2]	post [2]	post [2]	post [2]	post [2]	post [3]	post [3]	post [3]	post [3]	
1991				pre	pre	post [2]	post [2]	post [2]	post [2]	post [2]	post [3]	post [3]	post [3]	post [3]		
1990				pre	pre	pre	pre	post [3]	post [3]	post [3]	post [3]	post [3]	post [3]			
1989				pre	pre	pre	pre	post [3]	post [3]	post [3]	post [3]	post [3]				
1988				pre	pre	pre	post [2]	post [2]	post [2]	post [2]	post [2]					
1987				post [1]	post [1]	post [1]	post [2]	post [2]	post [2]	post [2]						
1986				pre	pre	post [2]	post [2]	post [2]	post [2]							
1985				pre	post [1]	post [1]	post [1]	post [1]								
1984				post [1]	post [1]	post [1]	post [1]									
1983				pre	pre	pre										
1982				pre	pre											
1981				pre												
1980.																
1979.																

*January 1, 1995 is the start of the program.
**First "TLF-Year" of the program.
"pre" Pre-rebuild levels established in the final rule of April 21, 1993, pursuant to (c)(1)(iii)(A).
[1] Post-rebuild level established pursuant to (c)(1)(iii)(B), that is, based on equipment certified by July 1, 1994.
[2] Post-rebuild level established pursuant to (c)(1)(iii)(C), that is, based on equipment certified by July 1, 1996.
[3] Post-rebuild level established pursuant to (c)(1)(iii)(D), that is, based on equipment certified by July 1, 1998.

VI. Public Participation

A. Public Hearing

The NPRM of November 12, 1996, stated that EPA would hold a public hearing on the proposal on December 6, 1996 if any requests to testify were received by November 22, 1996. EPA received no requests.

B. Public Comment and Agency Response

In the NPRM of November 12, 1996, EPA solicited written comments on the proposed amendment and its effect on the Urban Bus Retrofit/Rebuild Program, transit operators and equipment manufacturers. In particular, EPA asked for comments on the need to add a third revision of post-rebuild PM levels, the timing of a third revision, the consistency of the amendment with the original regulations, the need to address the potential compliance loophole that may exist, how to ensure the same compliance loophole issue addressed by the amendment does not happen again, and any other aspects of the amendment.

EPA received comments on the NPRM from six parties, consisting of the Manufacturers of Emission Controls Association (MECA), New York State Department of Environmental Conservation (NYSDEC), and four equipment certifiers. The four certifiers are Detroit Diesel Corporation, Twin Rivers Technologies, Engelhard Corporation, and Johnson Matthey, Incorporated. All comments are available in the public docket at the above address. No comments were received from transit operators.

Four commenters support the proposal of November 1996 to amend the regulations: NYSDEC, MECA, Engelhard and Johnson Matthey. NYSDEC states that it is aware of upcoming changes to the National Ambient Air Quality Standard for particulate matter, and that today's amendment will help New York State in its efforts to maintain compliance with those air quality standards. MECA notes that the pace of certification activity under the program has not occurred within the time frame envisioned by EPA when it originally finalized the rule, that the proposed change is needed to ensure that the two compliance programs remain equivalent, and that the change is consistent with the intent of Congress.

Two equipment certifiers support the amendment. Engelhard believes that future revision to post-rebuild PM levels are necessary to maintain equivalence between the two program compliance options. Engelhard states that there is growing public concern about the health effects of diesel particulates, and applauds EPA's efforts in trying to ensure that the Urban Bus Program provides the maximum benefit and is equally applicable to all municipalities. Engelhard fully supports revisions to the post-rebuild PM levels that will ensure that the best available control technology is an option for urban transits operating under either compliance option.

JMI supports EPA's proposal to allow additional time for manufacturers to certify equipment that would influence compliance under Option 2, in order to eliminate the unintended, current disparity between Option 1 and Option 2. JMI also notes its submittal to EPA of an application to certify equipment (see 62 FR 4528; January 30, 1997) applicable to two engine models that complies with the 0.10 g/bhp-hr standard. JMI also states that additional testing is being conducted on other engine models, expected to be completed in 1997, and requests that EPA extend the program deadline for equipment certification to January 1, 1998, to allow for the broadest range of engine models to be included.

EPA expects equipment to be certified that will trigger the 0.10 g/bhp-hr standard for a large segment of the affected engine population. For example, EPA recently certified equipment manufactured by Engelhard (62 FR 12166; March 14, 1997) that triggers the 0.10 g/bhp-hr standard for 1979 through 1989 model year DDC 6V92TA MUI engines. Also, the above-noted comments received from JMI indicate its intent to certify equipment to this standard for these and additional DDC engines. Moreover, EPA is aware, through its review of confidential test plans, of two other equipment manufacturers intending to certify equipment to the 0.10 g/bhp-hr standard for these and other engine models. EPA discussed non-confidential information regarding the equipment of these two manufacturers (Turbodyne Systems Incorporated and A–55 Limited Partnership) during an EPA presentation at an American Public Transit Association Conference in Anaheim, California, on October 10, 1996. (An overview of the EPA presentation, dated October 10, 1996, is located in the public docket). Certification of these equipment cannot occur prior to July 1, 1997. As a result, EPA believes it appropriate to revise post-rebuild levels on equipment certified by July 1, 1998 instead of the July 1, 1997 date

proposed in the November 12, 1996 notice. The July 1998 date will permit a significant portion of the affected engine population to be covered and lessen the likelihood that an inequality will occur again in the future. In addition, use of July 1, 1998 as suggested by JMI, rather than January 1, 1998, allows bus operators to continue to calculate averages using full years, while remaining consistent with the six month lead time that has been used for the urban bus program.

Prospective equipment certifiers and transit operators should note that the ''cut-off'' date (July 1, 1998) does not preclude subsequent equipment certifications. Additionally, the cut-off date does not prevent any operator from using any equipment certified under the Urban Bus Program, to the extent the operator is otherwise in compliance with program requirements.

Detroit Diesel Corporation (DDC) and Twin Rivers Technologies, L.P. (TRT), provided comments in opposition to today's amendment. DDC comments that the amendment will retroactively and unfairly deny transit operators the compliance flexibility originally provided under the program. Specifically, DDC argues that some operators may have adopted an initial strategy of complying with both options until the post-rebuild PM levels were established based on equipment certified by July 1, 1996. Operators then may have taken irrevocable actions to pursue only Option 2 because of lower compliance costs due to TLFs assumed to be known and fixed. DDC states that an amendment would disadvantage these operators in three ways. First, rebuild costs would be increased if new, more costly equipment is certified. Second, operators would be unable to avoid unknown durability, reliability and operational issues that are likely to occur if equipment is certified without adequate field experience. Third, having relied on the existing rule, an operator's commitment to one option would now result in sacrificing the flexibility to continue compliance under the other option. DDC contends that all of this unfairly penalizes such operators.

With regard to the first concern, EPA agrees that rebuild costs for compliance will be increased if, or when, new equipment is certified, but this is entirely consistent with the original rule. It is an unmistakable expectation clearly spelled out in the final rule of April 21, 1993 that equipment triggering the 0.10 g/bhp-hr standard can be more expensive than equipment designed to reduce PM by 25 percent. For reasons explained in the 1993 final rule, EPA believed, and believes, that such extra costs are appropriate given the extra emissions reductions produced and given the requirements of the statute. The 1993 final rule contemplated that technologies for at least some engines would be certified to meet the 0.10 g/bhp-hr standard. Moreover, today's amendment merely helps assure that compliance Options 1 and 2 are equivalent. Today's amendment will result in no cost increase with respect to the cost evaluation of the original rule. Bus operators complying with Option 2 will still enjoy additional flexibility, because requirements of the option are not engine-specific.

DDC's second contention, that operators will be unable to avoid unknown durability, reliability and operational issues that are likely to occur if equipment is certified without adequate field experience, is not specifically related to either Option 1 or 2, or to this amendment. Generally speaking, these issues may be important for any equipment, and EPA continues to encourage equipment manufacturers, transit operators, and others, to address such concerns during the equipment certification process to assure that they are addressed. Durability, reliability, and operational issues can apply regardless of the standard to which equipment is designed. To the extent that such concerns arise after certification, the program regulations provide remedy in two ways. First, liability for durability of equipment is provided by the emissions warranties required to be provided by certifiers in accordance with 40 CFR 85.1409. Additionally, pursuant to 40 CFR 85.1413, EPA has authority to decertify equipment that fails to comply with 40 CFR 85.1405 through 85.1414.

The final contention noted by DDC, that operators having relied on the final rule and committing to one of the options may have sacrificed the flexibility to continue compliance under the other option, appears speculative. The **Federal Register** notice of August 16, 1996 (61 FR 42764) clearly provides notice that EPA was aware of potential inequality between the options and was considering appropriate action to ensure program integrity. In fact, the notice mentions the possibility of a rulemaking to add a third post-rebuild PM level revision (Id. at 42766).

Moreover, no transit operators have commented adversely to the NPRM, or claimed to have lost flexibility retroactively as a result of today's amendment. The final rule of April 21, 1993, states that an operator may switch between compliance options if it is in compliance with all requirements of the newly chosen option at all times since the beginning of the program. Today's amendment does not change this flexibility.

Twin Rivers Technologies, L.P. (TRT) states that the amendment is ill-advised and improper for several reasons. The following discussion presents each of these issues, and responds to each in turn. First, TRT indicates that the amendment will create a moving compliance target, and that the potential that no technology would be certified at 0.10 g/bhp-hr was ''* * * a scenario completely envisioned by the rule's authors'' and that ''Program 1 and 2 disparity * * * is the very fabric of the program * * *''.

EPA agrees that today's amendment will create a compliance target that is more variable than expected by the authors of the 1993 final rule. However, the amendment does not present operators using Option 2 with more rigorous compliance requirements, in the aggregate, than those presented to operators using Option 1. The two options were expected in the 1993 rule to provide equivalent emissions reductions. Today's amendment is fully consistent with that original intent, and follows the original expectation that Option 2 levels would be based on equipment certified to the emissions reduction and life cycle cost requirements of Option 1.

EPA never intended ''flexibility'' to include switching between two grossly unequal compliance options. Any contention that environmental disparity between the compliance options was envisioned by the final rule, or is the fabric of the program, is inaccurate. To the contrary, the very fabric of the urban bus program is that the two options provide equivalent emissions reductions, and today's amendment is intended to assure this. As stated in the preambles to both the original final rule (58 FR 21359; April 21, 1993) and the proposal preceding it (57 FR 33141; July 27, 1992), EPA bases its legal authority to develop an averaging program on meeting the statutory standard-setting test of reflecting ''* * * the best retrofit technology and maintenance practices reasonably achievable'' (section 219(d) of the Clean Air Act). In the absence of today's amendment, no clear authority for the averaging option exists. Therefore, today's amendment is consistent with the constraint that the fleet averaging option be equivalent, in terms of emission reductions, to the engine-specific option, and is completely appropriate given EPA's responsibilities under section 219(d) of the Clean Air Act.

Regarding the concern that the amendment raises serious issues among

transit operators, EPA does not believe this to be an accurate assessment. EPA notes that no transit operators commented on the amendment.

The second reason put forth by TRT is that the amendment is unfair because it deprives the soundly managed transit the benefit of selection of compliance option after completing the dual compliance necessary to exercise that right. Additionally, TRT states that the amendment ''* * * is an egregious example of * * * ex post facto regulation'', and is improper because it is inconsistent with regulatory law that require rules to be made on a prospective basis. TRT also notes the matter of fairness to equipment certifiers that have planned manufacturing and marketing around the regulation.

EPA recognizes that some transit operators may have maintained compliance with both options with intentions of making a selection based on equipment certified by July 1, 1996. The August 16, 1996 **Federal Register** notice revised post-rebuild PM levels, based on equipment certified by July 1, 1996, and also provided notice of the potential inequality between the compliance options and that EPA was considering appropriate action to ensure program integrity. Today's amendment ensures program integrity, but does not change the flexibility of the original rule. Operators, otherwise in compliance with both options, are not prevented from selecting to comply with only one of the options.

EPA disagrees with the claim that today's amendment constitutes ''ex post facto'' regulation or is improper, because the changes of the amendment solely effect the requirements of transit operators using Option 2 for TLFs calculated after 1999. No violations of the amendments promulgated today can occur prior to the year 2000. Nor would any of the requirements for rebuilds scheduled to be performed prior to 1999 be made more stringent because of these amendments. Moreover, the comment misapprehends EPA's responsibilities under the Act. EPA is permitted to amend its regulations in order to account for new developments. Moreover, such amendments are completely appropriate where, as here, failure to do so would lead to regulations that no longer meet the technology requirements of the statute. Today's amendments are fully consistent with the legislative requirement to use the ''* * * best retrofit technology * * * reasonably achievable'', and the original program design. The design of the original program accomplishes the legislative requirement by providing for equivalent emissions reductions from Option 1 and 2. Today's amendment assures that emissions reductions from the two options remain equivalent.

With regard to the matter of fairness to transit operators, EPA believes that selection between two compliance options that are not equivalent is not the proper test of ''fairness''. As discussed above, the intent of the original regulation is equivalent emissions reduction from both Option 1 and Option 2. The test for fairness, therefore, is relevant to switching between compliance options that are otherwise equivalent. Indeed, ''fairness'' would not exist in the absence of today's amendment to the program regulations, because the two compliance options would be clearly and significantly unequal in terms of emissions reductions and costs to operators.

With regard to the matter of fairness to equipment certifiers, the regulation is clear that one level of technology (that is, equipment certified to reduce PM by at least 25 percent) is meant to be superseded by a more effective technology (equipment certified to the 0.10 g/bhp-hr standard), if such technology is certified. Though equipment certifiers and transit operators may have different expectations of final fleet requirements based on this rule, such parties were always subject to possible changes in fleet requirements based on certification of 0.10 g/bhp-hr technology. That certification of such technology will be recognized in Option 2 two years later than originally expected is not a fundamental change in the possible outcomes regarding technology and fleet requirements that were always inherent in the retrofit/rebuild program. Finally, as discussed above, this amendment will only affect post-rebuild expected levels for bus engines manufactured in at most five model years. Moreover, more stringent post-rebuild levels for three of these model years (1991 through 1993) would not go into place until, at the earliest, TLF_{2002}.

Third, TRT notes EPA's assessments in the preamble to the original rulemaking that limiting the number of revisions of the post-rebuild levels is important to provide stability in the averaging program, and that having more than two revisions could lead to a ''moving target'' for operators. TRT expresses concern for continued revisions to post-rebuild levels in the future.

EPA recognizes the concern related to the ''moving target'' nature of several revisions. However, a revision based on equipment certified by July 1, 1998, will be only the second revision of substance, because no equipment was certified for the ''first'' revision. This ''second'' revision is necessary to maintain Option 2 equivalent to Option 1. EPA expects that the 0.10 g/bhp-hr standard will be triggered for a significant portion of the affected fleet by July 1, 1998. Therefore, there is not expected to be further need to revise post-rebuild levels subsequent to July 1, 1998.

Fourth, TRT indicates that there is no disparity in emissions reductions between the two options, and expresses the following several contentions in support of this point. Each is accompanied by EPA's response.

In support, TRT first suggests that if the post-rebuild level for only the 1979 through 1987 6V92TA engines are reduced from 0.30 to 0.10 g/bhp-hr, then TLFs for fleets with buses later than model year 1987 could increase after the year 2002, which could increase PM emissions. This suggestion is not persuasive for several reasons. First, it presumes that no technology will be certified for engines manufactured from 1988 through 1993, which is by no means certain. Second, if in fact technology is not certified for later engines, then this regulatory amendment will have little effect because, as explained above, Option 2 post-rebuild levels for engines manufactured prior to 1989 will not be affected by this amendment. Finally, TRT does not explain how lowering the target post-rebuild level (TLF) for even a subset of a fleet can ever increase actual emission levels (that is, the FLA) for the fleet, compared with the actual levels that would result from the fleet having to meet a less stringent target level. Reluctance to retire engines seems irrelevant to the target level calculation, because the emissions from any higher emitting engine, even one that is greater than fifteen years old, must be counted as part of a fleet's actual emissions, which will always create an incentive to retire more polluting buses, whether they are older or newer.

Also in support, TRT notes that only fleets that have maintained simultaneous Option 1 and Option 2 compliance can currently choose to comply with either Option 1 or 2 in the future. TRT believes that many fleets have most likely lost their ability to claim Option 2 compliance. (Therefore, few fleets are currently using Option 2.) EPA does not know the number of fleets complying with either or both options, and TRT provides no data or information in support of its statements. However, as stated above, EPA believes that today's amendment is necessary to assure equivalent reductions from both

options and to maintain legal authority for the averaging option. Moreover, given the minimal requirements of Option 2 following the September 2, 1994 update, the notice in the August 16, 1996 update, and the short period between the August 16 update and the NPRM, it is unlikely that many operators would have lost this opportunity prior to the publication of the NPRM.

Also in support, TRT states that EPA misunderstands both the lack of action taken by Option 1 fleets to reduce emissions, and the many actions required by Option 2 fleets. TRT states that Option 2 actually provides no flexibility toward meeting the TLF. The TLF is never approached in a fleet using only Option 1 (regardless of the post-rebuild levels), because such fleets will rebuild less frequently, and might eliminate rebuilding, given the increased cost of complying with the 0.10 g/bhp-hr standard. TRT suggests that the retrofit/rebuild program is responsible for fleets reducing their engine rebuilds from once every seven years to less than half that rate. On the other hand, TRT claims that Option 2, by virtue of the calculations that determine TLFs based on specific assumed rebuild schedules, and retirement of engines at 15 years of age, will provide an ever increasing annual reduction in PM emissions. Option 2 reductions are not subject to the actual rebuild strategy of a fleet, but to the requirements of calculations that force a continual decrease in TLF with time. In summary, TRT claims that a compliant operator using Option 2 will generate greater emissions reduction than under Option 1. An operator using only Option 1 could conceivably create zero emissions reductions, regardless of the equipment certified.

EPA believes that TRT's perception of compliance under the two options is somewhat, but not entirely, accurate. Further, TRT provides no information to substantiate the statements regarding rebuild frequency. No fleet operators commented.

As discussed in the April 21, 1993 rulemaking, EPA understands that operators may eliminate some engine rebuilds, and move others forward or back in time in order to minimize costs associated with the cost of compliance with the urban bus program. The assumed rebuild schedule, a key factor of the calculations used by Option 2 operators, is ''adjusted'' to reflect the expectation that rebuild schedules may be changed. While EPA has only recently begun to audit fleet operators for compliance with program requirements, we have no information that fleet operators are not performing rebuilds.

Option 2 is designed to yield fleet-wide equivalent emissions reductions with Option 1 based on three factors: an adjusted engine rebuild schedule, the availability of certified technology, and an assumed retirement schedule. EPA estimated the impact of certified equipment technology (and incident costs) on the rebuild schedule of each particular model year of engine. The rebuild presumptions include elimination of some rebuilds for some model year engines, and moving other rebuilds, either forward in time or back, to postpone or avoid costs related to applying certified retrofit/rebuild equipment. Under either compliance option, engines can be kept in a fleet as long as desired. Under Option 1, if an engine is not retired, then rebuild or replacement cannot be postponed indefinitely. When rebuild or replacement occurs, compliance with the correct PM standard is required (which may include the 0.10 g/bhp-hr standard), regardless of when the standard has been triggered. For Option 2, the TLF calculation for a particular calendar year is based on engines 15 years of age and less. Therefore, the TLF for a fleet becomes numerically zero (0.00) when the youngest pre-1994 model year engine in the fleet is more than 15 years of age. Option 2 encourages, but does not require, retirement of engines at 15 years of age and greater. Engines that are older than 15 years and meet a 0.10 g/bhp-hr standard, do not influence the calculations for either the target level of the fleet (TLF) or the fleet level attained (FLA). In summary, EPA believes that the two compliance options will produce equivalent emissions reductions.

TRT's final comment is that, if EPA determines to provide additional time to certify equipment affecting Option 2, then the extension should be longer than January 1, 1998, based on TRT's appraisal of the amount of time necessary for certification.

This comment is consistent with a similar comment from JMI, and EPA agrees. With today's amendment, EPA will review equipment certified by July 1, 1998, and revise post-rebuild PM levels if necessary. A ''July'' date provides an operator using Option 2 with approximately 6 months to plan a rebuild strategy to be taken for the subsequent year.

VII. Environmental Impact

The environmental impacts expected to result from the retrofit/rebuild program are outlined in the final Regulatory Support Document (RSD) for the final rule of April 21, 1993 and can be found in public docket A–91–28 (see **ADDRESSES** section above). Today's amendment does not result in any additional emissions reductions beyond those outlined in the RSD. However, today's amendment will help ensure that these expected reductions are actually achieved by closing an unintended compliance loophole. If transit operators were allowed to take advantage of the loophole in the 1993 final rule, then PM reductions will not be achieved at the level EPA originally anticipated. In addition, to the extent that transit operators can avoid installing low-emitting technology on buses, such buses will not reflect the ''best retrofit technology * * * reasonably achievable'' as Congress required.

VIII. Economic Impact

Today's finalized amendment is expected to have no additional economic impact compared to the economic impact described in original regulations finalized on April 21, 1993. While failure to take today's final action could result in reduced costs for those transit operators that could take advantage of the loophole, no additional costs unaccounted for in the original regulations would be imposed on any transit operators as a result of today's action. In conjunction with the final rule of April 21, 1993, the costs associated with the program have previously been determined to be reasonable and the program to be cost-effective.

IX. Administrative Requirements

A. Reporting and Recordkeeping Requirements

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, EPA must obtain OMB clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents.

Subsequent to the final rule of April 21, 1993, EPA received OMB approval of the Information Collection Request (ICR) document having EPA ICR number 1702.01 and OMB ICR number 2060–0302. It is approved for use through July 31, 1997. That ICR document estimates the public reporting, record keeping, and testing burden for collecting information necessary to implement and oversee the Urban Bus Retrofit/Rebuild Program. The public burden is estimated to be a total of 7,214 hours, and includes estimates of time required of equipment manufacturers and transit operators. Equipment manufacturers are

required to establish and retain for a period of five years after equipment certification, information regarding the manufacturing and testing of retrofit equipment. This includes such information as production drawings, testing results and analysis, a description of quality control plans, and in-service data or analyses. Transit operators are required to maintain records concerning activities associated with retrofitting and rebuilding urban buses, such as reviewing program regulations, purchasing retrofit/rebuild equipment, engine rebuilds and replacement, and maintaining evidence showing compliance with the retrofit/rebuild program. Copies of the ICR document may be obtained from Sandy Farmer, Information Policy Branch (mail code 2136); EPA; 401 ''M'' Street SW, Washington DC, 20460, or by calling (202) 260–2740.

EPA is preparing an ICR document, to submit for OMB approval, that would continue information collection past the July 31, 1997 expiration date of the above-mentioned document. Comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, may be sent to: Chief, Information Policy Branch, EPA, 401 ''M'' Street S.W., Washington DC, 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington DC, 20503, marked ''Attention: Desk Officer for EPA.''

B. Impact on Small Entities

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities.

The urban bus operators affected by the program regulations are not small businesses. In addition, EPA determined that the original regulations of the Urban Bus Retrofit/Rebuild Program (58 FR 21359, April 21, 1993) did not have an adverse impact on a substantial number of small entities. Today's amendment does not impose any new costs above those included in the original rulemaking. Today's action will affect only a few businesses using the retrofit fleet averaging program and will likely have an effect solely on a small portion of the businesses' fleet. There may be benefit to those small business entities that manufacture retrofit/rebuild equipment, since urban bus operators may be required to use such equipment.

C. Executive Order 12866

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

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

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

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

(4) Raise novel legal policy issues arising out of legal mandate, the President's priorities, or the principles set forth in the order.

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

D. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (signed into law on March 22, 1995) requires EPA to prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year.

Section 203 of the Unfunded Mandates Reform Act requires EPA to establish a plan for obtaining input from and informing, educating and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. EPA must select from those alternatives the least costly, most costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule, unless EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Today's amendment contains no Federal mandates that result in expenditure by State, local, or tribal governments, in aggregate, or by the private sector, of $100 million in any one year. With the April 21, 1993 promulgation of the urban bus retrofit/rebuild regulations, EPA estimated that the nationwide cost would range from $2 million to $37 million per year, depending upon the year.

E. Submission to Congress and the General Accounting Office

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

List of Subjects in 40 CFR Part 85

Environmental protection, Confidential business information, Imports, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Dated: March 19, 1998.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, Part 85 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 85—[AMENDED]

1. The authority citation for part 85 is revised to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 85.1403 is amended by revising paragraph (c)(1)(iii)(B) introductory text, (c)(1)(iii)(C) introductory text, and (c)(1)(iv); removing paragraph (c)(1)(iii)(C)(*6*); and adding paragraph (c)(1)(iii)(D) to read as follows:

§ 85.1403 Particulate standard for pre-1994 model year urban buses effective at time of engine rebuild or engine replacement.

* * * * *

(c) * * *

(1) * * *

(iii) * * *

(B) For the TLF calculations as specified in paragraph (c)(1)(iv) of this section, post-rebuild particulate emissions levels for a specific engine model shall be equal to the following:

* * * * *

(C) For TLF calculations as specified in paragraph (c)(1)(iv) of this section, post-rebuild particulate emission levels

for a specific engine model shall be equal to the following:

* * * * *

(D) For TLF calculations as specified in paragraph (c)(1)(iv) of this section, post-rebuild particulate emission levels for a specific engine model shall be equal to the following:

(*1*) 0.10 g/bhp-hr, for any engine model (other than those indicated in paragraph (c)(1)(iii)(D)(*4*) of this section) for which equipment has been certified by July 1, 1998 as meeting the emission and cost requirements of paragraph (b)(1) of this section for all affected urban bus operators;

(*2*) For any engine model for which no equipment has been certified by July 1, 1998 as meeting the requirements of paragraph (b)(1) of this section for all affected urban bus operators, but for which equipment has been certified by July 1, 1996 as meeting the emission and cost requirements of paragraph (b)(2) of this section for all affected urban bus operators, the post-rebuild particulate emission level shall equal the lowest emission level (greater than or equal to 0.10 g/bhp-hr) certified by July 1, 1998 for any such equipment;

(*3*) For any engine model for which no equipment has been certified by July 1, 1998 as meeting the emission and cost requirements of paragraph (b)(1) or (b)(2) of this section, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*4*) For any engine model with a pre-rebuild particulate level below 0.10 g/bhp-hr, the post-rebuild particulate emission level shall equal the pre-rebuild particulate level;

(*5*) Notwithstanding paragraph (c)(1)(iii)(D)(*3*) of this section, if by July 1, 1998, no equipment has been certified to meet the emission requirements of paragraph (b)(1) or (b)(2) of this section for any of the engine models listed in the table at paragraph (c)(1)(iii)(A) of this section, then the post-rebuild particulate levels shall be the pre-rebuild particulate levels specified in the table at paragraph (c)(1)(iii)(A) of this section; and

(*6*) Notwithstanding paragraph (c)(1)(iii)(D)(*3*) of this section, if by July 1, 1998, equipment has been certified to meet the emissions requirements of paragraph (b)(1) or (b)(2) of this section for any of the engine models listed in the table at paragraph (c)(1)(iii)(A) of this section, but no equipment has been certified by July 1, 1998 to meet the life-cycle cost requirements of paragraph (b)(1) or (b)(2) of this section, then the post-rebuild particulate levels shall be as specified in the following table:

Engine model	Model year sold	Pre-rebuild PM level (g/bhp-hr)	Post-rebuild PM level (g/bhp-hr)
DDC 6V92TA	1979–1987	0.50	0.30
	1988–1989	.30	.30
DDC 6V92TA DDECI	1986–1987	.30	.30
DDC 6V92TA DDECII	1988–1991	.31	.25
	1992	.25	.25
	1993 (no trap)	.25	.25
	1993 (trap)	.07	.07
DDC Series 50	1993	.16	.16
DDC 6V71N	1973–1987	.50	.50
	1988–1989	.50	.50
DDC 6V71T	1985–1986	.50	.50
DDC 8V71N	1973–1984	.50	.50
DDC 6L71TA	1990	.59	.59
	1988–1989	.31	.31
DDC 6L71TA DDEC	1990–1991	.30	.30
Cummins L10	1985–1987	.65	.46
	1988–1989	.55	.46
	1990–1991	.46	.46
Cummins L10 EC	1992	.25	.25
	1993 (trap)	.05	.05
Alternatively-fueled Engines	Pre-1994	.10	.10
Other Engines	Pre-1988	.50	.50
	1988–1993	(1)	(1)

(1) New engine certification level.

(iv) To determine which particulate (PM) emission level from paragraph (c)(1)(iii) of this section is used for a particular model year engine in a fleet for the TLF of a given calendar year, use the following table:

Model year of engine	Year for which TLF is being calculated	Particulate emission level (see § 85.1403(c)(1)(iii))
1993	1996–1998	Pre-Rebuild Level.[1]
	1999–2001	Post-Rebuild Level.[3]
	2002–thereafter	Post-Rebuild Level.[4]
1992	1996–1998	Pre-Rebuild Level.[1]
	1999–2003	Post-Rebuild Level.[3]
	2004–thereafter	Post-Rebuild Level.[4]
1991	1996–1997	Pre-Rebuild Level.[1]
	1998–2002	Post-Rebuild Level.[3]
	2003–thereafter	Post-Rebuild Level.[4]
1990	1996–1999	Pre-Rebuild Level.[1]
	2000–thereafter	Post-Rebuild Level.[4]
1989	1996–1999	Pre-Rebuild Level.[1]
	2000–thereafter	Post-Rebuild Level.[4]
1988	1996–1998	Pre-Rebuild Level.[1]

Model year of engine	Year for which TLF is being calculated	Particulate emission level (see § 85.1403(c)(1)(iii))
	1999–thereafter	Post-Rebuild Level.[3]
1987	1996–1998	Post-Rebuild Level.[2]
	1999–thereafter	Post-Rebuild Level.[3]
1986	1996–1997	Pre-Rebuild Level.[1]
	1998–thereafter	Post-Rebuild Level.[3]
1985	1996	Pre-Rebuild Level.[1]
	1997–thereafter	Post-Rebuild Level.[2]
1984	1996–thereafter	Post-Rebuild Level.[2]
Pre-1984	1996–thereafter	Pre-Rebuild Level.[1]

[1] The pre-rebuild PM level established in paragraph (c)(1)(iii)(A) of this section.
[2] The post-rebuild PM level established pursuant to paragraph (c)(1)(iii)(B) of this section.
[3] The post-rebuild PM level established pursuant to paragraph (c)(1)(iii)(C) of this section.
[4] The post-rebuild PM level established pursuant to paragraph (c)(1)(iii)(D) of this section.

* * * * *

[FR Doc. 98–7767 Filed 3–25–98; 8:45 am]
BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 302–11

[FTR Amendment 71]

RIN 3090–AG48

Federal Travel Regulation; Relocation Income Tax (RIT) Allowance Tax Tables

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: The Federal, State, and Puerto Rico tax tables for calculating the relocation income tax (RIT) allowance must be updated yearly to reflect changes in Federal, State, and Puerto Rico income tax brackets and rates. The Federal, State, and Puerto Rico tax tables contained in this rule are for calculating the 1998 RIT allowance to be paid to relocating Federal employees.

DATES: This final rule is effective January 1, 1998, and applies for RIT allowance payments made on or after January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Calvin L. Pittman, Office of Governmentwide Policy (MTT), Washington, DC 20405, telephone 202–501–1538.

SUPPLEMENTARY INFORMATION: This amendment provides the tax tables necessary to compute the relocation income tax (RIT) allowance for employees who are taxed in 1998 on moving expense reimbursements.

The General Services Administration has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 302–11

Government employees, Income taxes, Relocation allowances and entitlements, Transfers.

For the reasons set out in the preamble, 41 CFR part 302–11 is amended to read as follows:

PART 302–11—RELOCATION INCOME TAX (RIT) ALLOWANCE

1. The authority citation for part 302–11 is revised to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586.

2. Appendixes A, B, C, and D to part 302–11 are amended by adding the following tables at the end of each appendix, respectively:

Appendix A to Part 302–11—Federal Tax Tables For RIT Allowance

* * * * * * *

Federal Marginal Tax Rates by Earned Income Level and Filing Status—Tax Year 1997

The following table is to be used to determine the Federal marginal tax rate for Year 1 for computation of the RIT allowance as prescribed in § 302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar year 1997.

Marginal tax rate	Single taxpayer		Heads of household		Married filing jointly/qualifying widows & widowers		Married filing separately	
Percent	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$7,067	$32,674	$12,963	$46,966	$16,798	$59,856	$8,702	$29,669
28	32,674	71,647	46,966	104,632	59,856	123,931	29,669	62,023
31	71,647	141,006	104,632	161,381	123,931	180,221	62,023	92,072
36	141,006	288,900	161,381	293,567	180,221	299,695	92,072	152,835
39.6	288,900	.....	293,567	.....	299,695	.....	– 152,835	.....

Appendix—B to Part 302–11—State Tax Tables for RIT Allowance

* * * * * * *

State Marginal Tax Rates by Earned Income Level—Tax Year 1997

The following table is to be used to determine the State marginal tax rates for calculation of the RIT allowance as prescribed in § 302–11.8(e)(2). This table is to be used for employees who received covered taxable reimbursements during calendar year 1997.

Marginal tax rates (stated in percents) for the earned income amounts specified in each column.[1 2]				
State (or district)	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
Alabama	5	5	5	5
Alaska	0	0	0	0
Arizona	2.9	3.3	3.9	5.17
Arkansas	4.5	7	7	7
If single status [3]	6	7	7	7
California	2	4	8	9.3
If single status [3]	4	9.3	9.3	9.3
Colorado	5	5	5	5
Connecticut	3	4.5	4.5	4.5
If single status [3]	4.5	4.5	4.5	4.5
Delaware	5.8	6.9	6.9	6.9
District of Columbia	8	9.5	9.5	9.5
Florida	0	0	0	0
Georgia	6	6	6	6
Hawaii	8	9.5	10	10
If single status [3]	9.5	10	10	10
Idaho	7.8	8.2	8.2	8.2
Illinois	3	3	3	3
Indiana	3.4	3.4	3.4	3.4
Iowa	6.8	7.55	9.98	9.98
If single status [3]	7.2	8.8	9.98	9.98
Kansas	3.5	6.25	6.25	6.45
If single status [3]	4.4	7.75	7.75	7.75
Kentucky	6	6	6	6
Louisiana	2	4	4	6
If single status [3]	4	4	6	6
Maine	4.5	7	8.5	8.5
If single status [3]	8.5	8.5	8.5	8.5
Maryland	5	5	5	5
Massachusetts	5.95	5.95	5.95	5.95
Michigan	4.4	4.4	4.4	4.4
Minnesota	6	8	8	8.5
If single status [3]	8	8	8.5	8.5
Mississippi	5	5	5	5
Missouri	6	6	6	6
Montana	6	9	10	11
Nebraska	3.65	5.24	6.99	6.99
If single status [3]	5.24	6.99	6.99	6.99
Nevada	0	0	0	0
New Hampshire	0	0	0	0
New Jersey	1.4	1.75	2.45	6.37
If single status [3]	1.4	3.50	5.525	6.37
New Mexico	3.2	6	7.1	8.5
If single status [3]	6	7.1	7.9	8.5
New York	4	5.9	6.85	6.85
If single status [3]	5.9	6.85	6.85	6.85
North Carolina	6	7	7	7.75
North Dakota	6.67	9.33	12	12
If single status [3]	8	10.67	12	12
Ohio	2.853	4.279	4.993	7.201
Oklahoma	4	7	7	7
If single status [3]	7	7	7	7
Oregon	9	9	9	9
Pennsylvania	2.8	2.8	2.8	2.8
Rhode Island	27.5	27.5	27.5	27.5
(Rhode Island—See Footnote 4)				
South Carolina	7	7	7	7
South Dakota	0	0	0	0
Tennessee	0	0	0	0
Texas	0	0	0	0
Utah	7	7	7	7
Vermont	25	25	25	25

Marginal tax rates (stated in percents) for the earned income amounts specified in each column.[1 2]				
State (or district)	$20,000–$24,999	$25,000–$49,999	$50,000–$74,999	$75,000 & over
(Vermont—See Footnote 5)				
Virginia	5	5.75	5.75	5.75
Washington	0	0	0	0
West Virginia	4	4.5	6	6.5
Wisconsin	6.55	6.93	6.93	6.93
Wyoming	0	0	0	0

[1] Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

[2] If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in § 302–11.8(e)(2)(ii).

[3] This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

[4] The income tax rate for Rhode Island is 27.5 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

[5] The income tax rate for Vermont is 25 percent of Federal income tax liability for all employees. Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in § 302–11.8(e)(2)(iii).

Appendix C to Part 302–11—Federal Tax Tables for RIT Allowance—Year 2

* * * * *

Federal Marginal Tax Rates by Earned Income Level and Filing Status—Tax Year 1998

The following table is to be used to determine the Federal marginal tax rate for Year 2 for computation of the RIT allowance as prescribed in § 302–11.8(e)(1). This table is to be used for employees whose Year 1 occurred during calendar years 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, or 1997.

Marginal tax rate	Single taxpayer		Heads of household		Married filing jointly/qualifying widows & widowers		Married filing separately	
Percent	Over	But not over	Over	But not over	Over	But not over	Over	But not over
15	$7,229	$33,530	$12,964	$48,232	$16,858	$61,069	$8,685	$30,351
28	33,530	73,135	48,232	109,311	61,069	126,880	30,351	63,863
31	73,135	145,648	109,311	177,378	126,880	184,945	63,863	92,550
36	145,648	299,410	177,378	321,683	184,945	308,061	92,550	152,715
39.6	299,410	.....	321,683	.....	308,061	.....	152,715	.....

Appendix D to Part 302–11—Puerto Rico Tax Tables for RIT Allowance

* * * * *

Puerto Rico Marginal Tax Rates by Earned Income Level—Tax Year 1997

The following table is to be used to determine the Puerto Rico marginal tax rate for computation of the RIT allowance as prescribed in § 302–11.8(e)(4)(i).

Marginal tax rate	Single filing status		Any other filing status	
Percent	Over	But not over	Over	But not over
12	.....	.....	.....	$25,000
18	.....	$25,000	.....	.....
31	$25,000	50,000	$25,000	50,000
33	50,000	.....	50,000	.....

Dated: March 10, 1998.

Thurman M. Davis, Sr.,

Acting Administrator of General Services.

[FR Doc. 98–7830 Filed 3–25–98; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

48 CFR Part 219

[DFARS Case 97–D323]

Defense Federal Acquisition Regulation Supplement; Comprehensive Subcontracting Plans

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect revisions made to the DoD Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans. The revisions to the test program implement Section 822 of the National Defense Authorization Act for Fiscal Year 1998.

DATES: *Effective Date:* March 26, 1998.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before May 26, 1998, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan L. Schneider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350.

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

Please cite DFARS Case 97–D323 in all correspondence related to this issue. E-mail comments should cite DFARS Case 97–D323 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Susan L. Schneider, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends DFARS 219.702 to reflect revisions made to the DoD Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans. The revisions to the test program implement Section 822 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105–85). Section 822 extends, from September 30, 1998, to September 30, 2000, the expiration date for the test program; and provides for use of comprehensive subcontracting plans by participating contractors that are performing as subcontractors under DoD contracts.

The revised DoD test plan is published in the Notices section of this issue of the **Federal Register**.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because small businesses are exempt from subcontracting plan requirements, and the rule does not change the obligation of large business concerns to maximize subcontracting opportunities for small business concerns. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97–D323 in correspondence.

C. Paperwork Reduction Act

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

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim DFARS rule reflects changes to the Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans, as required by Section 822 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105–85). Section 822 was effective upon enactment on November 18, 1997. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Part 219

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 219 is amended as follows:

1. The authority citation for 48 CFR Part 219 continues to read as follows:

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

PART 219—SMALL BUSINESS PROGRAMS

2. Section 219.702 is amended by revising paragraphs (a)(i) and (ii) to read as follows:

219.702 Statutory requirements.

(a) * * *

(i) The test program—

(A) Will be conducted—

(*1*) From October 1, 1990, through September 30, 2000;

(*2*) In accordance with the DoD test plan, ''Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans''; and

(*3*) By the military departments and defense agencies through specifically designated contracting activities; and

(B) Permits contractors selected for participation in the test program by the designated contracting activities to—

(*1*) Negotiate plant, division, or company-wide comprehensive subcontracting plans instead of individual contract subcontracting plans; and

(*2*) Use the comprehensive plans when performing any DoD contract or subcontract that requires a subcontracting plan.

(ii) During the test period, comprehensive subcontracting plans will—

(A) Be negotiated on an annual basis by the designated contracting activities;

(B) Be incorporated by the contractors' cognizant contract administration activity into all of the contractors' active DoD contracts that require a plan;

(C) Be accepted for use by contractors participating in the test, whether performing at the prime or subcontract level; and

(D) Not be subject to application of liquidated damages during the period of the test program (Section 402, Pub. L. 101–574).

[FR Doc. 98–7708 Filed 3–25–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Part 231

[DFARS Case 97–D320]

Defense Federal Acquisition Regulation Supplement; Limitation on Allowability of Compensation for Certain Contractor Personnel

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule

amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove certain limitations on individual compensation costs for contractor personnel, as a result of changes made to the Federal Acquisition Regulation in Federal Acquisition Circular 97–04 on February 23, 1998.

EFFECTIVE DATE: March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0131; telefax (703) 602–0350. Please cite DFARS Case 97–D320.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS Part 231 to remove certain limitations on individual compensation costs for contractor personnel. Section 31.205–6, paragraph (p), of the Federal Acquisition Regulation, as amended by Item XIII of Federal Acquisition Circular 97–04 (63 FR 9066, February 23, 1998), contains the sole statutory limitation on allowable senior executive compensation costs incurred after January 1, 1998, under new or previously existing contracts.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98–577, and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subparts will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 97–D320 in correspondence.

C. Paperwork Reduction Act

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

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 231 is amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

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

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

231.205–6 [Amended]

2. Section 231.205–6 is amended by removing paragraphs (a)(2)(i)(A) through (a)(2)(ii)(B).

231.303 [Amended]

3. Section 231.303 is amended by removing paragraph (3), and by redesignating paragraph (4) as paragraph (3).

231.603 [Amended]

4. Section 231.603 is amended by removing paragraph (1), and by removing the paragraph (2) designation.

231.703 [Amended]

5. Section 231.703 is amended by removing paragraph (1), and by removing the paragraph (2) designation.

[FR Doc. 98–7710 Filed 3–25–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018—AE83

Endangered and Threatened Wildlife and Plants; Proposed Reclassification From Endangered to Threatened Status for the Mariana Fruit Bat From Guam, and Proposed Threatened Status for the Mariana Fruit Bat From the Commonwealth of the Northern Mariana Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes reclassification from endangered to threatened status pursuant to the Endangered Species Act of 1973, as amended (Act), for the Mariana fruit bat (*Pteropus mariannus mariannus*) from Guam, and threatened status pursuant to the Act for the Mariana fruit bat from the Commonwealth of the Northern Mariana Islands (CNMI). This subspecies is restricted to the Mariana archipelago, comprised of the Territory of Guam and the CNMI. The Mariana fruit bat is listed as endangered on Guam, and the populations on the southern islands of the CNMI (Aguijan, Tinian, and Saipan) are candidates for listing. Recent evidence suggests that inter-island movement between Guam and other islands throughout the archipelago is not a rare event; hence, the Mariana fruit bats on Guam are no longer believed to represent a population distinct from those in the CNMI. Similarly, the populations of Aguijan, Tinian, and Saipan are not believed to be distinct from one another or from populations on other islands in the archipelago. Therefore, for the purposes of this proposed rule, all Mariana fruit bats in the Mariana Island archipelago are considered to represent one population. Mariana fruit bats are known from all of the islands of the Mariana archipelago, and throughout this range they are threatened by illegal hunting, degradation and loss of habitat from feral animals and through the development of forested areas, the potential for extinction of subpopulations from naturally occurring events such as typhoons, and predation by the brown tree snake. This proposal, if made final, would implement the protection provisions provided by the Act.

DATES: Comments from all interested parties must be received by May 26, 1998. Public hearing requests must be received by May 11, 1998.

ADDRESSES: Comments and materials concerning this proposal should be sent to Brooks Harper, Field Supervisor, Pacific Islands Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Karen Rosa, Assistant Field Supervisor-Endangered Species, Pacific Islands Office, at the above address (telephone 808/541–3441, FAX 808/541–3470).

SUPPLEMENTARY INFORMATION:

Background

The Mariana Islands archipelago consists of the 15-island Commonwealth of the Northern Mariana Islands (CNMI) and the Territory of Guam. Both are within the jurisdiction of the United States. This archipelago extends 466 miles (750 kilometers (km)) from 13°14′N, 144°45′W and 20°3′N, 144°54′W and is approximately 932 miles (1,500 km) east of the Philippine Islands. The ten northern islands are volcanic, while the five southern islands are uplifted coral limestone plateaus with volcanic outcrops. Mariana fruit bats have historically inhabited all of these islands. The largest southern islands (Guam, Rota, Tinian, and Saipan) are occupied by approximately 160,000 people.

The northern islands (north of Saipan) are either unoccupied or support just a few families. The climate is tropical, with daily mean temperatures of 75 to 90° Fahrenheit (24 to 32° Celsius), high humidity, and average annual rainfall of 78 to 103 inches (in) (200 to 260 centimeters (cm)). Typhoons may strike the Mariana Islands during any month of the year, but are most frequent between July and October.

The Mariana fruit bat is a medium-sized fruit bat in the family Pteropididae weighing 330 to 577 grams (0.66 to 1.15 pounds) and has a forearm length ranging from 13.4 to 15.6 cm (5.3 to 6.1 in); males are slightly larger than females. The underside (abdomen) is colored black to brown, with gray hair interspersed, creating a grizzled appearance. The shoulders (mantel) and sides of the neck are usually bright golden brown, but may be paler in some individuals. The head varies from brown to dark brown. The well-formed and rounded ears and the large eyes give a canine-like appearance; members of the pteropodid bat family are often referred to as flying foxes.

The taxonomic status of fruit bats in Micronesia and the western Pacific is not clearly understood, nor is there a consensus regarding the taxonomic classification of island or island group populations. Andersen (1912), one of the first to examine Pacific Pteropidids, recognized several species in the genus *Pteropus*, including *mariannus*, *pelewensis*, *yapensis*, *ualanus*, *loochooensis*, *vanikorensis*, *tonganus*, and *geddiei*. Subsequently, Kuroda (1938) combined several of these, and recognized seven subspecies under *Pteropus mariannus* including *mariannus*, *pelewensis*, *yapensis*, *ulanus*, *ulthiensis*, *paganensis* and *loochooensis*, but Corbet and Hill (1980) recognized *mariannus*, *pelewensis*, *yapensis*, *ulanus*, and *loochooensis* as distinct species. In contrast, Honacki *et al.* (1982) included those five species under *Pteropus mariannus*. Nowak and Paradiso (1983) elevated *yapensis*, *pelewensis*, and *ualanus* to species. Corbet and Hill (1986, 1991) reversed their previous classification (Corbet and Hill 1980), following instead Honacki *et al.* (1982), and also placed those bats under *Pteropus mariannus*. Nowak (1991) elevated several populations to species level, listing *pelewensis*, *yapensis*, *ualanus*, *mariannus*, *vanikorensis*, and *tonganus* as distinct species. Pierson and Rainey (1992) largely followed Kuroda (1938), recognizing seven subspecies under *Pteropus mariannus*. Similarly, Koopman (1993) includes those bats under *Pteropus mariannus*, electing not to elevate them to the specific level. Flannery (1995) was oddly inconsistent, considering *mariannus*, *loochooensis*, *paganensis*, *and ulthiensis* as subspecies, but elevating *pelewensis*, *ualanus*, and *yapensis* to full species. Finally Nowak (1994) again presented his earlier treatment found in Nowak (1991), elevating five island or island group populations to the species level.

In general, the taxonomic revisions proposed since Andersen (1912) have not been based on any rigorous examination of specimens of the taxa in question and, often, these changes are presented without comment or justification. Ultimately, the taxonomic revisions presented above represent the professional opinions of the authors, and serve to illustrate the considerable uncertainty regarding the taxonomic status of many of the western Pacific bat species.

Following the taxonomic treatments of Koopman (1993) and Pierson and Rainey (1992), *Pteropus mariannus* (Desmarest 1822) is a widely dispersed species occurring north of the equator in portions of Micronesia north to the Japanese Ryukyu Islands, and is represented by seven subspecies. Two of these are restricted to the Mariana Islands—the Mariana fruit bat (*Pteropus mariannus mariannus*), and the Pagan fruit bat (*Pteropus mariannus paganensis*). These two subspecies, together with two other bat species, the little Mariana fruit bat (*Pteropus tokudae*), federally listed as endangered on Guam on August 27, 1984 (49 FR 33881), but now thought to be extinct, and the sheath-tailed bat (*Emballonura semicaudata*), a candidate for Federal listing on September 19, 1997 (62 FR 49398), in the CNMI, are the only non-marine mammals native to the Mariana Islands.

The taxonomic status of the Pagan fruit bat is not fully resolved. Yamashina (1932) collected three males and one female from the islands of Pagan and Alamagan in 1931, and stated that ''This species, as compared to the *Pteropus mariannus mariannus* that inhabit Guam, is distinctly darker in coloration, having brownish wings.'' He made no further comparisons, and thus this subspecific distinction is based on an equivocal interpretation of the coloration of four specimens. He also considered a ''species'' of bat ''which falls in between this new species (*paganensis*) and that which inhabits Guam'' to occur on Saipan and Rota. However, it is currently accepted that the bats on Rota, Tinian, Aguijan (= Aguiguan), Saipan, and Guam are referable to *Pteropus mariannus mariannus*. The subspecific status of bats found on the islands between Saipan and Alamagan (Farallon de Mendinilla, Anatahan, Sariguan, and Guguan), and north of Pagan (Agrihan, Asuncion, Maug, and Uracus) is not known, and bat populations on these islands have not been assigned to subspecies.

The slight morphological differences used to distinguish *Pteropus mariannus paganensis* from *Pteropus mariannus mariannus* is attributable to natural variation that occurs not only between islands, but within individual island populations (T. Lemke, Montana Department of Fish, Wildlife, and Parks, *in litt.* 1986; D. Worthington, USFWS Honolulu, pers. obs.). Thus, the Pagan fruit bat is probably not distinct from the Mariana fruit bat (Pierson and Rainey 1992; G. Wiles, Guam Division of Aquatic and Wildlife Resources, pers. comm. 1997; Worthington and Taisacan 1996), particularly in light of the strong evidence that suggests that movement between islands is not a rare event (Wiles and Glass 1990). Until this taxonomic question is resolved, and given the high degree of similarity between these subspecies, it makes little biological sense to consider *Pteropus mariannus paganensis* as distinct from *Pteropus mariannus mariannus*. Similarly, the unassigned bats found north of Saipan are most appropriately referable to *Pteropus mariannus mariannus*.

The status of the Mariana fruit bat prior to the 20th century is unknown. In 1920, the sight of fruit bats was considered to be ''not * * * uncommon'' on Guam (Crampton 1921). By 1931, Coultas (1931) stated that bats were uncommon on Guam, possibly due to the introduction of firearms. Woodside (1958) estimated the Guam population to number 3,000. This number had dropped to between 200 and 750 animals by 1995, in part due to the introduction of the brown tree snake (*Boiga irregularis*) (Wiles 1996, Wiles *et al.* 1995). G. Wiles (pers. comm. 1997) observed between 300 and 350 bats on Guam during March 1997. Bat subpopulations on Aguijan, Saipan, and Tinian were not surveyed prior to the 1970's. Subsequent observations suggest that these subpopulations have been small, with only 25 to 125 bats observed on each island (Lemke 1984, Wiles 1996, Worthington and Taisacan 1996). In 1995, between 100 and 125 bats were believed present on Aguijan (Wiles 1996). A colony of approximately 35 bats was seen on Saipan in 1995, the largest colony seen there in a decade (Worthington and Taisacan 1996). Recent observations on Tinian indicate that although fruit bats are occasionally

seen, their residence status is uncertain (Marshall *et al.* 1995). On Rota, bat numbers have declined from an estimated 2,400 animals before Typhoon Roy in 1988 to just under 1,000 in 1996 (Worthington and Taisacan 1996). The Rota population is apparently stable, but poaching continues to be a serious problem (Worthington and Taisacan 1996). The bats from Rota are believed to move among the southern islands, and this population is considered to be critical to the long-term stability of fruit bats in the Mariana Islands (Wiles and Glass 1990).

The relatively isolated northern islands have not been surveyed as frequently as the southern islands. In 1983, a minimum of 7,450 bats were documented during an expedition to the islands north of Saipan (Anonymous 1984, Wiles *et al.* 1989). Rice and Taisacan (1993) reported that between 1988 and 1992, bats were seen commonly on all northern islands except Farallon de Medinilla, Maug, and Uracus, although bats are known to occur on these islands. Observations during these years were incidental and Rice and Taisacan (1993) suggested no changes be made to the 1983 estimates. A survey of Anatahan in 1995 found approximately 2,000 animals (Marshall *et al.* 1995), and T. Sutterfield (U.S. Navy, Hawaii, *in litt.* 1997) observed two fruit bats roosting in low shrubs on Farallon de Mendinilla in December 1996.

The Mariana fruit bat is highly colonial, forming colonies of a few to over 800 animals (Pierson and Rainey 1992, Wiles 1987a, Worthington and Taisacan 1995). The bats group themselves into harems (one male and two to 15 females) or bachelor groups (predominately males), or reside as single males on the edge of the colony (Wiles 1987a). On Guam, the sex ratio in a single colony was observed to vary from 37.5 to 72.7 males per 100 females (Wiles 1982).

Reproduction is believed to occur throughout the year in *Pteropus mariannus yapensis* on Yap (Falanruw 1988) and in *Pteropus mariannus mariannus* on Guam (Wiles 1987a). Mating and the presence of nursing young have been observed year-round on Guam (Perez 1972, Wiles 1983) with no apparent peak in births (Wiles 1987a). Glass and Taisacan (1988) suggested a similar pattern on Rota, but also indicated that a peak birthing season may occur during May and June, as has been observed in other pteropodid bats (Pierson and Rainey 1992). Female bats of this family generally have one young per year (Pierson and Rainey 1992), and observations on Guam between July 1982 and May 1985 found 262 female bats each with a single young (USFWS 1990). This reproductive rate, very low for a mammal of this size, results in a slow recovery rate when populations are reduced in numbers (Pierson and Rainey 1992). Length of gestation and age of sexual maturity is unknown for the Mariana fruit bat, but other related bats have a gestation period of approximately 4.6 to 6.3 months (Pierson and Rainey 1992). Female Mariana fruit bats on Guam may be able to breed as soon as 6 to 18 months of age (USFWS 1990), but sexual maturity in pteropodid bats usually does not occur until the bats are 18 to 24 months old (Pierson and Rainey 1992).

Native forest is the primary habitat required by the Mariana fruit bat, although some introduced plant species can provide roosting and feeding resources. Fruit bats are important in tropical forests because they naturally disperse plant seeds and thereby help maintain forest diversity and contribute to plant recovery after typhoons and other catastrophic events (Cox *et al.* 1992). Mariana fruit bats forage and roost primarily in native forest, and occasionally in coconut groves and strand vegetation (Wiles 1987b, Worthington and Taisacan 1996). Wiles (1987b) described six bat roost sites on Guam, all within native limestone forest. Major roost trees included *Ficus* sp. and *Neisosperma oppositifolia.* On Rota, fruit bats used primary and secondary limestone forest for roosting and foraging (Glass and Taisacan 1988). At least nine tree species were used for roosting including *Elaeocarpus sphaericus, Macaranga thompsonii, Guamia speciosa, Hernandia* sp., *Artocarpus mariannensis, Ficus prolixia, Barringtonia asiatica, Randia cochinchinensis,* and introduced *Theobroma cacao* (Glass and Taisacan 1988). A small bat colony also was observed roosting in *Casuarina equisetifolia* on Aguijan Island (Worthington and Taisacan 1996). At least 22 plant species are used as food sources by the Mariana fruit bat. Food items include the fruits of 17 species of plants, especially native *Artocarpus mariannensis, Artocarpus altilis, Cycas circinalis, Ficus* spp., *Pandanus tectorius, Terminalia catappa,* and introduced *Carica papaya;* the flowers of seven plants, including native *Ceiba pentandna, Erythrina variegata,* and introduced *Cocos nucifera;* and leaf stems and twig tips of *Artocarpus* spp. (USFWS 1990, Wiles 1987a).

Most of the known fruit bat roost sites in the Mariana Islands are located on public lands. On Guam, the remaining roost and nearly all fruit bat foraging habitat is found on U.S. military and Government of Guam lands. There is no U.S. Government-owned land in the CNMI; all public lands are administered by the CNMI government. Saipan has little public land that is not leased and developed, but a few areas still support native forest that are occasionally used by fruit bats. Tinian has large tracts of public land that contain small stands of native forest suitable for bats, and a large portion of public land on the northern end of the island is under lease to the U.S. Department of the Navy (Navy) for military activities. All of the land on Aguijan is publicly owned. Approximately 60 percent of the land on Rota is publicly owned, although much of this has been leased to private individuals. The primary roosting areas on Rota are on public lands; however, some private lands still retain native limestone forest that can support bats. The northern islands are mostly public lands, with some land developed as small homestead lots. Farallon de Mendinilla is currently leased to the Navy as a bombardment range.

The movement of bats among the islands is an aspect of their biology that is critical to conservation. The August 27, 1984, Federal listing (49 FR 33881) of fruit bats resident on Guam was based on the assumption that these bats formed a separate population segment distinct from the bats found in the CNMI. Recently, biologists in the Mariana Islands have gathered evidence indicating that movement of bats among the Mariana Islands links these colonies as a single population. Wiles and Glass (1990) indicated that bats fly between the islands of Guam and Rota, and the ephemeral nature of bat colonies on the islands of Tinian and Aguijan, which are close to one another and to Saipan, makes it likely that inter-island travel also occurs between these islands (Worthington and Taisacan 1996). Information on the movement of bats in the northern islands is limited, but inter-island transit among these islands and to the southern islands probably occurs annually (Wiles *et al.* 1989, Worthington and Taisacan 1996, G. Wiles, pers. comm. 1997). For the purposes of conservation, individual island subpopulations of fruit bats in the Mariana Islands should be considered as one contiguous population (Lemke 1986, USFWS 1990, Wiles and Glass 1990, Worthington and Taisacan 1996).

Previous Federal Action

A status review of the Mariana fruit bat was initiated on May 18, 1979 (44 FR 29128). On August 27, 1984, the

Service listed the Guam population of Mariana fruit bats as endangered (49 FR 33881). On March 4, 1986, the Service received a petition dated February 24, 1986, from Dr. Thomas O. Lemke, that requested determination of endangered status for all remaining subpopulations of the Mariana fruit bat.

The Service published a 90-day finding on the petition on January 21, 1987 (52 FR 2239), announcing that substantial information to list the Mariana fruit bat as endangered had been presented in the petition and that the requested action may be warranted. On July 7, 1988, the Service published a 12-month finding in the **Federal Register** (53 FR 25511) announcing that the petitioned action request for a determination of endangered status with respect to Mariana fruit bat populations resident on the islands of Aguijan, Tinian, and Saipan was warranted but precluded by other pending listing proposals of higher priority. The Service also determined in this finding that listing was not warranted for fruit bats resident on Rota, Asuncion, Guguan, and the other northern islands, because these colonies were adequately protected by existing hunting restrictions or by the inaccessibility of the locations of the colonies by hunters (53 FR 25513). However, new information compiled since the publication of the finding on July 7, 1988, indicates that listing is now warranted for the Mariana fruit bats resident in the CNMI, and that reclassification from endangered to threatened is warranted for the fruit bats on Guam. The new information concerning threats, populations, distribution and movement, and taxonomy has been incorporated into this proposed rule. This proposed rule constitutes the final 12-month finding on the petition to list the Mariana fruit bat.

Fruit bats found on Aguijan, Tinian, and Saipan are currently identified as candidates for listing in the notice of review for animal and plant taxa published in the **Federal Register** on September 19, 1997 (62 FR 49401).

On October 22, 1987, *Pteropus mariannus* was included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Continuing declines in bat populations resulted in the reclassification of *Pteropus mariannus* to Appendix I of CITES on January 18, 1990 (54 FR 51432).

The processing of this proposed rule conforms with the Service's fiscal year (FY) 1997 listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475). In a **Federal Register** notice published on October 23, 1997 (62 FR 55628), the guidance was extended beyond FY 1997 until such time as new guidance is published. The FY 1997 guidance clarifies the order in which the Service will process rulemakings following two related events—(1) the lifting, on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Pub. L. 104–6), and (2) the restoration of significant funding for listing through enactment of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995 and April 1996. The guidance calls for giving highest priority to handling emergency situations (Tier 1) and second highest priority to resolving the listing status of outstanding proposed listings (Tier 2). A lower priority is assigned to resolving the conservation status of candidate species and processing administrative findings on petitions to add species to the lists or reclassify species from threatened to endangered (Tier 3). The lowest priority is given to processing critical habitat determinations, delistings, and other reclassifications (Tier 4). The guidance also states that ''effective April 1, 1997, the Service will concurrently undertake all of the activities included in Tiers 1, 2, and 3'' (61 FR 64480).

Processing of this proposed rule is a Tier 3 activity. The proposed rule effects a downlisting of the Mariana fruit bat on Guam, which action, taken by itself, would be a Tier 4 activity. However, based on the new information discussed above, the Service believes it is biologically inappropriate to consider fruit bats on each island as distinct populations, and the Service believes that the fruit bats in the Mariana Islands should be managed as one population. In addition, the Service can effect the downlisting of the Mariana fruit bat on Guam with little or no additional time and expense in conjunction with proposing the entire range of the species for listing as threatened, while a separate action to downlist the species with respect to Guam at some future date would require the expenditure of additional resources. Therefore, in the interests of (1) efficiency in allocating its scarce resources and (2) biological and management consistency, the Service will include the downlisting of the Mariana fruit bat on Guam as a part of this Tier 3 activity. This treatment is consistent with the purpose of the current listing priority guidance. *See* 61 FR 64479 (discussing inclusion of withdrawals of proposed rules in Tier 2). Furthermore, the downlisting will not reduce the protection afforded under the Act to Mariana fruit bats on Guam.

Summary of Factors Affecting the Species

Section 4 of the Endangered Species Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Mariana fruit bat (*Pteropus mariannus mariannus*) (=Mariana flying fox) in the Mariana Islands are listed below.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Prior to 1500 B.C., the Mariana Islands were mostly forested (Fosberg 1960). Following that date, human occupation by the indigenous Chamorro and subsequent administration under Spain, Germany, Japan, and the United States have resulted in a continual degradation of fruit bat habitat on all of the southern Mariana Islands and some of the northern islands.

During the Japanese occupation, extensive removal of native forests for the development of sugar cane was greatly accelerated on the southern islands. These fields covered almost all of Tinian and much of Aguijan, Saipan, and Rota (Fosberg 1960). During and after World War II, military activities resulted in dramatic reductions in fruit bat habitat on Guam, Tinian, and Saipan. During this period, open agricultural fields and other areas prone to erosion were seeded with tangantangan (*Leucaena leucocephala*) (Fosberg 1960). Tangantangan grows as low to moderate stature, single-species stands with no substantial understory. Native forest cannot take root and grow where this alien tree has become established (Craig 1993), preventing regeneration of fruit bat habitat.

On Guam, human land development and feral animals have altered most of the native vegetation of the island. Probably no more than 30 percent of Guam's land area is covered by native limestone and ravine forest, with federally owned lands in northern Guam representing the largest contiguous areas. Other Federal, Government of Guam, and some private lands also possess forested areas that represent adequate habitat for bats (G. Wiles, pers. comm. 1997). Due to the

anthropogenic impacts discussed previously, most of Saipan's native forest has been replaced by mixed second growth forests, savanna grasslands, and dense thickets of tangantangan (Falanruw *et al.* 1989). By 1982, vegetation mapping revealed that just five percent of native forest remained on Saipan and Tinian (Engbring *et al.* 1986). This remaining forest continues to be threatened by possible development. Although 47 percent of the native forest persists on Aguijan (Engbring *et al.* 1986), this habitat is threatened by feral goats. Rota experienced extensive agricultural development by the Japanese prior to World War II, but was not invaded by allied forces during World War II. The absence of an invasion, combined with rugged topography, resulted in the persistence of stands of native forest. Today, Rota retains less than 60 percent of its native forest (Falanruw *et al.* 1989). One 18-hole golf resort has been completed on Rota and plans for additional large-scale development, together with smaller developments, continue to threaten the remaining limestone forest with fragmentation and degradation. Throughout the Mariana Islands, goats, pigs, cattle, and deer have caused severe damage to forest vegetation by browsing directly on plants, causing erosion (Kessler 1997, Marshall *et al.* 1995), and retarding forest growth and regeneration (Lemke 1992b). Thus, all of these islands retain only a fraction of their historical forested habitat, and this remaining habitat is threatened by the fragmentation and degradation associated with development and feral animals.

The northern islands escaped the development that has occurred in the southern islands. However, historic introduction of feral goats, pigs, and cattle to Sarigan, Pagan, Agrihan, and Anatahan, continues to cause significant degradation of forest habitat on these islands (Kessler 1997). On Anatahan, Marshall *et al.* (1995) indicated that uncontrolled feral goats could eliminate native forest within 50 years. The current severe damage on Anatahan has apparently been rapid, as T. Lemke (*in litt.* 1995) did not note significant erosion or large numbers of goats in the early 1980's.

Military training activities in areas used by fruit bats could significantly impact their habitat. The use of Farallon de Mendinilla by U.S. armed forces as a bombardment range retards the vegetation regeneration, increases erosion that impedes regeneration of vegetation, and causes wildfires that destroy habitat. Together, these effects limit available fruit bat habitat on this island.

B. Over Utilization for Commercial, Recreational, Scientific, or Educational Purposes

Mariana fruit bats have been used as food since humans first arrived on the islands (Lemke 1992a), and their consumption represents a significant cultural tradition. Social events and cultural status in the Mariana Islands are often enhanced by a variety of foods, and fruit bat is highly prized. Because of their scarcity, bats are often reserved for the elderly and other respected guests, and one bat may be shared among several people (Lemke 1992a).

Traditionally, fruit bats were captured with limited success using nets, traps, thorny branches on poles, or stone projectiles (Lemke 1992a). Today, bats are mostly taken with shotguns fired at roosting and feeding sites or along flyways. One shotgun blast may kill several bats, and a successful raid can glean up to 50 bats (Lemke 1992a, Wiles 1987b). Hunting at nursery colonies can also result in abandonment and direct mortality of infant bats (Lemke 1992a).

From 1975 to 1981, prior to listing the Mariana fruit bats as endangered on Guam (49 FR 33881), approximately 15,800 fruit bats were shipped to Guam from Rota and Saipan for human consumption (Wiles and Payne 1986). During the last two decades, thousands of fruit bats have been shipped annually into the Mariana Islands from other Pacific islands for human consumption. Most of these shipments were the Palau fruit bat (*Pteropus mariannus pelwensis*) from the Republic of Palau. Currently, a single fruit bat can sell for over US$50.00 in the CNMI (Worthington and Taisacan 1996).

Poaching continues to be one of the most important factors in the decline of the Mariana fruit bat (Glass and Taisacan 1988, Lemke 1992b, Marshall *et al.* 1995, USFWS 1990, Worthington and Taisacan 1996). Reports of poaching on Rota occur almost monthly (S. Taisacan, CNMI Division of Fish and Wildlife, pers. comm. 1997a, 1997b). In 1987, between three and eight bats were reported poached from a small colony on Saipan (Glass and Taisacan 1988). Following Typhoon Roy in 1988, defoliation and other damage caused by the storm forced bats on Rota to forage during the day in areas close to human habitation (Lemke 1992b). Poachers took advantage of this situation and extensive illegal hunting occurred, reducing the total Rota population by more than half (A. Palacios, CNMI Division of Fish and Wildlife, *in litt.* 1990). Continued poaching probably prevents the fruit bats on Rota from increasing in number to pre-storm abundance (Worthington and Taisacan 1996). Poaching of fruit bats on the northern islands is also occasionally reported, and is believed to be an increasingly significant problem in the CNMI (Worthington and Taisacan 1996).

C. Disease or Predation

The brown tree snake, which has caused the extinction of several bird species on Guam (Savidge 1987), is probably responsible for the lack of recruitment in the single remaining Mariana fruit bat colony on that island (Pierson and Rainey 1992, Wiles 1987a). Although only two cases of snake predation on Guam bats have been reported (Wiles 1983), the brown tree snake is considered capable of preying on young bats at their roosts (USFWS 1990). Wiles (1987b) and Wiles *et al.* (1995) suggested that snakes will prey on young bats that have become too large to be carried by their mothers and are left at the roosts at night. In 1982, 46.6 percent of all juvenile Mariana fruit bats counted in northern Guam were judged to be in this size class, but between 1984 and 1986, after brown tree snakes had spread into the area, no bats of this size class were observed (USFWS 1990).

Brown tree snakes were accidentally introduced to Guam between 1945 and 1952, probably hidden in ship cargo (Rodda *et al.* 1992). By 1986 the snake had reached the extreme northern end of the island (Savidge 1987), and was probably present throughout the island. Because of a variety of historical and ecological factors associated with the snake, and due to Guam's location and role as a major transportation hub in the Pacific, there is a high probability that human activities will disperse brown tree snakes from Guam to other Pacific islands (Fritts 1988). Reports of snakes found in the CNMI, especially on the island of Saipan, have increased since 1986 (Brown Tree Snake Control Plan 1996). Between 1986 and 1995, at least 46 snake sightings have been reported in the CNMI (Vogt and Marshall 1996). Brown tree snakes have been regularly sighted on Saipan (31 sightings since 1986) and occasionally on Tinian (4 sightings in 1995). Five brown tree snakes have been captured on Saipan (S. Vogt, CNMI DFW pers. comm. 1997, Vogt and Marshall 1996). The frequency of snake sightings reported from 1986 through 1997 indicates that a brown tree snake population may now be established on Saipan (Brown Tree Snake Control Plan 1996). Vogt and Marshall (1996) argue that Saipan, Tinian, and Rota will eventually mirror

the ecological and economic disaster that has occurred on Guam, including the decimation of fruit bat colonies, if snakes are not eradicated or better controlled.

D. The Inadequacy of Existing Regulatory Mechanisms

Prompted by a severe decline in fruit bat numbers, the CNMI legislature in 1977 passed a moratorium on the taking of fruit bats on all islands (Pub. L. 5–21, September 1977). Although this moratorium has been annually reauthorized until 1996, no agency possessed enforcement authority until the CNMI Division of Fish and Wildlife was created in 1981 (Lemke 1992a). Even though this agency has legal enforcement authority, implementation of the hunting ban has been difficult, and few investigations or convictions have taken place (Lemke 1992a). The CNMI prohibition against hunting of fruit bats was not continued in 1996 (R. Folta, CNMI Department of Land and Natural Resources, *in litt.* 1996). The bats are listed as threatened or endangered (the CNMI makes no specific distinction between the threatened and endangered categories) by the CNMI government on Rota, Saipan, Tinian, and Aguijan (CNMI 1991), but receive no such protection on the islands north of Saipan. Additionally, no regulations prohibit the taking of these threatened or endangered species (K. Garlick, USFWS, Guam, *in litt.* 1997) and protection of these bats is greatly lacking (Worthington and Taisacan 1996; A. Palacios *in litt.* 1990). The Mariana fruit bat is also listed as an endangered species by the Government of Guam (Wiles 1982). On Guam, the bat receives significant protection from hunting, primarily because its primary colony has resided on U.S. Department of the Air Force (Air Force) lands, where access is limited, since 1980.

On October 22, 1987, *Pteropus mariannus* was included in Appendix II of CITES. Continuing declines in bat populations resulted in the reclassification of *Pteropus mariannus* to Appendix I of CITES on January 18, 1990, as well as the listing of all other species of *Pteropus* under Appendix II of CITES (except those species already listed under Appendix I or with earlier dates under Appendix II), in an effort to provide a basis for the control of shipments and as a stimulus to exporting countries to manage their bat populations. All subspecies of *Pteropus mariannus* are now protected under CITES and listed under Appendix I of that Convention (50 CFR part 23).

CITES is a treaty established to prevent trade that may be detrimental to the survival of plants and animals. Generally, both import and export permits are required from the importing and exporting countries before an Appendix I species may be shipped, and Appendix I species may not be exported for primarily commercial purposes. CITES permits may not be issued if the export will be detrimental to the survival of the species or if the specimens were not legally acquired. However, CITES does not itself regulate take or domestic trade.

The Republic of Palau became subject to the CITES restrictions for trade with the Mariana Islands when it established its independence from the United States in October 1994. However, fruit bats from Palau, Pohnpei, and the Philippine Islands are reportedly smuggled into the Mariana Islands on a regular basis (E. Hester, USFWS, Hawaii, pers. comm. 1997; Stinson *et al.* 1992; Wiles 1992; Worthington and Taisacan 1996). Experts remain concerned that the demand for fruit bats will remain high and poaching pressure on Rota and the northern islands may increase (Wiles 1996, Worthington and Taisacan 1995).

Current activities that may help stabilize and protect the population of this bat on the southern islands include a Habitat Conservation Plan (HCP) for the island of Rota. This plan is being developed with the cooperation of the CNMI government and the local Rota residents, and with technical assistance from the U.S. Fish and Wildlife Service Pacific Islands Office. Initiated largely to assist in the conservation of the Mariana crow (*Corvus kubaryi*), most of the land included in the HCP is limestone forest used by bats for foraging and roosting. Historic bat roosting areas are also included in the Sabana Conservation Area, part of a conservation effort designed by the CNMI government meant to limit development in this upper elevation area. Preservation of these forested areas is essential for the long term stability of fruit bat populations.

The Guam National Wildlife Refuge (Refuge) was created on October 1, 1993, with additional lands incorporated in 1994 by cooperative agreements between the Service, the Air Force and the Navy. The establishment and management of the Refuge on Navy and Air Force lands provides a commitment by the Navy, Air Force, and Service for a ''coordinated program centered on the protection of endangered and threatened species and other native flora and fauna* * *'' Enactment of such a program by these agencies will contribute to the continued survival and recovery of the Mariana fruit bat on Guam, as important foraging and roosting habitat is found within the Refuge boundaries.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Military training activities in areas used by fruit bats could significantly disrupt the behavior of these bats. On Guam, military aircraft traffic near the primary roosting site creates a potential for the abandonment of this roost (Morton 1996). In general, military training activities including live-fire exercises and aircraft overflights, in or near areas on any of the islands that support fruit bats, are likely to disrupt fruit bat behavior and may result in mortalities.

The small number of Mariana fruit bats remaining on Guam, Saipan and Aguijan place these colonies at risk of extinction from naturally occurring events and environmental factors. Typhoons in particular, could eliminate one or more of these colonies. Typhoons can drastically reduce or alter forested areas that constitute fruit bat habitat. In 1988, super Typhoon Roy defoliated or altered almost all of the forested areas on Rota (Fancy and Snetsinger 1996). Another typhoon that hit the northern island of Maug in 1981 also had similar devastating effects on fruit bat habitat (Lemke 1992b). Vegetation changes associated with such storms can eliminate fruit bat forest habitat, change tree species composition to less desirable species, and knock down important food resources (Lemke 1992b). Following Typhoon Roy, defoliation and other damage caused by the storm forced the bats on Rota to forage during the day in areas close to human habitation (Lemke 1992b). Poachers on Rota illegally hunted the bats, reducing their numbers by more than half (A. Palacios, *in litt.* 1990). There is no evidence that direct mortality caused by the storm was significant (Lemke 1992b). Future storms that cause bats to alter their normal behavior patterns could lead to similar episodes of illegal hunting, further reducing the remaining population of Mariana fruit bats (Worthington and Taisacan 1996).

Currently, the Mariana fruit bat on Guam is listed as endangered (49 FR 33881), and fruit bats in the CNMI on the islands of Aguijan, Tinian, and Saipan are identified as candidates for listing as threatened or endangered (62 FR 49401). At the time the Guam population was listed, fruit bats on the various islands in the Marianas were believed to represent separate, discrete populations of *Pteropus mariannus*

mariannus. Since the listing of the Mariana fruit bat on Guam in 1984, additional information pertaining to the biology of the Mariana fruit bat has become available, particularly with regard to the movement of bats between islands. Inter-island movement of the Mariana fruit bat between the islands of the Mariana archipelago is not a rare event. Based on this information, the Service believes it is biologically inappropriate to consider fruit bats on each island as distinct populations, and the Service believes that the fruit bats in the Mariana Islands should be managed as one population.

Only a ''species'' may be listed as threatened or endangered under the Act. This term is defined under section 3 of the Act to include any subspecies of fish or wildlife and any distinct population segment of any species of fish and wildlife that interbreeds when mature. Service policy regarding the recognition of distinct vertebrate populations, published in the **Federal Register** on February 7, 1996 (FR 61 4722), precludes treating non-distinct vertebrate populations differently with regard to listing status. The Service believes that the Mariana fruit bats in the CNMI and Guam represent one population, but recognizes that the survival of these bats on Guam continues to be threatened by a variety of factors. However, when viewed in the context of representing a portion of the entire Mariana fruit bat population in the Mariana Islands, rather than as a distinct population as previously thought, reclassification from endangered to threatened is appropriate and biologically justified. Therefore, proposing to list the entire population of *Pteropus mariannus mariannus* as threatened throughout its range, including bats in both the CNMI and Guam, retains an appropriate level of protection for this bat on Guam while increasing overall protection to the Mariana fruit bat throughout the Mariana Islands.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the species in determining to propose this rule. Based on this evaluation, the proposed action is to list the Mariana fruit bat as threatened on all islands in the CNMI, and reclassify the Mariana fruit bat as threatened on Guam. The loss of native forest continues to be a significant threat to the survival of this species. Few bats occur on Saipan, Tinian, and Aguijan. Although a significant number of bats persist on Rota, recent information has shown them to be at risk from illegal hunting and loss of forest habitat. The brown tree snake continues to prevent recruitment of bats on Guam, and the possible future introduction of the brown tree snake into the CNMI could also greatly reduce or eliminate the Mariana fruit bats on Rota and other islands. The bats on Rota are probably the source of bats seen on Guam, Saipan, Tinian, and Aguijan, making this subpopulation particularly important for the survival and recovery of the Mariana fruit bat in the southern Mariana Islands. Feral goats continue to seriously degrade fruit bat forest habitat on many of the northern islands. Although the remoteness of the northern islands affords some protection for the bats, it also offers poaching opportunities in the absence of wildlife law enforcement personnel. Thus, throughout the CNMI and Guam, this species is threatened by habitat degradation from human disturbance, animal damage, and typhoons; direct exploitation in the form of hunting; and, the direct impacts from and the threat of the arrival of the brown tree snake. The likelihood of regular inter-island movement between the islands of the Mariana archipelago warrants that the Mariana fruit bats in the Mariana Island archipelago be viewed as and managed as one population. While not in immediate danger of extinction, the Mariana fruit bat from the CNMI and Guam is likely to become an endangered species in the foreseeable future if the present threats and declines continue.

Critical habitat is not being proposed for this species, for reasons discussed in the ''Critical Habitat'' section of this rule.

Critical Habitat

Critical habitat is defined in section 3 of the Act as: (I) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the Mariana fruit bat at this time. Service regulations (50 CFR 424.12 (a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist—(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

Critical habitat receives consideration under section 7 of the Act with regard to actions carried out, authorized, or funded by a Federal agency. As such, designation of critical habitat may affect non-Federal lands only where such a Federal nexus exists. Federal agencies must ensure that their actions do not result in destruction or adverse modification of critical habitat. Aside from this added consideration under section 7, the Act does not provide any additional protection to lands designated as critical habitat. Designating critical habitat does not create a management plan for the areas where the listed species occurs; does not establish numerical population goals or prescribe specific management actions (inside or outside of critical habitat).

The publication of precise maps and descriptions of critical habitat in the **Federal Register**, as required for the designation of critical habitat, would increase the degree of threat from illegal hunting of the Mariana fruit bat and contribute to its decline. As discussed under Factor B in the ''Summary of Factors Affecting the Species'', the Mariana fruit bat is extremely vulnerable to illegal hunting, which contributes to the decline of this species. Poaching continues to be one of the most significant factors in the decline of the Mariana fruit bat (Glass and Taisacan 1988, Lemke 1992b, Marshall *et al.* 1995, USFWS 1990, Worthington and Taisacan 1996). Reports of poaching on Rota occur almost monthly (S. Taisacan, pers. comm. 1997a, 1997b). Poaching is also known to occur on the northern islands and represents a significant threat to bats on these islands (Worthington and Taisacan 1996).

That bats occupy the islands north of Saipan is generally known, but specific roost locations are not widely known. On Rota, bat roosting areas have been noted on unpublished maps, but specific roost sites within these areas have not been mapped. The specific

location of the only roost on Guam is not widely known by the public. The publication of precise maps and descriptions of critical habitat in the **Federal Register**, as required for the designation of critical habitat, may increase the degree of threat from illegal hunting of the Mariana fruit bat by identifying roosting sites where bats are most susceptible to illegal hunting, and contribute to the decline of this species.

With the increased publicity of this species if listing as threatened is finalized, a higher incidence of illegal hunting may occur, particularly on the islands north of Saipan. Publication of precise maps and descriptions of critical habitat in the **Federal Register** may expose bats on these islands to more frequent illegal hunting, thus resulting in the further decline of the species. Publication of critical habitat descriptions and maps would ultimately make the Mariana fruit bat more vulnerable and increase enforcement problems.

Further, there would be little benefit to the species from a critical habitat designation covering habitat and roosts on private, Government of Guam, or CNMI lands even if in the future there is additional Federal involvement through permitting or funding, such as through the Federal Highway Administration or the Federal Emergency Management Agency. Designating critical habitat would not create a management plan for the bat or establish numerical population goals for long-term survival of the species nor directly affect areas not designated as critical habitat. Federal involvement, where it does occur, can be identified without the designation of critical habitat because interagency coordination requirements (e.g., Fish and Wildlife Coordination Act (FWCA) and the Endangered Species Act) are already in place.

Section 7 of the Act requires that Federal agencies refrain from contributing to the destruction or adverse modification of critical habitat in any action authorized, funded or carried out by such agency (agency action). This requirement is in addition to the section 7 prohibition against jeopardizing the continued existence of a listed species, and it is the only mandatory legal consequence of a critical habitat designation. Any future Federal action that may affect the species will be subject to section 7 consultation to ensure that it does not jeopardize the continued existence of the species. Implementing regulations (50 CFR part 402) define ''jeopardize the continuing existence of'' and ''destruction or adverse modification of'' in very similar terms. To jeopardize the continuing existence of a species means to engage in an action ''that reasonably would be expected to reduce appreciably the likelihood of both the survival and recovery of a listed species.'' Destruction or adverse modification of habitat means an ''alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.'' Common to both definitions is an appreciable detrimental effect to both the survival and the recovery of a listed species. An action that appreciably diminishes habitat for recovery and survival may also jeopardize the continued existence of the species because negative impacts to such habitat may reduce population numbers, decrease reproductive success, or alter species distribution through habitat fragmentation.

In addition, the only bat roost on Guam is located on military lands incorporated into the Guam National Wildlife Refuge by cooperative agreements between the Service, the Air Force, and the Navy. The establishment and management of the Refuge overlay on Navy and Air Force lands provides a commitment by the Navy, Air Force, and Service to protect endangered and threatened species. Among other provisions, the cooperative agreements establishing the overlay refuge provide for the development of a species management plan, including actions to benefit the Mariana fruit bat. These agreements also establish procedures for coordination and consultation between the military and the Service, and include a requirement that the military agency coordinate with the Service before undertaking any activities that may affect lands identified as providing essential habitat for the Mariana fruit bat. Implementation of the refuge overlay agreements will contribute to the continued survival and recovery of the Mariana fruit bat.

In the CNMI, the military leases land on Tinian and Farallon de Mendinilla, and is aware of the presence of the Mariana fruit bat on both of these islands (U.S. Navy 1997; T. Sutterfield U.S. Navy, Hawaii, *in litt.* 1997). On Tinian, the Navy's Natural Resources Management Plan for the military lease area recommends actions that will, in part, enhance fruit bat habitat (U.S. Navy 1997); the Service has provided comments to the Navy regarding this plan (USFWS *in litt.* 1997).

Therefore, there would be no benefit from critical habitat designation for roosts or habitat on military land as they are currently aware of the bat's occurrence and their actions would be subject to the refuge overlay agreements on Guam and section 7 consultation for any activity it authorized, funded, or carried out. The designation of critical habitat would not increase their commitment or management efforts. Protection of Mariana fruit bats on these lands, as well as military leased land in the CNMI, will most effectively be addressed through the recovery process and the consultation process of section 7.

The Service acknowledges that critical habitat designation, in some situations, may provide some value to the species by identifying areas important for species conservation and calling attention to those areas in special need of protection. Critical habitat designation of unoccupied habitat may also benefit this species by alerting permitting agencies to potential sites for reintroduction and allow them the opportunity to evaluate proposals that may affect these areas. However, in this case, the existing roosts of Mariana fruit bats are either currently known by the military and the CNMI and Guam governments, or the appropriate landowners will be notified prior to publication of the proposed rule. If future management actions include unoccupied habitat, any benefit provided by designation of such habitat as critical will be accomplished more effectively and efficiently with the current coordination process.

The Service believes that the minimal benefit of designating critical habitat would be far outweighed by the increased threats to the species that would result from identification of critical habitat. All parties and principal landowners involved in the recovery of the Mariana fruit bat will be notified of the location and importance of protecting this species and its habitat prior to publication of the proposed rule. Protection of this habitat will be addressed through the recovery process and through the section 7 consultation process. Therefore, the Service finds that designation of critical habitat for this species is not prudent at this time, because such designation would increase the degree of threat from illegal hunting and is unlikely to aid in the conservation of this species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages

and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with states and mandates that recovery plans be developed for all listed species. The protection required by Federal agencies and the prohibitions against certain activities involving listed animals are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Parts of Guam, Tinian, Rota, and Farallon de Mendinilla are used as, or are under consideration for use as, training areas by U.S. armed forces. Federally supported activities that could affect the Mariana fruit bat or its habitat in the future include, but are not limited to, the following—helicopter over-flights at or near roosting areas, bombardment of areas where bats are known to occur, and other military activities such as troop movements, road and firebreak construction, or live-fire exercises that disrupt normal fruit bat biology or habitat. Conservation of this bat may be consistent with most ongoing operations at these sites, but the proposed listing of the species in the CNMI could result in some restrictions on military use of the land.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. The prohibitions, codified at 50 CFR 17.21 and 17.31, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export; transport in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale in interstate or foreign commerce; or take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect—or attempt any of these) any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Pursuant to section 10 of the Act and 50 CFR 17.32, permits may be issued to carry out otherwise prohibited activities involving threatened animal species under certain circumstances. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species, permits are also available for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act. Information collections associated with these permits are approved under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned Office of Management and Budget clearance number 1018–0094. For additional information concerning these permits and associated requirements, see 50 CFR 17.32.

It is the policy of the Service, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of this listing on proposed and ongoing activities within the range of the species. Activities involving the Mariana fruit bat that the Service believes will not likely be considered a violation of section 9 include, but are not limited to, scientific or recreational activities within forested areas that support colonies of fruit bats, but exclusive of the specific sites known to support these colonies.

Activities that the Service believes could potentially harm the Mariana fruit bat resulting in ''take'', or which otherwise could be considered a violation of section 9 include, but are not limited to, the following:

(1) Unauthorized collecting, handling, possessing, selling, delivering, carrying, transporting, or shipping of the species;

(2) Intentional introduction of exotic species that compete with or prey on bats, such as the introduction of the predatory brown tree snake to islands that support bat colonies;

(3) Activities that disturb bats from roost sites and feeding areas;

(4) Unauthorized destruction or alteration of forested areas that are required by the bats for foraging, roosting, breeding, or rearing young;

(5) Engaging in the unauthorized import or export of these bats or in interstate and foreign commerce (commerce across State lines and international boundaries).

Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Pacific Islands Office (see **ADDRESSES** section). Requests for copies of the regulations concerning listed animals and general inquiries regarding prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Endangered Species Permits, 911 N.E. 11th Avenue, Portland, Oregon, 97232–4181 (telephone 503/231–2063; FAX 503/231–6243).

Effects of the Rule

This proposed rule would revise § 17.11(h) to reclassify the Guam ''population'' of *Pteropus mariannus mariannus* from endangered to threatened to reflect the Service's conclusion that this subspecies consists of only one population. This single population, including individuals on Guam, is not in imminent danger of extinction throughout a significant portion of its range. *Pteropus mariannus mariannus* is considered, however, likely to become endangered within the foreseeable future, and this proposed rule would revise § 17.11(h) to list the Mariana fruit bat as threatened throughout its range. Reclassification of the Mariana fruit bat on Guam to threatened does not alter the protection under the Act currently afforded to individuals of that species on Guam.

The Mariana fruit bat is listed as threatened or endangered (the CNMI makes no specific distinction between the threatened and endangered categories) by the CNMI government on Rota, Saipan, Tinian, and Aguijan (CNMI 1991), but receives no such protection on the islands north of Saipan; additionally, no regulations prohibit the taking of fruit bats in the CNMI. The Mariana fruit bat is listed as endangered on Guam by the Government of Guam, and take is prohibited (Wiles 1982).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species. If a Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. Parts of Guam, Tinian, Rota, and Farallon de Mendinilla are used as, or are under consideration for use as,

training areas by U.S. armed forces. Federally supported activities that could affect the Mariana fruit bat or its habitat in the future include, but are not limited to helicopter over-flights at or near roosting areas, bombardment of areas where bats are known to occur, other military activities such as troop movements, road and firebreak construction, or live-fire exercises that disrupt normal fruit bat biology or habitat. Conservation of this bat may be consistent with most ongoing operations at these sites, but the proposed listing of the species could result in some restrictions on military use of the land. These agencies have been involved in recovery and section 7 consultation activities for this species since it was listed as endangered on Guam in 1984, and they are likely to remain involved. Recovery activities are not expected to diminish as the primary objective of the recovery strategy is delisting of the species.

This reclassification is not an irreversible commitment on the part of the Service. Reclassifying *Pteropus mariannus mariannus* to endangered would be possible should changes occur in management, habitat, or other factors that alter the the present threats to the recovery and survival of the species.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this subspecies and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this subspecies; and,

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation(s) on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final determination that differs from this proposal.

The Endangered Species Act provides for one or more public hearings on this proposal, if requested. Hearing requests must be received within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing and addressed to the Field Supervisor, Pacific Islands Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Impact Statements and Environmental Assessments, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Required Determinations

This rule does not contain collections of information that require approval by the OMB under 44 U.S.C. 3501 *et seq.*

References Cited

A complete list of all references cited herein is available upon request from the Pacific Islands Office (see **ADDRESSES** section).

Author: The author of this proposed rule is David Worthington, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below.

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. In § 17.11(h), revise the table entry for ''Bat, Mariana fruit'' under MAMMALS is revised to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*	*	
Bat, Mariana fruit (=Mariana flying fox).	*Pteropus mariannus mariannus.*	Western Pacific Ocean—U.S.A. (GU, MP).	Entire	T	156,____	NA	NA
*	*	*	*	*	*	*	

Dated: March 17, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–7836 Filed 3–25–98; 8:45 am]

BILLING CODE 4310–55–U

Proposed Rules

Federal Register
Vol. 63, No. 58
Thursday, March 26, 1998

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–42–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 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 Saab Model SAAB 2000 series airplanes. This proposal would require a one-time inspection to detect discrepancies of the electrical harness of the propeller de-icing system and of the hydraulic pressure pipe from the engine driven pump (EDP); and follow-on corrective actions, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent chafing of the hydraulic pressure pipe of the EDP, which could result in charring of the hydraulic tube and consequent engine compartment fire.

DATES: Comments must be received by April 27, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–42–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 Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. 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 98–NM–42–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. 98–NM–42–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, recently notified the FAA that an unsafe condition may exist on certain Saab Model SAAB 2000 series airplanes. The LFV advises that it received reports of chafing between the electrical harness of the propeller de-icing system and the hydraulic pressure pipe from the engine driven pump (EDP) which resulted in the loss of hydraulic fluid in one reservoir. The chafing of the electrical harness and the hydraulic pressure pipe has been attributed to incorrect routing of the electrical harness that occurred in production. Such chafing, if not corrected, could result in charring of the hydraulic tube, and consequent engine compartment fire.

Explanation of Relevant Service Information

Saab has issued Service Bulletin SAAB 2000–30–014, Revision 01, dated January 9, 1998, which describes procedures for a one-time visual inspection to detect discrepancies (incorrect routing, insufficient clearance, and chafing) of the electrical harness of the propeller de-icing system, and repair, if necessary. The service bulletin also describes procedures for a one-time visual inspection to detect chafing of the hydraulic pipe from the EDP, and replacement of any discrepant pipe with a new pipe, if necessary. The LFV classified this service bulletin as mandatory and issued Swedish airworthiness directive SAD No. 1–121, dated January 9, 1998, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA’s Conclusions

This airplane model is manufactured in Sweden 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 LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, 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.

Cost Impact

The FAA estimates that 3 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 $180, 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 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:

Saab Aircraft AB: Docket 98–NM–42–AD.

Applicability: Saab Model SAAB 2000 series airplanes, serial numbers 004 through 053 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing of the hydraulic pressure pipe of the engine driven pump (EDP), which could result in charring of the hydraulic tube and consequent engine compartment fire, accomplish the following:

(a) Within 30 days after the effective date of this AD, accomplish the actions specified in paragraphs (a)(1) and (a)(2) of this AD, in accordance with Saab Service Bulletin 2000–30–014, Revision 01, dated January 9, 1998.

(1) Perform a one-time inspection to detect discrepancies (incorrect routing, insufficient clearance, and chafing) of the electrical harness of the propeller de-icing system, left and right sides. If any discrepancy is found, prior to further flight, repair.

(2) Perform a one-time visual inspection to detect chafing of the hydraulic pipe of the EDP, left and right sides. If any chafing is found, prior to further flight, replace the pipe with a new or serviceable part.

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

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

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

NOTE 3: The subject of this AD is addressed in Swedish airworthiness directive SAD No. 1–121, dated January 9, 1998.

Issued in Renton, Washington, on March 19, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7881 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–311–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 Series Airplanes Powered by Rolls-Royce RB211–535E4/E4B Engines

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 Boeing Model 757–200 series airplanes. This proposal would require repetitive inspections to detect cracking of the acoustic panels in the engine inlet, and repair, if necessary. This proposal also would require eventual replacement of the existing engine inlet with a new inlet, which, when accomplished, would terminate the repetitive inspections. This proposal is prompted by reports of cracking of acoustic panels in the engine inlet, and incidents of pieces of the panels breaking off and being ingested into the engine. The actions specified by the proposed AD are intended to detect and correct cracking of the acoustic panels in the engine inlet, which could result in reduced structural integrity of the engine inlet, and consequent engine shutdown or surge; or in the event of a fan blade failure, separation of the inlet from the engine.

DATES: Comments must be received by May 11, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–311–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Kathrine H. Rask, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1547; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–311–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–311–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of cracking of the acoustic panels in the engine inlets of certain Boeing Model 757–200 series airplanes. In several cases, the areas of cracking are large enough to affect the structural integrity of the engine inlets. These cracked areas could detach and be ingested into the engine, which could cause internal damage to the engine and consequent engine shutdown. The cracked areas also could sag and disturb the airflow into the engine, which could cause the engine to surge and lose power. The FAA has received reports of two incidents in which portions of the engine inlet acoustic panels have been ingested into the engine; in one of these incidents, the ingested piece caused high vibration in the engine and damage to the leading edge tip of the fan blade.

The cracking of the acoustic panels has been attributed to an inherent design problem of the engine inlet, in which the resonance of the honeycomb structure at the core of the acoustic panels coincides with the passing frequency of the fan blade, which causes the honeycomb structure to crack. Because of the nature of this condition, the FAA has concluded that such cracking may exist or develop on other airplanes of this type design.

Cracking of the acoustic panels in the engine inlet, if not detected and corrected, could result in reduced structural integrity of the engine inlet, and consequent engine shutdown or surge; or in the event of a fan blade failure, separation of the inlet from the engine.

Explanation of Relevant Service Information

The FAA has reviewed and approved Rolls-Royce Service Bulletin RB.211–71–B480, Revision 1, dated August 15, 1997, which describes procedures for repetitive detailed inspections to detect cracking of the acoustic panels in the engine inlet, and repair, if necessary.

The FAA also has reviewed and approved Rolls-Royce Service Bulletin RB.211–71–9909, Revision 1, dated May 26, 1995, and Rolls-Royce Service Bulletin RB.211–71–9958, Revision 1, dated March 18, 1994, which describe procedures for replacing the existing engine inlet assembly with a new engine inlet assembly that incorporates improved acoustic panels. Such replacement eliminates the need for the repetitive inspections. Accomplishment of this replacement, as described in these service bulletins, is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, for airplane on which damage is found that exceeds the acceptance standards provided in paragraph 2.A. of Appendix 1 of Rolls-Royce Service Bulletin RB.211–71–B480, Revision 1, dated August 15, 1997, the service bulletin specifies that the manufacturer should be contacted for disposition of such damage. However, this proposed AD would not require that the manufacturer be contacted, but rather that those damaged engine inlets be replaced prior to further flight.

Cost Impact

There are approximately 52 airplanes of the affected design in the worldwide fleet. The FAA estimates that 24 airplanes of U.S. registry would be affected by this proposed AD.

Assuming both engines have inlets on which the improved acoustic panels have not been installed, it would take approximately 3 work hours per airplane (1.5 work hours per engine) to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this proposed inspection on U.S. operators is estimated to be $4,320, or $180 per airplane, per inspection cycle.

Assuming both engines have inlets on which the improved acoustic panels have not been installed, it would take approximately 4 work hours per airplane (2 work hours per engine) to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts would be provided by the engine manufacturer at no cost to the operator. Based on these figures, the cost impact of this modification on U.S. operators is estimated to be $5,760, or $240 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 97–NM–311–AD.

Applicability: Model 757–200 series airplanes; equipped with Rolls-Royce RB211–535E4/E4B engines, fitted with nose cowls having serial numbers 9001 through 9124 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking of the acoustic panels in the engine inlet, which could result in reduced structural integrity of the engine inlet, and consequent engine shutdown or surge; or in the event of a fan blade failure, separation of the inlet from the engine; accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a detailed inspection to detect cracking of the acoustic panels in the engine inlet, in accordance with Rolls-Royce Service Bulletin RB.211–71–B480, Revision 1, dated August 15, 1997.

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 650 hours time-in-service.

(2) If any cracking is detected, accomplish the requirements of either paragraph (a)(2)(i) or (a)(2)(ii), as applicable.

(i) If cracking is within the acceptance standards provided in paragraph 2.A. of Appendix 1 of the service bulletin, repair within 350 hours time-in-service, in accordance with the service bulletin. Thereafter, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 650 hours time-in-service.

(ii) If cracking is outside the acceptance standards provided in paragraph 2.A. of Appendix 1 of the service bulletin, prior to further flight, replace the engine inlet with a new engine inlet that incorporates improved acoustic panels, in accordance with Rolls-Royce Service Bulletin RB.211–71–9909, Revision 1, dated May 26, 1995, and Rolls-Royce Service Bulletin RB.211–71–9958, Revision 1, dated March 18, 1994. No further action is required by this AD for that engine inlet.

(b) Within 18 months after the effective date of this AD, replace both existing engine inlets with new inlets that incorporate improved acoustic panels, in accordance with Rolls-Royce Service Bulletin RB.211–71–9909, Revision 1, dated May 26, 1995, and Rolls-Royce Service Bulletin RB.211–71–9958, Revision 1, dated March 18, 1994. Accomplishment of such replacement constitutes terminating action for the requirements of this AD.

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

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

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

Issued in Renton, Washington, on March 19, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7880 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–288–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10A (Military) 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 McDonnell Douglas Model DC–10 series airplanes and KC–10A (military) airplanes. This proposal would require repetitive inspections to detect cracking of the lower cap of the wing rear spar, and repair, if necessary. This proposal is prompted by reports of fatigue cracks found in the lower cap of the wing rear spar. The actions specified by the proposed AD are intended to detect and correct fatigue cracking of the lower cap of the wing rear spar, which could result in reduced structural integrity of the airplane.

DATES: Comments must be received by May 11, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 97–NM–288–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 The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51

(2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Ron Atmur, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5224; fax (562) 627–5210.

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–288–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–288–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of four instances of crack development in the lower cap of the wing rear spar. In all four instances, a single crack on the left or right wing had propagated from the aft leg into both the vertical and forward legs of the spar cap. All affected airplanes had accumulated over 32,000 flight hours and over 18,000 landings. The cause of the cracking has been attributed to fatigue. Such fatigue cracking, if not detected and corrected in a timely manner, could result in reduced structural integrity of the airplane.

Other Relevant Rulemaking

The subject area is designated as Principal Structural Element (PSE) No. 57.10.007/.008 in McDonnell Douglas Report No. L26–012, ''DC–10 Supplemental Inspection Document (SID),'' Volume I, Revision 5, dated October 1994; Volume II, Revision 5, dated October 1994; and Volume III–94, dated November 1994. Inspections of that PSE are required by AD 95–23–09, amendment 39–9429 (60 FR 61649, December 1, 1995). The inspections required for this PSE follow the fleet leader sampling criteria with a fatigue life threshold (Nth) greater than 34,000 landings, which corresponds to a probability of failure per flight of 10^{-9}; i.e., failure is extremely improbable. All of the cracks have been detected on airplanes with fewer than 34,000 landings. Additionally, a PSE is defined as structure on which undetected failure could lead to loss of the structural integrity of the airplane. Therefore, the FAA has determined that an additional AD is warranted to require inspection of the lower cap of the wing rear spar on Model DC–10 series airplanes and KC–10A (military) airplanes after accumulation of 7,000 total landings. Such inspections would ensure that fatigue cracking is detected in a timely manner, well in advance of cracking reaching a critical length.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin DC10–57A137, dated July 31, 1997, which describes procedures for repetitive eddy current surface inspections to detect cracking in the lower cap of the wing rear spar.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

Differences Between the Alert Service Bulletin and This Proposed AD

Operators should note that, although the alert service bulletin specifies that the manufacturer may be contacted for disposition of 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, although the alert service bulletin recommends a compliance time of 60 days for accomplishment of the initial inspection for airplanes that have accumulated more than 7,000 total landings, this proposed AD would require that the initial inspection be accomplished within 18 months after the effective date of the AD. In developing the proposed compliance time, the FAA determined that a compliance time of 18 months is appropriate in consideration of the safety implications, the average utilization rate of the affected fleet, and the practical aspects of an orderly inspection of the fleet during regular maintenance periods.

Cost Impact

There are approximately 283 airplanes of the affected design in the worldwide fleet. The FAA estimates that 201 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours 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 $96,480, or $480 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:

McDonnell Douglas: Docket 97–NM–288–AD.

Applicability: Model DC–10 series airplanes and KC–10A (military) airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC10–57A137, dated July 31, 1997; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the lower cap of the wing rear spar, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Conduct an eddy current surface inspection to detect cracking of the lower cap of the wing rear spar, in accordance with the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin DC10–57–A137, dated July 31, 1997; at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD. Thereafter, repeat this inspection at intervals not to exceed 1,500 landings.

(1) Prior to the accumulation of 7,000 total landings, or within 18 months after the effective date of this AD, whichever occurs later. Or

(2) Within 1,500 landings after the accomplishment of the inspection of Principal Structural Elements 57.10.007 and 57.10.008, in accordance with AD 95–23–09, amendment 39–9429.

(b) If any crack is found during any inspection required by this AD, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(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, Los Angeles ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

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

Issued in Renton, Washington, on March 19, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7879 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–110–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain British Aerospace (BAe) Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes. The proposed AD would require replacing the windshield wiper arm attachment bolts and windshield wiper arm on all of the affected airplanes, and measuring the material thickness of the upper and lower toggle attachment brackets on the nose landing gear of the affected airplanes, and replacing the toggle attachment bracket lugs if necessary. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to prevent the windshield wiper arm from corroding, detaching from the airplane during flight, and penetrating the fuselage, which, if not corrected, could result in possible injury to the pilot and passengers; and to prevent collapse of the nose landing gear caused by design deficiency, which, if not corrected, could result in loss of control of the airplane during landing operations.

DATES: Comments must be received on or before April 27, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE–110-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All

communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–110–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–110–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that unsafe conditions may exist on certain BAe Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes. The CAA reports the following:

—That a windshield wiper arm came loose from one of the above airplanes. Once the wiper arm detached from the airplane, it hit the propeller blade, and broke off the tip of the propeller blade. The wiper arm, wiper arm attachment bolt, and the propeller tip penetrated the fuselage. It was later determined by a CAA investigation that the wiper arm attachment bolt failed because of corrosion.

—That a nose landing gear (NLG) failure was attributed to fatigued NLG toggle bracket lugs and axle bracket lugs. Further investigation by the CAA and the manufacturer determined that external radii drawing tolerances have led to insufficient wall thicknesses, contributing to fatigue on the NLG axle brackets during landing.

These conditions, if not corrected, could result in pilot and passenger injury and loss of control of the airplane during landing operations.

Relevant Service Information

BAe has issued the following service information:

Jetstream Series 3100/3200 Service Bulletin (SB) 30–JA 950641, Original Issue: August 23, 1996, Revision No. 2: March 18, 1997, which specifies following the procedures provided in Rosemont Aerospace Inc. Service Bulletin No. 2314M–30–16, dated December, 1996, for replacing the windshield wiper arm attachment bolts; and,

Jetstream Series 3100/3200 Alert Service Bulletin No. 32–JA 960601, Original Issue: October 25, 1996, Revision No. 1: dated April 11, 1997, which specifies following the procedures provided in APPH Precision Hydraulics SB No. 32–66, Revision No. 2, Issued: March 1997, for measuring the outer wall thickness of the toggle bracket lugs and the axle bracket lugs on the nose landing gear, and replacing these parts if the measurement is not within certain measurements limits. This SB incorporates the following effective pages:

Pages	Revision level	Date
2, 5, and 6	Revision 2	March 1997.

The CAA classified these service bulletins as mandatory and issued the following AD's in order to assure the continued airworthiness of these airplanes in the United Kingdom: British AD 006–08–96, not dated, for the windshield wipers condition; and British AD 002–10–96, not dated, for the nose landing gear condition.

The FAA's Determination

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, including the service information referenced above, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other BAe Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes of the same type design registered in the United States, the FAA is proposing AD action. This proposed AD would require replacing the windshield arm and windshield arm attachment bolt; and, measuring the outer wall thickness of the NLG toggle bracket lugs and axle bracket lugs, and replacing any part that does not meet the required measurements. Accomplishment of these proposed actions would be in accordance with the previously referenced service information.

Cost Impact

The FAA estimates that 314 airplanes in the U.S. registry would be affected by the windshield wiper portion of the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the replacement of the proposed AD, and that the average labor rate is approximately $60 an hour. Parts will be provided at no cost. Based on these figures, the total cost impact for the windshield wiper portion of the proposed AD on U.S. operators is estimated to be $37,680, or $120 per airplane.

The FAA estimates that 284 airplanes in the U.S. registry would be affected by the nose landing gear portion of the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the measurement of the proposed AD, and that the average labor rate is approximately $60 an hour. No parts are required to accomplish this portion of the proposed AD. Based on these figures, the total cost impact of the nose landing gear portion of the proposed AD on U.S. operators is estimated to be $34,080, or $120 per airplane.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a

''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace: Docket No. 97–CE–110–AD.

Applicability: Model HP.137 Jetstream Mk.1, Jetstream Model 3101, Jetstream Model 3201, and Jetstream 200 series airplanes (all serial numbers), certificated in any category.

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

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

To prevent the windshield wiper arm from corroding, detaching from the airplane during flight, and penetrating the fuselage, which, if not corrected, could result in possible injury to pilot and passengers; and to prevent collapse of the nose landing gear caused by design deficiency, which, if not corrected, could result in loss of control of the airplane during landing operations, accomplish the following:

(a) Within the next 90 days after the effective date of this AD, replace the windshield wiper arm and windshield wiper attachment bolt in accordance with the Accomplishment Instructions section in the Jetstream Series 3100/3200 Service Bulletin (SB) 30–JA 950641, Original Issue: August 23, 1996, Revision No. 2: March 18, 1997, and the Accomplishment Instructions section of the Rosemont Aerospace Inc. SB No. 2314M–30–16, dated December 1996.

(b) Within the next 90 days after the effective date of this AD, measure the outer wall thickness of the nose landing gear (NLG) toggle bracket lugs and the axle bracket lugs in accordance with the Accomplishment Instructions in APPH Precision Hydraulics SB 32–66, Revision No. 2, Issued March 1997 which incorporates the following pages:

Pages	Revision level	Date
2, 5, and 6	Revision 2	March 1997.

Note 2: The APPH SB is referenced in the Accomplishment Instructions in Jetstream Series 3100/3200 Alert Service Bulletin No. 32–JA 960601, Revision No. 1, April 11, 1997, Original Issue, October 25, 1996.

(1) Prior to further flight, replace the NLG toggle bracket lugs and axle bracket lugs, if the measurements of the outer wall thickness do not meet the criteria set out in the Table contained in paragraph B. (5) of the Accomplishment Instructions section in APPH Precision Hydraulics SB 32–66, Revision 2, Issued March 1997.

(2) If the measurements of the outer wall thickness are within the criteria set out in the Table contained in paragraph B. (5) of the Accomplishment Instructions section in APPH Precision Hydraulics SB 32–66, Revision 2, Issued March 1997, replace the NLG toggle bracket lugs and axle bracket lugs at the times specified in the Table referenced above, or within the next 50 landings after the measurement is taken, whichever occurs later.

Note 3: The compliance time in this AD takes precedence over the compliance times published in the applicable service bulletins.

(c) 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.

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to the service information referenced in this AD should be directed to British Aerospace Regional Aircraft., Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone (01292) 479888; facsimile (01292) 479703. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 5: The subject of this AD is addressed in British AD 002–10–96, not dated, for the nose landing gear condition; and British AD 006–08–96, not dated, for the wind shield wiper condition.

Issued in Kansas City, Missouri, on March 19, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7886 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–121–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Luftfahrt GmbH Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Dornier Luftfahrt GmbH (Dornier) Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes. The proposed AD would require modifying the logic in the failure detection circuits of the landing gear uplock switches. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent a false warning indication of landing gear failure because of the design of the landing gear warning system, which could result in incorrect actions from the pilot based on the warning indications.

DATES: Comments must be received on or before April 27, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–121–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Daimler-Benz Aerospace, Dornier, Product Support, P.O. Box 1103, D–82230 Wessling, Federal Republic of Germany; telephone: (08153) 300; facsimile: (08153) 302985. This information also may be examined at the Rules Docket at the address above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–121–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–121–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Dornier Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes. The LBA reports an incident of a false landing gear warning indication on one of the above-referenced airplanes. The current design of the landing gear warning system is such that the three uplock switches could actuate in a parallel connection. If one or two switches fail or failure in the wiring cables occurs, the system would not identify the failed system. The third switch may then initiate a false gear warning indication.

These conditions, if not corrected in a timely manner, could result in incorrect actions from the pilot based on false landing gear warning indications.

Relevant Service Information

Dornier has issued Service Bulletin No. SB–228–215, Revision No. 1, dated January 31, 1995, which specifies procedures for modifying the logic in the failure detection circuits of the landing gear uplock switches.

The LBA classified this service bulletin as mandatory and issued German AD No. 95–246, dated August 23, 1995, in order to assure the continued airworthiness of these airplanes in Germany.

The FAA's Determination

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

The FAA has examined the findings of the LBA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Dornier Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require modifying the logic in the failure detection circuits of the landing gear uplock switches. Accomplishment of the proposed installation would be in accordance with Dornier Service Bulletin No. SB–228–215, Revision No. 1, dated January 31, 1995.

Cost Impact

The FAA estimates that 26 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 32 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $49,920, or $1,920 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Dornier Luftfahrt GmBH: Docket No. 97–CE–121–AD.

Applicability: Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 airplanes, serial numbers 0001 through 8235, certificated in any category.

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

Compliance: Required within the next 100 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To prevent a false warning indication of landing gear failure because of the design of the landing gear warning system, which could result in incorrect actions from the pilot based on the warning indications, accomplish the following:

(a) Modify the logic in the failure detection circuits of the landing gear uplock switches in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Dornier Service Bulletin No. SB–228–215, Revision No. 1, dated January 31, 1995.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64016. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(d) Questions or technical information related to Dornier Service Bulletin No. SB–228–215, Revision No. 1, dated January 31, 1995, should be directed to Daimler-Benz Aerospace, Dornier, Product Support, P.O. Box 1103, D–82230 Wessling, Federal Republic of Germany; telephone: (08153) 300; facsimile: (08153) 302985. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in German AD 95–246, dated August 23, 1995.

Issued in Kansas City, Missouri, on March 19, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7888 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–126–AD]

RIN 2120–AA64

Airworthiness Directives; Avions Mudry & Cie Model CAP 10B Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede airworthiness directive (AD) 93–10–11, which currently requires the following actions on Avions Mudry & Cie (Avions) Model CAP 10B airplanes: installing an inspection opening in the wing, repetitively inspecting the upper wing spar cap for cracks, and repairing any cracks. The proposed action would retain the same actions already required by AD 93–10–11, but would add inspecting, and repairing if necessary, the lower surface of the wing spar. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by the proposed AD are intended to prevent structural cracks in the wing spar, which, if not corrected, could lead to loss of a wing and loss of control of the airplane.

DATES: Comments must be received on or before April 27, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–126–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Avions Mudry & Cie, B.P. 214, 27300 Bernay, France: telephone (33) 32.43.47.34; facsimile (33) 32.43.47.90. This information also may be examined at the Rules Docket at the address above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–126–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–126–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Airworthiness Directive (AD) 93–10–11, Amendment 39–8592, (58 FR 31342, June 2, 1993) currently requires

installing a permanent inspection opening and repetitively inspecting the upper wing spar caps for cracks on Avions Model CAP 10B airplanes, and if any cracks are found, prior to further flight, repairing the cracks in accordance with a repair scheme provided by the manufacturer.

Actions Since Issuance of Previous Rule

The Direction Generale De L'Aviation Civile (DGAC), which is the airworthiness authority for France, has notified the FAA that an unsafe condition may still exist on certain Avions Mudry & Cie (Avions) Model CAP 10B airplanes.

The DGAC advises that they are still receiving reports of cracks on the upper surfaces of the wing, and cracks have now been showing up on the underside of the wing spar. The DGAC reports that this cracking occurs as a result of exceeding the load limit determined for the airplane, executing snap roll maneuvers outside the envelope for which the airplane is certificated, and repetitive hard landings.

Avions has used the information received from field reports to revise the service information regarding the inspection procedures for detecting cracks in the critical structure of the wings. Some reports have noted cracks along the No. 1 spar ribs, on the roots left and right of the wing, and cracks caused by over stress on the spar. Some damage has been extending to the lower surface of the spar and has occurred along the undercarriage attachment fitting. Cracks in these areas lead to separation of the spruce filler, delamination of the lower surfaces of the spar, and splits in the plywood skin of the lower wing spar surface.

Relevant Service Information

Avions has issued Service Bulletin CAP10B–57–003, Revision 1, dated April 3, 1996, which specifies procedures for inspecting the upper and lower wing spar for cracks, and determining whether any cracks found are compression cracks or lengthwise wood fissures. The revised service information simplifies the inspection procedure for the upper surface of the wing spar, recommends contacting the manufacturer for a repair method to fix any cracks found, and adds a new inspection to the lower surface of the wing spar along the undercarriage attachment fitting.

The inspections to the lower wing surface would also include determining what type of spruce filler is used at the underwing location, and depending on the type of spruce filler the wing is equipped with, a boroscope inspection would be performed. If any cracks are found, the service information recommends that the operator contact the manufacturer for the appropriate repair method. The manufacturer recommends repetitively inspecting for cracks in the same areas regardless of whether a repair was made.

The DGAC classified this service bulletin as mandatory and issued French AD 92–240(A)R1, dated October 22, 1997, in order to assure the continued airworthiness of these airplanes in France.

The FAA's Determination

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) 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 the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Avions Model CAP 10B airplanes of the same type design registered for operation in the United States, the proposed AD would supersede AD 93–10–11 with a new AD that would require repetitively inspecting the upper and lower wing spars for structural cracking, and if any cracks are found, repairing the cracks in accordance with a repair method provided by the manufacturer through the FAA.

Cost Impact

The FAA estimates that 37 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 5 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. There is no cost for parts associated with the proposed AD. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $11,100 or $300 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 93–10–11, Amendment 39–8592, and by adding a new AD to read as follows:

Avions Mudry & Cie: Docket No. 97–CE–126–AD; Supersedes AD 93–10–11, Amendment 39–8592.

Applicability: Model CAP 10B airplanes (all serial numbers), certificated in any category.

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

repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 100 hours time-in-service (TIS) after the effective date of this AD, or within the next 1,000 hours TIS after the last inspection required in accordance with AD 93–10–11, Amendment 39–8592, whichever occurs later, unless already accomplished, and thereafter at intervals not to exceed 1,000 hours TIS.

To prevent structural cracks in the wing spars, which, if not corrected, could lead to loss of a wing and loss of control of the airplane, accomplish the following:

(a) Inspect the upper and lower wing surfaces of both wing spars for cracks in accordance with Avions Mudry & Cie (Avions) Service Bulletin (SB) CAP10B–57–003, Revision 1, dated April 3, 1996.

(b) If any cracks are found, prior to further flight, repair the cracks with a repair scheme obtained from the manufacturer through the FAA Project Officer at the Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

Note 2: The compliance times required in this AD take precedence over the compliance times stated in Avions SB CAP10B–57–003, Revision 1, dated April 3, 1996.

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

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate. Alternative methods of compliance approved in accordance with AD 93–10–11 are not considered approved as alternative methods of compliance for this AD.

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

(e) Questions or technical information related to Avions Mudry & Cie Service Bulletin CAP10B–57–003, Revision 1, dated April 3, 1996, should be directed to Avions Mudry & Cie, B.P. 214, 27300 Bernay, France: telephone (33) 32 43 47 34; facsimile (33) 32 43 47 90. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 93–10–11, Amendment 39–8592.

Note 4: The subject of this AD is addressed in French AD 92–240(A)R1, dated October 22, 1997.

Issued in Kansas City, Missouri, on March 19, 1998.

Marvin R. Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–7889 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 133

RIN 1515–AB49

Gray Market Imports and Other Trademarked Goods

AGENCY: Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations in light of the 1993 decision of the U.S. Court of Appeals for the District of Columbia in *Lever Bros. Co.* v. *United States.* In line with that decision, the proposed rule would, upon application by the U.S trademark owner, restrict importation of certain gray market articles that bear genuine trademarks identical to or substantially indistinguishable from those appearing on articles authorized by the U.S. trademark owner for importation or sale in the U.S., and that thereby create a likelihood of consumer confusion, in circumstances where the gray market articles and those bearing the authorized U.S trademark are physically and materially different. The proposed restrictions would apply notwithstanding that the U.S. and foreign trademark owners are the same, are parent and subsidiary companies, or are otherwise subject to common ownership or control. The proposed restrictions would not be applicable if the otherwise restricted articles are labeled in accordance with proposed standards to eliminate consumer confusion.

In addition, it is proposed to reorganize the Customs Regulations, with respect to importations bearing recorded trademarks or trade names, in order to clarify Customs enforcement of trademark rights as they relate to products bearing counterfeit, copying, or simulating marks and trade names, and to clarify Customs enforcement against gray market goods.

DATES: Comments must be received on or before May 26, 1998.

ADDRESSES: Comments (preferably in triplicate) must be submitted to and may be inspected at the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Michael Smith, Intellectual Property Rights Branch, (202–927–2330).

SUPPLEMENTARY INFORMATION:

Background

On January 15, 1993, the United States Court of Appeals for the District of Columbia issued a decision in *Lever Bros. Co.* v. *United States,* 981 F.2d 1330 (D.C. Cir. 1993) (*Lever*) regarding certain prohibitions against the importation of certain ''gray market'' goods. In general, gray market goods are articles that are genuine but are not authorized for importation by the U.S trademark owner. In light of this decision, a number of regulatory changes to part 133, Customs Regulations (19 CFR part 133) are proposed.

The Lever Decision

Lever Brothers Company (''Lever U.S.'') owned the domestic trademarks ''SHIELD'' and ''SUNLIGHT,'' and manufactured products in the United States bearing those trademarks. Lever Brothers Limited (''Lever U.K.'') owned the foreign trademarks ''SHIELD'' and ''SUNLIGHT,'' and manufactured products abroad bearing those trademarks. Lever U.S. and Lever U.K. were affiliated through Unilever, a Dutch company. The *Lever* court proceeded on the uncontested assumption that the articles produced for the U.S. and foreign markets respectively differed in terms of composition, and performance characteristics, among other things.

A third party, unrelated to either Lever U.S. or Lever U.K., imported into the United States, without the authorization of Lever U.S., ''SHIELD'' deodorant soap and ''SUNLIGHT'' dishwashing products manufactured abroad by Lever U.K. Customs declined to restrict these importations, based on § 133.21(c)(2) of the Customs Regulations, 19 CFR 133.21(c)(2), which states that no protection against unauthorized genuine goods bearing otherwise restricted marks is provided when the foreign and domestic trademark owners are subject to common ownership or control.

Lever U.S. brought suit to compel Customs to deny entry, claiming that the differences between the Lever U.K. and Lever U.S. products resulted in consumer confusion and deception about the nature and origin of the imported merchandise, thereby constituting a violation of section 42 of

the Lanham Act, 15 U.S.C. 1124. The Appellate Court found that section 42 of the Lanham Act precludes the application of Customs' affiliate exception with respect to physically, materially different goods. The Court of Appeals affirmed the District Court's ruling that section 42 of the Lanham Act bars the importation of such goods. The District Court was directed to issue an injunction requiring Customs to exclude from entry the ''SHIELD'' and ''SUNLIGHT'' products at issue.

Protection Against Gray Market Goods

Currently, Customs enforces restrictions against trademarked gray market goods with two exceptions found in § 133.21(c): the ''affiliate'' exception of § 133.21(c)(2), and the ''same owner'' exception of § 133.21(c)(1). (In this document, for the sake of simplicity, except where the ''same owner'' exception and the ''affiliate'' exception are separately mentioned and distinguished, these exceptions will be referred to generically as the ''affiliate exception'', the term used in Lever.)

Restrictions Under Section 42 and the Lever Decision

Section 42 of the Lanham Act, 15 U.S.C. 1124, protects against consumer deception or confusion about an article's origin or sponsorship by restricting the importation of trademarked goods under certain circumstances. When an article is the domestic product of the U.S. trademark owner, that owner exercises control over the use of the trademark and the resulting goodwill. Similarly, Customs has taken the position that an article bearing an identical trademark and produced abroad by the U.S. trademark owner, a parent or subsidiary of the U.S. trademark owner, or a party subject to common ownership or control with the U.S. trademark owner, would be under the constructive control of either the U.S. trademark owner or a party who owned or controlled the U.S. trademark owner. Enforcement of the distribution rights of such an article produced abroad by a party related to the U.S. trademark holder was a matter to be addressed through private remedies. Therefore, Customs regulations do not provide for restrictions on the importation of such gray market goods. Prior to *Lever*, the applicability of this ''affiliate exception'' depended simply on the presence of the genuine trademark and the existence of the relevant intracompany relationship, and was not contingent on whether the gray market articles were the same as, or different from, the articles authorized for importation or sale in the United States.

However, the Court of Appeals in *Lever* drew a distinction between identical goods produced abroad under one of the scenarios contemplated by the affiliate exception and goods that are physically and materially different from the goods authorized by the U.S. trademark owner. Although the injunction in *Lever* was specifically limited to the articles at issue therein—''SHIELD'' deodorant soap and ''SUNLIGHT'' detergent—the Court of Appeals'' interpretation of the Lanham Act was not so limited and, absent some specially differentiating feature, would apply equally to other physically and materially different ''gray market'' goods. In addition, it seems clear that the *Lever* opinion should also apply not only to the ''affiliate'' exception of § 133.21(c)(2), but also to the ''same owner'' exception of § 133.21(c)(1). Customs proposes to make its regulations consistent with *Lever* to protect against consumer confusion as to the source or sponsorship of imported goods—notwithstanding that they are (1) produced by the owner of the U.S. trademark, (2) a parent or subsidiary of the U.S. trademark owner, or (3) a party subject to common ownership or control with the U.S. trademark owner—when the goods bear a mark identical to, or substantially indistinguishable from, a domestically registered trademark and are found to be physically and materially different from goods authorized by the U.S. trademark owner.

Customs proposes regulations that will continue to apply the current restrictions on the importation of gray market goods bearing legitimate trademarks that are identical to or substantially indistinguishable from trademarks on articles authorized for importation or sale in the United States under scenarios where the affiliate exception does not apply. The new restrictions that are being proposed also will ban, upon application by the trademark owner, even in affiliate exception scenarios, the importation into the United States of articles bearing genuine trademarks but that are materially and physically different and which are not authorized by the U.S. trademark owner. In the latter case, however, the restrictions will not apply when the imported article also bears a label that would inform the ultimate retail purchaser in the United States of the gray market identity of the product. This exception is contained in an exception to the restrictions that is outlined more fully below.

The Proposed Labeling Exception

In *Lever*, the Court of Appeals specifically notes that section 42 of the Lanham Act forbids importation of merchandise bearing a mark that shall copy or simulate a trademark registered in accordance with its provisions. In the Court's opinion, the Lanham Act appears on its face to aim at deceit and consumer confusion; when identical trademarks have acquired different meanings in different countries, one who imports the foreign version to sell it under that trademark will (in the absence of some ''specially differentiating feature'') cause the confusion Congress sought to avoid. The Customs Service believes that an informative label appearing prominently on such trademarked gray market goods would constitute a ''specially differentiating feature'' of the kind referred to by the Court.

Customs believes that a label can serve as an appropriate means of eliminating potential harm if the label makes clear that an article is materially and physically different from the product authorized by the trademark owner for importation or sale in the U.S. and is imported without authorization. Customs believes that a labeling exception to the new restrictions is consistent with the principles enunciated in *Lever*. In other words, where an article which is produced abroad by a party authorized to do so, bearing a genuine trademark, and imported without the authorization of the U.S. trademark owner, also bears a label in accordance with the proposed rule, Customs will regard the label as qualifying possible erroneous inferences regarding the characteristics of the article that might be drawn by the consumer from the trademark alone. Where such a label is present to modify the message regarding product characteristics that ordinarily may be communicated by the trademark standing alone, so as to eliminate the likelihood of consumer confusion, the Customs Service will conclude that the trademark, under those circumstances, does not ''copy or simulate'' the U.S.-registered mark. Such a label would modify any inference that may be drawn by the consumer from the trademark so as to eliminate the likelihood of consumer confusion.

The proposed regulations implement the responsibility of the Customs Service as the agency charged with the enforcement of the law to do so in a reasonable manner, and to promulgate appropriate rules regarding how it will interpret and apply section 42 of the Lanham Act. The proposed rules

establish the criteria that Customs will apply in carrying out its responsibilities concerning the importation of gray market goods. These rules are limited to the importation requirements of section 42 of the Lanham Act and do not apply to other provisions of the Act. To be eligible for the exception to the restriction, the label must be conspicuous and legible and appear in proximity to the trademark in its most prominent location on the article or retail packaging of the product. Where the likelihood of consumer confusion is eliminated by an acceptable, qualifying label which clearly informs the consumer about the nature of a product, Customs will except the product bearing such a label from the restrictions on importing physically and materially different gray market products.

The Customs Service is not imposing a regulatory requirement for the labeling of gray market goods. Customs proposes herein an exception to the new restriction on physically and materially different gray market products as described above. The proposed rule is intended to ensure that an acceptable label will be sufficiently conspicuous and legible and in sufficient proximity to the most prominent display of the trademark on the good or its package so as to eliminate inferences which might be drawn in the absence of such label.

In the view of Customs, the information conveyed by a label of the type proposed herein would eliminate consumer confusion and inform any reasonably alert or informed customer as to the characteristics of the goods. Armed with that information, the consumer would then be free to proceed based on his own determination of self-interest, weighing quality, price and other factors. The proposed exception for conspicuously labeled gray market imports would preserve the integrity and commercial value of the U.S. registered mark and eliminate consumer confusion regarding the source or sponsorship of the goods. Further, it would prevent the Lanham Act protection from being invoked inappropriately as a barrier to trade, while permitting consumer choice, promoting price competition, and avoiding injecting the Customs Service into intracompany world market division arrangements or disputes.

Customs is proposing standard language for the label that will except gray market goods from the new restriction on importation of such goods that are physically and materially different. The purpose of the proposed rule is to implement the *Lever* decision, and the label language has been designed to address simply and narrowly the factors on which the Court of Appeals for the D.C. Circuit focused in its ruling, namely, the gray market identity of the goods and the fact of physical and material difference. To the extent that an individual importer chooses to design a label that contains additional, product specific data, this is expressly permitted by the proposed rule.

A single label will reduce the administrative burden on Customs and promote consistency in the treatment of gray market imports subject to the rules. Customs believes that it will simplify the labeling process for importers, reducing costs and the risk that a process of individual label review and approval by Customs could cause delay and serve as a barrier to trade. Finally, Customs believes that a single label may achieve general recognition among consumers as a gray market label whereas a multiplicity of individual labels actually might create consumer confusion as to the significance of the labels.

The Customs Service believes that the proposed rule extends the appropriate protection under the trademark laws to owners of a U.S. trademark while not permitting those laws to be used as a shield against competition. In eliminating the risk of consumer confusion, the interest of the consumer in product choice and price competition in the marketplace should be considered along with the interest of the U.S. trademark holder in protecting its goodwill and reputation. The Customs Service believes that the right of the mark owner is limited to protection that addresses the potential damage to the mark owner. The identity and reputation of the domestic mark owner can be preserved and the public interest served by effectuating open and informed competition.

The Proposed Amendments

A critical step in applying the *Lever* decision is defining the scope of ''physically and materially different.'' The *Lever* court did not provide specific criteria for determining when products should be considered physically and materially different. Customs recognizes that no bright line test can be established which would delineate the relevant difference(s) among the multitude of products that may be involved in the gray market. Such determinations are inherently fact specific and must be made on a case-by-case basis. Customs also recognizes, however, that without certain guidelines, the importing public cannot reasonably expect Customs consistently to protect owners of U.S.-registered trademarks while facilitating the flow of legitimate commercial trade. With that in mind, Customs proposes to amend its regulations to include categories of information that trademark owners may provide to Customs for consideration in its determination as to whether certain trademarks may be entitled to protection under the rationale of *Lever* and the new rules promulgated herein (''*Lever*-rule'' protection).

Thus, in addition to the current information described in § 133.2, Customs Regulations (19 CFR 133.2), Customs will consider the following:

1. The composition of both the authorized and gray market product(s) (including chemical composition);
2. Formulation, product construction, structure, or composite product components, of both the authorized and gray market product(s);
3. The performance and operational characteristics of both the authorized and gray market product(s);
4. Differences between the authorized and gray market products resulting from legal or regulatory requirements, certification, etc.;
5. Other characteristics that can be described with particularity by the U.S. owner claiming gray market protection. Such characteristics must clearly distinguish authorized articles from gray market articles, applying criteria which establishes the protection of the statute, namely protection from consumer confusion and deception.

In each case, any proffered characteristic must be supported by competent evidence. Customs recognizes that it cannot anticipate all of the considerations that may lead to a finding of ''physical and material difference,'' but *Lever* suggests certain categories of information which are appropriate. The last criterion above leaves open the possibility that unspecified information may be considered at Customs' discretion.

Owners claiming gray market protection under the proposed provision should be aware that Customs will require the grounds for claiming physical and material differences to be stated with particularity. Any such request lacking in specificity will be rejected.

T.D. 92–60

On June 26, 1992, Customs published in the **Federal Register** (57 FR 28605) a Notice of Court Order, notifying owners of trademarks recorded with Customs that the *Lever* court had ordered Customs to provide protection against physically and materially different gray market products. To date, two applications have been received,

requesting protection. The first, on behalf of the owner of the ''Duracell'' trademark, was denied. See 57 FR 46063. The second, on behalf of the owner of the ''Yamaha'' trademark, was suspended following the public comment period, following the issuance of the decision of the appellate court in *Lever*. Customs will no longer accept applications under the June 26, 1992, **Federal Register** notice. Any further applications must be made after the final amendments resulting from this notice of proposed rulemaking become effective, and must be in compliance therewith. The ''Yamaha'' application will be evaluated in this fashion, and a decision thereon published in the **Federal Register**.

Proposed Amendment of Recordations

Customs anticipates that the owners of U.S. registered trademarks currently recorded with Customs who believe that they may now be entitled to protection (''*Lever*-rule'' protection) from gray market importations under the regulatory changes, if adopted, may submit requests to Customs concerning their eligibility, along with detailed explanations of the reasons for their perceived eligibility. Any party applying for ''*Lever*-rule'' protection must also submit a summary of the physical and material differences relied on in support of its application. At approximately 30-day intervals, Customs will publish in the **Federal Register** a list of those trademarks for which ''*Lever*-rule'' protection for physically and materially different gray market products has been requested including summaries of the physical and material differences. Interested parties shall then have 30 days in which to comment on the request(s). At the end of the 30-day comment period, Customs shall examine the request(s) and any comments from the public before issuing a determination on whether ''*Lever*-rule'' protection is granted. For parties requesting protection, the application for trademark protection will not take effect until Customs has made and issued this determination.

If protection is granted, Customs will publish in the **Federal Register** a notice that a trademark will receive ''*Lever*-rule'' protection. Subsequent importations of physically and materially different products will be denied entry; the merchandise will be detained under the procedures described in proposed § 133.25 of the Customs Regulations (proposed 19 CFR 133.25), and be subject to seizure after 30 days pursuant to 19 U.S.C. 1595a(c)(2)(C), unless the physically and materially different product bears in a conspicuous location a legible label stating that ''This product is not the product authorized by the United States trademark owner for importation and is physically and materially different.'' Other information designed to dispel consumer confusion may also be added. Proposed § 133.23(d) will permit an importer to establish, during the 30-day detention period, that the detained merchandise is not physically and materially different from the product authorized for importation or sale in the U.S. by the U.S. trademark owner. Merchandise seized under the regulations may be subject to a petition for relief under the provisions of §§ 133.51 and 133.52 and part 171, Customs Regulations (19 CFR part 171).

Additional Proposed Regulatory Changes

In addition to the gray market regulation changes being proposed herein, Customs proposes to reorganize and renumber the remainder of subpart C, part 133. These changes are intended to clarify Customs enforcement of trademark rights as they relate to products bearing counterfeit, or copying or simulating marks and names, and to clarify Customs enforcement generally against gray market goods. None of the clerical proposals made in this connection, other than those stemming from the *Lever* decision, alters Customs enforcement practices.

Comments

Before adopting this proposal, consideration will be given to any written comments that are timely submitted to Customs. All such comments will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

Regulatory Flexibility Act and Executive Order 12866

The proposed rule would generally reflect case law intended to protect products with valid U.S. trademarks against infringing imports. Hence, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, the rule is not subject to the regulatory analysis requirements of 5 U.S.C. 603 and 604. Nor does the proposed rule meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Paperwork Reduction Act

The collection of information related to this notice of proposed rulemaking has been previously reviewed and approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 and assigned OMB Control Number 1515–0114. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Although this document restates the collection(s) of information without substantive change, comments are specifically requested concerning:

Whether the collection of information is necessary for the proper performance of the functions of the Customs 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 to enhance the quality, utility, and clarity of the information to be collected;

How to minimize the burden of complying with the proposed collection of information, including the application of automated collection techniques or other forms of information technology; and

Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

The collection of information related to this proposed regulation is in § 133.2. This information is necessary in order to enable Customs to protect products with valid U.S. trademarks against infringing imports. The collection of information is voluntary. The likely respondents are businesses.

Estimated total annual reporting and/or recordkeeping burden: _____ hours.

Estimated average annual burden hours per respondent and/or recordkeeper:

Estimated number of respondents and/or recordkeepers:

Estimated annual frequency of responses:

Comments on the collection of information should be directed to the Office of Management and Budget, Attention: Desk officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503. A copy should also be sent to the Regulations Branch,

Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC 20229. Comments should be submitted within the same time frame as comments on the substance of the proposal.

Drafting Information

The principal author of this document was Russell Berger, Regulations Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 133

Copyrights, Customs duties and inspection, Fees assessment, Imports, Penalties, Prohibited merchandise, Reporting and recordkeeping requirements, Restricted merchandise (counterfeit goods), Seizures and forfeitures, Trademarks, Trade names, Unfair competition.

Proposed Amendment

It is proposed to amend part 133, Customs Regulations (19 CFR part 133), as set forth below.

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

1. The general authority citation for part 133 would continue to read as follows, and the specific sectional authority for part 133 would be revised to read as follows:

Authority: 17 U.S.C. 101, 601, 602, 603; 19 U.S.C. 66, 1624; 31 U.S.C. 9701.

Section 133.1 also issued under 15 U.S.C. 1096, 1124;

Sections 133.2 through 133.7, 133.11 through 133.13, and 133.15 also issued under 15 U.S.C. 1124;

Sections 133.21 through 133.25 also issued under 15 U.S.C. 1124, 19 U.S.C. 1526;

Sections 133.26 and 133.46 also issued under 19 U.S.C. 1623;

Section 133.52 also issued under 19 U.S.C. 1526;

Section 133.53 also issued under 19 U.S.C. 1558(a).

2. It is proposed to amend § 133.2 by adding new paragraphs (e) and (f) to read as follows:

§ 133.2 Application to record trademark.

* * * * *

(e) *''Lever-rule'' protection.* For owners of U.S trademarks who desire protection against gray market articles on the basis of physical and material differences (see *Lever Bros. Co.* v. *United States,* 981 F.2d 1330 (D.C. Cir. 1993)), a description of any physical and material difference between the articles authorized for importation or sale in the United States and those not so authorized. In each instance, owners who assert that physical and material differences exist must state the basis for such a claim with particularity, and must support such assertions by competent evidence and provide summaries of physical and material differences for publication. Customs determination of physical and material differences may include, but is not limited to, considerations of:

(1) The composition of both the authorized and gray market product(s) (including chemical composition);

(2) Formulation, product construction, structure, or composite product components, of both the authorized and gray market product;

(3) Performance and/or operational characteristics of both the authorized and gray market product;

(4) Differences resulting from legal or regulatory requirements, certification, etc.;

(5) Other distinguishing and explicitly defined factors that would likely result in consumer deception or confusion as proscribed under applicable law.

(f) At approximately 30-day intervals, Customs will publish in the **Federal Register** a list of those trademarks for which gray market protection for physically and materially different products has been requested and summaries of physical and material differences. Interested parties shall then have 30 days in which to comment on the request(s). At the end of the 30-day comment period, Customs shall examine the request(s) and any comments from the public before issuing a determination whether gray market protection is granted. For parties requesting protection, the application for trademark protection will not take effect until Customs has made and issued this determination. If protection is granted, Customs will publish in the **Federal Register** a notice that a trademark will receive *Lever* rule protection.

3. It is proposed to amend part 133 by revising subpart C to read as follows:

Subpart C—Importations Bearing Recorded Trademarks or Trade Names

Sec.
133.21 Articles bearing counterfeit trademarks.
133.22 Restrictions on importation of articles bearing copying or simulating trademarks.
133.23 Restrictions on importation of gray market articles.
133.24 Restrictions on articles accompanying importer and mail importations.
133.25 Procedure on detention of articles subject to restriction.
133.26 Demand for redelivery of released merchandise.

Subpart C—Importations Bearing Recorded Trademarks or Trade Names

§ 133.21 Articles bearing counterfeit trademarks.

(a) *Counterfeit trademark defined.* A ''counterfeit trademark'' is a spurious trademark that is identical to, or substantially indistinguishable from, a registered trademark.

(b) *Seizure.* Any article of domestic or foreign manufacture imported into the United States bearing a counterfeit trademark shall be seized and, in the absence of the written consent of the trademark owner, forfeited for violation of the customs laws.

(c) *Notice to trademark owner.* When merchandise is seized under this section, Customs shall disclose to the owner of the trademark the following information, if available, within 30 days, excluding weekends and holidays, of the date of the notice of seizure:

(1) The date of importation;

(2) The port of entry;

(3) A description of the merchandise;

(4) The quantity involved;

(5) The name and address of the manufacturer;

(6) The country of origin of the merchandise;

(7) The name and address of the exporter; and

(8) The name and address of the importer.

(d) *Samples available to the trademark owner.* At any time following seizure of the merchandise, Customs may provide a sample of the suspect merchandise to the owner of the trademark for examination, testing, or other use in pursuit of a related private civil remedy for trademark infringement. To obtain a sample under this section, the trademark/trade name owner must furnish Customs a bond in the form and amount specified by the port director, conditioned to hold the United States, its officers and employees, and the importer or owner of the imported article harmless from any loss or damage resulting from the furnishing of a sample by Customs to the trademark owner. Customs may demand the return of the sample at any time. The owner must return the sample to Customs upon demand or at the conclusion of the examination, testing, or other use in pursuit of a related private civil remedy for trademark infringement. In the event that the sample is damaged, destroyed, or lost while in the possession of the trademark owner, the owner shall, in lieu of return of the sample, certify to Customs that: ''The sample described as (insert description) and provided pursuant to 19 CFR 133.21(d) was (damaged/

destroyed/lost) during examination, testing, or other use.''

(e) *Failure to make appropriate disposition.* Unless the trademark owner, within 30 days of notification, provides written consent to importation of the articles, exportation, entry after obliteration of the trademark, or other appropriate disposition, the articles shall be disposed of in accordance with § 133.52, subject to the importer's right to petition for relief from the forfeiture under the provisions of part 171 of this chapter.

§ 133.22 Restrictions on importation of articles bearing copying or simulating trademarks.

(a) *Copying or simulating trademark or trade name defined.* A ''copying or simulating'' trademark or trade name is one which may so resemble a recorded mark or name as to be likely to cause the public to associate the copying or simulating mark or name with the recorded mark or name.

(b) *Denial of entry.* Any articles of foreign or domestic manufacture imported into the United States bearing a mark or name copying or simulating a recorded mark or name shall be denied entry and subject to detention as provided in § 133.25.

(c) *Relief from detention of articles bearing copying or simulating trademarks.* Articles subject to the restrictions of this section shall be detained for 30 days from the date on which the goods are presented for Customs examination, to permit the importer to establish that any of the following circumstances are applicable:

(1) The objectionable mark is removed or obliterated as a condition to entry in such a manner as to be illegible and incapable of being reconstituted, for example by:

(i) Grinding off imprinted trademarks wherever they appear;

(ii) Removing and disposing of plates bearing a trademark or trade name;

(2) The merchandise is imported by the recordant of the trademark or trade name or his designate;

(3) The recordant gives written consent to an importation of articles otherwise subject to the restrictions set forth in paragraph (b) of this section or § 133.23(c) of this subpart, and such consent is furnished to appropriate Customs officials;

(4) The articles of foreign manufacture bear a recorded trademark and the one-item personal exemption is claimed and allowed under § 148.55 of this chapter.

(d) *Exceptions for articles bearing counterfeit trademarks.* The provisions of paragraph (c)(1) of this section are not applicable to articles bearing counterfeit trademarks at the time of importation (see § 133.26).

(e) *Release of detained articles.* Articles detained in accordance with § 133.25 may be released to the importer during the 30-day period of detention if any of the circumstances allowing exemption from trademark or trade name restriction set forth in paragraph (c) of this section are established.

(f) *Seizure.* If the importer has not obtained release of detained articles within the 30-day period of detention, the merchandise shall be seized and forfeiture proceedings instituted. The importer shall be promptly notified of the seizure and liability to forfeiture and his right to petition for relief in accordance with the provisions of part 171 of this chapter.

§ 133.23 Restrictions on importation of gray market articles.

(a) *Restricted gray market articles defined.* ''Restricted gray market articles'' are foreign-made articles bearing a genuine trademark or trade name identical with or substantially indistinguishable from one owned and recorded by a citizen of the United States or a corporation or association created or organized within the United States and imported without the authorization of the U.S. owner. ''Restricted gray market goods'' include goods bearing a genuine trademark or trade name which is:

(1) *Independent licensee.* Applied by a licensee (including a manufacturer) independent of the U.S. owner, or

(2) *Foreign owner.* Applied under the authority of a foreign trademark or trade name owner other than the U.S. owner, a parent or subsidiary of the U.S. owner, or a party otherwise subject to common ownership or control with the U.S. owner (see §§ 133.2(d) and 133.12(d) of this part), from whom the U.S. owner acquired the domestic title, or to whom the U.S. owner sold the foreign title(s); or

(3) *''Lever-rule''.* Applied by the U.S. owner, a parent or subsidiary of the U.S. owner, or a party otherwise subject to common ownership or control with the U.S. owner (see §§ 133.2(d) and 133.12(d) of this part), to goods that the Customs Service has determined to be physically and materially different from the articles authorized by the U.S. trademark owner for importation or sale in the U.S. (as defined in § 133.2 of this part).

(b) *Labeling of physically and materially different goods.* Goods determined by the Customs Service to be physically and materially different under the procedures of this part, bearing a genuine mark applied under the authority of the U.S. owner, a parent or subsidiary of the U.S. owner, or a party otherwise subject to common ownership or control with the U.S. owner (see §§ 133.2(d) and 133.12(d) of this part), shall not be detained under the provisions of paragraph (c) of this section where the merchandise or its packaging bears a conspicuous and legible label designed to remain on the product until the first point of sale to a retail consumer in the United States stating that:

> ''This product is not the product authorized by the United States trademark owner for importation and is physically and materially different.''

The label must be in close proximity to the trademark as it appears in its most prominent location on the article itself or the retail package or container. Other information designed to dispel consumer confusion may also be added.

(c) *Denial of entry.* All restricted gray market goods imported into the United States shall be denied entry and subject to detention as provided in § 133.25, except as provided in paragraph (b) of this section.

(d) *Relief from detention of gray market articles.* Gray market goods subject to the restrictions of this section shall be detained for 30 days from the date on which the goods are presented for Customs examination, to permit the importer to establish that any of the following exceptions, as well as the circumstances described above in § 133.22(c), are applicable:

(1) The trademark or trade name was applied under the authority of a foreign trademark or trade name owner who is the same as the U.S. owner, a parent or subsidiary of the U.S. owner, or a party otherwise subject to common ownership or control with the U.S. owner (in an instance covered by §§ 133.2(d) and 133.12(d) of this part); and/or

(2) For goods bearing a genuine mark applied under the authority of the U.S. owner, a parent or subsidiary of the U.S. owner, or a party otherwise subject to common ownership or control with the U.S. owner, that the merchandise as imported is not physically and materially different, as described in § 133.2(e), from articles authorized by the U.S. owner for importation or sale in the United States.

(e) *Release of detained articles.* Articles detained in accordance with § 133.25 may be released to the importer during the 30-day period of detention if any of the circumstances allowing exemption from trademark restriction set forth in § 133.22(c) of this subpart or in paragraph (d) of this section are established.

(f) *Seizure.* If the importer has not obtained release of detained articles within the 30-day period of detention, the merchandise shall be seized and forfeiture proceedings instituted. The importer shall be notified of the seizure and liability of forfeiture and his right to petition for relief in accordance with the provisions of part 171 of this chapter.

§ 133.24 Restrictions on articles accompanying importer and mail importations.

(a) *Detention.* Articles accompanying importer and mail importations subject to the restrictions of §§ 133.22 and 133.23 shall be detained for 30 days from the date of notice that such restrictions apply, to permit the establishment of whether any of the circumstances described in § 133.22(c) or § 133.23(d) are applicable.

(b) *Notice of detention.* Notice of detention shall be given in the following manner:

(1) *Articles accompanying importer.* When the articles are carried as accompanying baggage or on the person of persons arriving in the United States, the Customs inspector shall orally advise the importer that the articles are subject to detention.

(2) *Mail importations.* When the articles arrive by mail in noncommercial shipments, or in commercial shipments valued at $250 or less, notice of the detention shall be given on Customs Form 8.

(c) *Release of detained articles.*—(1) *General.* Articles detained in accordance with paragraph (a) of this section may be released to the importer during the 30-day period of detention if any of the circumstances allowing exemption from trademark or trade name restriction(s) set forth in § 133.22(c) or § 133.23(d) of this subpart are established.

(2) *Articles accompanying importer.* Articles arriving as accompanying baggage or on the person of the importer may be exported or destroyed under Customs supervision at the request of the importer, or may be released if:

(i) The importer removes or obliterates the marks in a manner acceptable to the Customs officer at the time of examination of the articles; or

(ii) The request of the importer to obtain skillful removal of the marks is granted by the port director under such conditions as he may deem necessary, and upon return of the article to Customs for verification, the marks are found to be satisfactorily removed.

(3) *Mail importations.* Articles arriving by mail in noncommercial shipments, or in commercial shipments valued at $250 or less, may be exported or destroyed at the request of the addressee or may be released if:

(i) The addressee appears in person at the appropriate Customs office and at that time removes or obliterates the marks in a manner acceptable to the Customs officer; or

(ii) The request of the addressee appearing in person to obtain skillful removal of the marks is granted by the port director under such conditions as he may deem necessary, and upon return of the article to Customs for verification, the marks are found to be satisfactorily removed.

(d) *Seizure.* If the importer has not obtained release of detained articles within the 30-day period of detention, the merchandise shall be seized and forfeiture proceedings instituted. The importer shall be promptly notified of the seizure and liability to forfeiture and his right to petition for relief in accordance with the provisions of part 171 of this chapter.

§ 133.25 Procedure on detention of articles subject to restriction.

(a) *In general.* Articles subject to the restrictions of §§ 133.22 and 133.23 shall be detained for 30 days from the date on which the merchandise is presented for Customs examination. The importer shall be notified of the decision to detain within 5 days of the decision that such restrictions apply. The importer may, during the 30-day period, establish that any of the circumstances described in § 133.22(c) or § 133.23(d) are applicable. Extensions of the 30-day time period may be freely granted for good cause shown.

(b) *Notice of detention and disclosure of information.* From the time merchandise is presented for Customs examination until the time a notice of detention is issued, Customs may disclose to the owner of the trademark or trade name any of the following information in order to obtain assistance in determining whether an imported article bears an infringing trademark or trade name. Once a notice of detention is issued, Customs shall disclose to the owner of the trademark or trade name the following information, if available, within 30 days, excluding weekends and holidays, of the date of detention:

(1) The date of importation;

(2) The port of entry;

(3) A description of the merchandise;

(4) The quantity involved; and

(5) The country of origin of the merchandise.

(c) *Samples available to the trademark or trade name owner.* At any time following presentation of the merchandise for Customs examination, but prior to seizure, Customs may provide a sample of the suspect merchandise to the owner of the trademark or trade name for examination or testing to assist in determining whether the article imported bears an infringing trademark or trade name. To obtain a sample under this section, the trademark/trade name owner must furnish Customs a bond in the form and amount specified by the port director, conditioned to hold the United States, its officers and employees, and the importer or owner of the imported article harmless from any loss or damage resulting from the furnishing of a sample by Customs to the trademark owner. Customs may demand the return of the sample at any time. The owner must return the sample to Customs upon demand or at the conclusion of the examination or testing. In the event that the sample is damaged, destroyed, or lost while in the possession of the trademark or trade name owner, the owner shall, in lieu of return of the sample, certify to Customs that: ''The sample described as (insert description) and provided pursuant to 19 CFR 133.25(c) was (damaged/destroyed/lost) during examination or testing for trademark infringement.''

(d) *Form of notice.* Notice of detention of articles found subject to the restrictions of § 133.22 or § 133.23 shall be given the importer in writing.

§ 133.26 Demand for redelivery of released merchandise.

If it is determined that merchandise which has been released from Customs custody is subject to the restrictions of § 133.22 or § 133.23 of this subpart, the port director shall promptly make demand for the redelivery of the merchandise under the terms of the bond on Customs Form 301, containing the bond conditions set forth in § 133.62 of this chapter, in accordance with § 141.113 of this chapter. If the merchandise is not redelivered to Customs custody, a claim for liquidated damages shall be made in accordance with § 141.113(g) of this chapter.

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: March 5, 1998.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 98–7969 Filed 3–25–98; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–104537–97]

RIN 1545–AV11

Guidance Under Subpart F Relating to Partnerships and Branches

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking, notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing.

SUMMARY: The IRS and Treasury Department are issuing temporary regulations, published elsewhere in this issue of the **Federal Register**, relating to the treatment under subpart F of certain branches of a controlled foreign corporation (CFC) that are treated as separate entities for foreign tax purposes. The text of the temporary regulations also serves as the text of these proposed regulations. In addition, this document contains proposed regulations relating to the treatment of a CFC's distributive share of partnership income. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by June 24, 1998. Outlines of oral comments to be discussed at the public hearing scheduled for July 15, 1998, must be received by June 24, 1998.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–104537–97), 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:T:R (REG–104537–97), 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 room 2615, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Valerie Mark, (202) 622–3840; concerning submissions and the hearing, Mike Slaughter (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

I. In General

In these proposed regulations, and in temporary regulations published elsewhere in this issue of the **Federal Register**, the Treasury and IRS set forth a framework for dealing with the issues posed by the use of certain entities which are regarded as fiscally transparent for the purposes of U.S. tax law, with regard to the application of subpart F of the Internal Revenue Code.

Subpart F was enacted by Congress to limit the deferral of U.S. taxation of certain income earned outside the United States by foreign corporations controlled by U.S. persons. Limited deferral was retained after the enactment of subpart F to protect the competitiveness of controlled foreign corporations (CFCs) doing business overseas. See S. Rep. No. 1881, 87th Cong., 2d Sess. 78–80 (1962). This limited deferral furthers the objective of allowing a CFC engaged in an active business, and located in a foreign country for appropriate economic reasons, to compete in a similar tax environment with non-U.S. owned corporations located in the same country.

Conversely, one of the purposes of subpart F is to prevent CFCs from converting active income that is not easily moveable and is earned in a jurisdiction in which a business is located for non-tax reasons into passive, easily moveable income shifted to a lower tax jurisdiction primarily for tax avoidance. Moreover, when subpart F was first enacted it was realized that related person transactions can be easily manipulated to reduce both United States and foreign taxes. Consequently, in enacting subpart F, Congress provided that transactions of CFCs that involve related persons generally give rise to subpart F income with certain enumerated exceptions.

Hybrid branches, by definition, are not regarded as fiscally transparent under foreign law. Thus, they are particularly well suited for the type of tax avoidance described above. In light of the recent proliferation of hybrid branches, Treasury and the IRS believe that it is appropriate to consider the issues related to transactions involving hybrid branches, or other hybrid entities, under subpart F.

The use of other organizations that are fiscally transparent for U.S. tax purposes, including partnerships, raise additional issues. These entities may or may not be fiscally transparent under foreign law. In the context of subpart F, issues similar to those raised in connection with hybrid branches are raised in connection with partnerships. (Other fiscally-transparent entities, such as grantor trusts, will be the subject of guidance issued in conjunction with the finalization of regulations under section 672(f).)

The entity classification regulations of §§ 301.7701–1 through 301.7701–3 (the check-the-box regulations) make entity classification generally elective, in part so that taxpayers can choose a tax status consistent with their business objectives. This administrative provision, however, was not intended to change substantive law. Particularly in the international area, however, the ability to more easily achieve fiscal transparency can lead to inappropriate results under certain substantive international provisions of the Code. Thus, the Treasury and the IRS believe that it is necessary to provide additional guidance regarding the use of hybrid entities in the international context. *See* preamble to T.D. 8697, 61 Fed. Reg. 66585 (December 18, 1996).

II. Controlled Foreign Corporation's Distributive Share of Partnership Income

In *Brown Group, Inc.* v. *Commissioner*, 77 F.3d 217 (8th Cir. 1996), vacating and remanding 104 T.C. 105 (1995), a Cayman Islands partnership with a Cayman Islands CFC partner earned commission income from selling footwear purchased in Brazil on behalf of the CFC's U.S. parent. This commission income would have been subpart F income, specifically foreign base company sales income under section 954(d), to the CFC if it had earned this commission income directly and under the same circumstances in which the partnership earned this income. The Tax Court held that the CFC's distributive share of this commission income was subpart F income. The Eighth Circuit, vacating and remanding the Tax Court's decision, held that the CFC's distributive share of this commission income was not subpart F income.

In response to the Eighth Circuit's opinion, the IRS announced that it intended to issue regulations under subpart F to confirm its position that whether a CFC partner's distributive share of partnership income is subpart F income generally is determined at the CFC partner level. See Notice 96–39 (1996–2 C.B. 209).

These proposed regulations would address the treatment of a CFC partner's distributive share of partnership income

under subpart F. These regulations apply to all categories of subpart F income, not only to foreign base company sales income, which was at issue in Brown Group. These regulations would provide specific rules that apply to determine a CFC partner's distributive share of foreign personal holding company income, foreign base company sales income, foreign base company services income, and earnings invested in United States property.

The approach taken by these proposed regulations is based on the provisions of subchapter K and subpart F and the policies underlying those provisions. The legislative history of subchapter K indicates that a partnership distributive share should be characterized by using the approach that best serves the Code or regulations section at issue. Subpart F limits deferral of U.S. income tax on common types of passive income received by CFCs, as well as on certain other types of easily moveable income. To allow a CFC to avoid subpart F treatment for items of income by the simple expedient of receiving them as distributive shares of partnership income, rather than directly, is contrary to the intent of subpart F.

Explanation of Provisions

Under these proposed regulations, income and deductions would be characterized at the partnership level. If any part of the partnership's gross income would be subpart F income if received directly by partners that are CFCs, it must be separately stated under section 702. Comments are requested as to whether this rule should not apply for ownership levels under certain thresholds. The regulations under section 702 also would be clarified to expressly provide that an item must be separately stated when, if separately taken into account by any partner, the separately stated item would affect the income tax liability of that partner or any other person. This clarification incorporates in the regulations the position of the IRS. See Rev. Rul. 86–138 (1986–2 C.B. 84) (holding that a subsidiary partnership in a multi-tiered arrangement must separately state items which, if separately taken into account by any partner of any partnership in the multi-tiered arrangement, would affect the income tax liability of that partner).

The regulations under section 952 would also be clarified to expressly include within the definition of subpart F income a CFC's distributive share of any item of gross income of a partnership to the extent the income would have been subpart F income if received by the CFC partner directly. The proposed regulations would further provide that, generally, in determining whether a distributive share of partnership income is subpart F income, whether an entity is a related person and whether activity takes place in or outside the CFC's country of incorporation is determined with respect to the CFC partner and not the partnership. Thus, on the Brown Group facts, the income in issue would retain its character as commission income from the sale of shoes purchased in Brazil on behalf of a U.S. parent for sale in the U.S. It would be determined at the CFC partner level that the shoes were manufactured and sold for use outside of the CFC's country of incorporation (Cayman Islands), and that the U.S. parent was a related person with respect to the CFC. Thus, the income would be foreign base company sales income.

The proposed and temporary regulations also address the question of whether a CFC's distributive share of partnership income can qualify for the exceptions from foreign personal holding company income treatment. Some of these exceptions are based on whether the income is earned in a transaction with a related person that is incorporated, or uses property, in the CFC's country of incorporation. The proposed and temporary regulations address the application of those exceptions. Other exceptions are based on the activities performed by the CFC in connection with the property through which it earns the income. The proposed regulations would provide that the exceptions requiring activity will generally apply if the exception would have applied to the income had the partnership itself been a CFC. This requirement is not met if the partnership can qualify for the exception only by taking into account the separate activities of its partners (e.g., the partnership owns property and the CFC provides the management services).

These proposed regulations would amend the rules regarding the application of the manufacturing exception of § 1.954–3(a)(4). The regulations would clarify the Service's current position that, in general, a controlled foreign corporation can apply the exception only if it has performed the manufacturing activities itself. Thus, manufacturing activities of a contract manufacturer will not be taken into account.

Nevertheless, the manufacturing activities of a partnership may be taken into account under the distributive share rules when the partnership sells the property that it manufactures. These proposed regulations would clarify how the manufacturing exception of § 1.954–3(a)(4) applies in the context of the distributive share rules. As previously noted, the general rules would provide that income that could be foreign base company sales income at the CFC partner level is separately stated and that determinations as to relatedness and the relevant country are made at the partner level. Consistent with the framework outlined above, these regulations would allow a CFC's distributive share of sales income to be excluded, under the manufacturing exception of § 1.954–3(a)(4), when the partnership's activities with respect to the property it sells (without regard to the CFC partner's activities) would be sufficient to constitute manufacturing.

Treasury and the IRS are considering applying foreign base company sales income rules in the context of manufacturing branches of partnerships. Comments are requested as to the appropriate scope of such rules.

Under the general rule for determining whether a CFC partner's distributive share includes subpart F income, a CFC partner's distributive share of partnership income earned from performing services for or on behalf of a person that is a related person with respect to the CFC partner will be foreign base company services income. These proposed regulations also would describe how the substantial assistance rule of § 1.954–4(b)(1)(iv) applies when the CFC earns services income through a partnership. When the partnership is performing services for a person unrelated to the CFC partner but the CFC partner provides substantial assistance to the partnership contributing to the performance of those services, the partner and the partnership would be regarded as separate entities and the substantial assistance provided from the CFC to the partnership would cause the CFC's distributive share of the services income to be treated as foreign base company services income. Treasury and the IRS are considering applying similar principles to branches. Comments are requested on this issue.

Finally, consistent with Rev. Rul. 90–112 (1990–2 C.B. 186), the regulations would provide that, for purposes of section 956, a CFC partner's investment in U.S. property includes the U.S. property held by a partnership to the extent of the CFC's ownership interest in the partnership. Comments are requested on this issue.

III. Hybrid Branches

Temporary regulations, published elsewhere in this issue of the **Federal Register** amend the Income Tax

Regulations (26 CFR part 1) relating to sections 952 and 954 by adding rules relating to the treatment under subpart F of certain branches of a CFC or a partnership in which a CFC is a partner that are treated as separate entities for foreign tax purposes. The text of those temporary regulations also serves as the text of the proposed regulations. The preamble to the temporary regulations explains the reasons for the addition.

IV. Proposed Effective Date

These regulations are proposed to apply for taxable years of a controlled foreign corporation beginning on or after the date the final regulations are published in the **Federal Register**. For prior periods, the IRS will rely on principles and authorities under subpart F and subchapter K to apply an aggregate approach, including § 1.701–2(e) and (f) of the regulations for periods for which it is effective.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also 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 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.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (preferably 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 July 15, 1998, at 10 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Because of access restrictions, visitors will not be admitted beyond the 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 June 22, 1998 and submit an outline of topics to be discussed and time to be devoted to each topic (signed original and eight (8) copies) by 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 author of these regulations is Valerie Mark of the Office of the Associate Chief Counsel (International), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, 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 26 CFR part 1 continues to read in part as follows:

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

Par. 2. Section 1.702–1 is amended as follows:

1. Paragraph (a)(8)(ii) is revised.
2. A new paragraph (c)(1)(v) is added.

The addition and revision read as follows:

§ 1.702–1 Income and credits of partner.

(a) * * *

(8) * * *

(ii) Each partner must also take into account separately the partner's distributive share of any partnership item which, if separately taken into account by any partner, would result in an income tax liability for that partner, or for any other person, different from that which would result if that partner did not take the item into account separately. Thus, if any partner is a controlled foreign corporation, as defined in section 957, items of income that would be gross subpart F income if taken into account by the controlled foreign corporation must be separately stated for all partners. Under section 911(a), if any partner is a bona fide resident of a foreign country who may exclude from gross income the part of the partner's distributive share which qualifies as earned income as defined in section 911(b), the earned income of the partnership for all partners must be separately stated. Similarly, all relevant items of income or deduction of the partnership must be separately stated for all partners in determining the applicability of section 183 (relating to activities not engaged in for profit) and the recomputation of tax thereunder for any partner.

* * * * *

(c) * * *

(1) * * *

(v) In determining whether the de minimis or full inclusion rules of section 954(b)(3) apply.

* * * * *

Par. 3. In § 1.952–1, paragraphs (b) through (f) are redesignated as paragraphs (c) through (g), respectively, and a new paragraph (b) is added to read as follows:

§ 1.952–1 Subpart F income defined.

* * * * *

(b) *Treatment of distributive share of partnership income*—

(1) *In general.* A controlled foreign corporation's distributive share of any item of income of a partnership is income that falls within a category of subpart F income described in section 952(a) to the extent the item of income would have been income in such category if received by the controlled foreign corporation directly. For specific rules regarding the treatment of a distributive share of partnership income under certain provisions of subpart F, see §§ 1.954–1(g); 1.954–2(a)(5); 1.954–3(a)(6); 1.954–4(b)(2)(iii); and 1.954–6(g).

(2) *Example.* The application of this paragraph (b) may be illustrated by the following example.

Example. CFC, a controlled foreign corporation, is an 80-percent partner in PRS, a foreign partnership. PRS earns $100 of interest income that is not export financing interest, as defined in section 954(c)(2)(B), from a person unrelated to CFC. This interest income would have been foreign personal holding company income to CFC, under section 954(c), if it had received this income directly. Accordingly, CFC's distributive share of this interest income, $80, is foreign personal holding company income.

* * * * *

Par. 4. Section 1.954–1 is amended as follows:

1. Paragraphs (c)(1)(i)(A) through (D) are redesignated as (c)(1)(i)(A)(*1*) through (*4*), respectively.

2. A new paragraph heading for newly designated paragraph (c)(1)(i)(A) is added.

3. New paragraphs (c)(1)(i)(B) through (E) are added.

4. Paragraph (g) is added.

The additions read as follows:

§ 1.954–1 Foreign base company income.

* * * * *

(c) * * *

(1) * * *

(i) *Deductions against gross foreign base company income*—

(A) *In general.* * * *

* * * * *

(B) through (E) [The text of the proposed paragraphs (c)(1)(i)(B) through (E) is the same as the text of § 1.954–1T(c)(1)(i)(B) through (E) published elsewhere in this issue of the **Federal Register**].

* * * * *

(g) *Distributive share of partnership income*—(1) *Application of related person and country of organization tests.* Unless otherwise provided, to determine the extent to which a controlled foreign corporation's distributive share of any item of gross income of a partnership would have been subpart F income if received by it directly, under § 1.952–1(b), if a provision of subpart F requires a determination of whether an entity is a related person, within the meaning of section 954(d)(3), or whether an activity occurred within or outside the country under the laws of which the controlled foreign corporation is created or organized, this determination shall be made by reference to such controlled foreign corporation and not by reference to the partnership.

(2) *Example.* The application of paragraph (g)(1) of this section is illustrated by the following example:

Example. (i) CFC1, a controlled foreign corporation organized in Country A, is an 80-percent partner in Partnership, a partnership organized in Country B. CFC2, a controlled foreign corporation organized in Country B, owns the remaining 20 percent interest in Partnership. CFC1 and CFC2 are owned by a common U.S. parent, USP. CFC2 manufactures Product A in Country B. Partnership earns sales income from purchasing Product A from CFC2 and selling it to third parties located in Country B that are not related persons with respect to CFC1 or CFC2. For purposes of determining whether CFC1's distributive share of Partnership's sales income is foreign base company sales income under section 954(d), CFC1 is treated as if it purchased Product A from CFC2 and sold it to third parties in Country B. Under section 954(d)(3), CFC2 is a related person with respect to CFC1. Thus, with respect to CFC1, the sales income is deemed to be derived from the purchase of personal property from a related person. Because the property purchased is both manufactured and sold for use outside of Country A, CFC1's country of organization, CFC1's distributive share of the sales income is foreign base company sales income.

(ii) For purposes of determining whether CFC2's distributive share of Partnership's sales income is foreign base company sales income, CFC2 is treated as if it directly sold Product A to third parties within Country B. Therefore, Product A is both manufactured and sold for use within CFC2's country of organization. Thus, CFC2's distributive share of Partnership's sales income is not foreign base company sales income.

Par. 5. In § 1.954–2, paragraphs (a)(5) and (a)(6) are added to read as follows:

§ 1.954–2 Foreign personal holding company income.

(a) * * *

(5) *Special rules applicable to distributive share of partnership income*—(i) [The text of the proposed paragraph (a)(5)(i) is the same as the text of § 1.954–2T(a)(5) published elsewhere in this issue of the **Federal Register**].

(ii) *Certain other exceptions applicable to foreign personal holding company income.* To determine the extent to which a controlled foreign corporation's distributive share of an item of income of a partnership is foreign personal holding company income, the exceptions contained in sections 954(c)(2) and § 1.954–2(b)(2) and (6), (e)(1)(ii), (f)(1)(ii), (g)(2)(ii), and (h)(3)(ii), shall apply only if any such exception would have applied to exclude the income from foreign personal holding company income if the controlled foreign corporation had earned the income directly, determined by taking into account only the activities of, and property owned by, the partnership and not the separate activities or property of the controlled foreign corporation or any other person.

(iii) [The text of the proposed paragraph (a)(5)(iii) is the same as the text of § 1.954–2T(a)(5)(iii) published elsewhere in this issue of the **Federal Register**].

(6) *Special rules applicable to exceptions from foreign personal holding company income treatment in circumstances involving hybrid branches* —(i) [The text of the proposed paragraph (a)(6)(i) is the same as the text of § 1.954–2T(a)(6) published elsewhere in this issue of the **Federal Register**].

* * * * *

Par. 6. Section 1.954–3 is amended as follows:

1. The second sentence of paragraph (a)(4)(i) is revised.

2. The first sentence of paragraph (a)(4)(ii) is revised.

3. Paragraph (a)(6) is added.

The revisions and addition read as follows:

§ 1.954–3 Foreign base company sales income.

(a) * * *

(4) * * *

(i) * * * A controlled foreign corporation (selling corporation) will be considered, for purposes of this paragraph (a)(4), to have manufactured, produced, or constructed personal property that it sells if, as a result of the operations conducted by such selling corporation in connection with the property that it purchased and sold, the property sold is in effect not the property that it purchased. * * *

(ii) * * * If, prior to its sale of property that it has purchased, a selling corporation substantially transforms the property, the selling corporation will be treated as having manufactured, produced, or constructed such property. * * *

* * * * *

(6) *Special rule applicable to distributive share of partnership income*—(i) *In general.* To determine the extent to which a controlled foreign corporation's distributive share of any item of gross income of a partnership would have been foreign base company sales income if received by it directly, under § 1.952–1(b), the property sold will be considered to be manufactured, produced or constructed by the controlled foreign corporation within the meaning of paragraph (a)(4) of this section only if the manufacturing exception of paragraph (a)(4) of this section would have applied to exclude the income from foreign base company sales income if the controlled foreign corporation had earned the income directly, determined by taking into account only the activities of, and property owned by, the partnership and not the separate activities or property of the controlled foreign corporation or any other person.

* * * * *

Par. 7. In § 1.954–4, paragraph (b)(2)(iii) is added to read as follows:

§ 1.954–4 Foreign base company services income.

* * * * *

(b) * * *

(2) * * *

(iii) *Special rule applicable to distributive share of partnership income.* A controlled foreign corporation's distributive share of a partnership's services income will be deemed to be derived from services

performed for or on behalf of a related person, within the meaning of section 954(e)(1)(A), if the partnership is a related person with respect to the controlled foreign corporation, under section 954(d)(3), and, in connection with the services performed by the partnership, the controlled foreign corporation provided assistance that would have constituted substantial assistance contributing to the performance of such services, under paragraph (b)(2)(ii) of this section, if furnished to the controlled foreign corporation by a related person.

* * * * *

Par. 8. Section 1.954–9 is added to read as follows:

§ 1.954–9 Hybrid branches.

[The text of this proposed section is the same as the text of § 1.954–9T published elsewhere in this issue of the **Federal Register**.]

Par. 9. In § 1.956–2, paragraph (a)(3) is added to read as follows:

§ 1.956–2 Definition of United States property.

(a) * * *

(3) For purposes of section 956, if a controlled foreign corporation is a partner in a partnership that owns property that would be United States property, within the meaning of paragraph (a)(1) of this section, if owned directly by the controlled foreign corporation, the controlled foreign corporation will be treated as holding an interest in the property equal to its ownership interest in the partnership and such ownership interest will be treated as an interest in United States property.

* * * * *

PART 301—PROCEDURE AND ADMINISTRATION

Par. 10. The authority citation for 26 CFR part 301 continues to read in part as follows:

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

Par. 11. Section 301.7701–3 is amended as follows:

1. Paragraph (a) is amended by adding a sentence at the end of the paragraph.

2. Paragraph (c)(1)(iv) is amended by adding a sentence at the end of the paragraph.

The additions read as follows:

§ 301.7701–3 Classification of certain business entities.

(a) [The text of the proposed paragraph (a) of this section is the same as the text of § 301.7701–3T(a) published elsewhere in this issue of the **Federal Register**.]

* * * * *

(c) * * *

(1) * * *

(iv) [The text of the proposed paragraph (c)(1)(iv) of this section is the same as the text of § 301.7701–3T(c)(1)(iv) published elsewhere in this issue of the **Federal Register**.]

* * * * *

Michael P. Dolan,

Deputy Commissioner of Internal Revenue.

[FR Doc. 98–7890 Filed 3–23–98; 12:58 pm]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[OH107–1b; KY101–9809b; FRL–5986–1]

Clean Air Act Promulgation of Extension of Attainment Date for Ozone Nonattainment Area; Ohio; Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to extend the attainment date for the Cincinnati-Hamilton interstate moderate ozone nonattainment area from November 15, 1997 to November 15, 1998. This proposed extension is based in part on monitored air quality readings for the national ambient air quality standard (NAAQS) for ozone during 1997. Accordingly, EPA is also proposing to revise the tables in the Code of Federal Regulations concerning ozone attainment dates in this area. In the final rules section of this **Federal Register**, the EPA is approving these actions as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. This direct final rule will become effective without further notice unless EPA receives relevant adverse written comment on this proposed rule. Should EPA receive such comment, it will publish a final rule informing the public that the direct final rule did not take effect and such public comment received will be addressed in a subsequent final rule based on the proposed rule. If no adverse written comments are received, the direct final rule will take effect on the date stated in that rule and no further activity will be taken on this proposed rule. EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments on this proposed rule must be received on or before April 27, 1998.

ADDRESSES: Comments may be mailed to Joseph M. LeVasseur at the EPA Region 4 address listed below or to J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Region 5 at the address listed below. Copies of the material submitted by the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC) may be examined during normal business hours at the following locations:

Environmental Protection Agency, Atlanta Federal Center, Region 4 Air Planning Branch, 61 Forsyth Street, Atlanta, Georgia 30303–3104.

Natural Resources and Environmental Protection Cabinet, 803 Schenkel Lane, Frankfort, Kentucky 40601.

Copies of the materials submitted by the Ohio Environmental Protection Agency (OEPA) may be examined during normal business hours at the following locations:

Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

OEPA, Division of Air Pollution Control, 1800 Watermark Drive, Columbus, OH 43215.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano at (312) 886–6036 or Joseph M. LeVasseur at (404) 562–9035.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: February 27, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Dated: March 16, 1998.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 98–7761 Filed 3–25–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–3650]

RIN 2127–AF72

Federal Motor Vehicle Safety Standards: Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Termination of proposed rulemaking.

SUMMARY: This notice terminates a rulemaking action in which NHTSA proposed amending the Federal motor vehicle safety standard that establishes requirements for vehicles equipped with air brake systems. The proposed amendment would have required that trucks, buses, and truck tractors be equipped with an automatic means of removing moisture and other contaminants from air brake systems, and would have deleted the current requirement for a supply reservoir since the reservoir's function would be performed by the automatic system. Moisture and contaminants can cause valves to stick, thereby preventing sufficient air pressure from being delivered to the brake chambers.

NHTSA is terminating this rulemaking action because the agency has decided that it should address this issue through more broadly worded performance requirements that would give manufacturers flexibility to choose the type of air cleaning and drying system appropriate for their new air-braked vehicles. The agency will continue to study the issue with a view to initiate a future rulemaking proceeding for regulating the performance of methods for cleansing and drying the compressed air that supplies air brake systems.

FOR FURTHER INFORMATION CONTACT:

For technical issues: Joseph P. Scott, Safety Standards Engineer, Office of Crash Avoidance Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590; telephone (202) 366–2720; FAX (202) 493–2739.

For legal issues: Walter Myers, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590; telephone (202) 366–2992; FAX (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Background

Federal Motor Vehicle Safety Standard (Standard) No. 121, *Air Brake Systems*, specifies braking performance requirements for vehicles equipped with air brake systems. The standard requires such vehicles to be equipped with, among other things, a ''condensate drain valve that can be manually operated'' (paragraph S5.1.2.4 for trucks and buses and paragraph S5.2.1.3 for trailers). Such valve allows contaminants such as water, oil, and dirt to be drained from the brake system's reservoirs.

On July 28, 1994, Domenic F. Coletta, M.D., Deputy Medical Examiner of Salem County, New Jersey, submitted a petition for rulemaking to amend Standard 121 to require a condensate drain valve that automatically purges moisture and contaminants from the air supply reservoir. Dr. Coletta stated in his petition that currently available automatic drain valves would better ensure safety because reservoirs equipped with manual drain valves are usually not drained on a regular basis by vehicle drivers. He argued, therefore, that contaminants are present in reservoirs, thus creating unsafe conditions for operation of trucks and buses. He cited conversations with truck drivers and New Jersey state police to the effect that manual drain valves are normally not used to remove contaminants from the reservoirs. He supplied no data, however, on the extent to which requiring automatic drain valves could be expected to enhance motor vehicle safety.

On February 21, 1995, NHTSA granted Dr. Coletta's petition and, on July 24, 1995, issued a request for comments seeking data on automatic drain valves and the effects contaminants in air brake systems before proceeding to rulemaking (60 FR 37864).

The agency received 34 responses to the request for comments from vehicle and equipment manufacturers, industry trade associations, a safety advocacy group, fleet and individual truck operators, a U.S. senator, and numerous private citizens. In general, the manufacturers and trade associations stated that a Federal requirement was not necessary, that the current use of air dryers and the trend toward their widespread use was sufficient to maintain a safe level of performance. Several commenters stated that they had no record of any crashes caused by contaminated air in the brake system. The commenters were split, however, on whether contaminated air constituted a significant safety problem in an air brake system.

Based on a thorough review of the comments, NHTSA published a Notice of Proposed Rulemaking (NPRM) on November 4, 1996 (61 FR 56652), proposing to amend Standard 121 to require that each truck, bus, and truck tractor be equipped with an automatic means of removing moisture and contaminants from its air brake system. The purpose of this proposal was to improve the safety of air-braked vehicles by improving the reliability and durability of ABS modulator valves and pneumatic control valves. The NPRM also proposed the deletion of the requirement for a supply reservoir since its function, the removal of moisture and contaminants, would be accomplished by the addition of such automatic means. Accordingly, NHTSA believed that the deletion of the supply reservoir would not adversely affect the safety of those vehicles. It is worth noting that S5.1.2 of Standard No. 121 provides the option of removing moisture and contaminants by using either a supply reservoir or a service reservoir(s) with automatic drain valves.

The agency received 26 comments on the NPRM, the majority of which (17 of 26) supported the proposal to mandate a means of automatically removing moisture and contaminants from air brake systems. Others supported the use of such devices, but opposed mandating them.

Agency Decision

The agency estimates that approximately 80 to 90 percent of new truck tractors and 75 percent of new single-unit trucks are now being equipped with some type of air moisture/contaminant removal system.

There are 3 basic removal systems which currently can be used on new trucks, tractors and buses equipped with air brakes: automatic drain valves, supply reservoirs (wet tank), and air dryers. Each system has its advantages and disadvantages, as follows:

a. Automatic drain valve. (1) *Advantages.* This is the simplest system for ensuring a clean and dry air brake system. It purges most of the contamination in the supply reservoir, thus preventing contamination from entering the service reservoirs and pneumatic drain valves farther downstream. Since drivers and maintenance personnel may not drain the reservoirs on a daily basis as they should, an automatic drain valve will systematically drain the reservoirs without the need for human intervention. Automatic drain valves on each reservoir could ensure a cleaner air brake system, especially in light of the requirements for ABS.

(2) *Disadvantages.* Automatic drain valves can become clogged and frozen, resulting in the danger of the valve sticking open or closed. Particularly in the southwestern United States, an automatic drain valve would add costs without providing any significant benefits. Unlike air dryers, such valves do not provide any significant dew point reduction. Thus, the air in the brake system could still retain sufficient moisture to degrade the pneumatic valves.

b. Supply reservoir (wet tank). (1) *Advantages.* The supply reservoir or wet tank provides a means of collecting moisture and contaminants before they enter the air brake system, thereby acting as a buffer between the compressor and the service reservoirs. The supply reservoir traps most of the condensate and contaminants before they reach the service reservoirs and provides a backup for desiccant-type dryers in the event of failure.[1]

(2) *Disadvantages.* The presence of the wet tank complicates the air system and reduces the amount of compressed air available for the emergency brake system.

c. Air Dryer. (1) *Advantages.* Air dryers with an integrated condensate drain valve are currently the most effective method of removing moisture and other contaminants from an air brake system. Air dryers also provide some filtration of the compressed air by removing some oils and contaminants from the air. Automatic drain valves do not provide any dew point reduction, while air dryers can provide a 10° to 20° Fahrenheit reduction. This is important because moisture can still be present even with automatic drain valves installed in the system.

(2) *Disadvantages.* Air dryers can fail, and can increase the application times for service and parking brakes. Further, air dryers could place an unnecessary cost burden on some operators and fleets, such as those operating in the southwestern United States, where humidity is low and there is less need for air dryers.

After much consideration and analysis of this issue, NHTSA now believes that it should address this issue through more broadly worded performance requirements that would give manufacturers flexibility to choose the type of air cleaning and drying system appropriate for their new air-braked vehicles. However, the agency is not yet ready to propose such requirements. Accordingly, NHTSA is terminating this rulemaking action.

The agency's goal throughout its consideration of these issues has been, and remains, ensuring the removal of moisture and contaminants from air brake systems by improving the reliability and durability of ABS and associated modular valves and pneumatic control valves. To that end, the agency is actively working with the Society of Automotive Engineers (SAE) to establish an SAE Recommended Practice and associated test procedures for air drying and cleansing equipment used in air brake systems. These procedures would be valuable for testing the vast majority of new heavy trucks. NHTSA estimates that, currently, over 80 percent of new air-braked heavy trucks are being built with air dryers and of those, more than 90 percent are the desiccant type dryers. Regardless of the results of SAE's efforts, however, NHTSA intends to propose performance requirements for the removal of moisture and contaminants from air brake systems, and provide comprehensive test procedures to measure that performance.

Meanwhile, the agency notes that paragraph S5.1.2 of Standard 121 requires that manufacturers provide ''either an automatic condensate drain valve for each service reservoir or a supply reservoir between the service reservoir system and the source of air pressure.'' This will assure that trucks and buses equipped with air brakes will have a means of moisture/contaminant removal adequate to maintain the safety of such systems. Completion of the SAE studies is estimated to be in the fall of 1998.

For the reasons stated above, NHTSA is terminating this rulemaking action.

Authority: 49 U.S.C. §§ 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on March 20, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–7910 Filed 3–25–98; 8:45 am]

BILLING CODE 4910–59–P

[1] In a typical desiccant-style system, the incoming air is routed into the bottom end of an air dryer where a large portion of the moisture and contaminants falls to the bottom. The partially cleaned air then passes through an oil separator. The air, still moist, then is passed through a drying bed of desiccant material (a substance, such as calcium oxide, used as a drying agent) that absorbs the remaining moisture. These dryers are equipped with an automatic drain valve that periodically purges moisture and contaminants from the air system.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980319068–8068–01; I.D. 021998A]

RIN 0648–AK59

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Fishing Moratorium

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to extend the current moratorium on harvesting seamount groundfish from the Hancock Seamount in the Northwestern Hawaiian Islands for 6 years, through August 31, 2004. The fishery has been under a moratorium since 1986. At its meeting the week of April 21, 1997, the Western Pacific Fishery Management Council (Council) heard reports from its Bottomfish Plan Team and Scientific and Statistical Committee that indicated that armorhead (*Pentaceros richardsoni*), an overfished seamount species, has not recovered; therefore, the Council recommended that the moratorium be extended. This proposed rule would allow the protection provided for this resource to continue.

DATES: Comments must be submitted by May 11, 1998.

ADDRESSES: Comments on the proposed rule should be sent to William T. Hogarth, Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: James J. Morgan or Svein Fougner, Assistant Regional Administrator for Sustainable Fisheries, (562) 980–4030, or Mr. Al Katekaru, Pacific Islands Area Office, (808) 973–2985.

SUPPLEMENTARY INFORMATION: When the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) was implemented (51 FR 27413, July 31, 1986), a 6-year moratorium was established to aid the recovery of armorhead (*Pentaceros richardsoni*) on Hancock Seamount. This resource was overfished by foreign vessels before the Magnuson Fishery Conservation and Management Act was implemented; it has never been the target of domestic

fishermen. Periodic reviews of the stocks indicated that no recovery had occurred; therefore, on August 17, 1992, (57 FR 36907), the moratorium was extended to August 31, 1998. Armorhead was listed as overfished in the September 1997 ''Report to Congress Status of Fisheries of the United States.''

The last U.S. research cruise of Hancock Seamount was conducted in 1993; however, the Japanese trawl fleet continues to harvest armorhead on neighboring seamounts outside the exclusive economic zone (EEZ). According to bottom trawl catch and effort statistics provided by the National Research Institute of the Far Seas Fisheries, the most current (1995) spawning potential ratio (SPR) for the armorhead stock is 1.8 percent at all seamounts outside the EEZ. These seamounts comprise 95 percent of the trawl grounds and 91 percent of the total historic seamount-wide catch in the Japanese trawl fishery. Based on the low SPR value, it is inferred that the status of the Hancock Seamount armorhead stock is similarly depressed and well under the current 20 percent SPR definition for an overfished stock.

At its April 21, 1997, meeting the Council heard reports from its Bottomfish Plan Team and Scientific and Statistical Committee on the status of seamount groundfish resources. On the basis of those reports, and in accordance with the framework procedures at 50 CFR 660.67, the Council recommended that the moratorium be extended for at least another 6 years, through August 31, 2004.

The Council recognizes that the stocks extend outside the EEZ and that the moratorium will not ensure recovery of the resource within the EEZ; however, the action is in accordance with U.S. responsibilities under the Magnuson-Stevens Fishery Conservation and Management Act. The Council has also taken action to convene a panel of international experts to explore possible international management of the Emperor and Hawaiian Ridge Seamount armorhead fishery under the aegis of the United Nations Agreement Relating to Straddling Fish Stocks and Highly Migratory Fish Stocks.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities as follows:

The National Marine Fisheries Service (NMFS) considers an impact to be ''significant'' if it results in a reduction in annual gross revenues by more than 5 percent, an increase in annual compliance costs of greater than 5 percent, compliance costs at least 10 percent higher for small entities than for large entities, compliance costs that require significant capital expenditures, or the likelihood that 2 percent of the small entities would be forced out of business. NMFS considers a ''substantial number'' of small entities to be more than 20 percent of those small entities affected by the regulation engaged in the fishery. Because there have never been U.S. interests actively involved in the seamount groundfish fishery, this rule would not result in a significant economic impact on small entities. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 18, 1998.

David L. Evans,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. Section 660.68 is revised to read as follows:

§ 660.68 Fishing moratorium on Hancock Seamount.

Fishing for bottomfish and seamount groundfish on the Hancock Seamount is prohibited through August 31, 2004.

[FR Doc. 98–7965 Filed 3–25–98; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 63, No. 58
Thursday, March 26, 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

Oregon Coast Provincial Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Oregon Coast Provincial Advisory Committee (PAC) will meet on April 9, 1998, in Newport, Oregon, at the Holiday Inn, 3019 N. Coast Highway, Newport, OR. The meeting will begin at 9:00 a.m. and continue until 3:30 p.m. Agenda items to be covered include: (1) Reports from PAC Subcommittees (Adapative Management Area, Water Quality/Fish, Media, and Timber); (2) Followup on recreation and landscape level research information presented at last PAC meeting; (3) recreation fees. All Oregon Coast Provincial Advisory Committee meetings are open to the public. Two 15-minute open public forums are scheduled for 10:00 a.m. and 2:15 p.m. Interested citizens are encouraged to attend. The committee welcomes the public's written comments on committee business at any time.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Trish Hogervorst, Public Affairs Officer, Bureau of Land Management, at (503) 375–5657, or write to Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Corvallis, Oregon 97339.

Dated: March 20, 1998.

James R. Furnish,

Forest Supervisor.

[FR Doc. 98–7927 Filed 3–25–98; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Willamette Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Willamette PIEC Advisory Committee will meet on Thursday, April 9, 1998, at the USDI Salem BLM Office; 1717 Fabry Rd SE; Salem, Oregon 97306; phone (503) 375–5642. The Advisory Committee meeting is scheduled for 9:00 a.m. to approximately 2:00 p.m. The tentative agenda includes: (1) Information on the Willamette Livability Forum, (2) Social and Economic Accomplishment of Northwest Forest Plan in the Willamette Province, (3) Future trends—Funding for Social/Economic objectives, (4) Proposal to form subcommittee for Waldo Lake Plan, (5) Riparian Subcommittee update, (6) Public Forum.

The public forum is tentatively scheduled to begin at 10:30 a.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged. Written comments may be submitted prior to the meeting by sending them to Designated Federal Official Neal Forrester at the address given below.

FOR FURTHER INFORMATION CONTACT: For more information regarding this meeting, contact Designated Federal Official Neal Forrester, Willamette National Forest, 211 East Seventh Avenue; Eugene, Oregon 97401; (541) 465–6924.

Dated: March 20, 1997.

Arlie D. Anderson,

Acting Willamette Forest Supervisor.

[FR Doc. 98–7884 Filed 3–25–98; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Alaska Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Alaska Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 3:00 p.m. on May 7, 1998, at the Anchorage Hilton, 500 West Third Avenue, Anchorage, Alaska 99501. The purpose of the meeting is to discuss civil rights issues and review special education data.

Persons desiring additional information, or planning a presentation to the Committee, should contact Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 17, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–7951 Filed 3–25–98; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Utah Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will convene at 6:00 p.m. and adjourn at 9:00 p.m. on Tuesday, April 21, 1998, at the Ogden Park Hotel, 247 24th Street, Ogden, Utah 84401. The purpose of the meeting is to discuss current issues in the State and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1400 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 17, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–7952 Filed 3–25–98; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Vermont Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 12:30 p.m. and adjourn at 4:30 p.m. on Thursday, April 23, 1998, at the Blue Cross-Blue Shield of Vermont, 1 East Road, Montpelier, Vermont 05401. The purpose of the meeting is to complete revisions to its draft report entitled ''Racial Harassment in Vermont Public Schools'' and continue planning for FY 98.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Kimberly B. Cheney, 802–229–0334, or Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 19, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–7950 Filed 3–25–98; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Washington Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 12:00 p.m. on April 22, 1998, at the Westin Hotel, 1900 Fifth Avenue, Seattle, Washington 98101. The purpose of the meeting is to discuss Native American health care issues and civil rights issues.

Persons desiring additional information, or planning a presentation to the Committee, should contact Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 19, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–7949 Filed 3–25–98; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of Professional Associations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), we are giving notice of a meeting of the Census Advisory Committee of Professional Associations.

The Committee is composed of 36 members appointed by the Presidents of the American Economic Association, the American Statistical Association, the Population Association of America, and the Chairperson of the Board of the American Marketing Association. The Committee advises the Director of the Bureau of the Census on the full range of Census Bureau programs and activities in relation to their areas of expertise.

DATES: The meeting will convene on April 23–24, 1998. On April 23, the meeting will begin at 9:00 a.m. and adjourn at 5:15 p.m. On April 24, the meeting will begin at 9:00 a.m. and adjourn at 12:15 p.m.

ADDRESSES: The meeting will take place at the Embassy Suites Hotel, 1250 22nd Street, NW, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Individuals wishing additional information or minutes regarding this meeting, or wishing to submit written statements, may contact the Committee Liaison Officer on 301–457–2308, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The agenda for the meeting on April 23, which will begin at 9:00 a.m. and adjourn at 5:15 p.m., is the following:

- Introductory Remarks by the Acting Director, Bureau of the Census.
- Census Bureau Responses to Committee Recommendations.
- The Census Bureau's Plans for Poverty Measurement.
- Are We on the Right Track With the Corporate Marketing Program?
- Economic Census Update.
- How Can the Census Bureau Get Consistent and Useful Feedback From Its Customers?
- Census 2000 and Dress Rehearsal Plans.
- Overview of Indicators of Innovation and Technology.
- Panel Discussion: The National Science Foundation Research and Development Survey.
- Demonstration of the Latest DADS Prototype.
- How Do We Evaluate the Dress Rehearsal and Census 2000?
- Panel Discussion: Where Should We Go From Here?
- How Do We Evaluate the Marketing Strategy for the Dress Rehearsal and Census 2000?
- How Should the Census Bureau Price Data Products Through DADS?

The agenda for the meeting on April 24, which will begin at 9:00 a.m. and adjourn at 12:15 p.m., is the following:

- Chief Economist Updates.
- How Should We Promote Confidentiality in the Decennial Census?
- How Will the OMB Proposal on Tabulation of Race and Ethnicity Data Be Implemented in Dress Rehearsal Tabulations?
- Develop Recommendations and Special Interest Activities.
- Closing Session.

The meeting is open to the public, and a brief period is set aside during the closing session for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer, Ms. Maxine Anderson-Brown, Room 3039, Federal Building 3, Suitland, MD 20233, at least three days before the meeting.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Census Bureau Committee Liaison Officer.

Dated: March 19, 1998.

James F. Holmes,

Acting Director, Bureau of the Census.

[FR Doc. 98–7839 Filed 3–25–98; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea; Preliminary Results of Antidumping Duty Changed Circumstances Review

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

ACTION: Notice of preliminary results of antidumping duty changed circumstances review.

SUMMARY: In response to a request by SeAH Steel Corporation submitted on March 27, 1997, the Department of Commerce is conducting a changed circumstances review to examine whether SeAH Steel Corporation is the successor to Pusan Steel Pipe. As a result of this review, the Department of Commerce preliminarily finds that for purposes of this proceeding, SeAH is the successor to Pusan Steel Pipe and should be assigned the antidumping deposit rate applicable to Pusan Steel Pipe.

EFFECTIVE DATE: March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Marian Wells or Cynthia Thirumalai, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–6309 and 482–4087 respectively.

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 (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations refer to the regulations, codified at 19 CFR part 353, April 1997.

Background

On July 15, 1997, we published a notice of initiation in this changed circumstances review (*see Circular Welded Non-Alloy Steel Pipe from Korea: Notice of Extension of Time Limit for Preliminary Results, Partial Termination of Antidumping Duty Administrative Review and Initiation of Changed Circumstances Review* (62 FR 37865)). SeAH Steel Corporation (SeAH) submitted information on its corporate structure and production facilities on January 22, 1998 in response to a request by the Department. We are conducting this review in accordance with 19 CFR 353.22(f).

Scope of Review

The merchandise subject to this review is circular welded non-alloy steel pipe and tube, of circular cross-section, not more than 406.4 mm (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipes and tubes and are intended for the low-pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air-conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may also be used for light load-bearing applications, such as for fence tubing, and as structural pipe tubing used for framing and as support members for reconstruction or load-bearing purposes in the construction, shipbuilding, trucking, farm equipment, and other related industries. Unfinished conduit pipe is also included in this order.

All carbon-steel pipes and tubes within the physical description outlined above are included within the scope of this review except line pipe, oil-country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. In accordance with the Department's *Final Negative Determination of Scope Inquiry on Certain Circular Welded Non-Alloy Steel Pipe and Tube from Brazil, the Republic of Korea, Mexico, and Venezuela* (61 FR 11608, March 21, 1996), pipe certified to the API 5L line-pipe specification and pipe certified to both the API 5L line-pipe specifications and the less-stringent ASTM A–53 standard-pipe specifications, which falls within the physical parameters as outlined above, and entered as line pipe of a kind used for oil and gas pipelines is outside of the scope of the antidumping duty order.

Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Successorship

Pusan Steel Pipe (PSP) legally changed its name to SeAH on December 28, 1995, effective as of January 1, 1996. In its request for this changed circumstances review, SeAH asked that it be found the successor to PSP insofar as the change was in name only while the legal structure of the company, its management and ownership were not affected.

In determining whether one company is the successor to another for purposes of applying the antidumping duty law, the Department examines a number of factors including, but not limited to, changes in (1) management, (2) production facilities, (3) suppliers, and (4) customer base. (*See*, e.g., *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review* (''Brass Sheet and Strip''), (57 FR 7759, March 5, 1990), and *Industrial Phosphoric Acid From Israel; Final Results of Antidumping Duty Changed Circumstances Review*, (59 6955, February 14, 1994).) While no one or several of these factors will necessarily provide a dispositive indication of succession, the Department will generally consider one company to be a successor to a second if its resulting operation is essentially the same as that of its predecessor (*see, Brass Sheet and Strip*). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity, the Department will assign the new company the cash deposit rate of its predecessor.

We have received information from SeAH that demonstrates that no major changes occurred with respect to PSP's management, plant facilities, customer base or suppliers. Specifically, we have received product brochures, promotional materials, organizational charts, and lists of managers names for 1995 and 1996. Therefore, the change in name from PSP to SeAH had no material effect on the operation of the company with respect to the production and sale of subject merchandise (i.e., standard pipe). Based on the foregoing, we preliminarily find that SeAH is the successor to PSP and, as such, is entitled to PSP's cash deposit rate with respect to entries of subject merchandise.

Preliminary Results of the Review

We preliminarily conclude that SeAH is the successor to PSP. Should our final results remain the same as these preliminary results, we will instruct the U.S. Customs Service to assign SeAH

the antidumping duty cash deposit rate applicable to PSP of 6.00 percent *ad valorem*.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Interested parties may also request a hearing within ten days of publication.

If requested, a hearing will be held April 6, 1998. Interested parties may submit case briefs by March 27, 1998. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than April 1, 1998. The Department will issue a notice of the final results of the changed circumstance review, which will include the results of its analysis of issues raised in any such briefs and hearing. This changed circumstances review and notice are in accordance with 19 CFR 353.22(f).

Dated: March 18, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–7966 Filed 3–25–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–405–071]

Viscose Rayon Staple Fiber From Finland: Postponement of Final Results of Antidumping Duty Administrative Review

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

ACTION: Extension of time limit for final results of antidumping duty administrative review.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the final results of the antidumping duty administrative review of the antidumping finding on viscose rayon staple fiber from Finland, covering the period March 1, 1996, through February 28, 1997, since it is not practicable to complete the review within the time limit mandated by section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).

EFFECTIVE DATE: March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita or Alexander Amdur, Antidumping Duty and Countervailing Duty Enforcement Office Four, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482–4740 or 482–5346.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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 Act by the Uruguay Rounds Agreements Act.

Background

On April 24, 1997 (62 FR 19988), the Department initiated an administrative review of the antidumping duty finding on viscose rayon staple fiber from Finland, covering the period March 1, 1996 through February 28, 1997. On December 10, 1997 (62 FR 65063), the Department published the preliminary determination in this review.

Postponement of Final Results of Review

Section 751(a)(3)(A) of the Act requires the Department to make a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) allows the Department to extend this time period to 180 days after the date on which the preliminary determination is published.

Because of the complexity of the scope issues involved in this review, we determine that it is not practicable to complete this review within the original time frame.

Accordingly, the deadline for issuing the final results of this review will be no later than 180 days from the publication of the preliminary determination (June 8, 1998).

These extensions are in accordance with section 751(a)(3)(A) of the Act (19 U.S.C. 1675 (a)(3)(A)).

Dated: March 20, 1998.

Richard Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 98–7964 Filed 3–25–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0137]

Submission for OMB Review; Comment Request Entitled Simplified Acquisition Procedures/FACNET

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance; correction.

SUMMARY: The notice document 98–7105 beginning on page 13640, third column, in the issue of March 20, 1998, was incorrect. This notice replaces the incorrect notice.

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Simplified Acquisition Procedures/FACNET. A request for public comments was published at 63 FR 1833, January 12, 1998. No comments were received.

DATES: Comments may be submitted on or before April 27, 1998.

FOR FURTHER INFORMATION CONTACT: Linda Nelson, Federal Acquisition Policy Division, GSA (202) 501–1900.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW, Room 4037, Washington, DC 20405. Please cite OMB Control No. 9000–0137, Simplified Acquisition Procedures/FACNET, in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

Title IX of the Federal Acquisition Streamlining Act of 1994 (the Act) amended the Office of Federal Procurement Policy Act (41 U.S.C. 401, *et seq.*) by adding new sections regarding the establishment of a program for the development and

implementation of a Federal Acquisition Computer Network (hereinafter referred to as FACNET) which allows electronic interchange of procurement information between the private sector and the Federal Government and among Federal agencies. Specific functions of FACNET are set forth under Section 30 of the Act.

Regulatory coverage on FACNET is included under FAR Subpart 4.5—Electronic Commerce in Contracting. FAR section 4.503 requires contractors to provide registration information to the Central Contractor Registration in order to conduct business through electronic commerce (EC) with the Federal Government. Contractor registration information is collected electronically as a prerequisite for conducting EC with the Federal Government. The process for collection of contractor information uses the Federal Implementation Conventions ANSI X12, Trading Partner Profile, in accordance with the Federal Information Processing Standards 161(FIPS). These standards are published by the National Institute for Standards and Technology (NIST). The information required to be submitted as part of contractor registration is the same as that currently provided by the SF 129, Solicitation Mailing List Application; the SF 3881, ACH vendor/Miscellaneous Payment Enrollment Form for paper transactions. In addition, information pertaining to a contractor assignment of commercial and Government entity (CAGE) code (where applicable); electronic data interchange (EDI) capabilities, including ANSI X12 transaction set and version number status for production, testing, sending and receiving; and the registrant's value added network (VAN) or value added service (VAS) electronic communications number also needs to be provided as part of the registration process. Requiring information consistent with the existing forms that Government contractors are familiar with simplifies the process of gathering current, factual data to input into the Registration System. The additional information is information contractors should have readily available when they have established EC/EDI capability.

The information submitted by contractors will permit the Central Contractor Registration to establish a central repository for all vendors doing business with the Federal Government, information that is accessible by all Government contracting activities

B. Annual Reporting Burden

Public reporting burden for this collection of information is estimated to average *15* minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows: Respondents, *100,000;* responses per respondent, *1*; total annual responses, *100,000;* preparation hours per response, *.25*; and total response burden hours, *25,000*.

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, *100,000;* hours per recordkeeper, .25; and total recordkeeping burden hours, *25,000*.

Obtaining Copies of Proposals

Requester may obtain a copy the justification from the General Services Administration, FAR Secretariat (MVRS), Room 4037, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0137, Simplified Acquisition Procedures/FACNET, in all correspondence.

Dated: March 20, 1998.

Sharon A. Kiser,

FAR Secretariat.

[FR Doc. 98–7829 Filed 3–25–98; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans

AGENCY: Department of Defense (DoD).

ACTION: Notice of test program.

SUMMARY: The Department of Defense is amending its Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans to implement Section 822 of the National Defense Authorization Act for Fiscal Year 1988.

EFFECTIVE DATE: March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Ivory Fisher, Office of Small and Disadvantaged Business Utilization, OUSD (A&T) SADBU, 3061 Defense Pentagon, Washington, DC 20301–3061, telephone (703) 697–1688, telefax (703) 693–7014.

SUPPLEMENTARY INFORMATION:

A. Background

In accordance with Section 834 of Public Law 101–189, as amended, the Department of Defense (DoD) established a Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans (the Program) to determine whether the use of comprehensive subcontracting plans on a corporate, division, or plant-wide basis would increase subcontracting opportunities for small business concerns. DoD is amending the Program to implement the requirements of Section 822 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85). The amendments (1) provide for subcontracts that are awarded by participating contractors performing as subcontractors, under DoD contracts, to be included in comprehensive small business subcontracting plans, and (2) extend the Program through September 30, 2000.

Ivory Fisher,

Office of Small and Disadvantaged Business Utilization.

The revised test plan is as follows:

Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans

I. Purpose

This document implements Section 834 of Public Law 101–189, the National Defense Authorization Act for Fiscal Years 1990 and 1991, as amended. The primary purpose of the Comprehensive Small Business Subcontracting Plan Test Program (the Program) is to determine whether the negotiation and administration of comprehensive small business subcontracting plans will reduce administrative burdens on contractors while enhancing subcontracting opportunities for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals under Department of Defense DoD contracts.

II. Authority

The Program is established pursuant to Section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, as amended.

III. Program Requirements

A. The Program shall be conducted from October 1, 1990, through September 30, 2000.

B. The selection of contractors for participation in the Program shall be in accordance with Section 811(b)(3) of the National Defense Authorization Act For Fiscal Year 1996, Public Law 104–106. Eligible contractors are large business concerns at the major (total) corporate level that, during the preceding fiscal year:

1. Were performing under at least three DoD prime contracts; furnished supplies or services (including professional services) to DoD, engaged

in research and development for DoD, or performed construction for DoD; and were paid $5,000,000 or more for such contract activities; and

2. Achieved a small disadvantaged business (SDB) subcontracting participation rate of 5 percent or more during the preceding fiscal year. However, this requirement does not apply to the eight original contractors accepted into the Program. Additionally, a large business with an SDB subcontracting participation rate of less than 5 percent during the preceding fiscal year may request, through the designated contracting activity, to participate in the Program if the firm submits a detailed plan with milestones leading to attainment of at least a 5 percent SDB subcontracting participation rate by September 30, 2000.

C. Contractors selected for participation shall:

1. Be eligible in accordance with paragraph III(B);

2. Establish their comprehensive subcontracting plans on the same corporate, division or plant-wide basis under which they submitted the Standard Form (SF) 295 during the preceding fiscal year, except that a division or plant that historically reported through a higher-level division, but would meet the criteria of paragraph III(B)(2), shall be permitted to participate in the Program if the lower-level division, plant or profit center can demonstrate a 5 percent or greater subcontract performance level with SDB concerns;

3. Have reported to DoD on the SF 295 for the previous fiscal year, except as provided in paragraph III(C)(2);

4. Accept an SDB goal for each fiscal year of not less than 5 percent, or an SDB goal that is in accordance with the milestone established under paragraph III(B)(2);

5. Comply with the requirements of Defense Federal Acquisition Regulation Supplement (DFARS) Section 215.605 for source selection purposes;

6. Offer a broad range of subcontracting opportunities;

7. Voluntarily agree to participate; and

8. Have at least one active contract that requires a subcontracting plan at the designated DoD buying activity responsible for negotiating the Comprehensive Subcontracting Plan.

IV. Elements of the Comprehensive Small Business Subcontracting Plan

A. The comprehensive small business subcontracting plan shall address each of the 11 elements set forth in paragraph (d) of the clause at FAR 52.219–9, ''Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan.''

1. The subcontracting plan, percentage and corresponding dollar goals for awards to small business, small disadvantaged business and women-owned small business concerns shall be developed by the contractor for its entire business operation in support of all DoD contracts and subcontracts under DoD contracts regardless of dollar value.

2. Participating contractors shall include separate specific goals and timetables for the awarding of subcontracts in two industry categories which have not historically been made available to small business and small disadvantaged business concerns. These industry categories will be recommended by the contractor and approved by the contracting officer. Subcontract awards made in support of the specific industry categories shall also count towards attainment of the overall small business and small disadvantaged business goals.

3. The subcontracting plan shall set forth the prime contractor's actions to publicize prospective subcontract opportunities for small business, small disadvantaged business and women-owned small business concerns.

B. Subcontracting plans to be established under the Program shall be submitted each year by participating contractors to the designated contracting officer 45 days prior to the end of the Government's fiscal year (September 30). However, new contractors requesting participation under the Program shall submit subcontracting plans to the contracting officer as far in advance as possible to the beginning of the fiscal year in which the contractor proposes to participate.

V. Procedures

A. The Service Acquisition Executive within each military department and defense agency having contractors that meet the requirements of paragraphs III(B) and (C) shall designate at least three but more than five contracting activities to participate in the Program. In selecting the contracting activities to participate in the Program, the Service Acquisition Executive shall ensure that the designated activities cover a broad range of supplies and services.

B. The designated contracting activity will accomplish the following:

1. With the coordination of the Director, Office of Small and Disadvantaged Business Utilization, for their military department of defense agency, select as many eligible prime contractors (at least five) for participation under the Program as deemed appropriate.

2. Establish a ''Comprehensive Small Business Subcontracting Plan'' negotiating team(s) composed as follows:

a. A contracting officer(s) who will be responsible for negotiation and approval of the comprehensive subcontracting plan(s) as well as the responsibilities at FAR 19.705.

b. The contracting activity's Small and Disadvantaged Business Utilization Specialist.

c. The Small and Disadvantaged Business Utilization Specialist of the cognizant administration activity that administers the preponderance of the selected prime contractor's contracts and/or the appropriate individual who will administer contractor performance under the test in accordance with FAR 19.706 and the provisions herein.

d. Production specialist, price analyst and other functional specialists as appropriate.

C. The designated contracting officer shall:

1. Encourage prime contractors interested in participating in the Program to enter the Program on a plant or facility basis.

2. Solicit proposed comprehensive subcontracting plans from selected contractor(s) as soon as possible and by July 1, annually thereafter.

3. By October 1, and annually thereafter, review, negotiate and approve on behalf of DoD a comprehensive subcontracting plan for each selected contractor.

4. Distribute copies of the approved subcontracting plan in accordance with paragraph VI(A).

5. Upon negotiation and acceptance of the comprehensive subcontracting plan, obtain from the contractor:

a. A listing of all active DoD contracts that contain individual subcontracting plans required by Section 211 of Public Law 95–507.

b. The listing shall include the following:

i. Contract number.

ii. Name and address of the contracting activity.

iii. Contracting Officer's name and phone number.

6. Upon receipt of the information provided by the participating contractor under paragraph V(C)(4), direct the designated administrative contracting officer to issue a comprehensive change order, which modifies all of the contractor's active DoD contracts that include subcontracting plans. The modification will substitute the contractor's approved comprehensive subcontracting plan for the individual

plans, will substitute the clause at DFARS 252.219–7004 for the clause at FAR 52.219–9, and will delete the clauses at FAR 52.219–10 and 52.219–16 and DFARS 252.219–7003 and 252.219–7005, as appropriate.

7. Review annually, with the contract administration activity, the contractor's performance under the plan. Document the review findings and distribute, in accordance with paragraph VI(A), within 45 days of the end of the fiscal year.

8. By November 15 of the year after acceptance, and annually thereafter, determine whether the contractor has met its comprehensive subcontracting goals. If the goals have not been met, determine whether there is any indication that the contractor failed to make a good faith effort and take appropriate action.

9. By December 15, 2000, prepare and submit a report on each participating contractor's performance which details the results of the Program. The report must compare the contractor's performance under the Program with its performance for the three fiscal years prior to acceptance into the Program. The report distribution will be in accordance with paragraph VI(A).

D. Participating contractors:

1. Shall establish their comprehensive subcontracting plans on the same corporate, division or plant-wide basis under which they submitted the SF 295 during the preceding fiscal year, except that those contractors that historically reported through a higher headquarters can elect to participate as a separate (lower-level) reporting profit center, plant or division if the contractor achieved an SDB subcontracting performance rate of 5 percent or greater in the preceding fiscal year.

2. Upon negotiation of an acceptable comprehensive subcontracting plan, shall be exempt from individual contract-by-contract reporting requirements for DoD contracts and subcontracts under DoD contracts unless otherwise required in accordance with paragraph III(C)(5).

3. Shall continue individual contract reporting on non-DoD contracts.

4. Shall comply with the flow-down provisions of Section 211 of Public Law 95–507 for large business subcontractors which are not participating in the Program. Consequently, large business concerns which are not participating in the Program receiving a DoD subcontract in excess of $500,000 ($1,000,000 for construction) are required to adopt a plan similar to that mandated by the clause at FAR 52.219–9. Participating contractors are prohibited from flowing down the ''Comprehensive'' subcontracting deviation provisions of DFARS 252.219–7004. Accordingly, large business subcontractors to the participating contractors who themselves are not participating in the Program shall be required to establish individual subcontracting plans with specific goals for awards to small business, small disadvantaged business and women-owned small business concerns.

5. Upon expulsion from the Program or Program termination on September 30, 2000, shall negotiate and establish individual subcontracting plans on all future DoD contracts that otherwise meet the requirements of Section 211 of Public Law 95–507.

VI. Monitoring and Reporting of Comprehensive Subcontracting Plans and Goals

A. Upon negotiation and acceptance of comprehensive subcontracting plans and goals, the designated activity shall immediately forward one copy of the plan to each of the following:

1. Director, Office of Small and Disadvantaged Business Utilization, Office of the Deputy Under Secretary of Defense (Acquisition and Technology), 3061 Defense Pentagon, Room 2A338, Washington, DC 20301–3061.

2. Director, Small and Disadvantaged Business Utilization, for the military department or defense agency of the activity that negotiated and accepted the comprehensive subcontracting plan.

3. The cognizant contract administration office.

B. Each participating contractor shall complete the SF 295 ''Summary Subcontract Report'' in accordance with the instructions on the back of the form on a semi-annual basis, except as noted below.

1. One copy of the SF 295 and attachments shall be submitted to Director, Office of Small and Disadvantaged Business Utilization, Office of the Deputy Under Secretary of Defense (Acquisition and Technology), 3061 Defense Pentagon, Room 2A338, Washington, DC 20301–3061.

2. Participating contractors shall enter in Item 14 ''Remarks'' block the annual corporate, division or plant-wide small business, small disadvantaged business and women-owned small business percentage and corresponding dollar goals.

3. Participating contractors shall also enter separately in Item 14 the percentage and corresponding dollar goals for each of the two selected industry categories (see paragraph IV(A)(2)).

4. Participating contractors shall also enter separately in Item 14 on a semi-annual cumulative basis the percentage and corresponding dollar amount of subcontract awards made in each of the two selected industry categories.

5. Participating contractors shall be exempt from the completion of SF 294 ''Subcontract Report For Individual Contracts'' for DoD contracts during their participation in the Program.

[FR Doc. 98–7709 Filed 3–25–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force A–76 Initiatives Cost Comparisons and Direct Conversions (As of January 1998)

Air Force is in the process of conducting the following A–76 initiatives. Cost comparisons are public-private competitions. Direct conversions are functions that may result in a conversion to contract without public competition. These initiatives were announced and in-progress as of January 1998, include the installation and state where the cost comparison is being performed, the total authorizations under study, public announcement date and anticipated solicitation date. The following initiatives are in various stages of completion.

COST COMPARISONS

Installation	State	Function(s)	Total authorizations	Public announcement date	Solicitation scheduled for
EIELSON AFB	AK	ADMINISTRATIVE TELEPHONE SWITCHBOARD.	10	18–Oct–96	01–Jul–98.
EIELSON AFB	AK	MILITARY FAMILY HOUSING MANAGEMENT	16	17–Nov–97	17–May–98.

COST COMPARISONS—Continued

Installation	State	Function(s)	Total authorizations	Public announcement date	Solicitation scheduled for
ELMENDORF AFB	AK	ADMINISTRATIVE TELEPHONE SWITCHBOARD.	16	14–Jul–97	01–Feb–98.
ELMENDORF AFB	AK	MILITARY FAMILY HOUSING MANAGEMENT	22	19–Sep–96	02–Feb–98.
EDWARDS AFB	CA	BASE SUPPLY	327	02–May–96	12–May–97.
LOS ANGELES AFS	CA	COMMUNICATIONS OPERATIONS AND MAINTENANCE FUNTIONS.	85	01–Jul–97	30–Jul–98.
LOS ANGELES AFS	CA	HOUSING MANAGEMENT	10	01–Jul–97	30–Jul–98.
LOS ANGELES AFS	CA	SERVICES ACTIVITIES	8	01–Jul–97	30–Jul–98.
MARCH AFB	CA	AIRFIELD OPERATIONS AND WEATHER	41	13–Jun–96	30–Dec–98.
MARCH AFB	CA	BASE OPERATING SUPPORT	237	13–Jun–96	08–Feb–99.
MARCH AFB	CA	TRANSIENT AIRCRAFT MAINTENANCE	0	13–Jun–96	30–Apr–98.
ONIZUKA AFB	CA	UTILITIES PLANT	25	06–May–96	01–Nov–97.
TRAVIS AFB	CA	MILITARY FAMILY HOUSING MAINTENANCE	38	05–May–97	25–Jun–97.
VANDENBERG AFB	CA	BASE OPERATING SUPPORT	211	29–Jul–96	15–Jan–98.
VANDENBERG AFB	CA	CIVIL ENGINEERING MATERIAL ACQUISITION	12	06–May–96	30–Oct–97.
VANDENBERG AFB	CA	CIVIL ENGINEERING	5	29–Jul–96	01–Nov–97.
VANDENBERG AFB	CA	HOUSING MANAGEMENT	14	29–Jul–96	01–Nov–97.
VANDENBERG AFB	CA	STRUCTURAL MAINTENANCE	32	06–May–96	30–Oct–97.
VANDENBERG AFB	CA	TRAINER FABRICATION	12	24–Nov–97	01–Jan–99.
BUCKLEY ANGB	CO	AIRFIELD MANAGEMENT	34	22–Mar–95	01–Apr–98.
BUCKLEY ANGB	CO	CIVIL ENGINEERING	55	24–Nov–97	01–Jan–99.
FALCON AFB	CO	UTILITIES PLANT	21	06–May–96	01–Nov–97.
PETERSON AFB	CO	BASE OPERATING SUPPORT	121	29–Jul–96	03–Jul–97.
PETERSON AFB	CO	CIVIL ENGINEERING MATERIAL ACQUISITION	8	29–Jul–96	09–Jan–98.
USAF ACADEMY	CO	MESS ATTENDANTS	170	10–Mar–97	28–Feb–98.
DOVER AFB	DE	TRANSIENT AIRCRAFT MAINTENANCE/AIR GROUND EQUIPMENT.	24	05–Sep–97	02–Jun–98.
EGLIN AFB	FL	CIVIL ENGINEERING	96	03–Dec–96	15–Apr–98.
HOMESTEAD ARB	FL	AIRFIELD OPERATIONS AND WEATHER	25	13–Jun–96	13–Apr–99.
HOMESTEAD ARB	FL	BASE OPERATING SUPPORT	149	13–Jun–96	29–Dec–98.
HURLBURT FIELD	FL	COMMUNICATION FUNCTIONS	24	12–Nov–97.	
HURLBURT FIELD	FL	ENVIRONMENTAL	13	23–Sep–97	20–Jul–98.
HURLBURT FIELD	FL	TRANSIENT AIRCRAFT MAINTENANCE	11	08–Aug–96	09–Jun–97.
MACDILL AFB	FL	CIVIL ENGINEERING	310	06–Nov–97	26–Jan–99.
MACDILL AFB	FL	COMMUNICATIONS OPERATIONS AND MAINTENANCE FUNCTIONS.	88	07–Oct–97	28–Dec–98.
PATRICK AFB	FL	BASE OPERATING SUPPORT	121	29–Jul–96	15–Nov–97.
PATRICK AFB	FL	HOUSING MANAGEMENT	7	29–Jul–96	15–Jan–98.
DOBBINS ARB	GA	BASE OPERATING SUPPORT	127	13–Jun–96	02–Mar–98.
DOBBINS ARB	GA	COMMUNICATION FUNCTIONS	0	13–Jun–96	02–Mar–98.
DOBBINS ARB	GA	CONTROL TOWER OPERATIONS	33	13–Jun–96	02–Mar–98.
DOBBINS ARB	GA	WEATHER SERVICES	0	13–Jun–96	02–Mar–98.
ROBINS AFB	GA	EDUCATION SERVICES	29	28–Feb–97	28–Feb–98.
ROBINS AFB	GA	MILITARY FAMILY HOUSING MAINTENANCE	13	02–May–96	09–May–97.
RAMSTEIN AB	GERMY	MESS ATTENDANTS	33	10–Jul–96	01–Mar–97.
RAMSTEIN AB	GERMY	MILITARY FAMILY HOUSING MAINTENANCE	129	19–Jun–97	01–Mar–98.
RAMSTEIN AB	GERMY	PRECISION MEASUREMENT EQUIPMENT LABORATORY.	79	06–May–97	01–Jan–98.
SPANGDAHLEM AB	GERMY	MESS ATTENDANTS	16	10–Jul–96	01–Mar–97.
HICKAM AFB	HI	BASE OPERATING SUPPORT	528	11–Mar–97	15–Mar–98.
SCOTT AFB	IL	BASE SUPPLY	110	03–Jun–97	28–Aug–98.
GRISSOM AFB	IN	AIRFIELD OPERATIONS AND WEATHER	35	13–Jun–96	11–May–98.
GRISSOM AFB	IN	BASE OPERATING SUPPORT	170	13–Jun–96	11–May–98.
GRISSOM AFB	IN	TRANSIENT AIRCRAFT MAINTENANCE	0	13–Jun–96	10–Oct–98.
NEW ORLEANS NAS	LA	BASE OPERATING SUPPORT	66	13–Jun–96	10–Aug–99.
HANSCOM AFB	MA	COMMUNICATION FUNCTIONS	93	28–Feb–97	15–Apr–98.
HANSCOM AFB	MA	DATA PROCESSING	18	28–Feb–97	15–Apr–98.
WESTOVER AFB	MA	BASE OPERATING SUPPORT	210	13–Jun–96	08–Feb–98.
WESTOVER AFB	MA	CONTROL TOWER OPERATIONS	19	13–Jun–96	27–Feb–98.
WESTOVER AFB	MA	WEATHER SERVICES	0	13–Jun–96	27–Feb–98.
ANDREWS AFB	MD	AIRCRAFT MAINTENANCE AND SUPPLY	750	25–Jul–97	21–Dec–98.
ANDREWS AFB	MD	MEDICAL FACILITY MAINTENANCE	11	09–Oct–97	04–May–98.
MINN/ST PAUL IAP ARS	MN	BASE OPERATING SUPPORT	104	13–Jun–96	10–Apr–98.
MINN/ST PAUL IAP ARS	MN	COMMUNICATION FUNCTIONS	0	13–Jun–96	27–Feb–98.
KEESLER AFB	MS	TECHNICAL TRAINING CENTER EQUIPMENT MAINTENANCE.	253	13–Jun–96	25–Aug–97.
MALMSTROM AFB	MT	BASE COMMUNICATIONS	72	06–Oct–97	01–Jan–99.
MALMSTROM AFB	MT	BASE SUPPLY	149	06–May–96	20–Dec–97.
MALMSTROM AFB	MT	HEATING SYSTEMS	36	24–Nov–97	01–Jan–99.
MULTIPLE	MULT.	ADMINISTRATIVE SWITCHBOARD	59	19–Jun–97	01–Mar–98.

COST COMPARISONS—Continued

Installation	State	Function(s)	Total authorizations	Public announcement date	Solicitation scheduled for
INSTALLATIONS:					
RAF MILDENHALL	UKING				
RAMSTEIN AB	GERMY				
SEMBACH	GERMY				
SPANGDAHLEM	GERMY				
MULTIPLE	MULT.	GENERAL LIBRARY	19	29–Jul–97	01–Apr–98.
INSTALLATIONS:					
F E WARREN AFB	WY				
MALMSTROM AFB	MT				
PATRICK AFB	FL				
PETERSON AFB	CO				
VANDENBERG AFB	CA				
MULTIPLE	MULT:	TECHNICAL TRAINING-ELECTRONIC PRINCIPLES TRAINING.	157	03–Dec–96	12–Sep–97.
INSTALLATIONS:					
KEESLER AFB	MS				
LACKLAND AFB	TX				
GRAND FORKS AFB	ND	HEATING SYSTEMS	13	11–Dec–97	23–Dec–97.
OFFUTT AFB	NE	DATA AUTOMATION	346	24–Sep–97	29–May–98.
NEW BOSTON AS	NH	BASE OPERATING SUPPORT	48	03–Dec–97	16–Dec–98.
MCGUIRE AFB	NJ	MILITARY FAMILY HOUSING MAINTENANCE	19	07–Oct–95	30–Jun–97.
CANNON AFB	NM	MILITARY FAMILY HOUSING MAINTENANCE	21	16–Apr–96	23–Jul–97.
HOLLOMAN AFB	NM	MILITARY FAMILY HOUSING MAINTENANCE	66	12–May–97	07–Mar–98.
KIRTLAND AFB	NM	BASE COMMUNICATIONS	228	06–Nov–97	12–Jul–98.
KIRTLAND AFB	NM	BASE SUPPLY	170	02–May–96	01–Jul–97.
KIRTLAND AFB	NM	COMMUNICATION FUNCTIONS	54	29–Apr–97	02–Feb–98.
KIRTLAND AFB	NM	PRECISION MEASUREMENT EQUIPMENT LABORATORY.	51	02–May–96	06–Aug–97.
NIAGRA FALLS IAP	NY	BASE OPERATING SUPPORT	39	13–Jun–96	30–Jan–98.
NIAGRA FALLS IAP	NY	WEATHER SERVICES	4	13–Jun–96	30–Jan–98.
WRIGHT PATTERSON AFB	OH	ACADEMIC AND PLATFORM INSTRUCTIONS	115	15–Aug–97	08–Sep–98.
WRIGHT PATTERSON AFB	OH	BASE OPERATING SUPPORT	499	02–May–96	27–Aug–97.
WRIGHT PATTERSON AFB	OH	CIVIL ENGINEERING	698	15–Aug–97	08–Sep–98.
YOUNGSTOWN REGIONAL AIRPORT ARS.	OH	BASE OPERATING SUPPORT	102	13–Jun–96	10–Jun–98.
TINKER AFB	OK	CIVIL ENGINEERING	567	15–Apr–97	13–Feb–98.
TINKER AFB	OK	COMMUNICATION FUNCTIONS	138	02–May–96	14–Aug–97.
GREATER PITTSBURG IAP	PA	BASE OPERATING SUPPORT	111	13–Jun–96	27–Apr–98.
WILLOW GROVE ARS	PA	BASE OPERATING SUPPORT	78	13–Jun–96	10–Aug–98.
CHARLESTON AFB	SC	AUDIOVISUAL	13	06–Jun–97	30–Aug–98.
CHARLESTON AFB	SC	MILITARY FAMILY HOUSING MAINTENANCE	14	23–Sep–97	20–Jun–98.
SHAW AFB	SC	MILITARY FAMILY HOUSING MAINTENANCE	33	09–Jul–97	09–Jun–98.
BROOKS AFB	TX	LABORATORY SUPPORT SERVICES	42	02–May–96	24–Jul–97.
CARSWELL AFB	TX	BASE OPERATING SUPPORT	91	13–Jun–96	06–Feb–99.
HILL AFB	UT	HEATING SYSTEMS	38	29–Apr–97	24–Apr–98.
HILL AFB	UT	RECREATIONAL SUPPORT	7	02–May–96	24–Feb–98.
LANGLEY AFB	VA	MILITARY FAMILY HOUSING MAINTENANCE	16	24–Nov–97	01–Mar–98.
MCCHORD AFB	WA	HEATING SYSTEMS	11	23–Sep–97	17–Sep–98.
MCCHORD AFB	WA	MILITARY FAMILY HOUSING MAINTENANCE	15	23–Sep–97	17–Sep–98.
GENERAL MITCHELL IAP ARS	WI	BASE OPERATING SUPPORT	93	13–Jun–96	28–Feb–98.
F E WARREN AFB	WY	BASE COMMUNICATIONS	76	30–Oct–97	01–Jan–99.
F E WARREN AFB	WY	BASE SUPPLY	157	06–May–96	01–Jan–98.
F E WARREN AFB	WY	HEATING SYSTEMS	18	06–May–96	12–Mar–98.

DIRECT CONVERSIONS

Installation	State	Function(s)	Total authorizations	Public announcement date	Solicitation scheduled for
EIELSON AFB	AK	TRANSIENT AIRCRAFT MAINTENANCE	14	18–Oct–96	01–Jul–98.
ELMENDORF AFB	AK	TRANSIENT AIRCRAFT MAINTENANCE	12	10–Nov–97	12–Jun–98.
DAVIS MONTHAN AFB	AZ	CIVIL ENGINEERING	5	24–Jan–97	15–Feb–98.
DAVIS MONTHAN AFB	AZ	GENERAL LIBRARY	6	24–Jan–97	15–Feb–98.
EDWARDS AFB	CA	LABORATORY SUPPLY SUPPORT	10	04–Jun–97	30–Sep–97.
LOS ANGELES AFS	CA	PACKING & CRATING	4	01–Jul–97	30–Apr–98.
TRAVIS AFB	CA	ENVIRONMENTAL	11	23–Sep–97	30–Sep–98.
TRAVIS AFB	CA	FURNISHINGS MANAGEMENT	3	14–Mar–97	06–Nov–97.
TRAVIS AFB	CA	GENERAL LIBRARY	6	14–Mar–97	05–Jan–98.
TRAVIS AFB	CA	PROTECTIVE COATING	5	14–Mar–97	07–Jul–97.

DIRECT CONVERSIONS—Continued

Installation	State	Function(s)	Total authorizations	Public announcement date	Solicitation scheduled for
VANDENBERG AFB	CA	CIVIL ENGINEERING	9	29–Jul–96	16–Dec–97.
FALCON AFB	CO	COMMUNICATIONS OPERATIONS AND MAINTENANCE.	209	06–May–96	05–Jan–98.
FALCON AFB	CO	ENGINEERING DATA CENTER	6	17–Nov–97	05–Jan–99.
FALCON AFB	CO	SITE INTEGRATION AND SUPPORT	120	06–May–96	15–Oct–97.
PETERSON AFB	CO	PACKING & CRATING	9	10–Sep–97	01–Sep–98.
PETERSON AFB	CO	PRECISION MEASUREMENT EQUIPMENT LABORATORY.	21	06–May–96	15–Jan–98.
PETERSON AFB	CO	QUALITY ASSURANCE TRAINING	1	06–May–96	15–Nov–97.
DOVER AFB	DE	FURNISHINGS MANAGEMENT	2	14–Mar–97	13–Nov–97.
DOVER AFB	DE	PROTECTIVE COATING	3	14–Mar–97	18–Jul–97.
MACDILL AFB	FL	MEDICAL TRANSCRIPTION CENTER	4	03–Jun–97	03–Oct–97.
PATRICK AFB	FL	CIVIL ENGINEERING MATERIAL ACQUISITION	6	06–May–96	30–Oct–97.
PATRICK AFB	FL	TRANSIENT AIRCRAFT MAINTENANCE	11	10–Sep–97	05–Jan–99.
MOODY AFB	GA	HOSPITAL SERVICES	2	01–Dec–97	30–Nov–97.
SCOTT AFB	IL	GENERAL LIBRARY	7	17–Mar–97	08–Aug–97.
SCOTT AFB	IL	GROUNDS MAINTENANCE	3	17–Mar–97	09–Jan–98.
SCOTT AFB	IL	MEDICAL FACILITY MAINTENANCE	8	17–Mar–97	15–Oct–97.
AVIANO AB	ITALY	WAR RESERVE MATERIEL (WRM)	30	16–Aug–96	
MISAWA AB	JAPAN	RANGE OPERATIONS	10	01–Jul–96	13–Nov–97.
OSAN AB	KOREA	RANGE OPERATIONS AND MAINTENANCE	83	15–Jul–96	15–Sep–97.
MCCONNELL AFB	KS	GENERAL LIBRARY	5	14–Mar–97	05–Dec–97.
MCCONNELL AFB	KS	HEATING SYSTEMS	9	14–Mar–97	04–Oct–97.
BARKSDALE AFB	LA	CIVIL ENGINEERING	6	11–Jun–97	01–Mar–98.
BARKSDALE AFB	LA	GENERAL LIBRARY	6	11–Jun–97	01–Feb–98.
BARKSDALE AFB	LA	HOSPITAL SERVICES	3	01–Dec–97	15–Feb–98.
ANDREWS AFB	MD	SOFTWARE PROGRAMMING	23	18–Jun–97	28–Jul–98.
MULTIPLE INSTALLATIONS:	MULT.	COMMUNICATIONS OPERATIONS AND	27	21–Feb–96	13–Nov–97.
PRUEM AB	GERMY	MAINTENANCE			
RAMSTEIN AB	GERMY				
SPANGDAHLEM AB	GERMY				
MULTIPLE INSTALLATIONS: F E WARREN AFB	MULT.	MAINTENANCE DATA AND TECHNICAL ORDER LIBRARY.	67	29–Jul–96	30–Sep–97.
MALMSTROM AFB	WY				
MINOT AFB	MT				
VANDENBERG AFB	ND				
	CA				
SEYMOUR JOHNSON AFB	NC	GENERAL LIBRARY	7	11–Jun–97	14–Oct–97.
SEYMOUR JOHNSON AFB	NC	TRANSIENT AIRCRAFT MAINTENANCE	8	12–Nov–97	25–Nov–98.
GRAND FORKS AFB	ND	ADMINISTRATIVE SWITCHBOARD	12	26–Jul–95	31–Oct–97.
GRAND FORKS AFB	ND	FURNISHINGS MANAGEMENT	3	19–Sep–96	10–Dec–97.
GRAND FORKS AFB	ND	GENERAL LIBRARY	5	11–Mar–97	10–Dec–97.
MINOT AFB	ND	HEATING SYSTEMS	13	23–Sep–97	21–Jan–98.
OFFUTT AFB	NE	HOSPITAL MAINTENANCE	7	01–May–96	01–Mar–97.
OFFUTT AFB	NE	PROTECTIVE COATING	8	11–Jun–97	01–Dec–97.
MCGUIRE AFB	NJ	GENERAL LIBRARY	6	17–Mar–97	28–May–98.
KIRTLAND AFB	NM	DORMITORY MANAGEMENT	6	28–Feb–97	26–Mar–98.
NELLIS AFB	NV	WEAPONS SYSTEMS TRAINER OPERATIONS	14	12–Jun–97	07–Nov–97.
ALTUS AFB	OK	MEDICAL STENOGRAPHY	2	17–Nov–97	
TINKER AFB	OK	GENERAL LIBRARY	5	01–Jul–96	19–Jan–98.
CHARLESTON AFB	SC	HEATING SYSTEMS	9	14–Mar–97	02–Feb–98.
NORTH FIELD AUXILIARY ACR FIELD.	SC	GROUNDS MAINTENANCE	1	14–Mar–97	26–Jan–98.
INCIRLIK AB	TURKY	BASE OPERATING SUPPORT	220	08–Sep–97	21–Jul–97.
INCIRLIK AB	TURKY	COMMUNICATION FUNCTIONS	56	08–Sep–97	13–Mar–98.
RANDOLPH AFB	TX	GENERAL LIBRARY	7	03–Dec–96	02–Feb–98.
HILL AFB	UT	FACILITIES SERVICES MAINTENANCE	4	10–Mar–97	24–Feb–98.
HILL AFB	UT	GENERAL LIBRARY	5	02–May–96	02–Mar–98.
HILL AFB	UT	HOUSING MANAGEMENT	8	10–Mar–97	24–Feb–98.
LANGLEY AFB	VA	HOSPITAL SERVICES	6	01–Dec–97	31–Jan–98.
FAIRCHILD AFB	WA	FURNISHINGS MANAGEMENT	3	19–Sep–96	27–Oct–97.
FAIRCHILD AFB	WA	GENERAL LIBRARY	4	15–Mar–97	14–Jul–97.
MCCHORD AFB	WA	GENERAL LIBRARY	6	17–Mar–97	03–Oct–98.
MCCHORD AFB	WA	GROUNDS MAINTENANCE	9	17–Mar–97	05–Jan–98.
F E WARREN AFB	WY	FOOD SERVICES	17	29–Jul–97	01–Dec–98.
F E WARREN AFB	WY	HOUSING MANAGEMENT	8	24–Nov–97	01–Jan–99.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–7948 Filed 3–25–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Availability of the Environmental Assessment for the Proposed Acquisition of Real Estate Interests for Altus Air Force Base (AFB), Oklahoma

The United States Air Force is announcing availability of an Environmental Assessment (EA) which analyzes the proposed acquisition of easements near the ends of a new runway at Altus AFB. The Air Force proposes to acquire easements over approximately 1,046 acres, relocate residents, and remove dwellings so that the runway may be used by all assigned aircraft. The EA describes the proposal and alternatives considered and analyzes potential impacts.

The Air Force is planning to conduct a public meeting on April 9, 1998 at 7:00 p.m. at the Herschal H. Crow Auditorium at Western Oklahoma State College in Altus, Oklahoma. The purpose of the meeting is to present the proposal and information addressed in the EA and to solicit public comments.

All interested parties are invited to comment on the EA. Statements, both written and oral, from representatives of government agencies, public interest groups, and the public will be accepted. Written and oral comments will be reviewed in their entirety and given equal consideration. In order to ensure the Air Force has sufficient time to fully consider public input on issues relating to the analyses contained in the EA, comments should be submitted to the address below by April 24, 1998.

An EA is an environmental analysis process that results in a detailed public document that may lead to a Finding of No Significant Impact for the proposed action. If there are significant impacts, an Environmental Impact Statement will be prepared. Public participation is integral to this EA process. The National Environmental Policy Act requires federal agencies to prepare a detailed environmental analysis before committing resources for significant proposed actions.

Copies of the EA will be available for review beginning March 24, 1998 at the Altus, Oklahoma Public Library and the Cordell, Oklahoma Public Library. To obtain a copy of the EA, or to submit written comments, address correspondence to: 97 AMW/PA, 100 Inez Blvd., Suite 2, Altus AFB, OK 73523–5067, (580) 481–7700.

Barbara A. Carmichael,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 98–7852 Filed 3–25–98; 8:45 am]

BILLING CODE 3910–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meetings of the Chief of Naval Operations Executive Panel

AGENCY: Department of the Navy, DoD.

ACTION: Notice of closed meetings.

SUMMARY: The Chief of Naval Operations Executive Panel will meet to conduct mid-term and final briefings of the various task forces to the Chief of Naval Operations. These sessions will be closed to the public.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: The meetings will be held at the office of the Chief of Naval Operations, 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: LCDR Janice Graham, USN, Assistant for CNO Executive Panel Management, 4401 Ford Avenue, Suite 601, Alexandria, VA 22302–0268, telephone number (703) 681–6205.

SUPPLEMENTARY INFORMATION: This notice of meetings is provided in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2). The meetings will be held on:

31 March 1998, 1:30 p.m. to 2:30 p.m.;
2 April 1998, 3 p.m. to 4 p.m.;
13 April 1998, 1:30 p.m. to 2:30 p.m.;
15 April 1998, 1:30 p.m. to 2:30 p.m.; and
24 April 1998, 1:30 p.m. to 2:30 p.m.

The purpose of these meetings is to conduct mid-term and final briefings of the various task forces to the Chief of Naval Operations. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. According, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of these meetings be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code. The requirement to publish this notice 15 days prior to the first meeting could not be met due to a delay in administrative processing.

Dated: 18 March 1998.

Lou Rae Langevin,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 98–7953 Filed 3–25–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Lockheed Martin Corporation, Lockheed Martin Tactical Defense System

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Intent to Grant Exclusive Patent License.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Lockheed Martin Corporation, Lockheed Martin Tactical Defense System, a revocable, nonassignable, exclusive license in the United States, and certain foreign countries, to practice the Government owned invention described in U.S. Patent No. 5,572,320 entitled ''Fluid Sampling Utilizing Optical Near Field Imaging,'' in the field of machine condition assessment.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than May 26, 1998.

ADDRESSES: Written objections are to be filed with the Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Authority: 35 U. S. C. 207, 37 CFR Part 404)

Dated: March 13, 1998.

Michael I. Quinn,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 98–7858 Filed 3–25–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; SmithKline Beecham Biologicals S.A.

AGENCY: Department of the Navy, DoD.

ACTION: Notice of Intent to Grant Exclusive Patent License.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to SmithKline Beecham Biologicals S. A., a revocable, nonassignable, exclusive license in the United States, and certain foreign countries, to practice the Government owned inventions described in U.S. Patent No. 5,198,535 entitled ''Protective Malaria Sporozoite Surface Protein Immunogen and Gene,'' issued March 30, 1993, and U.S. Patent Application Serial No. 08/053,450 entitled ''Protective Malaria Sporozoite Surface Protein Immunogen and Gene'' in the field of human vaccines to prevent and/or treat malaria based on immunization schedules using only recombinant proteins as immunogens.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than May 26, 1998.

ADDRESSES: Written objections are to be filed with the Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

(Authority: 35 U. S. C. 207, 37 CFR Part 404)

Dated: March 13, 1998.

Michael I. Quinn,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 98–7859 Filed 3–25–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 26, 1998.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 20, 1998.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Consolidated State Performance Report.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't; SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 52.

Burden Hours: 52.

Abstract: The reauthorized Elementary and Secondary Education Act (ESEA), in general, and its provision for submission of consolidated plans, in particular (see section 14301 of the ESEA), emphasize the importance of cross-program coordination and integration of federal programs into educational activities carried out with State and local funds. Yet while nearly all States receive ESEA formula grant program funding on the basis of consolidated plans, until now the Department has still required states to report on program performance and beneficiaries on a program-by-program basis. Continuing to do so sends an inconsistent message about the value of consolidated planning and program integration as tools for increasing student achievement. This consolidated state reporting instrument would replace individual program reporting under ESEA programs and Goals 2000 for all entities that submit ESEA consolidated plans (and be an optional reporting vehicle for the other states). It will allow state and local officials and educators to see, at one time, the full scope of their reporting (and corresponding data collection) responsibilities, and promote the Department's interest in (1) receiving essential information on how states have implemented their approved consolidated state plans and (2) promoting the Department's ability to provide assistance to states on how they may be able to use federal funds most effectively. In addition, the state consolidated performance report is intended as an initial step toward an optimal design to track indicators of program performance, including those the Department is required to develop under the Government Performance and Results Act. It is expected that reporting in future consolidated instruments will

change as the U.S. Department of Education and the states develop their capacities to elicit and use accurate and reliable information for monitoring, reporting, and improvement.

[FR Doc. 98–7882 Filed 3–25–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah Gaseous Diffusion Plant.

DATES: Thursday, April 16, 1998: 5:00 p.m.–10:00 p.m.

ADDRESSES: Executive Inn, Roosevelt Room, 1 Executive Boulevard, Paducah, Kentucky.

FOR FURTHER INFORMATION CONTACT: Carlos Alvarado, Site-Specific Advisory Board Coordinator, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (502) 441–6804.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

5:00 p.m. Call to Order
5:15 p.m. Approve Meeting Minutes
5:30 p.m. Public Comment/Questions
6:00 p.m. Presentations
7:00 p.m. Break
7:15 p.m. Presentations
8:30 p.m. Public Comment
9:00 p.m. Administrative Issues
10:00 p.m. Adjourn

Copies of the final agenda will be available at the meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Carlos Alvarado at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments as the first item on the meeting agenda.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8:00 a.m. and 5:00 p.m. on Monday through Friday, or by writing to Carlos Alvarado, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, or by calling him at (502) 441–6804.

Issued at Washington, DC on March 23, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–7954 Filed 3–25–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Kirtland Area Office (Sandia)

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board, Kirtland Area Office (Sandia).

DATES: Wednesday, April 15, 1998: 6 p.m.–9 p.m. (Mountain Standard Time).

ADDRESSES: North Valley Senior Center, 3825 Fourth Street NW, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mike Zamorski, Acting Manager, Department of Energy Kirtland Area Office, PO Box 5400, Albuquerque, NM 87185 (505) 845–4094.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

6:00 p.m. Call to Order/Roll Call
7:00 p.m. Public Comments
7:10 p.m. Approval of Agenda
7:12 p.m. Approval of 03/18/98 Minutes
7:17 p.m. Chairperson's Report—Jamie Welles
7:20 p.m. Sandia National Laboratory's Environmental Restoration/Waste Management Presentation/Discussion
7:45 p.m. Break
7:55 p.m. Sandia National Laboratory's Environmental Restoration/Waste Management Issues Discussion
8:42 p.m. New/Other Business
8:52 p.m. Public Comments
8:58 p.m. Announcement of Next Meeting
9:00 p.m. Adjourn

A final agenda will be available at the meeting Wednesday, April 15, 1998.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Mike Zamorski's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Mike Zamorski, Department of Energy Kirtland Area Office, PO Box 5400, Albuquerque, NM 87185, or by calling (505) 845–4094.

Issued at Washington, DC on March 23, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–7956 Filed 3–25–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada Test Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site.

DATES: Wednesday, May 6, 1998: 5:30 p.m.–9 p.m.

ADDRESSES: U.S. Department of Energy, Nevada Support Facility, Great Basin Room, 232 Energy Way, North Las Vegas, Nevada.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, P.O. Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

5:30 p.m.	Call to Order
5:40 p.m.	Presentations
7:00 p.m.	Public Comment/Questions
7:30 p.m.	Break
7:45 p.m.	Review Action Items
8:00 p.m.	Approve Meeting Minutes
8:10 p.m.	Committee Reports
8:45 p.m.	Public Comment
9:00 p.m.	Adjourn

Copies of the final agenda will be available at the meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC, on March 23, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–7957 Filed 3–25–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Notice of Intent To Provide Optional Prescreening Process for the National Industrial Competitiveness Through Energy, Environment and Economics (NICE^3) Program

AGENCY: The Department of Energy (DOE).

ACTION: Notice of intent to provide optional prescreening process for potential applicants under the DOE NICE^3 program solicitation.

SUMMARY: The Office of Industrial Technologies of the Department of Energy is funding a State Grant Program entitled National Industrial Competitiveness through Energy, Environment, and Economics (NICE^3). The goals of the NICE^3 Program are to improve energy efficiency, promote cleaner production, and to improve competitiveness in industry.

FOR FURTHER INFORMATION CONTACT: Eric Hass, at (303) 275–4728, or Steve Blazek, at (303) 275–4723, at the U.S. Department of Energy Golden Field Office, 1617 Cole Boulevard, Golden, Colorado 80401, FAX (303) 275–4788. In addition, information on the NICE3 program can be located at http//www.oit.doe.gov/Access/nice^3. The Contract Specialist is James Damm, at (303) 275–4744.

SUPPLEMENTARY INFORMATION:

Background Information

The intent of the NICE^3 program is to fund projects that have completed the research and development stage and are ready to demonstrate a fully integrated commercial unit. For the past seven years the NICE^3 program has funded innovative industrial technologies. Some industrial technologies that the NICE^3 program has funded follow: SO_3 Cleaning Process in the Manufacture of Semiconductors; Innovative Design of a Brick Kiln Using Low Thermal Mass Technology; Continuously Reform Electroless Nickel Plating Solutions; Recovery and Reuse of Water-Washed Overspray Paint; and HCl Acid Recovery System.

Eligible applicants for funding include any authorized agency of the 50 States, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, and any territory or possession of the United States. For convenience, the term State in this notice refers to all eligible State agency applicants. Local governments, State and private universities, private non-profits, private businesses, and individuals, who are not eligible as direct applicants, must work with the appropriate State agencies in developing projects and forming participation arrangements. The state applicant is required to have an industrial partner to be eligible for grant consideration.

The Catalog of Federal Domestic Assistance number assigned to this program is 81.105. It is anticipated that up to $6 million in Federal funds will be made available in FY 1999 by DOE for the June 1998 solicitation. 50% cost sharing is required by all applicants and/or cooperating project participants. The DOE share for each award shall not exceed $425,000. The industrial partner may receive a maximum of $400,000 in DOE funding. A maximum of $25,000, or 10% of the total amount to industry, whichever is less, may be used to support the state applicant's cost share, if any, for costs associated with technology transfer/dissemination, marketing, etc. In addition to direct financial contributions, cost sharing can include beneficial services or items, such as manpower equipment, consultants, and computer time that are allowable in accordance with applicable cost principles.

Presolicitation

This notice is to advise potential applicants and project participants of the June 1998 solicitation and that DOE will accept presolicitation submissions that set out a brief description of the potential projects. The submissions

should not exceed two pages and should adhere to the format laid out in the preproposal format. This format can be obtained by calling the U.S. Department of Energy's Golden Field Office contacts or the OIT website (listed in the **FOR FURTHER INFORMATION CONTACT** section). All preproposal submissions will be reviewed by NICE³ project monitors at the Golden Field Office. The monitors will provide comments to the submitter on the proposed project's applicability to the NICE³ program. In addition, the reviewers will provide feedback which the applicant can use to formulate and refine their proposal.

The submission of a presolicitation description is not mandatory for submitting an application under the June 1998 solicitation. The DOE reviews and comments under the presolicitation process will not be used by DOE in evaluating or awarding applications under the solicitation. The only purpose of the presolicitation process is to assist potential applicants, who may need assistance, in refining their application.

DATES: A brief description of the proposed project can be submitted to the Golden Field Office on or before May 15, 1998. All summaries must be submitted through a state agency.

Issued in Golden, Colorado, on March 17, 1998.

Dated: March 13, 1998.

John W. Meeker,

Chief, Procurement, GO.

[FR Doc. 98–7955 Filed 3–25–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–26–000]

Glenn M. Dunne, Sr. Trust; Notice of Petition for Adjustment

March 29, 1998.

Take notice that on March 9, 1998, Glenn M. Dunne, Sr. Trust (Dunne) filed a petition for adjustment, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 [15 U.S.C. 3142(c) (1982)], requesting that the Commission issue an order determining that the Kansas ad valorem tax refunds required by the Commission's September 10, 1997 order (in Docket No. RP97–369–000 *et al* [1] on remand from the D.C. Circuit Court of Appeals,[2] are barred by operation of law. The subject refunds have been sought by Panhandle Eastern Pipe Line Company (Panhandle), in response to the Commission's September 10 order. Dunne's petition is on file with the Commission and open to public inspection.

Dunne requests that the Commission resolve the dispute between it and Panhandle concerning principal amount of refunds. Dunne also request a one year extension of the deadline for making refunds as to royalties. In addition, Dunne requests that the Commission grant a procedural adjustment to allow it to place into an escrow account: (a) the principal amount of refunds and interest thereon attributable to unrecovered royalities, (b) the principal amount and interest thereon attributable to production prior to October 3, 1983, (c) the interest due on royalty refunds which were recovered and paid to Panhandle and (d) the interest due on principal refunds other than royalties, pre-October 3rd production, and the disputed amount described above.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7847 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

[1] See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 2, 1998, 82 FERC ¶ 61,058 (1998).

[2] *Public Service Company of Colorado* v. *FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96–954 and 96–1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–13–000]

Hoffmann Oil Company; Notice of Petition for Adjustment and Dispute Resolution Request

March 20, 1998.

Take notice that on March 6, 1998, Hoffmann Oil Company (Hoffmann) filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),[1] and a dispute resolution request with respect to Hoffman's Kansas ad valorem tax refund liability under the Commission's September 10, 1997 order (September 10 order) in Docket Nos. RP97–369–000, GP97–3–000, GP97–4–000, and GP97–5–000.[2] Hoffmann's petition is on file with the Commission and open to public inspection.

The Commission's September 10 order on remand from the DC Circuit Court of Appeals [3] directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission clarified the refund procedures in an order issued January 28, 1998, in Docket No. RP98–39–001, *et al.*,[4] stating therein that producers [first sellers] could request additional time to establish the uncollectability of royalty refunds, and that first sellers may file requests for NGPA section 502(c) adjustment relief from the refund requirement and the timing and procedures for implementing the refunds, based on their individual circumstances.

Hoffmann specifically requests that the Commission: (1) Resolve the pending dispute between Hoffmann and Panhandle Eastern Pipeline Company (Panhandle) concerning the proper amount of refunds, including interest, for reimbursement of Kansas ad valorem taxes paid over the period 1983 to 1988 (with such amounts being placed in an escrow account); (2) grant an adjustment to its procedures to allow Hoffman to defer payment of principal and interest attributable to royalties for one year until March 9, 1999; and (3) grant an adjustment to the Commission's procedures to allow Hoffmann to place

[1] 15 U.S.C. 3142(c) (1982).

[2] See 80 FERC ¶ 61,264 (1997); order denying reh'g 82 FERC ¶ 61,058(1998).

[3] *Public Service Company of Colorado* v. *FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96–954 and 96–1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).

[4] See Order Clarifying Procedures 82 FERC ¶ 61,059 (1998).

into an escrow account: (i) Amounts attributable to royalty refunds which have not been collected from the royalty owner (principal and interest), (ii) interest on royalty amounts which have been recovered from the royalty owners (the principal of which was refunded); and (iii) interest on the total amount of refunds allegedly due (excluding royalties, disputed amounts, and pre-October 3rd production).

In support of its request Hoffmann states that it is not seeking to relieve itself of its refund obligation, rather it merely seeks to establish procedures which ensure that it pays only that which is legitimately owed and that if it is subsequently determined that its refund liability was less than that claimed by Panhandle, it can recover the overpayment.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7845 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–27–000]

Kaiser-Francis Oil Company; Notice of Petition for Adjustment

March 20, 1998.

Take notice that on March 9, 1998, Kaiser-Francis Oil Company (Kaiser-Francis) filed a petition for adjustment, pursuant to section 502(C) of the Natural Gas Policy Act of 1978 [15 U.S.C. 3142(c) (1982)], requesting that the Commission issue an order determining that the Kansas ad valorem tax refunds required by the Commission's September 10, 1997 order (in Docket No. RP97–369–000 *et al* [1] on remand from the D.C. Circuit Court of Appeals,[2] are barred by operation of law. The subject refunds have been sought by Colorado Interstate Company (CIG), in response to the Commission's September 10 order. Kaiser-Francis's petition is on file with the Commission and open to public inspection.

Kaiser-Francis requests that the commission (1) grant an adjustment to its procedures to allow Kaiser-Francis to deter payment of principal and interest attributable to royalties for one year until March 9, 1999; and (2) grant an adjustment to the Commission's procedures to allow Kaiser-Francis to place into an escrow account in a federally-insured financial institution: (i) amounts attributable to royalty refunds which have not been collected from the royalty owner (principal and interest), (ii) interest on royalty amounts which have been recovered from the royalty owners (the principal of which was refunded); and (iii) interest on the total amount of refunds allegedly due (excluding royalties).

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7848 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

[1] See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶61,058 (1998).

[2] *Public Service Company of Colorado* v. *FERC,* 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96–954 and 96–1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–29–000]

Kaiser-Francis Oil Company; Notice of Petition for Adjustment

March 20, 1998.

Take notice that on March 9, 1998, Kaiser-Francis Oil Company (Kaiser) filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),[1] requesting that the Commission: (1) Grant an adjustment to its procedures to allow Kaiser to defer payment of principal and interest attributable to royalties for one-year until March 9, 1999; and (2) Grant a procedural adjustment to allow Kaiser to place into an escrow account: (i) amounts attributable to royalty refunds which have not been collected from the royalty owner (principal and interest); (ii) interest on royalty amounts which have been recovered from the royalty owners (the principal of which was refunded); and (iii) interest on the total amount of refunds allegedly due (excluding royalties). The March 9, 1998, deadline was established for first sellers to remit refunds of Kansas ad valorem taxes to their pipeline purchasers, as required by the Commission's September 10, 1997 order in Docket Nos. GP97–3–000, GP97–4–000, GP97–5–000, and RP97–369–000.[2] Kaiser's petition is on file with the Commission and open to public inspection.

The Commission's September 10 order on remand from the D.C. Circuit Court of Appeals [3] directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission issued a January 28, 1998 order in Docket No. RP98–39–001, *et al.* (January 28, Order),[4] clarifying the refund procedures, stating that producers could request additional time to establish the uncollectability of royalty refunds, and that first seller may file requests for NGPA section 502(c) adjustment relief from the refund requirements and the timing and procedures for implementing the refunds, based on the individual

[1] 15 U.S.C. 3142(c) (1982).

[2] See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

[3] *Public Service Company of Colorado* v. *FERC,* 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96–954 and 96–1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997).

[4] 82 FERC ¶ 61,059 (1998).

circumstances applicable to each first seller.

Kaiser states it is substantially and adversely affected by the potential Kansas ad valorem tax refund requirement. Kaiser is not seeking to relieve itself of that refund obligation. Rather Kaiser seeks to establish procedures which ensure: (a) That it pays only that which is legitimately owned; and (b) that if it is subsequently determined that its refund liability was less than that originally claimed by Panhandle Eastern Pipe Line Company (Panhandle) in Docket No. RP98–40–000, it can recover the overpayment. Accordingly, Kaiser requests an adjustment to the general refund procedures to permit it to pay the following amount into an escrow account: (a) the principal and interest on the uncollected royalties; and (b) interest on amounts not disputed herein other than amounts listed in (a) above.

Kaiser states that with respect to the royalty amounts of the alleged refunds due, Kaiser has been working diligently to determine its potential refund liability and to obtain contribution from its royalty owners. However, Kaiser has not been able either to obtain reimbursement or confirm the uncollectibility of the vase majority of its royalty amounts for which refunds are due. Rather than deferring royalty refunds, Kaiser would prefer to pay the amount of the refunds which its believes may be uncollectible into an escrow account. Accordingly, Kaiser intends to place the amount of $33,830.61 (reflecting all royalties and related interest) into its escrow account and hereby requests all necessary approval to do so. Kaiser requests a one-year extension of the refund due date for the purpose of allowing it to try to collect the royalty refunds. In addition, Kaiser seeks authorization to place the following amounts into its escrow account: (a) the interest on the royalty refunds, the principal of which is paid to Panhandle; and (b) the interest on refunds due (other than royalties), in the amount of $64,627.10. Kaiser intends to place these amounts in its escrow account on March 9, 1998, and requests appropriate adjustment relief to authorize that plan.

Kaiser states that although there are issues relating to portions of the principal refunds which are pending before the Court,[5] to demonstrate its good faith in these proceedings Kaiser has paid the principal amount of refunds attributable to Kaiser's working interest in the amount of $39,912.22 to Panhandle. Should the Commission provide assurances that kaiser will be able to recover any overpayments without having to initiate a prompt return of refund amounts determined not to be due (such return of refunds not dependent upon recovery from consumers), Kaiser would agreed to waive this request for escrowing certain monies. Without such assurances, Kaiser is entitled to have its property protested until the issue of liability has been fully resolved in Courts or Congress.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7849 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

[5] *See,* Case No. 98–60043, United States Court of Appeals for the Fifth Circuit in *Anadarko Petroleum Corp.* v. *FERC,* and *Union Pacific Resources Company* v. *FERC.*

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–53–000]

Kansas Petroleum, Inc.; Notice of Petition for Adjustment

March 20, 1998.

Take notice that on March 9, 1998, Kansas Petroleum, Inc. (Kansas Petroleum), care of 200 West Douglas—Fourth Floor, Wichita, Kansas 67202–3084, filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),[1] requesting, on behalf of first sellers (First Sellers [2] for whom it operated, that the Commission grant them relief from any further refund liability not heretofore paid for the Kansas ad valorem tax reimbursements set forth in the Statement of Refunds Due (SRD) [3] submitted to Kansas Petroleum by Northern Natural Gas Company (Northern), all as more fully set forth in the petition which is open to the public for inspection.

Kansas Petroleum also requests that the Commission, pending resolution of this proceeding, permit Kansas Petroleum to place in an escrow account the amount of interest on the refund liability as calculated.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7851 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

[1] 15 U.S.C. 3142(c) (1982).

[2] First Sellers are identified as: E.N. Diderich Trust, Howard M. Gillespie Living Trust, Gail P. Popovich, James E. Rhude, James Tasheff, Arthur O. Wilkonson, and Lester Wilkonson Trust.

[3] Kansas Petroleum states that Northern's SRD claims $84,976.18 for the principal and $156,844.71 in interest accrued through March 9, 1998, for a total of $241,820.89.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–262–000]

Kern River Gas Transmission Company; Notice of Request Under Blanket Authorization

March 20, 1998.

Take notice that on March 4, 1998, Kern River Transmission Company (Kern River), 295 Chipeta Way, Salt Lake City, Utah 84108, filed a request with the Commission in Docket No. CP98–262–000, pursuant to Sections 157.205 and 157.211 of the

Commission's Regulations under the Natural Gas Act (NGA) for authorization to utilize the existing Tehachapi-Cummings Meter Station an authorized delivery point for the delivery of natural gas, on a secondary firm or interruptible basis, for any eligible shipper authorized in blanket certificate issued in Docket No. CP89–2048–000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Kern River states that the Tehachapi-Cummings Meter Station is located on Kern River and Mojave Pipeline Company's (Mojave) common pipeline facilities in Kern River County, California, and is owned and operated by Mojave.

Kern River further states that Mobil Oil Corporation has requested that Kern River provide deliveries of natural gas to the Tehachapi-Cummings delivery point on a secondary firm basis. Kern River reports that pursuant to an agreement between Kern River and Mojave, dated August 29, 1989, Mojave and Kern River have the right to use each other's delivery points on the common pipeline facilities as secondary delivery points.

Kern River proposes to utilize the existing Tehachapi-Cummings Meter Station for deliveries of gas to the Water District for Mobil or other shippers for whom Kern River is, or will be, authorized to transport gas.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7840 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–34–000]

McCoy Petroleum Corporation; Notice of Petition for Adjustment

March 20, 1998.

Take notice that on March 9, 1998, McCoy Petroleum Corporation (McCoy), filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),[1] requesting to be relieved of its obligation to refund to The Williams Companies, Inc., (Williams) the Kansas ad valorem tax refunds owned by three of the working interest owners in a well located in Barber County, Kansas, otherwise required by the Commission's September 10, 1997 order (September 10 order) in Docket Nos. RP97–369–000, GP97–3–000, GP97–4–000, and GP97–5–000.[2] McCoy's petition is on file with the Commission and open to public inspection.

The Commission's September 10 order on remand from the D.C. Circuit Court of Appeals[3] directed first sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission clarified the refund procedures in an order issued January 28, 1998, in Docket No. RP98–39–001, *et al.*,[4] stating therein that producers [first sellers] could request additional time to establish the uncollectability of royalty refunds, and that first sellers may file requests for NGPA section 502(c) adjustment relief from the refund requirement and the timing and procedures for implementing the refunds, based on their individual circumstances.

McCoy states that it was and is the operator of the Wortman #1 Lease and the Reed #1 Lease located in Barber County, Kansas. McCoy claims that no portion of the ad valorem tax attributable to the royalty interest in these leases was ever collected by McCoy and is not pertinent to this proceeding. McCoy also states that three of the working interest owners in the Reed #1–23 Well were National Oil Company (National), K & E Drilling Company (K&E), and Christina Sollars (Sollars). McCoy explains that since payment of the reimbursement of the ad valorem taxes to National and Sollars, they have both declared bankruptcy. McCoy states that several years ago K & E sold all of its assets and the company is no longer in business. McCoy indicates that the principal and attributable to National is $1550.88, the amount of the principal and attributable to K&E is $620.35, and the amount of principal attributable to Sollars is $48.46 for a total of $2,219.69.

McCoy asserts that the claims against Nation and Sollars by McCoy are uncollectable by virtue of the federal bankruptcy law. McCoy also asserts that the Kansas statutes relating to the liabilities of a dissolved corporation provide that successors in interest to K&E have no obligation at this time to pay to Williams any Kansas ad valorem tax reimbursement that may have been received by the corporation during the subject period. McCoy further states that the balance of the claim made by Williams against McCoy is being remitted under protest, with all rights reserved, to Williams on behalf of McCoy and the other working interest owners in the two subject leases.

In support of its request for a staff adjustment, McCoy states that it does not have an ongoing contractual relationship with these three working interest owners which would permit McCoy to collect the subject refunds through billing adjustments. McCoy asserts that therefore the alleged refunds as to these three working interest owners should be deemed to be uncollectible and the Commission should waive the obligation of McCoy to make payment of the same. McCoy requests that the Commission grant McCoy staff adjustment in the amount $2,219.69 for taxes and interest as of December 31, 1997, in connection with the Statement of Refunds Due submitted to it on November 10, 1997, by Williams.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make to protestants parties to the proceeding. Any person wishing

[1] 15 U.S.C. 3142(c) (1982).

[2] See 80 FERC ¶ 61,264 (1997); order denying reh'g 82 FERC ¶ 61,058 (1998).

[3] *Public Service Company of Colorado* v. *FERC,* 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96–954 and 96–1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).

[4] See Order Clarifying Procedures 82 FERC ¶ 61,059 (1998).

to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7850 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98–25–000]

Range Oil Company, Inc.; Notice of Petition for Adjustment

March 20, 1998.

Take notice that on March 9, 1998, Range Oil Company, Inc. (Range) filed a petition for adjustment, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 [15 U.S.C. 3142(c)(1982)], requesting that the Commission issue an order determining that the Kansas ad valorem tax refunds required by the Commission's September 10, 1997 order (in Docket No. RP97–369–000, *et al.*) [1] on remand from the DC Circuit Court of Appeals,[2] are barred by operation of law. The subject refunds have been sought by Williams Natural Gas Company (Williams) in response to the Commission's September 10 order. Range's petition is on file with the Commission and open to public inspection.

Range has been unable to identify all of the subject gas leases. Range has requested that Williams assist in the allocation of the claim between leases. All of the monies received from Williams as reimbursement of Kansas ad valorem taxes was remitted to royalty owners of various leases operated by Range, no part of the reimbursement was allocated to the working interest in the subject leases.

Range does not have an ongoing contractual relationship which would permit Range to collect the subject refunds through billing adjustments; applicant states that the alleged refunds as to these royalty owners should be deemed to be uncollectible because four (4) of these royalty owners are deceased and their estates are closed, and the Kansas non-claim statute (K.S.A. 59–2239) prohibits Range, as operator, from taking legal action against these deceased royalty owners to obtain refunds. Applicant further submits that the refunds due from Herbert C. Voorhis and Joyce Voorhis in the total amount of $1,115.32 should be deemed to be subject to a hardship ruling based upon the statement of their attorney. Applicant submits that these refunds should be deemed to be uncollectible and the Commission should waive the obligation of Range to make payment of the same to Williams.

Therefore, Range requests that the Commission grant Range staff adjustments in the amount of $2,159.25 for taxes and interest as of December 31, 1997, in connection with the Statement of Refunds Due submitted to it on November 10, 1997, by Williams.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7846 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

[1] See 80 FERC ¶ 61,264(1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058(1998).

[2] *Public Service Company of Colorado* v. *FERC*, 91 F.3d 1478 (DC 1996), cert. denied, Nos. 96–954 and 96–1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997) (Public Service).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. PR96–2–002 and PR96–7–002]

Transok, LLC; Notice of Filing

March 20, 1998.

Take notice that on March 16, 1998, Transok, LLC (Transok) submitted for filing fuel factors of .94% for the Transok Traditional System and of 1.44% for the Anadarko System proposed to be effective May 1, 1998, pursuant to the terms of Transok's most recent section 311 rate cases which implemented fuel trackers for both systems.

Transok states that it has served a copy of the filing on all current shippers and on the Oklahoma Corporation Commission.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 27, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7841 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–104–000]

Williston Basin Interstate Pipeline Company; Notice of Technical Conference

March 20, 1998.

On December 31, 1997, Williston Basin Interstate Pipeline Company (Williston Basin) filed tariff sheets to implement a paper pooling service pursuant to a request by one of its shippers and in compliance with Order No. 587, Standards for Business Practices of Interstate Natural Gas Pipelines. On January 30, 1998, the Commission issued an order accepting the tariff sheets effective February 1, 1998, subject to conditions, and subject to Williston Basin's filing revised tariff sheets within 15 days of the order.[1]

In the January 30, 1998 order, the Commission questioned Williston Basin's restrictions regarding storage volumes and pooled volumes originating from multiple rate schedules, and required Williston Basin to file an explanation within 15 days of the order. On February 13, 1998, Williston Basin filed further explanations to support those provisions of its proposed pooling service. These explanations require further inquiry. Therefore, pursuant to the January 30, 1998 order, staff will convene a technical conference at which

[1] Williston Basin Interstate Pipeline Company, 82 FERC § 61.082 (1998).

the parties can address any unresolved issues related to Williston Basin's pooling proposal.

Take notice that the technical conference will be held on Tuesday, April 7, 1998, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

All interested parties and Staff are permitted to attend.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7843 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG98–56–000, et al.]

AES Huntington Beach, L.L.C., et al.; Electric Rate and Corporate Regulation Filings

March 17, 1998.

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

1. AES Huntington Beach, L.L.C.

[Docket No. EG98–56–000]

On March 9, 1998, AES Huntington Beach, L.L.C. (AES Huntington Beach), a California limited liability company with its principal office located at 44 Montgomery Street, Suite 3450, San Francisco, California, 94104, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

AES Huntington Beach states that it plans to purchase an electric generating plant located in Huntington Beach, California, from Southern California Edison Company. Upon completion of the sale, AES Huntington Beach will be engaged directly and exclusively in owning the facility, a gas-fired plant with a capacity of approximately 566 MW, and in selling the output of the facility for resale. AES Huntington Beach states that because generating units at the facility have been identified by the California Independent System Operator (ISO) as ''reliability must-run'' during certain periods, the ISO may call upon the output of these units, when must-run conditions exist, at rates regulated by this Commission.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. AES Redondo Beach, L.L.C.

[Docket No. EG98–57–000]

On March 9, 1998, AES Redondo Beach, L.L.C. (AES Redondo Beach), a California limited liability company with its principal office located at 44 Montgomery Street, Suite 3450, San Francisco, California, 94104, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

AES Redondo Beach states that it plans to purchase an electric generating plant located in Redondo Beach, California, from Southern California Edison Company. Upon completion of the sale, AES Redondo Beach will be engaged directly and exclusively in owning the facility, a gas-fired plant with a capacity of approximately 1310 MW, and in selling the output of the facility for resale. AES Redondo Beach states that because generating units at the facility have been identified by the California Independent System Operator (ISO) as ''reliability must-run'' during certain periods, the ISO may call upon the output of these units, when must-run conditions exist, at rates regulated by this Commission.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Williams Energy Services Company

[Docket No. ER95–305–015]

Take notice that on March 10, 1998, Williams Energy Services Company (WESCO), a power marketer selling electric power at wholesale pursuant to market-based rate authority granted to it by the Federal Energy Regulatory Commission, tendered for filing an updated market power analysis in compliance with Commission's March 10, 1995, letter order in Docket No. ER95–305.

Comment date: March 30, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Columbus Southern Power Company

[Docket No. ER98–2162–000]

Take notice that on March 11, 1998, Columbus Southern Power Company (CSP), tendered for filing with the Commission a Facilities, Operations, Maintenance and Repair Agreement dated February 10, 1998, between CSP, Buckeye Power, Inc. (Buckeye) and Buckeye Rural Electric Cooperative, Inc. (BRE). BRE is an Ohio electricity cooperative and a member of Buckeye Power, Inc.

BRE has requested CSP provide a temporary delivery point, pursuant to provisions of the Power Delivery Agreement between CSP, Buckeye, The Cincinnati Gas & Electric Company, The Dayton Power and Light Company, Monongahela Power Company, Ohio Power Company and Toledo Edison Company, dated January 1, 1968. CSP requests an effective date of March 27, 1998, for the tendered agreements.

CSP states that copies of its filing were served upon Buckeye Rural Electric Cooperative, Inc., Buckeye Power, Inc. and the Public Utilities Commission of Ohio.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Louisville Gas and Electric

[Docket No. ER98–2163–000]

Take notice that on March 12, 1998, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Non-Firm Point-To-Point Transmission Service Agreement between LG&E and Columbia Power Marketing Corporation under LG&E's Open Access Transmission Tariff.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Louisville Gas and Electric

[Docket No. ER98–2164–000]

Take notice that on March 9, 1998, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Short-Term Firm Point-To-Point Transmission Service Agreement between LG&E and Griffin Energy Marketing under LG&E's Open Access Transmission Tariff.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. Louisville Gas and Electric

[Docket No. ER98–2165–000]

Take notice that on March 12, 1998, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Short-Term Firm Point-To-Point Transmission Service Agreement between LG&E and Columbia Power Marketing Corporation under LG&E's Open Access Transmission Tariff.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. Louisville Gas and Electric

[Docket No. ER98–2166–000]

Take notice that on March 12, 1998, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Non-Firm Point-To-Point Transmission Service Agreement between LG&E and Griffin Energy Marketing, L.L.C., under LG&E's Open Access Transmission Tariff.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. Lowell Cogeneration Company

[Docket No. ER98–2167–000]

Take notice that on March 12, 1998, Lowell Cogeneration Company Limited Partnership tendered for filing a Notification of Change in Status.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Amoco Energy Trading Corporation

[Docket No. ER98–2168–000]

Take notice that on March 12, 1998, Amoco Energy Trading Corporation (Amoco Trading), tendered for filing a letter on behalf of the Executive Committee of the Western Systems Power Pool (WSPP), indicating that Amoco Trading had completed all the steps for pool membership. Amoco Trading requests that the Commission amend the WSPP Agreement to include it as a member.

Amoco Trading requests an effective date of March 13, 1998, for the proposed amendment. Accordingly, Amoco Trading requests waiver of the Commission's notice requirements for good cause shown.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Public Service Corporation

[Docket No. ER98–2169–000]

Take notice that on March 12, 1998, Wisconsin Public Service Corporation (WPSC), tendered for filing an agreement with the Algoma Utility Commission for the installation of equipment on WPSC's transmission system.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Florida Power Corporation

[Docket No. ER98–2170–000]

Take notice that on March 12, 1998, Florida Power Corporation (FPC), tendered for filing a service agreement between East Kentucky Power Cooperative and FPC for service under FPC's Market-Based Wholesale Power Sales Tariff (MR–1), FERC Electric Tariff, Original Volume No. 8. This Tariff was accepted for filing by the Commission on June 26, 1997, in Docket No. ER97–2846–000. The service agreement is proposed to be effective February 17, 1998.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Public Service Electric and Gas Company

[Docket No. ER98–2171–000]

Take notice that on March 12, 1998, Public Service Electric and Gas Company (PSE&G), of Newark, New Jersey tendered for filing an agreement for the sale of capacity and energy to Ohio Edison Company (OhioEd), pursuant to the PSE&G Wholesale Power Market Based Sales Tariff, presently on file with the Commission.

PSE&G further requests waiver of the Commission's Regulations such that the agreement can be made effective as of February 13, 1998.

Copies of the filing have been served upon OhioEd and the New Jersey Board of Public Utilities.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Public Service Electric and Gas Company

[Docket No. ER98–2172–000]

Take notice that on March 12, 1998, Public Service Electric and Gas Company (PSE&G), of Newark, New Jersey tendered for filing an agreement for the sale of capacity and energy to Enron Power Marketing, Inc. (Enron), pursuant to the PSE&G Wholesale Power Market Based Sales Tariff, presently on file with the Commission.

PSE&G further requests waiver of the Commission's Regulations such that the agreement can be made effective as of February 13, 1998.

Copies of the filing have been served upon Enron and the New Jersey Board of Public Utilities.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Kansas Gas and Electric Company

[Docket No. ER98–2173–000]

Take notice that on March 12, 1998, Western Resources, Inc. (Western Resources), on behalf of its wholly-owned subsidiary, Kansas Gas and Electric Company (KGE), tendered for filing a Sixth Revised Exhibit B to the Electric Power, Transmission and Service Contract between KGE and Kansas Electric Power Cooperative, Inc. (KEPCo). KGE states the filing is to update Exhibit B to reflect the installation of the Burden point of delivery. This filing is proposed to become effective February 23, 1998.

A copy of this filing was served upon KEPCo and the Kansas Corporation Commission.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. Virginia Electric and Power Company

[Docket No. ER98–2174–000]

Take notice that on March 12, 1998, Virginia Electric and Power Company (Virginia Power), tendered for filing the Service Agreement between Virginia Electric and Power Company and City of Lakeland, Florida, under the FERC Electric Tariff (First Revised Volume No. 4), which was accepted by order of the Commission dated November 6, 1997 in Docket No. ER97–3561–001. Under the tendered Service Agreement, Virginia Power will provide services to the City of Lakeland, Florida, under the rates, terms and conditions of the applicable Service Schedules included in the Tariff. Virginia Power requests an effective date of March 12, 1998, for the Service Agreement.

Copies of the filing were served upon City of Lakeland, Florida, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Florida Power Corporation

[Docket No. ER98–2192–000]

Take notice that on March 11, 1998, Florida Power Corporation (Florida Power), tendered for filing a Form of Service Agreement for Network Contract Demand Transmission Service to provide to itself short term network contract demand service pursuant to Part IV of its open access transmission tariff, FERC Electric Tariff, First Revised Volume No. 6. Florida Power requests that the Commission waive its notice of filing requirements and allow the agreement to become effective on March 12, 1998.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. California Independent System Operator Corporation

[Docket No. ER98–2199–000]

On March 11, 1998, the California Independent System Operator Corporation (ISO), filed a revised

Appendix A to the Responsible Participating Transmission Owner Agreement (RPTO Agreement) between the ISO and Pacific Gas and Electric Company (PG&E), which was initially filed on December 12, 1997, for acceptance by the Commission.

The ISO states that this filing has been served on all parties listed on the official service list in Docket No. ER98–1057–000, including the California Public Utilities Commission.

Comment date: March 27, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Chicago Housing Authority

[Docket No. TX98–1–000]

Take notice that on March 10, 1998, Chicago Housing Authority tendered for filing supplemental information to its November 14, 1997, filing submitted in the above-referenced docket.

Comment date: March 27, 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. 98–7898 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG98–28–000, et al.]

COS de Guatemala, Sociedad Anonima, et al.; Electric Rate and Corporate Regulation Filings

March 16, 1998.

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

1. COS de Guatemala, Sociedad Anonima

[Docket No. EG98–28–000]

Take notice that on March 10, 1998, COS de Guatemala Sociedad Anonima (Applicant), 250 West Pratt Street, 23rd Floor, Baltimore, MD 21201, filed with the Federal Energy Regulatory Commission an amendment to its application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant is a private Guatemalan company organized as a Sociedad Anonima. Applicant intends to directly and exclusively operate certain facilities which will consist of various generating units having a current effective capacity of approximately 85 MW and located on the shores of Lake Amaititlan, 32 kms outside Guatemala City and a gas turbine unit located in the Province of Escuintla, approximately 62 kms outside Guatemala City and which will be owned by Guatemala Generating Group y Cia., S.C.A. (GGG), a Guatemalan company formerly known as Credieegsa y Cia., S.C.A. GGG intends to expand the Generating Facilities between 60 and 185 MW through the upgrading of existing equipment and/or the installation of additional generating equipment.

Comment date: April 3, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Credieegsa y Cia., S.C.A.

[Docket No. EG98–29–000]

On March 10, 1998, Guatemalan Generating Group y Cia., S.C.A., formerly Credieegsa y Cia., S.C.A. (Applicant), 250 West Pratt Street, 23rd Floor, Baltimore, MD 21201, filed with the Federal Energy Regulatory Commission an amendment to its application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant is a private Guatemalan company organized as a Sociedad En Comandita Por Acciones by Empresa Electrica de Guatemala S.A. (EEGSA), as part of EEGSA's privatization of its electric generation assets. Applicant has recently changed its name from Credieegsa y Cia., S.C.A. to Guatemalan Generating Group y Cia., S.C.A. Applicant owns certain facilities which consist of various generating units located on the shores of Lake Amititlan, 32 kms outside Guatemala City and a gas turbine unit located in the Province of Escuintla, approximately 62 kms outside Guatemala City (the Generating Facilities). Applicant intends to expand the Generating Facilities between 60 and 185 MW through the upgrading of existing equipment and/or the installation of additional generating equipment. Applicant will be engaged directly and exclusively in the business of owning and/or operating the Generating Facilities and selling electricity at wholesale, and may, as discussed in the Application, engage in foreign sales of electric energy at retail. The Generating Facilities will be operated by COS de Guatemala, Sociedad Anonima.

Comment date: April 2, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Zhengzhou Dengyuan Power Company Ltd.

[Docket No. EG98–51–000]

Take notice that on March 2, 1998, Zhengzhou Dengyuan Power Company Ltd. (Dengyuan), a Chinese cooperative joint venture, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission Regulations.

Dengyuan is a company established for the purpose of owning the 55 MW coal-fired power project in Dengfeng City, Henan Province (Project), for the generation and sales of wholesale electric power to utilities and retail electric power to industrial end users in China. The sponsors of the Project and their respective interests are as follows: Henan Dengfeng Power Group Company Limited (Power Group) (51%) and Western Resources International Limited (49%).

Comment date: April 3, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Storm Lake Power Partners I, LLC

[Docket No. EG98–52–000]

Take notice that on March 6, 1998, Storm Lake Power Partners I, LLC, 13000 Jameson Road, Tehachapi, California 93561, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Storm Lake Power Partners I, LLC, an indirect wholly-owned subsidiary of

Enron Wind Corp., is developing a wind turbine generation facility with approximately 150 wind turbines, each with a capacity of 750kW, resulting in an aggregate peak generating capacity of approximately 112.5MW. Storm Lake Power Partners I, LLC plans to sell power to MidAmerican Energy Company as approved by the Commission. Zond Development Corp. and Zond Minnesota Development Corp. II, 80 FERC ¶ 61,051 (1997).

Comment date: April 3, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. Storm Lake Power Partners II, LLC

[Docket No. EG98–53–000]

Take notice that on March 6, 1998, Storm Lake Power Partners II, LLC, 13000 Jameson Road, Tehachapi, California 93561, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Storm Lake Power Partners II, LLC, an indirect, wholly owned subsidiary of Enron Wind Corp., is developing a wind turbine generation facility with approximately 100 wind turbines, each with a nameplate capacity of 750 kW, resulting in an aggregate peak generating capacity of approximately 75 MW. Storm Lake Power Partners II, LLC plans to sell power to IES Utilities Inc., as approved by the Commission. Iowa Power Partners I, LLC, 81 FERC ¶ 61,058 (1997).

Comment date: April 3, 1998, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. AES Alamitos, L.L.C.

[Docket No. EG98–55–000]

Take notice that on March 9, 1998, AES Alamitos, L.L.C. (AES Alamitos), a California limited liability company with its principal office located at 44 Montgomery Street, Suite 3450, San Francisco, California, 94104, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

AES Alamitos states that it plans to purchase an electric generating plant located in Alamitos, California, from Southern California Edison Company. Upon completion of the sale, AES Alamitos will be engaged directly and exclusively in owning the facility, a gas-fired plant with a capacity of approximately 2080 MW, and in selling the output of the facility for resale. AES Alamitos states that because generating units at the facility have been identified by the California Independent System Operator (ISO) as ''reliability must-run'' during certain periods, the ISO may call upon the output of these units, when must-run conditions exist, at rates regulated by this Commission.

Comment date: April 3, 1998, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. Illinois Power Company

[Docket No. ER98–2150–000]

Take notice that on March 11, 1998, Illinois Power Company (Illinois Power), tendered for filing a point to point, firm transmission service agreement under which Illinois Power will provide transmission service to Mitsubishi Motor Manufacturing of America, Inc., pursuant to its open access transmission tariff.

Illinois Power states that copies of the filing have been served upon Mitsubishi Motor Manufacturing of America, Inc., and to affected state regulatory commissions.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice

8. Citizens Utilities Company

[Docket No. ER98–2151–000]

Take notice that on March 11, 1998, Citizens Utilities Company (Citizens), tendered for filing on behalf of itself and Swanton Village Electric Light Department (Swanton), an Agreement whereby Swanton will make available to Citizens a small amount of load in order to increase the transmission capability of Citizens' Vermont transmission system.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

9. FirstEnergy System

[Docket No. ER98–2153–000]

Take notice that on March 11, 1998, FirstEnergy System tendered for filing a Service Agreement to provide Non-Firm Point-to-Point Transmission Service for VTEC Energy, Incorporated, the Transmission customer. Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97–412–000. The proposed effective date under the Service Agreement is March 1, 1998.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Entergy Services, Inc.

[Docket No. ER98–2154–000]

Take notice that on March 11, 1998, Entergy Services, Inc (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Short-Term Firm Point-To-Point Transmission Service Agreement Between Entergy Services, as agent for the Entergy Operating Companies and Public Service Electric and Gas Company.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Entergy Services, Inc.

[Docket No. ER98–2155–000]

Take notice that on March 11, 1998, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies), tendered for filing a Short-Term Firm Point-To-Point Transmission Service Agreement between Entergy Services, as agent for the Entergy Operating Companies and Public Service Electric and Gas Company.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Carolina Power & Light Company

[Docket No. ER98–2156–000]

Take notice that on March 11, 1998, Carolina Power & Light Company (Carolina), tendered for filing executed Service Agreements between Carolina and the following Eligible Entities: Strategic Energy Ltd.; and North American Energy Conservation, Inc. Service to each Eligible Entity will be in accordance with the terms and conditions of Carolina's Tariff No. 1 for Sales of Capacity and Energy.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Western Resources, Inc

[Docket No. ER98–2157–000]

Take notice that on March 11, 1998, Western Resources, Inc., acting on behalf of itself and Kansas Gas and Electric Company (collectively, Western Resources), tendered for filing an application for an order accepting its proposed market-based power sales tariff. Western Resources intends to sell electric capacity and energy at market rates mutually agreed to by Western Resources and the customer in arms-length negotiations.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. American Electric Power Service Corporation

[Docket No. ER98–2158–000]

Take notice that on March 11, 1998, the American Electric Power Service Corporation (AEPSC), tendered for filing executed service agreements under the Wholesale Market Tariff of the AEP Operating Companies (Power Sales Tariff). The Power Sales Tariff was accepted for filing effective October 10, 1997 and has been designated AEP Operating Companies FERC Electric Tariff Original Volume No. 5. AEPSC respectfully requests waiver of notice to permit the service agreements to be made effective for service billed on and after February 11, 1998.

A copy of the filing was served upon the Parties and the State Utility Regulatory Commissions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Consolidated Edison Company of New York, Inc.

[Docket No. ER98–2159–000]

Take notice that on March 11, 1998, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing tariff sheets amending and supplementing Con Edison's Electric Rate Schedule No. 2, for the wholesale sale of electric energy and capacity at market-based rates. The filing would authorize sales by Con Edison to corporate affiliates or subsidiaries, subject to cost-based maximum and minimum rates.

Con Edison states that a copy of this filing has been served by mail upon The New York State Public Service Commission.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. Interstate Power Company

[Docket No. ER98–2161–000]

Take notice that on March 11, 1998, Interstate Power Company (IPW), tendered for filing a Transmission Service Agreements between IPW and Northern States Power Company (NSP). Under the Transmission Service Agreement, IPW will provide point-to-point transmission service to NSP.

Comment date: March 31, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. Cherokee County Cogeneration Partners, L.P.

[Docket No. QF94–160–003]

Take notice that on March 6, 1998, Cherokee County Cogeneration Partners, L.P. (Applicant), 132 Peoples Creek Road, Gaffney, South Carolina 29304 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to Section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the cogenration facility is located in Cherokee County, South Carolina. The Commission originally certified the facility in Cherokee County Cogeneration Partners, L.P., 75 FERC ¶ 61,156 (1996). A notice of self-recertification was filed on February 16, 1996. The instant application for recertification is to reflect changes in the upstream ownership of the facility.

Comment date: 15 days after the date of publication of this notice in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, 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. 98–7900 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER89–627–001 et al.]

Florida Power Corporation, et al.; Electric Rate and Corporate Regulation Filings

March 20, 1998.

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

1. Florida Power Corporation

[Docket Nos. ER89–627–001 and ER91–252–001]

Take notice that on March 9, 1998, Florida Power Corporation tendered for filing an amendment in the above-referenced dockets.

Comment date: April 7, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Consolidated Edison Company of New York, Inc.

[Docket No. ER97–1508–002]

Take notice that on March 16, 1998, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a Compliance Filing in the above-listed docket.

Con Edison states that a copy of this filing has been served by mail upon all parties on the official service list.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. PJM Interconnection, L.L.C.

[Docket No. ER97–3189–011]

Take notice that on March 17, 1998, PJM Interconnection, L.L.C. (PJM) tendered for filing in accordance with ordering paragraph (G) of the Commission's order in Pennsylvania-New Jersey-Maryland Interconnection, 81 FERC ¶ 61,257 (1997), incorporating into the PJM Open Access Transmission Tariff (PJM Tariff) the rate revisions filed by the regional transmission owners on December 15, 1997 and March 2, 1998 in response to ordering paragraph (F) of the Commission's order.

PJM requests an effective date for the revised rate for April 1, 1998, consistent with the effective date of the revised PJM Tariff.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Entergy Services, Inc.

[Docket No. ER98–1447–000]

Take notice that on March 17, 1998, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., tendered for filing an amendment to its January 16, 1998, filing in this docket.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. Entergy Services, Inc.

[Docket No. ER98–1606–000]

Take notice that on March 17, 1998, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., tendered for filing an amendment to its January 24, 1998, filing in this docket.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Portland General Electric Company

[Docket No. ER98–1643–000]

Take notice that on March 16, 1998, Portland General Electric Company (PGE) tendered for filing a revised Application for Order Accepting Initial Rate Schedule and Granting Waivers and Blanket Authority, to become effective March 31, 1998.

The proposed tariff (FERC Electric Service Tariff No. 10) provides the terms and conditions pursuant to which PGE will sell electric capacity and energy transactions on the California Power Exchange (PX). In these transactions, PGE intends to charge market-based rates as determined by the auction settlement procedures prescribed by the PX Operating Agreement and Tariff of the California Power Exchange Corporation filed in Docket No. ER96–1663.

Copies of this filing were served upon the Oregon Public Utility Commission and the California PX.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. California Power Exchange Corporation

[Docket No. ER98–2095–000]

Take notice that on December 16, 1997, the California Power Exchange Corporation (PX) tendered for filing one executed copy of the PX Participation Agreement pursuant to the requirement that all service agreements be filed pursuant to Section 205 of the Federal Power Act. In so doing, the PX requests that the Commission disclaim jurisdiction over the filing of such PX Participation Agreements (and related addenda) because those agreements are not agreements for the sale of transmission of energy in interstate commerce, no do the agreements affect the rate for energy traded through the PX. Therefore, the PX Participation Agreement is not the type of contract that is required to be filed pursuant to Section 205. In the alternative, the PX requests that if the Commission finds that the agreements are of the type required to be filed, the PX requests that the Commission grant a waiver of such filing requirement for the reasons set forth in the filing.

For informational purposes, the PX also files three addenda to the PX Participation Agreement that it requires to implement specific provisions of Rate Schedule 1 of the PX Tariff, which was filed on October 17, 1997, in Docket No. ER98–210–000. The PX believes that because these addenda implement provisions already filed with the Commission, it is unnecessary for them to be filed pursuant to Section 205. However, to the extent that the Commission finds that these addenda must be filed to be part of the PX Tariff, the PX requests that the Commission accept its filing as a filing pursuant to Section 205 and requests that the Commission grant any waivers necessary for those tariff changes to become effective on January 1, 1998.

Copies of the filing were served upon all parties in Docket Nos. EC96–19–008 and ER96–1663–009.

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

8. San Diego Gas & Electric Company

[Docket No. ER98–2160–000]

Take notice that on March 11, 1998, San Diego Gas & Electric Company filed for Commission approval in this docket, pursuant to Section 205 of the Federal Power Act, amendments to SDG&E's proposed Master Must Run Agreement (MMRA) to be entered into with the California Independent System Operator (ISO), originally filed on October 31, 1997, in Docket No. ER98–496–000. The amendments would add Black Start service from some units to the ancillary services already provided by SDG&E under these agreements; modify billing, settlement and payment procedures to conform to current ISO practices; and update and correct unit performance data. SDG&E has requested that these proposed changes be consolidated with the existing proceeding. SDG&E requests that the proposed amended MMRA be made effective subject to refund by March 31, 1998, the anticipated effective date of the California Independent System Operator Corporation.

SDG&E has served this filing on all parties listed on the official service list in Docket No. ER98–496, including the Public Utilities Commission.

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

9. Wisconsin Electric Power Company

[Docket No. ER98–2215–000]

Take notice that on March 17, 1998, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing an electric service agreement under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) with American Electric Power Service Corporation (AEP). Wisconsin Electric respectfully requests an effective date March 18, 1998.

Copies of the filing have been served on AEP, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Northeast Utilities Service Company

[Docket No. ER98–2218–000]

Take notice that on March 17, 1998, Northeast Utilities Service Company (NUSCO), on behalf of its affiliates, The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company, and Public Service Company of New Hampshire, (collectively the NU System Companies), tendered for filing a Service Agreement under the NU System Companies' Sale for Resale Tariff No. 7 Market-Based Rates.

NUSCO states that a copy of this filing has been mailed to the Cinergy Capital & Trading, Inc.

NUSCO requests that the Service Agreement become effective March 9, 1998.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin)

[Docket No. ER98–2219–000]

Take notice that on March 17, 1998, Northern States Power Company (Minnesota) and Northern States Power

Company (Wisconsin) (jointly NSP) tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement and a Short-Term Firm Transmission Service Agreement between NSP and Merchant Energy Group of the Americas.

NSP requests that the Commission accept both the agreements effective February 16, 1998, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Wisconsin Electric Power Company

[Docket No. ER98–2220–000]

Take notice that on March 17, 1998, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing an electric service agreement under its Market Rate Sales Tariff (FERC Electric Tariff, Original Volume No. 8) with Entergy Power Marketing Corp. (Entergy). Wisconsin Electric respectfully requests an effective date March 18, 1998.

Copies of the filing have been served on Entergy, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. California Power Exchange Corporation

[Docket No. ER98–2221–000]

Take notice that the California Power Exchange Corporation (PX), on March 5, 1998, filed the following substitute tariff sheets to be effective on March 31, 1998, pursuant to Section 205 of the Federal Power Act.

Substitute First Revised Sheet No. 207
Substitute First Revised Sheet No. 298

On January 30, 1998, the PX filed an amended rate filing. Subsequent to that time, the PX discovered three errors in two of its tariff sheets that were filed in the January 30 amended rate filing. The PX submits that its filing corrects such errors.

The PX seeks any waivers necessary to allow this tariff sheet to go into effect on March 31, 1998.

Copies of the filing were served upon all persons included on the service list compiled in Docket Nos. ER98–210–000 and ER98–1729–000.

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

14. PJM Interconnection, L.L.C.

[Docket No. ER98–2222–000]

Take notice that on March 17, 1998, PJM Interconnection, L.L.C. (PJM) tendered for filing amendments to the Operating Agreement of the PJM Interconnection, L.L.C. and the PJM Open Access Transmission Tariff.

The amendments address: (1) Accounting for costs and revenues associated with loop flows from the New York Power Pool, (2) the correction of a mistaken reference in the Operating Agreement regarding payments to generators, (3) a change in accounting for meter corrections, and (4) correction of the stated effective dates for the Operating Agreement schedules.

PJM requests a waiver for the Commission's regulations to permit an effective date of April 1, 1998 for the amendments to the Operating Agreement and PJM Tariff.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Delmarva Power & Light Company

[Docket No. ER98–2224–000]

Take notice that on March 17, 1998, Delmarva Power & Light Company tendered for filing executed umbrella service agreements with American Electric Power Service Corporation and Strategic Energy Limited, L.P., under Delmarva's market rate sales tariff, FERC Electric Tariff, Original Volume No. 14, filed by Delmarva in Docket No. ER96–2571–000.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. PJM Interconnection, L.L.C.

[Docket No. ER98–2225–000]

Take notice that on March 17, 1998, PJM Interconnection, L.L.C. (PJM), tendered for filing four executed service agreements for point-to-point service under the PJM Open Access Tariff.

Copies of this filing were served upon the parties to the service agreements.

Comment date: April 6, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. California Independent System Operator Corporation

[Docket No. ES98–9–000]

Take notice that on March 13, 1998, California Independent System Operator Corporation (ISO) tendered for filing an amendment to its Application, under Section 204 of the Federal Power Act, seeking authorization to issue securities and for certain waivers of Part 34 requirements. The ISO requests authorization to increase its long-term debt issuance from $260,000,000 to $310,000,000. The reason for the increase is to include additional infrastructure costs approved by the ISO Governing Board in December 1997 and operating costs for the first quarter of 1998, which will be capitalized as a result of a three month delay in initial operations.

Comment date: April 9, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Soyland Power Cooperative, Inc.

[Docket No. ES98–22–000]

Take notice that on February 26, 1997, Soyland Power Cooperative, Inc. (Soyland), filed an application under Section 204 of the Federal Power Act seeking authorization to enter into a loan agreement with the National Rural Utilities Cooperative Finance Corporation under which Soyland would borrow $68 million and seeking an exemption from the competitive bidding and negotiated placement requirements of 18 CFR 34.2(a).

Comment date: April 16, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Citizens Utility Company

[Docket No. ES98–23–000]

Take notice that on March 10, 1998, Citizens Utility Company filed an Application with the Federal Energy Regulatory Commission under Section 204 of the Federal Power Act requesting an order authorizing the issuance of up to $294,500,000 in industrial development revenue bonds, special purpose revenue bonds, and environmental facilities revenue bonds in connection with the construction, extension, and improvement of public utility facilities.

Comment date: April 13, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Arizona Public Service Company, Bangor Hydro-Electric Company, Central Maine Power Company, Maine Electric Power Company, Central Vermont Public Service Corporation, Connecticut Valley Electric Company Inc., Dayton Power & Light Company, Kentucky Utilities Company, Louisville Gas & Electric Company, Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin), PECO Energy Company, Rochester Gas and Electric Corporation, San Diego Gas & Electric Company, United Illuminating Company, Virginia Electric and Power Company, Western Resources Inc.

[Docket No. OA97–466–001; Docket No. OA97–519–001; Docket Nos. OA97–422–001 and OA97–462–001; Docket No. OA97–196–001; Docket No. OA97–418–001; Docket No. OA97–460–001; Docket No. OA97–402–001; Docket No. OA97–406–001; Docket No. OA97–440–001; Docket No. OA97–452–001; Docket No. OA97–399–001; Docket No. OA97–597–001; Docket No. OA97–439–002; Docket No. OA97–312–001]

Take notice that the companies listed in the above-captioned dockets submitted revised standards of conduct [1] under Order Nos. 889 *et seq.*[2] The revised standards were submitted in response to the Commission's February 12, 1998 order on standards of conduct.[3]

Comment date: April 6, 1998, in accordance with Standard 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 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. 98–7899 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–P

[1] The revised standards of conduct were submitted between February 23 and March 17, 1998.

[2] Open Access Same-Time Information System (Formerly Real-Time Information Network) and Standards of Conduct, 61 FR 21737 (May 10, 1996), FERC Stats. & Regs., Regulations Preambles January 1991–June 1996 ¶ 31,035 (April 24, 1996); Order No. 889–A, order on rehearing, 62 FR 12484 (March 14, 1997), III FERC Stats. & Regs. ¶ 31,049 (March 4, 1997); Order No. 889–B, rehearing denied, 62 FR 64715 (December 9, 1997), 81 FERC ¶ 61,253 (November 25, 1997).

[3] Arizona Public Service Company, *et al.*, 82 FERC ¶ 61,132 (1998).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission

March 20, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Subsequent License.

b. *Project No.:* 1981–010.

c. *Date Filed:* February 25, 1998.

d. *Applicant:* Oconto Electric Cooperative.

e. *Name of Project:* Stiles Hydroelectric Project.

f. *Location:* On the Oconto River in Oconto County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Anthony A. Anderson, Oconto Electric Cooperative, 7479 REA Road, P.O. Box 168, Oconto Falls, WI 54154–0168, (920) 846–2816.

i. *FERC Contact:* Patti Leppert-Slack (202) 219–2767.

j. *Comment Date:* 60 days from the issuance date of this notice.

k. *Description of Project:* the existing project consists of: (1) a dam and reservoir; (2) a powerhouse containing two generating units with a total capacity of 1,000 kilowatts; (3) a substation; and (4) appurtenant facilities. The applicant states that the average annual generation has been 5,577.47 megawatthours.

The applicant is not proposing any changes to the existing project works.

l. With this notice, we are initiating consultation with the *WISCONSIN STATE HISTORIC PRESERVATION OFFICER (SHPO)*, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the issuance date of this notice and serve a copy of the request on the applicant.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7842 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11553–001]

Lace River Hydro; Notice of Surrender of Preliminary Permit

March 20, 1998.

Take notice that Lace River Hydro, permittee for the proposed Lace River Project, has requested that its preliminary permit be terminated. The permit was issued on December 11, 1995, and would have expired on November 30, 1998. The project would have been located on the Lace River near the town of Juneau in Juneau County, Alaska. The permittee states that the proposed project is not economically feasible under existing environmental and engineering constraints.

The permittee filed the request on November 5, 1997, and the preliminary permit for Project No. 11553 shall remain in effect through the thirtieth day after issuance of this notice unless that day is Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–7844 Filed 3–25–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5986–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Reporting and Recordkeeping Requirements for Universal Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Universal Waste Handlers and Destination Facilities Reporting and Recordkeeping Requirements, EPA ICR Number 1597.03, OMB Control Number 2050–0145, current expiration date 5/31/98. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 27, 1998.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260–2740, by email at *farmer.sandy@epa.gov*, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1597.03.

SUPPLEMENTARY INFORMATION:

Title: Information Collection Request Number 1597.03: Universal Waste Handlers and Destination Facilities, Reporting and Recordkeeping Requirements (OMB Control No. 2050–0145; EPA ICR No. 1597.03.) expiring 5/31/98. This is a request for extension of a currently approved collection.

Abstract: EPA promulgated the Universal Waste standards at 40 CFR part 273. The Universal Waste standards govern the collection and management of widely generated wastes known as universal wastes. EPA has identified hazardous waste batteries, certain hazardous waste pesticides, and hazardous waste thermostats as universal wastes. Other wastes may be added to the universal waste Federal program if EPA determines such regulation is appropriate. The regulations allow universal waste handlers to manage universal wastes under a reduced set of regulatory requirements. Destination facilities, on the other hand, (i.e., those facilities accepting universal waste for treatment, recycling, or disposal) remain subject to all applicable standards under 40 CFR parts 264 or 265.

The universal waste regulations at part 273 were promulgated by EPA under the authority of subtitle C in RCRA. This information collection targets the collection of information for the following reporting or recordkeeping requirements: notification, labeling and marking, storage-time limitations, off-site shipments, tracking universal waste shipments, and petitions to include other waste categories at the federal level.

It is necessary for EPA to collect universal waste information to ensure that universal waste is collected and managed in a manner that is protective of human health and the environment. EPA requires, among other things, large quantity handlers of universal waste (LQHUWs) to notify the Agency of their universal waste management activities so that EPA can obtain general information on these handlers, and so that it can facilitate enforcement of the regulations at part 273. In addition, EPA requires universal waste handlers to record the date on which they begin storing universal waste on-site to ensure that such accumulation is performed responsibly. EPA also requires certain universal waste handlers to track receipt of universal waste shipments as well as shipments sent off-site to ensure that universal waste is properly treated, recycled, and disposed. Finally, the submission of petitions in support of regulating other wastes or waste categories under part 273 helps EPA (1) to compile information on these wastes, and (2) to determine whether regulation as a universal waste is appropriate. 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 **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 11/28/97 (62 FR 63329); one comment was received.

Burden Statement: The average public recordkeeping burden for SQHUWs under this collection of information is estimated to range from 1.12 hours to 1.62 hours per year. This estimate includes time for reading the regulations, labeling universal waste, and maintaining records demonstrating the length of storage. There is no associated reporting burden for SQHUWs. The reporting burden for LQHUWs is estimated to range from 0 hours to 2.41 hours per year. This estimate includes time for notifying EPA of universal waste management, and preparing and submitting notices of rejected or illegal universal waste shipments. The recordkeeping burden for LQHUWs under this collection of information is estimated to range from 5.82 hours to 6.82 hours per year. This estimate includes time for reading the regulations, labeling universal waste, maintaining records demonstrating the length of storage, and maintaining records of universal waste received and sent. The reporting burden for destination facilities is estimated to range from 0 hours to 2.41 hours. This estimate includes time for preparing and submitting notices of rejected or illegal universal waste shipments. The recordkeeping burden for destination facilities is estimated to be 115.37 hours per year. This estimate includes time for reading the regulations and maintaining records of universal waste received.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Waste handlers of certain hazardous waste (i.e., batteries, pesticides and mercury-containing thermostats), and destination facilities.

Estimated Number of Respondents: 79,510.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 122,674 hours.

Estimated Total Annualized Cost Burden: $1,456.15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1597.03 and OMB Control No. 2050–0145 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: March 20, 1998.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 98–7934 Filed 3–25–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5986–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses, OMB Control Number 2060–0302, expiration date: 04–30–98. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 27, 1998.

FOR FURTHER INFORMATION CONTACT: Contact Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1702.02.

SUPPLEMENTARY INFORMATION:

Title: Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses, OMB Control Number 2060–0302, EPA ICR No. 1702.02, expiration date: 04–30–98. This is a request for extension of a currently approved collection.

Abstract: Section 219 (d) of the Clean Air Act, as amended in 1990, requires that the EPA promulgate regulations for urban buses that: a) operate in Metropolitan Statistical Areas (MSA) or consolidated MSA's with a 1980 population of 750,000 or more (the program could be expanded in the future to MSA's of less than 750,000, under section 219(c) of the CAA); b) are not subject to the 1994 or later urban bus standards; and c) have their engines replaced or rebuilt after January 1, 1995.

The CAA Amendments require the subject urban buses be retrofitted to comply with an emission standard that reflects the best retrofit technology and maintenance practices reasonably achievable. Under these provisions, EPA has set new requirements for pre-1994 model year urban buses that are effective after January 1, 1995, when urban bus engines are rebuilt or replaced. The program requires that the particulate emissions level of the urban bus engines be reduced to a level below the engines' original particulate level through the use of retrofit/rebuild equipment that is certified by EPA. The program will phase itself out as pre-1994 urban buses are retired from fleets.

It is critical to the program that EPA know, with reasonable certainty, that equipment, when properly installed, maintained and used, will provide the emissions reductions promised by the equipment suppliers over the warranty period. The information that EPA is collecting at the time of certification is needed to determine: (1) the emissions performance of retrofit urban buses, (2) the installation and maintenance requirements of retrofit systems, and (3) the adequacy of the warranty provisions that will be provided with the retrofit systems. Collection of the information from certifiers is required to obtain certification approval. EPA requirements for submitting a notification of intent to certify retrofit/rebuild equipment are found in 40 CFR 85.1407(a). The record keeping requirements for equipment manufacturers are found in 40 CFR 85.1412(a)(1). Records are kept on equipment descriptions, test data, quality control plans and data, and in-service data. EPA may audit certifiers records to ensure accuracy and completeness of records.

Urban bus operators are required to maintain records concerning activities associated with retrofitting/rebuilding urban buses. The record keeping requirements for urban bus operators are found in 40 CFR 85.1404. Records are kept on equipment purchased, engine rebuilds and replacements, fuel type, and compliance with the applicable program option. EPA may request that operators submit information summarizing compliance with fleet compliance with program compliance based on recorded information. EPA may audit operator fleets and records to ensure compliance with program requirements.

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 **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 12/09/97 (62 FR 64828); no comments were received in response to this document.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 9 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owner/operators of 1993 and earlier model year Urban Buses.

Estimated Number of Respondents: 163.

Frequency of Response: 338.

Estimated Total Annual Hour Burden: 2996 hours.

Estimated Total Annualized Cost Burden: $170,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No 1702.02 and OMB Control No. 2060–0302 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: March 20, 1998.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 98–7935 Filed 3–25–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5986–5]

EPA Region III Comprehensive Environmental Response, Compensation and Liability Act Program; Transfer of Information to Contractors and Subcontractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA Region III intends to authorize certain contractors and subcontractors access to information submitted to EPA under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''). Some of this information may be claimed or determined to be confidential business information (CBI).

DATES: Contractor access to this information will occur April 27, 1998. Comments concerning CBI access will be accepted for thirty days from March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Susan Janowiak (3HS42), Chief, Contracts, ADP and State Support Section, EPA Region III (215) 566–3334.

SUPPLEMENTARY INFORMATION: The contractors and subcontractors listed below will provide certain services to EPA Region III, including: (1) Information management support services for the operation of a file room and an administrative records room in Philadelphia, Pennsylvania; (2) compilation and organization of documents and information; and (3) review and analysis of documents and information. In performing these tasks, employees of the contractors and subcontractors listed below will have access to Agency documents for purposes of document processing, filing, abstracting, analyzing, inventorying, retrieving, tracking, etc. The documents to which these contractors and subcontractors will have access potentially include all documents submitted under the CERCLA. Some of these documents may contain information claimed as CBI.

Pursuant to EPA regulations at 40 CFR part 2, subpart B, EPA has determined that these contractors and subcontractors require access to CBI to perform the work required under the contracts and subcontracts. These regulations provide for five days notice before contractors are given CBI. This document is intended to provide notice of all disclosures of such information by EPA Region III to the contractors and subcontractors listed below.

All of the listed contractors and subcontractors are required by contract to protect confidential information. When the contractors' and subcontractors' need for the documents is completed, the contractors and subcontractors will return them to EPA. The contractors and subcontractors to which this notice applies are as follows:

List of Contractors

- Booz-Allen & Hamilton, Inc—Contract #68–W4–0010
  Subcontractors to Booz-Allen & Hamilton, Inc. are:
  CDM-Federal Programs Corporation
  Dynamic Corporation
  PRC Environmental Management, Inc.
  CACI, Inc.
  Investigative Consultant Services, Inc.
  Northeast Investigations
  Tri-State Enterprises
- CH2M Hill—Contract #68–W8–0090
- Black & Veatch Waste Science and Technology Corporation—Contract #68–W8–0091
- IT Corporation—Contract #68–S7–3005
- OHM Remediation—Contract #68–S7–3004
- Roy F. Weston, Inc—Contract #68–S5–3002
  Subcontractors to Roy F. Weston, Inc. are:
  Foster Wheeler
  Tetra Tech EM, Inc.
  RAI, Inc.
  C.C. Johnson & Malhotra, P.C.
- Brown & Root Environmental (a Division of Brown and Root, Inc.)—Contract #68–S6–3003
  Subcontractors to Brown & Root Environmental are:
  Gannett Fleming, Inc.
  Dynamic Corporation
  C.C. Johnson & Malhota, P.C.
- CDM-Federal Programs Corporation—Contract #68–S7–3003
- Black and Veatch Waste Science and Technology Corporation/Tetra Tech, Inc.—Contract #68–S7–3002

List of Cooperative Agreements

- National Association of Hispanic Elderly—#CQ–822511
- AARP Foundation
- (Senior Environmental Employment)–#824021, #823952

Dated: March 19, 1998.

Kathryn Hodgkiss,

Acting Division Director, Hazardous Site Cleanup Division.

[FR Doc. 98–7931 Filed 3–25–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5986–8]

Annual Conference on Analysis of Pollutants in the Environment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of conference.

SUMMARY: The Office of Science and Technology and the Water Environment Federation will co-sponsor the ''21st Annual Conference on Analysis of Pollutants in the Environment'' to discuss issues relating to environmental measurement. The conference is open to the public.

DATES: On May 6, 1998, two workshops will be held prior to the start of the conference. The workshop topics and program times are:

EPA's Plans for Use of Screening Procedures for Compliance Monitoring, May 6, 1998, 8 a.m. to 12 Noon.

Method Validation and Documentation Requirements under the U.S. EPA Office of Water's Streamlining Initiative, May 6, 1998, 1 p.m. to 5 p.m.

The annual conference will be held on May 7–8, 1998. On May 7, 1998, the conference will begin at 8:30 a.m. and adjourn at 4:45 p.m. On May 8, 1998, the conference will begin at 8:30 a.m. and adjourn at 4:30 p.m.

ADDRESSES: The conference will be held at the Norfolk Waterside Marriott Hotel, Norfolk, Virginia.

FOR FURTHER INFORMATION CONTACT: The conference and workshop are being arranged by the Water Environment Federation. For information on registration, hotel rates, transportation, and reservations call the Water Environment Federation at (800) 444–2933. If you have technical questions regarding the conference program, please contact Marion Thompson by phone at (202) 260–7117 or by facsimile at (202) 260–7185.

SUPPLEMENTARY INFORMATION: EPA's 21st Annual Conference on Analysis of Pollutants in the Environment is designed to bring together representatives of regulated industries, commercial environmental laboratories, State and Federal regulators, and environmental consultants and contractors to discuss issues relating to environmental measurement with a particular focus on analytical methods.

The conference agenda follows:

Thursday, May 7, 1998

Welcome and Status of Office Water Activities

8:30 am—Welcome from the Water Environment Federation: Current Projects and Future Goals of the Laboratory Practices Committee—Laura Conrad, Occoquan Sewage Authority
8:45 am—Office of Water Activities—James Hanlon, U.S. EPA Office of Science & Technology
9:00 am—Analytical Activities Within EPA's Office of Science and Technology—William Telliard, U.S. EPA Office of Science & Technology

Cyanide

9:30 am—Analysis and Characterization of Cyanide in Contaminated Groundwater—Sharon Drop, Alcoa Technical Center
10:00 am—Break

Organics

10:15 am—Determination of 209 PCB Congeners in 14 Arochlors by HRGC/HRMS Using EPA Method 1668—Brian Fowler, Axys Analytical Services, Ltd.
10:45 am—Approaches to Chemical Fingerprinting of Fossil Fuel Residues in Tissues—Paul Boehm, Arthur D. Little, Inc.
11:15 am—Analysis of Humic and Fulvic Acids using Flow Field-Flow Fractionation as an Analytical Technique—Kathryn Healy, Iowa State University
11:45 am—Lunch

Sampling

1:00 pm—In-situ Sample Preparation for Radiochemical Analyses of Surface Water—Donna Beals, Westinghouse Savannah River Company

Microbiologicals

1:30 pm—Methods for Determination of Toxic and Non-toxic Pfisteria and Pfisteria-like Dinoflagellates—JoAnn Burkholder, North Carolina State University
2:00 pm—The Usefulness of the Microtox Test for Predicting Aquatic Community Protection—Donald Mount, AScI Corporation
2:30 pm—Validation of USEPA Method 1622: Cryptosporidium in Water by Filtration/IMS/FA—Jennifer Clancy, CEC
3:00 pm—Break
3:15 pm—Technical Transfer of a Protozoan Detection Method from Research to Standard Operating Procedure—Carrie Hancock, CH Diagnostic
3:45 pm—Methods for Detection of Viable and Infectious Cryptosporidium parvum in Water—Ricardo DeLeon, Metropolitan Water District of Southern California
4:15 pm—Food for Thought: New Methods for Salmonella Detection in Biosolids—Rick Danielson, BioVir Laboratories

Friday, May 8, 1998

Data Reporting

8:30 am—Roll-out of DEEMS (Department of Energy Environmental Management Electronic Data Deliverable Master Specification)—Joan Fisk, U. S. EPA OERR and Joseph Solsky, U.S. Army Corps of Engineers

Detection/Quantitation

9:15 am—Routine QC Standards Used as a Guide to Conducting Detection Limit Studies—Larry Penfold, Quanterra, Inc.

Oil and Grease and TPH

9:45 am—Analytical Issues with the Determination of Oxigenates in the Environment—Ileana Rhodes, Shell Development Company
10:15 am—Break
10:30 am—Methods for the Analysis of Oil and Grease and Sources of Variability in their Application to Produced Waters from Oil and Gas Production Operations—Joe Raia, J.C. Raia Consulting Services
11:00 am—Alternate Methods for Infrared Analysis of Total Oil and Grease (TOG) in Effluent Water and Total Petroleum Hydrocarbons (TPH) in Soils—Paul Wilks, Wilks Enterprise, Inc.
11:30 am—Lunch

Great Lakes Initiative

12:45 pm—Toxics Monitoring for Modeling in Lake Michigan: A QA Manager's Perspective—Louis Blume, U.S. EPA Region V, Great Lakes National Program Office

Metals

1:15 pm—Evaluation of Techniques for Collection of Effluent Samples for Trace Metals Analysis—Kim Shaw, Northeast Ohio Regional Sewer District
1:45 pm—Corrosion in Drinking Water Distribution Systems: A Major Source of Copper and Lead to Wastewaters and Effluents—Russell Isaac, Massachusetts DEP
2:15 pm—Uptake and Assimilation of Mercury and Methylmercury by Phytoplankton—Carl Watras, Wisconsin Department of Natural Resources
2:45 pm—Break
3:00 pm—Analytical Issues Associated with Application of EPA's Proposed 1600 Series Trace Metals Methods to Pulp and Paper Effluents—Jeff Louch, NCASI
3:30 pm—Copper-Complexing Organic Ligands in the Chesapeake Bay Water Column and Sediment Porewaters: Effects on Copper Speciation and Implications of Their Sediment/Water Exchange—John Donat, Old Dominion University
4:00 pm—Lower MDLs and Better Accuracy for ''Total Recoverable Metals'' in Water Through the Use of Dilute HF/HNO_3 Digestion at 85° C in Sealed Teflon Bottles—Nicolas Bloom, Frontier Geosciences
4:30 pm—Closing Remarks—James Hanlon, Deputy Director, Office of Science and Technology

Dated: March 19, 1998.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 98–7936 Filed 3–25–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5986–3]

Common Sense Initiative Council (CSIC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; notification of Public Advisory CSI Computers and Electronics Sector Subcommittee meeting; open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notification is hereby given that the Computers and Electronics Sector Subcommittee of the Common Sense Initiative Council will meet on the dates and times described below. All meetings are open to the public. Seating at the meeting will be on a first-come basis and limited time will be provided for public comment. For further information concerning specific meetings, please contact the individuals listed with the announcement below.

Computers and Electronics Sector Subcommittee—April 14 and 15, 1998

Notification is hereby given that the Environmental Protection Agency will hold an open meeting of the CSI Computers and Electronics Sector Subcommittee to begin on Tuesday, April 14 with registration at 9:00 a.m EST. On Wednesday, April 15, 1998, the meeting will begin at 8:30 a.m. EST and end at 3:00 p.m. EST. The meeting will be held at the Holiday Inn Hotel and Suites, 625 First Street, Alexandria,

Virginia. The telephone number is (703) 548–6300.

Both days, April 14 and 15, will be devoted partly to breakout sessions for the three subcommittee workgroups (Reporting and Information Access; Overcoming Barriers to Pollution Prevention, Product Stewardship, and Recycling; and Integrated and Sustainable Alternative Strategies for Electronics) and partly to plenary sessions. Over the course of the two days, the Subcommittee will be discussing progress on a number of projects for environmental protection in the computers and electronics industry.

Projects that will be discussed include: BOLDER (Basic On-Line Disaster and Emergency Response), a project to integrate the BOLDER emergency response electronic reporting and information access system with the EPA ''One Plan,'' and to implement a full-scale test of the system in Phoenix, AZ.; Beta-BOLDER, a project to test the transferability of the BOLDER system to less technologically advanced communities by pilot testing the system in at least one small city; Better BOLDER, a project to make the BOLDER facility emergency response plan information accessible to the public in a useful context, using both the Internet and other means; CURE (Consolidated Uniform Report for the Environment), a project to develop and test in Texas a system for submitting environmental information required by multiple statutes on a single form, and to make that form electronic; Voluntary Program for Life Cycle Management of Electronic Products/State Multi-Stakeholder Dialogue, a project to develop a challenge program with incentives to marshal industry's interest and capacity to preserve resources and promote recycling, building on current state programs; SPECIE (Superior Performance for the Environment through Community Involvement and Engagement), a project to develop a printed resource guide to strengthen community collaboration in projects requiring input from multiple stakeholders by providing tools to assist stakeholders to develop cooperative and constructive approaches to addressing environmental issues in their communities; Evaluation of Models and Development of Best Practices for Electronic Equipment Recovery/San Francisco Recycling Pilot, a project to compile and examine data from pilot collection projects, including one in San Francisco, identify data gaps, and provide an umbrella report to communities and the recycling industry; Green Track, a project to develop a program that offers regulatory flexibility or other incentives to encourage facilities to improve environmental performance beyond current regulatory requirements; Definition of ''Legitimate Recycling:'' a project to seek consensus-based decisions on the recycling of computer parts, and define certain electronics-related activities that the sector would recommend EPA exempt from existing solid waste regulation.

Opportunity for public comment on major issues under discussion will be provided at intervals throughout the meeting.

FOR FURTHER INFORMATION CONTACT: John J. Bowser, Acting DFO, U.S. EPA on (202) 260–1771, by fax on (202) 260–1096, by e-mail at bowser.john@epamail.epa.gov., or by mail at U.S. EPA (MC 7405), 401 M Street, S.W., Washington, DC 20460; Mark Mahoney, U.S. EPA Region 1 on (617) 565–1155; or David Jones, U.S. EPA Region 9 on (415) 744–2266.

Inspection of Subcommittee Documents

Documents relating to the above Sector Subcommittee announcement will be publicly available at the meeting. Thereafter, these documents, together with the official minutes for the meeting, will be available for public inspection in room 2821M of EPA Headquarters, Common Sense Initiative Staff, 401 M Street, SW, Washington, DC 20460, telephone number 202–260–7417. Common Sense Initiative information can be accessed electronically on our web site at http://www.epa.gov/commonsense.

Dated: March 20, 1998.

Kathleen Bailey,

Designated Federal Officer.

[FR Doc. 98–7933 Filed 3–25–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5986–9]

Effluent Guidelines Task Force Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Effluent Guidelines Task Force, an EPA advisory committee, will hold a meeting to discuss the Agency's Effluent Guidelines Program. The meeting is open to the public.

DATES: The meeting will be held on Wednesday, May 20, 1998 from 9 a.m. to 5 p.m., and Thursday, May 21, 1998 from 8:30 a.m. to 3 p.m.

ADDRESSES: The meeting will take place at the Best Western Key Bridge, 1850 N. Fort Myer Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Beverly Randolph, Office of Water (4303), 401 M Street, SW, Washington, DC 20460; telephone (202) 260–5373; fax (202) 260–7185.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), the Environmental Protection Agency gives notice of a meeting of the Effluent Guidelines Task Force (EGTF). The EGTF is a committee of the National Advisory Council for Environmental Policy and Technology (NACEPT), the external policy advisory board to the Administrator of EPA.

The EGTF was established in July of 1992 to advise EPA on the Effluent Guidelines Program, which develops regulations for dischargers of industrial wastewater pursuant to Title III of the Clean Water Act (33 U.S.C. 1251 *et seq.*). The Task Force consists of members appointed by EPA from industry, citizen groups, state and local government, the academic and scientific communities, and EPA regional offices. The Task Force was created to offer advice to the Administrator on the long-term strategy for the effluent guidelines program, and particularly to provide recommendations on a process for expediting the promulgation of effluent guidelines. The Task Force generally does not discuss specific effluent guideline regulations currently under development.

The meeting is open to the public, and limited seating for the public is available on a first-come, first-served basis. The public may submit written comments to the Task Force regarding improvements to the Effluent Guidelines program. Comments should be sent to Beverly Randolph at the above address. Comments submitted by May 13, 1998 will be considered by the Task Force at or subsequent to the meeting.

Dated: March 19, 1998.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 98–7937 Filed 3–25–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5987–1]

Proposed Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act; Tulalip Landfill Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). Notification is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve past and estimated future liabilities of 11 *de minimis* parties for costs incurred, or to be incurred, by EPA at the Tulalip Landfill Superfund Site in Marysville, Washington.

DATES: Comments must be provided on or before April 27, 1998.

ADDRESSES: Comments should be addressed to Docket Clerk, U.S. Environmental Protection Agency, Region 10, ORC–158, 1200 Sixth Avenue, Seattle, Washington 98101, and should refer to In Re Tulalip Landfill Superfund Site, Marysville, Washington, U.S. EPA Docket No. 10–98–0027–CERCLA.

FOR FURTHER INFORMATION CONTACT: Elizabeth McKenna, Office of Regional Counsel (ORC–158), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–0016.

SUPPLEMENTARY INFORMATION: In accordance with section 122(i)(1) of CERCLA, notification is hereby given of a proposed administrative settlement concerning the Tulalip Landfill hazardous waste site located on Ebey Island between Steamboat Slough and Ebey Slough in the Snohomish River delta system between Everett and Marysville, Washington. The Site was listed on the National Priorities List (NPL) on April 25, 1995 (60 FR 20350). Subject to review by the public pursuant to this Notice, the agreement has been approved by the United States Department of Justice. Below are listed the 11 parties who have executed the proposed Administrative Order on Consent:

Ace Tank & Equipment Co.; Bill Pierre Ford; Crowley Marine Services, Inc./ Puget Sound Tug & Barge; Delta Marine; Evergreen Washelli Memorial Park Co., Inc.; McFarland Wrecking Corporation; Mehrer Drywall, Inc.; Peoples National Bank (U.S. Bank of Washington, N.A.); Sato Corporation; Seafood Processing (CITYICE Cold Storage); Smith & Son, Inc.

The EPA is entering into this agreement under the authority of sections 122(g), 106 and 107 of CERCLA, 42 U.S.C. 9622(g), 9606 and 9607. Section 122(g) authorizes settlements with *de minimis* parties to allow them to resolve their liabilities at Superfund sites without incurring substantial transaction costs. Under this authority, the agreement proposes to settle with parties in the Tulalip Landfill case who each are responsible for less than 0.2% of the volume of hazardous substances at the site.

In February and March 1988, EPA contractor Ecology & Environment, Inc. (E&E) performed a site inspection of the landfill for NPL evaluation. The inspection revealed groundwater contamination with unacceptably high levels of arsenic, barium, cadmium, chromium, lead, mercury, and silver. Water samples taken in the wetlands adjacent to the site showed exceedences of marine chronic criteria for cadmium, chromium, and lead, as well as exceedences in marine acute criteria for copper, nickel, and zinc. In addition, a variety of metals were found in on-site pools and leachate. The study concluded that contamination was migrating off site. On July 29, 1991, EPA proposed adding the Tulalip Landfill to the NPL, and on April 25, 1995, with the support of the Governor of the State of Washington and the Tulalip Tribes of Washington, EPA published the final rule adding the Site to the NPL.

EPA is performing a Remedial Investigation (RI) and Feasibility Study (FS) in two parts pursuant to an Administrative Order on Consent with several potentially responsible parties. The first part, which has been completed, evaluated various containment alternatives for the landfill source area, which includes approximately 147 acres in which waste was deposited. The second part evaluates the off-source areas, which include the wetlands and tidal channels that surround the landfill source area. On March 1, 1996, EPA issued a Record of Decision that selected an interim remedial action for the source area. The selected interim remedy requires installation of an engineered, low-permeability cover over the source area of the landfill, at an estimated cost of $25.1 million.

The proposed settlement requires each settling party to pay a fixed sum of money based on their volumetric share. The total amount to be recovered from the proposed settlement is $238,283. The amount paid will be deposited in the Tulalip Landfill Special Account within the EPA Hazardous Substances Superfund to be used for the cover over the source area at the landfill. Upon full payment, each settling party will receive a release from further civil or administrative liabilities for the Site and statutory contribution protection under Section 122(g)(5) of CERCLA, 42 U.S.C. 9622(g)(5).

EPA will receive written comments relating to this proposed settlement for a period of thirty (30) days from the date of this publication.

The proposed agreement may be obtained from Cindy Colgate, Office of Environmental Cleanup (ECL–113), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–1815. The Administrative Record for this settlement may be examined at the EPA's Region 10 office located at 1200 Sixth Avenue, Seattle, Washington 98101, by contacting Bob Phillips, Superfund Records Manager, Office of Environmental Cleanup (ECL–110), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–6699.

Authority: The Comprehensive Environmental Response, Compensation and Liability Act, as amended, 41 U.S.C. 9601–9675.

Charles E. Findley,

Acting Regional Administrator.

[FR Doc. 98–7938 Filed 3–25–98; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

[DA 98–547]

Request Submission of Superior Alternatives to Proposed Agreement to Resolve Pocket Commissions Bankruptcy; Pocket Communications, Inc., No. 97–5–4105–ESD, and In re DCR PCS, Inc., No. 97–5–4106–ESD (Jointly Administered Under No. 97–5–4105–ESD)

March 23, 1998.

Subject to higher and better alternatives, the Commission staff, in coordination with the staff of the Department of Justice, Civil Division, expects to recommend a proposed transaction (''Proposed Transaction'') that would resolve the above-referenced bankruptcy proceeding involving DCR

PCS, Inc., and Pocket Communications, Inc. (collectively ''Pocket''). The purpose of this Public Notice is to begin the process for receiving alternative proposals and evaluating whether any of them constitutes a better alternative for the United States.

Appended hereto as Attachment are portions of a term sheet describing the Proposed Transaction. Key terms include the following: (1) a newly formed entity would acquire the FCC licenses of DCR PCS, Inc., that comprise the Dallas and Chicago MTAs; (2) license payments for authority to operate in those markets would be made to the United States in accordance with Schedule 5.1.1 to the attached term sheet; (3) all other licenses of DCR PCS, Inc., would be returned to the FCC; and (4) the Pocket bankruptcy proceedings would be resolved.

Parties interested in offering superior alternative proposals to the Proposed Transaction are requested to do so in writing by May 7, 1998. Parties submitting superior alternatives must demonstrate compliance with the Commission's rules and policies governing PCS C Block eligibility and ownership. See 47 CFR 24.2110 and 24.709. Prior to Commission staff entering into discussions or accepting a submission by a party, the party must represent in writing to the Commission that doing so would not contravene any agreement with the DIP Lenders (as defined in the attached term sheet).

Neither this Public Notice nor any proposals responsive thereto or discussions of such proposals shall constitute the solicitation of votes as to a plan of reorganization in the Pocket cases or the filing of such a plan, each of which shall be subject to the provisions of the Bankruptcy Code and related bankruptcy procedures.

Written alternatives to the Proposed Transaction should be submitted to the Office of General Counsel, 1919 M Street, N.W., attention: David E. Horowitz, Esq., Room No. 622, Stop Code 1440B, Washington, DC 20554.

For further information, please contact FCC Wireless Telecommunications Bureau staff at (717) 338–2888.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Attachment—Summary of Terms for Proposed Plan of Reorganization of Pocket Communications, Inc.

1 Purpose

1.1 Each of Ericsson, Inc. (''Ericsson''), Masa Telecom, Inc. (''MTI''), Pacific Eagle Investments, Ltd. (''PEIL''), Pacific Eagle Investment (L) Limited (''PEILL''), Masa Telecom Asia Investment Pte Ltd. (''MTAI'') (collectively, ''Masa/Pacific Eagle''), and Siemens Telecom Networks (''Siemens'') (together with Ericsson and Masa/Pacific Eagle, the ''DIP Lenders'') has decided to develop and file a plan of reorganization (the ''Plan'') with the U.S. Bankruptcy Court (the ''Court'') for DCR PCS, Inc. (''DCR'') and Pocket Communications, Inc. (''Pocket'' and together with DCR ''the Debtors''). Among other issues, the Plan will provide for the disposition of the licenses (collectively, the ''Licenses'') issued by the Federal Communications Commission (''FCC'') to DCR for providing personal communications services (''PCS''). This Summary of Terms (the ''Term Sheet'') sets forth the framework for the Plan.

1.2 This Term Sheet was prepared for discussion purposes only and is not to be construed as a commitment to invest, to lend money, or to provide vendor financing. It is a summary of the terms upon which the DIP Lenders expect to submit this transaction for corporate approval from each of their respective boards or principals, and it is subject to negotiation with and consent of the United States and potential Designated Entities, as well as agreement to terms of final documentation. Neither this Term Sheet nor the Plan shall bind the FCC to approve the transactions contemplated by the Term Sheet or the Plan.

2 Overview of the Plan

2.1 Subject to Sections 7.8 and 7.9, on the effective date of the Plan (the ''Effective Date''), in exchange for payment of certain cash and entry into the agreements specified below:

2.1.1 DCR shall transfer the Licenses for the Chicago MTA (hereinafter, the ''Chicago Licenses'') and the Licenses for the Dallas MTA (hereinafter the ''Dallas Licenses'') to certain subsidiaries of NEWGSM Co. to be formed as provided in Section 3.3 (the ''New Licensees'');

2.1.2 All Licenses except the Chicago Licenses and the Dallas Licenses shall automatically cancel pursuant to section 10.7 hereof; and 2.1.3 Debtors shall transfer all their assets other than the Licenses to NEWGSM Co. or subsidiaries thereof other than the New Licensees.

2.2 All terms of this Term Sheet except the Confidential Provisions shall be included in a public version of the Term Sheet (the ''Public Version Term Sheet'').

3 Transfer of the Chicago and Dallas Licenses

3.1 The DIP Lenders will cause a new company, NEWGSM Co., to be formed prior to the Effective Date.

3.2 The DIP Lenders will cause NEWGSM Co. to create operating subsidiaries (the ''Operating Subsidiaries'') of NEWGSM Co. prior to the Effective Date. The Operating Subsidiaries shall conduct the business operations of NEWGSM Co. and its direct and indirect subsidiaries for the provision of PCS in the Chicago and Dallas MTAs.

3.3 The DIP Lenders will cause NEWGSM Co. to create the New Licensees prior to the Effective Date as wholly owned subsidiaries of NEWGSM Co. for the sole purpose of holding the Chicago Licenses and the Dallas Licenses.

3.4 Vendor financing (as specified in Sections 4.3 and 8.2, ''Vendor Financing'') will be provided to one or more Operating Subsidiaries.

3.5 NEWGSM Co. will be controlled by a new ''Control Group,'' as defined by the FCC's rules.

3.6 [Intentionally omitted]

3.7 Each New Licensee shall comply with all FCC rules and regulations, including those relating to C-Block and C-Block eligibility; provided, however, that to the extent any New Licensee is unable to satisfy said rules and regulations, it may seek a waiver from the FCC in connection with the transactions contemplated by this Term Sheet.

4 Capital: By the date (the ''Confirmation Date'') on which the Court enters an order (the ''Confirmation Order'') confirming the Plan, NEWGSM Co. will have the following commitments for capital conditioned solely upon the occurrence of the Effective Date:

4.1 COMMON EQUITY:

4.1.1 the ''Initial Equity Investment''

4.1.2 [Redacted]

4.1.3 [Redacted]

4.1.4 [Redacted]

4.1.5 [Intentionally omitted]

4.2 Subordinated Debt:

4.2.1 the ''Initial Purchase Commitment''

4.2.2 [Redacted]

4.3 Vendor Financing:

4.3.1 [Redacted]

5 Assumed Debt: As part of the Plan, the DIP Lenders shall cause the following obligations to be assumed on the Effective Date in the manner set forth below:

5.1 FCC License Payments:

5.1.1 The New Licensees shall make quarterly payments to the United States

in accordance with Schedule 5.1.1 attached hereto to hold the Chicago and Dallas Licenses and to satisfy the obligation to the United States originally incurred as a result of the initial issuance to DCR of the Chicago and Dallas Licenses. All payments specified in this section 5.1.1, whether matured or unmatured, shall be known as the ''FCC License Payments.''

5.1.2 Each Chicago and Dallas License shall incorporate a payment schedule specific to that License. Each such License's quarterly payment shall be for an amount equal to the quarterly payment shown on Schedule 5.1.1 times the POP Ratio for the BTA for that License. ''POP Ratio'' means, for each of the Chicago and Dallas Licenses, the percentage equaling the number of POPs in that BTA divided by the total number of POPs in the Chicago and Dallas MTAs. The FCC License Payments scheduled to be made after November 4, 2006 (the ''Extended Payments'') may be prepaid at a discount rate of 6.5 percent prior to the date on which the Chicago and Dallas Licenses are scheduled to expire by their terms. Any Extended Payments not made by November 4, 2006 shall be included in the renewed Chicago or Dallas License (each, a ''Renewed License'') to which it relates. Each Chicago and Dallas License and each Renewed License shall provide that if full and timely payment of the FCC License Payment to be made thereunder is not made, the License shall automatically cancel to the extent provided in FCC rules and regulations.

5.1.3 All obligations of the New Licensees to make the FCC License Payments shall be secured in accordance with the same terms and conditions set forth in sections 1 and 2 of the original FCC Broadband Personal Communications Service, C-Block Security Agreement executed by DCR for the Licenses, except for changes necessary to accommodate the structure of the FCC License Payments. Each member of the NEWGSM Co. Corporate Family and each Vendor shall execute an agreement covenanting not to bring any suit or take any other action, other than applying for relief at the FCC, to prevent the United States or the FCC from collecting all FCC License Payments, or from canceling any of the Chicago Licenses, the Dallas Licenses or the Renewed Licenses under the terms provided therein.

5.1.4 NEWGSM Co. and each of its direct and indirect subsidiaries (the ''NEWGSM Co. Corporate Family'') shall guarantee the obligation of each New Licensee to make the FCC License Payments.

5.1.5 Each of the Chicago Licenses (the ''Chicago Asset Pool'') shall secure payment of the FCC License Payments arising under the Chicago Licenses, and failure to make a timely payment of an FCC License Payment arising under one of the Chicago Licenses shall be a payment default on only the Chicago Asset Pool. Each of the Dallas Licenses (the ''Dallas Asset Pool'') shall secure payment of the FCC License Payments arising under the Dallas Licenses, and failure to make a timely payment of an FCC License Payment arising under one of the Dallas Licenses shall be a payment default on only the Dallas Asset Pool. Any default on the FCC License Payments for the Chicago Licenses shall not be a default on FCC License Payments for the Dallas Asset Pool. Any default on the FCC License Payments for the Dallas Licenses shall not be a default on FCC License Payments for the Chicago Asset Pool.

5.1.6 Except for changes which are necessary to accommodate the structure of the FCC License Payments, the events of default for the FCC License Payments and cure periods therefor shall be the same as specified in the FCC Installment Payment Plan Note for Broadband Personal Communications Services, C-Block executed by DCR.

5.1.7 Transfer of any of the Chicago or Dallas Licenses shall be subject to approval by the FCC. If, with FCC approval, any of the New Licensees transfers one of the Chicago Licenses out of the Chicago Asset Pool or one of the Dallas Licenses out of the Dallas Asset Pool, then in exchange for the United States' release of any further FCC License Payments for that License, the New Licensee shall pay or have paid for it an amount equal to the present value of the remaining FCC License Payments for that License at a discount rate of 6.5 percent, together with any unjust enrichment payment obligations incurred under FCC regulations.

5.2 [Intentionally omitted]

5.3 NEWGSM Co. will assume $158 million of certain of the DIP Lenders' pre-petition secured and unsecured claims against the Debtors' estates on terms acceptable to the DIP Lenders.

6 Terms and Conditions for Chicago Licenses and Dallas Licenses

6.1 Except as modified hereby or otherwise agreed upon by the parties, the same terms and conditions applicable to C-Block licensees, including without limitation the build-out benchmarks and license renewal provisions, shall apply to the Chicago Licenses and Dallas Licenses upon assignment to the New Licensees.

7 Timing of Plan Proposal and Confirmation Date, and of Investments and Note Purchases

7.1 Each of the DIP Lenders shall use its best efforts to file the Plan with the Court by March 31, 1998 (the ''Plan Filing Deadline''). Each of the DIP Lenders shall be a co-proponent of the Plan.

7.2 If DCR desires to elect any restructuring option under the C Block Order (as amended from time to time), it shall indicate in writing which of the options it prefers by the earlier of (i) the deadline for making such an election in the C Block Order as amended or in any other extension connected with the election of the options that the FCC permits and that applies to DCR, (ii) the thirtieth calendar day after the Termination Date (as defined in Section 7.3.1 below), or (iii) the thirtieth calendar day after Confirmation Deadline if the Confirmation Date has not occurred by the Confirmation Deadline (as defined in Section 7.3 below). The Plan shall provide that upon occurrence of the Effective Date, (i) the Debtors' right to elect any of the restructuring options offered to C-Block licensees shall terminate, and (ii) any of the Debtors' previous elections under the C Block Order shall be deemed null and void. Any disposition of Licenses in connection with any DCR election pursuant to the C Block Order shall be subject to applicable law.

7.3 [Redacted]

7.3.1 The DIP Lenders may terminate the Plan if the FCC has not approved the transfer of the Chicago Licenses and Dallas Licenses to the New Licensees (the ''FCC Grant'') by the earlier of 150 days after the approval of the Disclosure Statement or December 31, 1998 (the ''Termination Date''), or if the FCC Grant has occurred by the Termination Date but is subject to a stay.

7.4 By the date scheduled for the hearing on the Disclosure Statement, each of the DIP Lenders shall have obtained, among other things:

7.4.1 All requisite approvals within each of their respective organizations to take all actions contemplated herein to be taken by them provided only that the Effective Date conditions specified in Section 12.2 below are met; and

7.4.2 [Redacted]

7.5 By the Confirmation Date, the DIP Lenders and the DE shall execute commitment letters, binding unless the Effective Date does not occur, to provide funds necessary to confirm the Plan to capitalize NEWGSM Co. without resort to third-party financing of any kind. Such commitments shall not preclude

NEWGSM Co. from obtaining new or additional financing from other sources, reasonably acceptable to the DIP Lenders and the United States, provided (x) the payment terms, security and other rights of the United States, and the credit quality of the obligor, are not adversely changed, and (y) such financing is consistent with applicable law, including any applicable FCC regulations.

7.6 [Intentionally omitted]

7.7 The DIP Lenders and the United States shall jointly move for an order by the Court, and if any objection thereto is filed, shall present evidence, that the United States and the FCC have not defaulted on any obligation under the DIP Order and the related FCC Term Sheet. By the date three business days prior to the date on which ballots on the Plan are due, the United States shall have obtained an order of the Court that the United States and the FCC have not defaulted on any obligation under the DIP Order and the related FCC Term Sheet.

7.8 The United States shall determine, in its sole discretion, whether the United States believes there exists a higher and better alternative (the ''Alternative'') to the Plan. The United States is free to accept any such Alternative instead of the Plan. In determining whether an Alternative exists:

7.8.1 For Sixty (60) days from the date of this Term Sheet, the United States and the FCC may negotiate with any person about alternative proposals for reorganizing the Debtors, and may reveal to any such person any information that the FCC deems appropriate to disclose (including without limitation, all provisions of this Term Sheet) except the Confidential Provisions (as defined in Section 7.8.2);

7.8.2 Neither the United States nor the FCC will reveal (i) any business plan or draft thereof provided to it or them by the DIP Lenders in connection with the negotiation of this Term Sheet, (ii) any provision of the Term Sheet other than those set forth in the Public Version Term Sheet, Exhibit 2.2 hereof, (items (i) and (ii), the ''Confidential Provisions'');

7.8.3 As of the date of this Term Sheet, the FCC may publish in the customary ways a public notice that (i) discloses the Public Version Term Sheet, (ii) indicates that any person who desires to propose or discuss an alternative to the Plan must first represent in writing to the FCC that doing so would not contravene any agreement with the DIP Lenders, and (iii) discusses the other procedures for submitting alternatives to the Plan to the FCC, but otherwise, except as expressly authorized in writing by the DIP Lenders or to any extent required by law, neither the United States nor the FCC will solicit an alternative proposal to the Term Sheet by any of the following means: (i) commissioning any advertisement, (ii) running any notice in any federal publication or (iii) issuing any press release.

7.9 Nothing contained herein shall require the DIP Lenders to vote in favor of the Alternative.

8 Terms of New Debt Securities

8.1 [Intentionally omitted]

8.2 Vendor Financing: [Redacted]

8.3 Subordinated Notes: [Redacted]

8.4 Dip Lenders Claim Notes: [Redacted]

9 Vendor Undertakings

The vendors will provide NEWGSM Co. with PCS equipment and services necessary to build an operational PCS service using the GSM mode of signal transmission for the Chicago Licenses and the Dallas Licenses. NEWGSM Co. shall purchase all PCS equipment and services for the Chicago Licenses from Ericsson, and all PCS equipment and services for the Dallas Licenses from Siemens.

10 Reorganization of the Residual Debtor Estates

10.1 Allowed administrative expenses shall be paid as follows:

10.1.1 On the Effective Date, the DIP Lenders shall lend to the Debtors' estates, on the same terms and conditions as the original DIP Loan (except as to maturity, repayment and as otherwise modified herein), an additional amount (the ''Additional Loan'') not to exceed $5.5 million to pay in full all unpaid administrative expenses other than the original DIP Loan and the Additional Loan.

10.1.2 On the later of the Effective Date or when otherwise allowed, administrative claims shall be paid to the extent allowed by the Court (''Allowed Administrative Claims'').

10.1.3 On the Effective Date, NEWGSM Co. shall assume and repay to the DIP Lenders the DIP Loan and the Additional Loan, plus accrued interest and charges, and the DIP Lenders shall waive payment of the DIP Loan by the Debtors and by the United States (including the FCC) under the terms of the existing DIP Loan Order and documentation.

10.2 On the Effective Date, NEWGSM Co. shall pay to the Pocket estate $5.5 million less the amount of Allowed Administrative Claims, for payment of distributions to the unsecured creditors, other than the DIP Lenders in accordance with section 10.6.

10.3 [Intentionally omitted]

10.4 [Intentionally omitted]

10.5 On the Effective Date, NEWGSM Co. will assume $158 million of the DIP Lenders' pre-petition secured and unsecured debt against the Debtors' estates, as provided in Section 8.4.

10.6 After the DIP Loan, Additional Loan and Allowed Administrative Claims are indefeasibly paid in full, the DIP Lenders will permit the unsecured creditors, other than the DIP Lenders, to share *pro rata* in the remaining funds described in section 10.2 above, ahead of the remaining unsecured claims of the DIP Lenders, which are approximately $20 million.

10.7 On the Effective Date, Licenses except the Chicago Licenses and the Dallas Licenses shall automatically be canceled, and the Debtors and certain others shall be released from obligations to the United States related to the Licenses as provided in Section 11.2 below.

10.8 NEWGSM Co. shall comply with section 1123(a)(6) of the Bankruptcy Code in issuing equity and warrants.

11 Releases

11.1 On the Effective Date, each of the Debtors, and each of their successors and assigns, on its own behalf and on behalf of each of its present and former officers, directors, trustees, managers, employees, agents, attorneys, accountants, and consultants, shall release, waive, compromise and settle any and all rights, claims and causes of action that each has, has had or at any time in the future may have against any of the United States, the FCC, the DIP Lenders or any present or former commissioner, employee, agent, attorney, financial advisor or consultant of the United States, the FCC, or the DIP Lenders with respect to or arising in any way in connection with or as a result of any of the Licenses, or any of Debtors' notes, security agreements, or other instruments to the United States, the FCC, or the DIP Lenders, or financial accommodations at any time furnished to or for the benefit of either of the Debtors, including without limitation, any claim under any state or federal fraudulent transfer, fraudulent conveyance, preference or similar law. If the Effective Date does not occur, the releases for which this paragraph provides shall be deemed null and void.

11.2 On the Effective Date, the United States (including the FCC) will release all claims and causes of action (other than tax, criminal or fraud claims) that it has, has had or at any time in the future may have against any

of the DIP Lenders, the Debtors, the Debtors' estates, or any of its or their present or former officers, directors, trustees, managers, employees, agents, attorneys, financial advisors and consultants, with respect to or arising in any way in connection with or as a result of the Licenses, or any of Debtors' notes, security agreements, or other instruments to the United States or the FCC, or financial accommodations at any time furnished to or for the benefit of either of the Debtors; provided, however, that all claims and rights of the United States or the FCC under the Plan and the documents delivered to the United States or the FCC in connection with the Plan are expressly excluded from the foregoing release. If the Effective Date does not occur, the releases for which this paragraph provides shall be deemed null and void.

11.3 On the Effective Date, each of the DIP Lenders, and each of their successors and assigns, on its own behalf and on behalf of each of its present and former officers, directors, trustees, managers, employees, agents, attorneys, accountants, and consultants, shall release, waive, compromise and settle any and all rights, claims and causes of action that each has, has had or at any time in the future may have against the United States, the FCC, the Debtors, or any present or former commissioner, employee, agent, attorney, financial advisor or consultant of any of them, with respect to or arising in any way in connection with or as a result of the Licenses, or any of Debtors' notes, security agreements, or other instruments to the United States, the FCC, or the DIP Lenders, or financial accommodations at any time furnished to or for the benefit of either of the Debtors, including without limitation, any claim under any state or federal fraudulent transfer, fraudulent conveyance, preference or similar law; provided that all claims and rights of the DIP Lenders or NEWGSM Co. under the Plan and the documents delivered to the DIP Lenders or NEWGSM Co. in connection with the Plan are expressly excluded from the foregoing release. If the Effective Date does not occur, the releases for which this paragraph provides shall be deemed null and void.

11.4 On the Effective Date, each unsecured creditor and administrative claimant of the Debtors, and each of their successors and assigns, on its own behalf and on behalf of each of its present and former officers, directors, trustees, managers, employees, agents, attorneys, accountants, and consultants, shall release, waive, compromise and settle any and all rights, claims and causes of action that each has, has had or at any time in the future may have against the United States, the FCC, each of the DIP Lenders, or any present or former commissioner, employee, agent, attorney, financial advisor or consultant of any of them, with respect to or arising in any way in connection with or as a result of the Licenses, or any claim against, or administrative expense of, either of the Debtors; provided that such releases shall not apply to the rights of unsecured creditors and administrative claimants to payments under the Plan and Confirmation Order. If the Effective Date does not occur, the releases for which this paragraph provides shall be deemed null and void.

12 Effective Date Timing and Conditions

12.1 The Effective Date shall occur on the later of (i) eleventh calendar day after the Confirmation Date, and (ii) the date on which the conditions precedent to the effectiveness of the Plan have been fulfilled or waived in accordance with the Plan; provided that if such day is a Saturday, a Sunday, or a legal holiday specified in Fed. R. Civ. P. 6(a), then the Effective Date shall occur the next calendar day that is not a Saturday, a Sunday, or a legal holiday specified in Fed. R. Civ. P. 6(a).

12.2 In addition to the provisions of section 12.1, the occurrence of the Effective Date shall be subject to the occurrence of each of the following conditions:

12.2.1 The Confirmation Order shall have been entered in form and substance satisfactory to the United States and the DIP Lenders, and shall not be the subject of a stay; and

12.2.2 The FCC Grant shall have been entered and such order shall not be the subject of a stay.

SCHEDULE 5.1.1—SCHEDULE OF PAYMENTS UNDER THE FCC OBLIGATION

Payment	Total payment
10/1998	[1] $5,826,000
1/1999	5,826,000
4/1999	5,826,000
7/1999	5,826,000
10/1999	5,826,000
1/2000	5,826,000
4/2000	5,826,000
7/2000	5,826,000
10/2000	5,826,000
1/2001	5,826,000
4/2001	5,826,000
7/2001	5,826,000
10/2001	5,826,000
1/2002	5,826,000
4/2002	5,826,000
7/2002	5,826,000
10/2002	5,826,000
1/2003	23,541,000

SCHEDULE 5.1.1—SCHEDULE OF PAYMENTS UNDER THE FCC OBLIGATION—Continued

Payment	Total payment
4/2003	23,541,000
7/2003	23,541,000
10/2003	23,541,000
1/2004	23,541,000
4/2004	23,541,000
7/2004	23,541,000
10/2004	23,541,000
1/2005	23,541,000
4/2005	23,541,000
7/2005	23,541,000
10/2005	23,541,000
1/2006	23,541,000
4/2006	23,541,000
7/2006	23,541,000
10/2006	23,541,000
1/2007	613,438
4/2007	613,438
7/2007	613,438
10/2007	613,438
1/2008	613,438
4/2008	613,438
7/2008	613,438
10/2008	38,363,438

[1] If the payment due at the end of October 1998 is for less than a full quarter, the payment will be pro rated based on 12 thirty-day months.

[FR Doc. 98–7986 Filed 3–25–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Request for Public Comments Regarding Extensions to Existing OMB Clearances

AGENCY: Federal Maritime Commission.

ACTION: Notice.

SUMMARY: The FMC is preparing submissions to the Office of Management and Budget (OMB) for continued approval of the following information collections (extensions with no changes) under the provisions of the Paperwork Reduction Act of 1995, as amended (44 U.S.C. Chapter 35): OMB No. 3072–0012 (Licensing of Ocean Freight Forwarders and Form FMC–18); OMB No. 3072–0028 (Foreign Commerce Anti-Rebating Certification); and OMB No. 3072–0053 (Non-Vessel-Operating Common Carriers Surety Bonds). Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval and will become a matter of public record.

DATES: Comments must be submitted on or before May 26, 1998.

ADDRESSES: Send comments to: Edward P. Walsh, Managing Director, Federal Maritime Commission, 800 North

Capitol Street, NW., Washington, DC 20573, (Telephone: (202) 523–5800).

FOR FURTHER INFORMATION CONTACT: Send requests for copies of the current OMB clearances to: George D. Bowers, Director, Office of Information Resources Management, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573 (Telephone: (202) 523–5834).

SUPPLEMENTARY INFORMATION: Ocean Freight Forwarder Licensing—OMB approval number 3072–0012 expires August 31, 1998.

Abstract: Section 19 of the Shipping Act of 1984, 46 U.S.C. app. § 1718, requires that no person shall act as a freight forwarder unless they hold a license by the Federal Maritime Commission. The Act requires the Commission to issue a license to any person that it determines to be qualified by experience and character to act as an ocean freight forwarder if that person has provided a surety bond issued by a surety company found acceptable by the Secretary of the Treasury. The Commission has implemented the provisions of Section 19 in regulations contained in 46 CFR Part 510 and its related application form, FMC–18.

Needs and Uses: The Commission uses information obtained from Form FMC–18 as well as information contained in the Commission's files and letters of reference to determine whether an applicant meets the requirements for a license. If the collection of information were not conducted, there would be no basis upon which the Commission could determine if applicants are qualified for licensing.

Frequency: This information is collected as applicants apply for a license or when certain information changes in existing licenses.

Type of Respondents: Persons desiring to act as freight forwarders.

Number of annual respondents: The Commission estimates an annual respondent universe of 2,007 licensed freight forwarders. The Commission estimates that the rule will impose, in varying degrees, a reporting burden on the entire respondent universe.

Estimated time per response: The completion time for the Form FMC–18 is estimated to be 2 person hours on average with the range being .5 hours to 4 hours. It is estimated that 694 person hours will be expended by respondents to complete Form FMC–18.

Total Annual Burden: The Commission estimates the total annual burden to be 2,018 person hours, as follows: 822 hours to comply with the regulation provisions; 502 hours for recordkeeping requirements; and 694 hours to complete the Form FMC–18.

Foreign Commerce Anti-rebating Certification—OMB approval number 3072–0028 expires August 31, 1998.

Abstract: Section 15(b) of the Shipping Act of 1984, 46 U.S.C. app. § 1714(b), requires the chief executive officer of each common carrier and certain other persons to file with the Commission a periodic written certification that anti-rebating policies have been implemented and that full cooperation will be given to any Commission investigation of illegal rebating activity. The Commission has implemented the provisions of section 15(b) in regulations contained in 46 CFR 582.

Needs and Uses: The Commission uses the information filed by these parties to maintain continuous surveillance over the activities of these entities and to provide an effective deterrent against rebating practices.

Frequency: This information is collected with the filing of a carrier's initial tariff and the applicant's licensed ocean freight forwarder application. On each subsequent even-numbered calendar year, certifications are required to be filed.

Type of Respondents: Respondents may include the chief executive officer of each common carrier and ocean freight forwarder, shipper, shipper's association, marine terminal operator or broker.

Number of Annual Respondents: The Commission estimates a total of approximately 4,857 respondents as follows: 2,450 Non-vessel Operating Common Carriers, 400 Vessel Operating Common Carriers and 2,007 ocean freight forwarders.

Estimated Time Per Response: The Commission estimates approximately .5 person hours per response.

Total Annual Burden: Total annual burden is estimated at 2,429 person hours. NVOCC Surety Bonds—OMB approval number 3072–0053 expires September 30, 1988.

Abstract: Section 23(a) of the Shipping Act of 1984, 46 U.S.C. app. § 1721(a), requires each non-vessel operating common carrier (NVOCC) to furnish the Commission with an acceptable bond, proof of insurance or other surety, which is to be available to pay for damages arising from transportation-related activities, reparations or penalties. The Commission has implemented the provisions of section 23(a) in regulations contained in 45 CFR 583.

Needs and Uses: The Commission uses the information to maintain continuous surveillance over NVOCCs and to enable the Commission to discharge its duties under the Act. Upon request, the Commission provides information to the public regarding a carrier's evidence of financial responsibility.

Frequency: Documents are filed annually.

Type of Respondents: Non-Vessel Operating Common Carriers.

Number of annual respondents: The Commission estimates that approximately 2,450 NVOCCs will file these documents.

Estimated Time per response: The Commission estimates one person hour per response for each filing.

Total Annual Burden: Total annual manhour burden is estimated at 2,450 hours.

Before the Commission submits these renewal packages to the Office of Management and Budget, the Commission is inviting public, written comments on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the Commission's burden estimates for the proposed collections 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 collections of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: March 20, 1998.

Joseph C. Polking,

Secretary.

[FR Doc. 98–7860 Filed 3–25–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank

indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 1998.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. Alabama National BanCorporation, Birmingham, Alabama; to merge with Public Bank Corporation, St. Cloud, Florida, and thereby indirectly acquire Public Bank, St. Cloud, Florida.

Board of Governors of the Federal Reserve System, March 23, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–7970 Filed 3–25–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 1998.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. Fifth Third Bancorp, Cincinnati, Ohio; to acquire CitFed Bancorp, Inc., Dayton, Ohio, and thereby indirectly acquire Citizens Federal Bank, FSB, Dayton, Ohio, and thereby engage in permissible savings association activities, pursuant to § 225.28(b)(4)(ii) of the Board's Regulation Y; CitFed Mortgage Corporation of America, Dayton, Ohio, and thereby engage in extending credit and servicing loans activities, pursuant § 225.28(b)(1) of the Board's Regulation Y; and C.F. Property Management Company (dba CitFed Investment Group), Dayton, Ohio, and thereby engage in agency transactional services for customer investments, pursuant to § 225.28(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 23, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–7971 Filed 3–25–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Government in the Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Committee on Employee Benefits of the Federal Reserve System.

TIME AND DATE: 2:30 p.m., Tuesday, March 31, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals relating to Federal Reserve System benefits.
2. Any items carried forward from a previously announced meeting.

- The Committee on Employee Benefits considers matters relating to the Retirement, Thrift, Long-Term Disability Income, and Insurance Plans for employees of the Federal Reserve System.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement of this meeting. (The Web site also includes procedural and other information about the meeting.)

Dated: March 24, 1998.

William W. Wiles,

Secretary of the Board.

[FR Doc. 98–8036 Filed 3–24–98; 11:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR D–248]

Public Buildings and Space

To: Heads of Federal Agencies
Subject: POW/MIA Flag Display

1. *What is the purpose of this bulletin?* This bulletin notifies Federal agencies of the implementation guidelines of section 1082, Display of POW/MIA Flag, of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. 105–85 (H.R. 1119, 111 Stat. 1629), enacted November 18, 1997. This law replaces section 1084 of Pub. L. 102–190 (36 U.S.C. 189 note).

2. *When does this bulletin expire?* This bulletin does not expire unless the Act is amended, superseded, or cancelled.

3. *Who does this Act apply to?* Federal establishments with responsibility for the following locations:

(a) Capitol;
(b) White House;
(c) Korean War Veterans Memorial and Vietnam Veterans Memorial;
(d) National cemeteries;
(e) Buildings containing the official offices of:
(1) Secretary of State;
(2) Secretary of Defense;
(3) Secretary of Veterans Affairs; and
(4) Director of Selective Service System;
(f) Major military installations, as designated by the Secretary of Defense;
(g) Department of Veterans Affairs medical centers;
(h) United States Postal Service post offices.

4. *What action must I take?* If this bulletin applies to your Federal establishment, you must prescribe any implementation regulations necessary to carry out this section of the Act by May 17, 1998. (If you are responsible for the Capitol this action is not needed.) Regulations must follow the general guidelines established by the Act outlined in this bulletin.

a. *When do we display our POW/MIA flag?*

You fly the flag on the following six days:

(a) Armed Forces Day, third Saturday in May;

(b) Memorial Day, last Monday in May;

(c) Flag Day, June 14;

(d) Independence Day, July 4;

(e) National POW/MIA Recognition Day (not determined as of the date of this law);

(f) Veterans Day, November 11.

(1) *What exceptions are there to the days we display our flag?* At United States Postal Service post offices that are not open for business on any of the six days listed in the above paragraph, the flag must be displayed on the last business day before that day in lieu of the specified day.

(2) *What other days do we display our flag?* At Department of Veterans Affairs medical centers the flag must also be displayed every day the United States flag is displayed.

b. *How do I display the POW/MIA flag?* The flag is to be visible to the public. The flag is not to require an employee to report to work solely for the purpose of displaying the flag. Additional implementation regulations are to be prescribed as necessary by the individual Federal establishments affected by this law. If you are responsible for the Capitol building, the display of this POW/MIA flag is in addition to the display of the POW/MIA flag in the Rotunda of the Capitol as required by Senate Resolution 5 of the 101st Congress (103 Stat. 2533).

c. *Why display the POW/MIA flag?* Display of the POW/MIA flag is a symbol of our Nation's concern and commitment to accounting for all Americans who remain, or in the future may become, unaccounted for as prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

d. *What flag is the official POW/MIA flag?* The official POW/MIA flag is the National League of Families POW/MIA flag, as designated by section 2 of Pub. L. 101–355 (36 U.S.C. 189).

5. *Who distributes official POW/MIA flags?* GSA distributes official POW/MIA flags. You can obtain flags through GSA's Federal Supply Service by your usual ordering procedures. Ordering options include GSA Advantage!TK, GSA's on-line shopping service at http://www.fss.gsa.gov, FEDSTRIP, MILSTRIP, or Customer Supply Centers. For assistance contact GSA's National Customer Service Center on 1–800–448–3111 or DSN 465–1416.

6. *Where can I get further information about this bulletin?* You can contact Stanley C. Langfeld, Director, Real Property Policy Division, Office of Real Property, on (202) 501–1737.

Dated: March 19, 1998.

G. Martin Wagner,

Associate Administrator, Governmentwide Policy.

[FR Doc. 98–7923 Filed 3–25–98; 8:45 am]

BILLING CODE 6820–23–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Program Announcement No. ACF/ACYF 98–04; Fiscal Year 1998 Discretionary Announcement for Early Head Start; Availability of Funds and Request for Applications

AGENCY: Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Notice of FY 1998 Early Head Start availability of financial assistance and request for applications.

SUMMARY: The Administration on Children, Youth and Families announces financial assistance to be competitively awarded to local public and non-profit private entities—including Early Head Start and Head Start grantees—to provide child and family development services for low-income families with children under age three and pregnant women. Early Head Start programs provide early, continuous, intensive and comprehensive child development and family support services on a year-round basis to low-income families. The purpose of the Early Head Start program is to enhance children's physical, social emotional, and intellectual development; to support parents' efforts to fulfill their parental roles; and to help parents move toward self-sufficiency.

The funds available will be competitively awarded to eligible applicants to operate Early Head Start programs in unserved or underserved areas.

Grants will be competitively awarded: (1) to eligible applicants, including current Head Start and Early Head Start grantees, to operate Early Head Start programs in geographic areas not currently served by existing Early Head Start programs; and (2) to existing Early Head Start grantees for the purpose of expanding enrollment in underserved areas within their current service areas.

DATES: The closing date for receipt of applications is 4:30 p.m. EDT on June 25, 1998.

FOR FURTHER INFORMATION CONTACT: A copy of the program announcement and necessary application forms can be obtained by contacting: Early Head Start, Administration on Children, Youth and Families Operations Center, 1225 Jefferson Davis Highway, Suite 415, Arlington, VA 22202. The telephone number is 1–800–351–2293. The fax number is 1–703–416–6077.

Copies of the program announcement can be downloaded from the Head Start web site at: www.acf.dhhs.gov/programs/hsb.

SUPPLEMENTARY INFORMATION:

Eligible Applicants

Applicants eligible to apply to become an Early Head Start program are public agencies and private non-profit agencies. Early Head Start and Head Start grantees are eligible to apply.

Project Duration

Awards will be on a competitive basis and will be for a one-year period. The project period will be for five years.

Federal Share of Project Costs

Grantees that operate Early Head Start programs must, in most instances, provide a non-Federal contribution of at least 20 percent of the total approved costs of the project.

Available Funds

Approximately $70 million is available to fund programs that will serve at least 10,000 children.

Anticipated Number of Projects to be Funded

It is estimated that up to 100 project will be funded.

Statutory Authority

The Head Start Act, as amended, 42 U.S.C. 9831 et seq.

Catalog of Federal Domestic Assistance: NUmber 93.600, Head Start.

Dated: March 19, 1998.

Carol W. Williams,

Acting Deputy Commissioner, Administration on Children, Youth and Families.

[FR Doc. 98–7837 Filed 3–25–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0376]

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing

that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by April 27, 1998.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the PRA (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance.

National Tobacco Retailer Tracking Survey

On February 28, 1997, new Federal regulations in 21 CFR part 897 went into effect that prohibit retailers from selling cigarettes and smokeless tobacco to persons younger than 18 years of age, and require retailers to verify, by means of photographic identification, the age of purchaser younger than 27 years old. To enforce these requirements, FDA is commissioning State officials to conduct compliance checks during which an adolescent, accompanied by a commissioned official, will attempt to purchase cigarettes and smokeless tobacco at retail establishments.

FDA is planning to conduct a national advertising campaign aimed at raising retailers' awareness of the new regulations and motivating retailers to comply. The campaign will target persons who sell cigarettes or smokeless tobacco to consumers for their personal use, including clerks and cashiers in grocery and convenience stores, pharmacies and drug stores, gas stations, liquor stores, taverns and bars, and tobacco stores. As a part of the campaign, FDA is proposing to conduct a three-part telephone survey of tobacco retailers to measure their awareness of, and compliance with, the new regulations before and after exposure to the advertising campaign.

The initial overall media campaign would focus on the 10 States with which FDA has already contracted to conduct compliance checks, and would be expanded as additional States contract with FDA. The media campaign would be conducted over a 12-month period in each State that receives it. States that have contracted with FDA and are exposed to the media campaign (test States) will be compared with States that have not contracted with FDA (control States). Although some of the control States may contract with FDA during the course of the data collection, at the start of the data collection there would be 10 test States and 10 control States.

A total of 6,000 tobacco retailers would be randomly selected to participate in a telephone interview over three phases of data collection. Data would be collected in three phases over a 12-month period. The first phase would occur immediately before the 10 test States that have contracted with FDA are exposed to the media campaign. The second phase would occur approximately 6 months later and would allow for an assessment of retailer awareness of and compliance with the new regulations after recent exposure to the advertising campaign in the original 10 test States. A third phase of data collection would be conducted approximately 6 months after the second phase. This phase would address retailer awareness of and compliance with the new regulations after extended exposure to the media campaign in the original 10 test States, and would address retailer awareness of and compliance with the new regulations after recent exposure to the advertising campaign in those former control States that contracted with FDA after the first phase of data collection. All interviewing would be conducted by a single-market research firm that would employ computer-aided telephone interviewing technology to expedite the fieldwork and improve accuracy. FDA plans to use the results of the survey to assess the effectiveness of the advertising campaign. Under section 903(b)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393 (b)(2)(C)), FDA is authorized to conduct surveys and other research relating to its responsibilities.

In the **Federal Register** of December 30, 1997 (62 FR 67876), the agency requested comments on the proposed collection of information. No comments were received.

Respondents to this collection of information would be tobacco retailers and salesclerks.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
6,000	1	6,000	0.2	1,200

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: March 20, 1998.

William K. Hubbard,

Associate Commisioner for Policy Coordination.

[FR Doc. 98–7832 Filed 3–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0489]

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by April 26, 1998.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the PRA (44 U.S.C. 3507), FDA has submitted the following proposed collections of information to OMB for review and clearance.

Petition For Administrative Reconsideration of Action—21 CFR 10.33—(OMB Control Number 0910–0192—Reinstatement)

Section 10.33 (21 CFR 10.33), issued under section 701(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(a)), sets forth the format and procedures by which an interested person may petition the Commissioner of Food and Drugs (the Commissioner) for reconsideration of an agency's action. A petition for reconsideration must contain a full statement in a well-organized format of the factual and legal grounds upon which the petition relies. The grounds must demonstrate that relevant information and views contained in the administrative record were not previously or not adequately considered by the Commissioner. Each petition must be submitted no later than 30 days after the decision involved. The Commissioner may, for good cause, permit a petition to be filed after 30 days. An interested person who wishes to rely on information or views not included in the administrative record shall submit them with a new petition to modify the decision. FDA uses the information provided to determine whether to grant the petition for reconsideration. Respondents to this collection of information are individuals of households, State or local governments, not-for-profit institutions, and businesses or other for-profit institutions.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—Estimated Annual Reporting Burden[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
10.33(b)	7	1	7	10	70

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Due to a typographical error, the total burden hours were reported as 700 in FDA's December 16, 1997 (62 FR 65812), notice providing 60 days for public comment on this collection of information. The total has been corrected to 70. The burden estimate for this collection of information is based on agency records and experience over the past 3 years. Agency personnel handling the petitions for administrative reconsideration of an action estimate approximately seven requests being received by the agency annually, each requiring an average of 10 hours preparation time.

Dated: March 18, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–7893 Filed 3–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Endocrinologic and Metabolic Drugs 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: Endocrinologic and Metabolic Drugs 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 May 13, 14, and 15, 1998, 8 a.m. to 5 p.m.

Location: Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: Kathleen R. Reedy or LaNise S. Giles, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12536. Please call the Information Line for up-to-date information on this meeting.

Agenda: On May 13, 1998, the committee will discuss the science of corticosteroid induced osteoporosis. On May 14, 1998, the committee will discuss new drug application (NDA) 20–866, Ergoset™, (bromocryptine mesylate, Ergoscience) as monotherapy as an adjunct to diet to improve glycemic control in patients with non-insulin-dependent diabetes mellitus, whose hyperglycemia cannot be satisfactorily managed with diet alone; or concomitantly with a sulfonylurea when diet and Ergoset™ alone do not result in glycemic control. On May 15, 1998, the committee will discuss NDA 20–898, Thyrogen™, (thyrotropin alpha, rTSH, Genzyme) as an adjunct for the detection of thyroid cancer.

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 May 8, 1998. Oral presentations from the public will be scheduled between approximately 8 a.m. and 8:30 a.m. on May 13, 14, and 15, 1998. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before May 8, 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.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 19, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–7897 Filed 3–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Medical Gas; Notice of Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing the following public workshop: Medical Gas Workshop. The topics to be discussed are good manufacturing practice (GMP) issues for the medical gas industry, including air liquefaction, transfilling, and hospital installations.

Date and Time: The public workshop will be held on Wednesday, May 13, 1998, 8:30 a.m. to 4:30 p.m. The deadline for registration is May 1, 1998.

Location: The public workshop will be held at the Food and Drug Administration Laboratory, 3032 Bryan St., Dallas, TX 75204. Maps to the public workshop location will be faxed upon request.

Contact Person: Brenda C. Cox, Food and Drug Administration, 7920 Elmbrook Dr., suite 102, Dallas, TX 75247, 214–655–8100, ext. 133, FAX 214–655–8114, or e-mail ''bcox@ora.fda.gov''.

Registration: Send registration information (including name, title, firm name, address, telephone, and fax number) to the contact person by Friday, May 1, 1998. Please include ''Medical Gas Workshop Registration'' in the subject line. There is no registration fee for this public workshop. Space is limited to the first 100 registrants, and further limited to 2 attendees per firm. Firms desiring more than two slots may be accommodated if there are vacancies.

If you need special accommodations due to a disability, please contact Brenda C. Cox at least 7 days in advance.

Dated: March 18, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–7896 Filed 3–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee for Reproductive Health Drugs; 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: Advisory Committee for Reproductive Health Drugs.

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 April 20, 1998, 8:30 a.m. to 5 p.m.

Location: Holiday Inn, Ballrooms I, II, III, and IV, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Kimberly L. Topper or Robin M. Spencer, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857–1000, 301–443–5455, or e-mail TOPPERK@CDER.FDA.GOV, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12537. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss new drug application (NDA) 20–797, Antocin (atosiban injection, R. W. Johnson) for use in the management of premature labor.

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 April 10, 1998. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 10, 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.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 19, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–7895 Filed 3–25–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–5]

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: Extension of a currently approved collection; *Title of Information Collection:* Physician Certification / Recertification in Skilled Nursing Facilities and Supporting Regulations 42 CFR 424.20; *Form No.:* HCFA–R–5; *Use:* The Medicare program requires as a condition of participation for Medicare Part A payment for posthospital skilled nursing facility (SNF) services, that a physician must certify and periodically recertify that a beneficiary requires an SNF level of care. The physician certification requirement is intended to ensure that the beneficiary's need for services has been established and then reviewed and updated at appropriate intervals. *Frequency:* On occasion; *Affected Public:* Individuals or Households, Business or other for-profit, Not -for-profit institutions, State, Local or Tribal Government; *Number of Respondents:* 1,493,493; *Total Annual Responses:* 3; *Total Annual Hours:* 365,914.

To obtain copies of the supporting statement for the proposed paperwork

collections referenced above, or 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, nformation Technology Investment Management Group, Division of HCFA Enterprise Standards, Attention: John Rudolph, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: March 17, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, Division of HCFA Enterprise Standards, Health Care Financing Administration.

[FR Doc. 98–7855 Filed 3–25–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–37]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Reinstatement, without change, of previously approved collection for which approval has expired; *Title of Information Collection:* Medicaid Program Budget Report and Supporting Regulations 42 CFR 400.00–430.00; *Form No.:* HCFA–37 OMB # 0938–0101; *Use:* The Medicaid Program Budget report is prepared by the State Medicaid Agencies and is used by HCFA for; (1) developing National Medicaid Budget estimates, (2) quantification of Budget Assumptions, (3) the issuance of quarterly Medicaid Grant Awards, and (4) collection of projected State receipts of donations and taxes. *Frequency:* Quarterly; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 7,840.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, or to obtain 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 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 17, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–7854 Filed 3–25–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–64]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Quarterly Medicaid Statement of Expenditures for the Medical Assistance Program; *Form No.*: HCFA–64; *Use:* This form is used by State Medicaid agencies to report their actual program benefit costs and administrative expenses to the Health Care Financing Administration (HCFA). HCFA uses this information to compute the Federal financial participation (FFP) for the State's Medicaid Program costs. *Frequency:* Quarterly; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 11,984.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, or to obtain 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 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 17, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–7856 Filed 3–25–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–225]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget

(OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection; *Title of Information Collection:* Medicare Physician Communication Survey; *Form No.:* HCFA–R–225; *Use:* This is a request for clearance for a survey of physicians to determine their information needs regarding Medicare and Medicaid issues. The survey will provide information for HCFA's Office of Strategic Planning, Research & Evaluation Group, Division of Payment Research to support a communication strategy for physicians treating Medicare beneficiaries. It is part of a larger effort of market research aimed at understanding the communication needs of HCFA providers and other partners. This information will answer two questions on physicians' preferences to help guide HCFA's communication strategy: (1) what information physicians want from HCFA, and (2) how physicians want to receive such information. This survey is designed to provide data that will help answer and prioritize these questions. *Frequency:* One time; *Affected Public:* Business or other for-profit; *Number of Respondents:* 650; *Total Annual Responses:* 650; *Total Annual Hours:* 217.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address:

OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: March 17, 1998.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 98–7857 Filed 3–25–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Data Collection; Comment Request; American Stop Smoking Intervention Study for Cancer Prevention (ASSIST) Final Evaluation: ''Tobacco Use Supplement to the 1998–1999 Current Population Survey''

SUMMARY: 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 National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

PROPOSED COLLECTION: *Title:* American Stop Smoking Intervention Study for Cancer Prevention (ASSIST) Final Evaluation: ''Tobacco Use Supplement to the 1998–1999 Current Population Survey''. *Type of Information Request:* OMB #0925–0368, Exp. 3/31/97, REINSTATEMENT, with change. *Need and Use of Information Collection:* The ''Tobacco Use'' supplement to the Current Population Survey conducted by the Bureau of the Census will collect data from the civilian non-institutionalized population on tobacco use and smoking prevalence, smoking intervention dissemination of workplace smoking policies and cessation programs as well as medical and dental advice to stop smoking, and changes in smoking norms and attitudes. The data will be used by the National Cancer Institute to evaluate the effectiveness of the American Stop Smoking Intervention Study for Cancer Prevention (ASSIST), a large scale 17 state demonstration project. This survey will also provide valuable information to Government agencies and to the general public necessary for tobacco control research. The survey will allow state specific estimates to be made. Data will be collected in September 1998, January 1999 and May 1999 from approximately 255,000 respondents. *Frequency of Response:* One-time study. *Affected Public:* Individuals or households. *Type of Respondents:* Persons 15 yrs. of age or older. The annual reporting burden is as follows: *Estimated Number of Respondents:* 170,000; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours per Response:* .1169; and *Estimated Total Annual Burden Hours Requested:* 19,873. The annualized cost to respondents is estimated at: $198,727. There are no Operating or Maintenance Costs to report.

REQUEST FOR COMMENTS: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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; (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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Anne Hartman, Health Statistician, National Cancer Institute, Executive Plaza North, Room 313, Bethesda, Maryland 20892–7344, or call non-toll free number (301) 496–4970, or FAX your request to (301) 435–3710, or E-mail your request, including your address, to *ah42t@nih.gov* or Anne__Hartman@nih.gov.

COMMENTS DUE DATE: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: March 17, 1998.

Reesa Nichols,

OMB Project Clearance Liaison.

[FR Doc. 98–7872 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Submission for OMB Review; Comment Request, the Cardiovascular Health Study

SUMMARY: Under the provisions of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the National Heart, Lung, and Blood Institute, the National Institutes of Health has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on October 8, 1997, pages 52567–52668, and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, and information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection

Title: The Cardiovascular Health Study. Type of Information Collection Requested: NEW. Need and Use of Information Collection: This study will qualify associations between conventional and hypothetical risk factors and coronary heart disease and stroke in people age 65 and older. The primary objectives include quantifying associations of risk factors with subclinical disease, characterize the natural history of coronary heart disease, stroke and identify factors associated with clinical course. The findings will provide important information on cardiovascular disease in an older U.S. population and lead to early treatment of risk factors associated with disease and identification of factors which may be important in disease prevention. Frequency of response: 5.36 (annual number of responses/annual number of respondents). Affected public: Individuals or households. Types of Respondents: Individuals recruited for CHS and their selected proxies and physicians. The annual reporting burden is as follows: Estimated Number of Responses per respondent: 5.4; and Estimated Total Annual Burden Hours Requested: 8,098. There are no costs for respondents. Estimated annualized cost for information collection for a 13-year period is $6,820 thousand per year. This is based on CHS Field, Coordinating and Reading Centers costs in thousands per year. Personnel, $3,627; Equipment, $47; Subcontracts, $257; Others $1,437; Overhead, $1,437. The annualized cost of monitoring the project by the NHLBI is $207 thousand.

Request for Comments

Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function 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 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB

Written 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 the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, D.C. 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Robin Boineau, MD, Epidemiology and Biometry Program, Division of Epidemiology and Clinical Applications, National Heart, Lung and Blood Institute, II Rockledge Centre, 6701 Rockledge Drive, MSC 7934, Bethesda, MD 20892. Phone, (301) 435–0707, Facsimile (301) 480–1667, or electronic mail: boineau@gwgate.nhlbi.nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before April 27, 1998.

Dated: March 16, 1998.

Shelia E. Merritt,

Executive Officer, NHLBI.

[FR Doc. 98–7871 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: April 9, 1998.

Time: 1 p.m.

Place: Parklawn, Room 9–101, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Donna Ricketts, 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 secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: March 18, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7863 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 National Institute of General Medical Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: Trauma and Burn (Teleconference).

Date: March 25, 1998.

Time: 3:00 p.m.—adjournment.

Place: NIH, NIGMS, Natcher Building, Room IAS–13, Bethesda, Maryland.

Contact Person: Dr. Bruce Wetzel, Scientific Review Administrator, NIGMS,

Natcher Building—Room IAS–13, Bethesda, Maryland 20892, Telephone: 301–594–3907.

Purpose/Agenda: To evaluate and review grant applications.

The meeting will be closed in accordance with the provisions set fourth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is 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 Nos. [93.821, Biophysics and Physiological Sciences; 93.859, Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers (MARC); and 93.375, Minority Biomedical Research Support (MBRS)], National Institutes of Health)

Dated: March 18, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7865 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of 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 meeting of the following National Institute of Child Health and Human Development Special Emphasis Panel (SEP) meeting.

The meeting will be open to the public to provide concept review of proposed contract solicitations.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

Name of SEP: Is Semen Quality Declining: Prospective Study of U.S. Students (TELECONFERENCE).

Date: May 4, 1998.

Time: 1:00 p.m. (ET)—adjournment.

Place:

Contact Person: Hameed Khan, Ph.D., Scientific Review Administrator, NICHD, 6100 Executive Boulevard, Room 5E01, Rockville, MD 20852, Telephone: 301–496–1485.

Agenda: To provide concept review of proposed contract.

(Catalog of Federal Domestic Assistance Programs Nos. [93.864, Population Research and No. 93.865, Research for Mothers and Children], National Institutes of Health, HHS)

Dated: March 18, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7866 Filed 3–25–98; 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 Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Allergy and Infectious Diseases Special Emphasis Panel (SEP) meeting:

Name of SEP: Adolescents and Sexually Transmitted Diseases Cooperative Research Center.

Date: April 23–24, 1998.

Time: 8:00 a.m. to Adjournment.

Place: Solar Building, Room 1A1, 6003 Executive Boulevard, Bethesda, MD 20892, (301) 402–0747.

Contact Person: Dr. Sayeed Quraishi, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., Room 4C22, Bethesda, MD 20892, (301) 496–7465.

Purpose/Agenda: To evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/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 Numbers 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: March 18, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7867 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel meeting:

Name of SEP: ZDK1 GRB–7 (M1).

Date: April 13–15, 1998.

Time: 8:30 AM

Place: Holiday Inn-Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815, (301) 656–1500.

Contact: Lakshamanan Sankaran, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–25F, National Institutes of Health, Bethesda, Maryland 20892–6600, Phone: (301) 594–7799.

Purpose/Agenda: To review and evaluate grant applications.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: March 18, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7868 Filed 3–25–98; 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 Open Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Purpose/Agenda: To review a concept statement for a proposed request for proposals (RFP).

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date of Meeting: April 1, 1998 (Telephone Conference).

Time: 2:00 p.m.

Place of Meeting: Willco Building, 6000 Executive Boulevard, Suite 409, Rockville, MD 20892–7003.

Contact Person: Mark R. Green, Ph.D., 6000 Executive Boulevard, Suite 409, Rockville, MD 20892–7003, 301–443–4375.

The meeting will be open to the public. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Ida Nestorio at 301–443–4376.

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 Nos. 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; 93.891, Alcohol Research Center Grants; National Institutes of Health)

Dated: March 18, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7869 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Nursing Research Special Emphasis Panel (SEP) meeting:

Name of SEP: Depression in Previously Infertile New Mothers (Telephone Conference Call).

Date: March 31, 1998.

Time: 2:00 p.m.

Place: Building 45, Room 3AN–18B, 45 Center Drive, Bethesda, Maryland 20892.

Contact Person: Mary Stephens-Frazier, Ph.D., Building 45, Room 3AN–18B, 45 Center Drive, Bethesda, Maryland 20892, (301) 594–5971.

Purpose/Agenda: To review and evaluate grant applications.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to this meeting due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

(Catalog of Federal Domestic Assistance Program No. 93.361, Nursing Research, National Institutes of Health)

Dated: March 19, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7873 Filed 3–25–98; 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 Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Allergy and Infectious Diseases Special Emphasis Panel (SES) meeting:

Name of SEP: Science Education Partnership Award.

Date: April 9, 1998.

Time: 12:00 p.m. to Adjournment.

Place: Teleconference Call, 6003 Executive Boulevard, Solar Building, Room 1A1, Bethesda, MD 20892, (301) 402–0747.

Contact Person: Dr. Paula Strickland, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., Room 4C02, Bethesda, MD 20892, (301) 496–2550.

Purpose/Agenda: To evaluate a grant application.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of person 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: March 19, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7874 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; 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 meetings:

Name of SEP: National Institute on Aging Special Emphasis Panel Prevention of Alzheimer's Dementia and Cognitive Decline (Teleconference).

Date of Meeting: March 30, 1998.

Time of Meeting: 12:00 p.m. to adjournment.

Place of Meeting: Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, Maryland.

Purpose/Agenda: To review one grant application.

Contact Person: Dr. Maria Mannarino, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.

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.

Name of SEP: National Institute on Aging Special Emphasis Panel Geriatrics Program. (Teleconference).

Date of Meeting: April 6, 1998.

Time of Meeting: 1:00 to 3:00 p.m.

Place of Meeting: Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, Maryland.

Purpose/Agenda: To review a cooperative agreement type grant related to the Geriatrics Program.

Contact Person: Dr. Arthur Schaerdel, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.

Name of SEP: National Institute on Aging Special Emphasis Panel Review of the Dementia Supplement to the AHEAD Cooperative Agreement Grant.

Date of Meeting: April 9, 1998.

Time of Meeting: 12:00 p.m. to adjournment.

Place of Meeting: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Maryland.

Purpose/Agenda: To review a supplement to study economic aspects of dementia.

Contact Person: Dr. Paul Lenz, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland, 20892–9205, (301) 496–9666.

Name of SEP: National Institute on Aging Special Emphasis Panel Neurology and Neuropsychology of Aging Program (Teleconference).

Date of Meeting: April 13, 1998.

Time of Meeting: 1:00 to 3:00 p.m.

Place of Meeting: Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, Maryland.

Purpose/Agenda: To review 11 pilot project grants related to the Neurology and Neuropsychology of Aging Program.

Contact Person: Dr. Arthur Schaerdel, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health).

Dated: March 20, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7876 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting of the Board of Scientific Counselors

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Library of Medicine, on May 14 and May 15, 1998, in the Board Room of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 1:00 p.m. and from 2:00 p.m. to 5:00 p.m. on May 14 and from 9:00 a.m. to approximately 12 noon on May 15 for the review of research and development programs and preparation of reports of the Lister Hill National Center for Biomedical Communications. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Jackie Duley at (301) 496–4441 in advance of the meeting.

In accordance with provisions set forth in sec. 552b(c)(6), Title 5, U.S.C., and sec. 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 14, from approximately 1:00 p.m. to 2:00 p.m. for the consideration of personnel qualifications and performance of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Alexa McCray, Director, Lister Hill National Center for Biomedical Communications, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone (301) 496–4441, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: March 18, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7864 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Meeting; Chairpersons, Boards of Scientific Counselors for Institutes and Divisions at the National Institutes of Health

Notice is hereby given of a meeting scheduled by the Deputy Director for Intramural Research at the National Institutes of Health with the Chairpersons of the Boards of Scientific Counselors. The Boards of Scientific Counselors are an advisory group to the Scientific Directors of the Intramural Research Programs at the NIH. This meeting will take place from 10 a.m. to 3 p.m. on Monday, May 11, 1998, at the NIH, 9000 Rockville Pike, Bethesda, MD, Building 1, Room 151. The meeting will include a discussion of policies and procedures that apply to the regular review of NIH intramural scientists and their work, with special emphasis on clinical research.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Audrey Boyle at the Office of Intramural Research, NIH, Building 1, Room 114, Telephone (301) 496–1921 or Fax (301) 402–4273 in advance of the meeting.

Dated: March 17, 1998.

Ruth Kirschstein,

Deputy Director, NIH.

[FR Doc. 98–7870 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meeting:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: April 7, 1998.

Time: 3:00 p.m.

Place: NIH, Rockledge 2, Room 4146, Telephone Conference.

Contact Person: Dr. Martin Padarathsingh, Scientific Review Administrator, 6701 Rockledge Drive, Room 4146, Bethesda, Maryland 20892, (301) 435–1717.

Name of SEP: Microbiological and Immunological Sciences.

Date: April 8, 1998.

Time: 11:00 a.m.

Place: NIH, Rockledge 2, Room 4180, Telephone Conference.

Contact Person: Dr. Tim Henry, Scientific Review Administrator, 6701 Rockledge Drive, Room 4180, Bethesda, Maryland 20892, (301) 435–1147.

Name of SEP: Microbiological and Immunological Sciences.

Date: April 9, 1998.

Time: 11:00 a.m.

Place: NIH, Rockledge 2, Room 4180, Telephone Conference.

Contact Person: Dr. Tim Henry, Scientific Review Administrator, 6701 Rockledge Drive, Room 4180, Bethesda, Maryland 20892, (301) 435–1147.

This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.

Date: April 14, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 4152, Telephone Conference.

Contact Person: Dr. Marcelina Powers, Scientific Review Administrator, 6701 Rockledge Drive, Room 4152, Bethesda, Maryland 20892, (301) 435–1720.

Name of SEP: Clinical Sciences.

Date: April 14, 1998.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 4106, Telephone Conference.

Contact Person: Ms. Josephine Pelham, Scientific Review Administrator, 6701 Rockledge Drive, Room 4106, Bethesda, Maryland 20892, (301) 435–1786.

Name of SEP: Clinical Sciences.

Date: April 15, 1998.

Time: 10:00 a.m.

Place: NIH, Rockledge 2, Room 4106, Telephone Conference.

Contact Person: Ms. Josephine Pelham, Scientific Review Administrator, 6701 Rockledge Drive, Room 4106, Bethesda, Maryland 20892, (301) 435–1786.

Name of SEP: Clinical Sciences.
Date: April 16, 1998.
Time: 2:00 p.m.
Place: NIH, Rockledge 2, Room 4138, Telephone Conference.
Contact Person: Dr. Anthony Chung, Scientific Review Administrator, 6701 Rockledge Drive, Room 4138, Bethesda, Maryland 20892, (301) 435–1213.

Name of SEP: Biological and Physiological Sciences.
Date: April 30, 1998.
Time: 2:30 p.m.
Place: NIH, Rockledge 2, Room 4122, Telephone Conference.
Contact Person: Dr. Krish Kirshnan, Scientific Review Administrator, 6701 Rockledge Drive, Room 4122, Bethesda, Maryland 20892, (301) 435–1779.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 19, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–7875 Filed 3–25–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Proposed Project

Evaluation of the HHS Access to Community Care and Effective Services and Supports (ACCESS), OMB Control No. 0930–0164—Revision. The Center for Mental Health Services (CMHS) currently has approval to conduct an evaluation study that is assessing service systems integration (SI) approaches for homeless persons with serious mental illnesses. The evaluation study is collecting data through interviews (at baseline, 3 months after baseline, and 12 months after baseline) with homeless persons with serious mental illness and providers of services (at approximately 18-month intervals, beginning in 1994) to homeless persons. SI sites will be contrasted with comparison sites to assess the impact of SI. The evaluation will describe approaches to SI, processes by which SI takes place, factors that influence SI, and the impact that SI has on homeless persons with serious mental illness.

OMB approval will be sought for an 18-month follow-up interview for the fourth cohort of homeless clients, a fourth wave of interviews with providers of services to homeless persons, and state and local level implementation data from the project staff.

	Total respondents	Number of responses/respondent	Hours/response	Annualized burden hours (over 5 yrs.)
Clients (homeless persons)	1,440	1	0.750	216
Service providers	880	1	0.400	70
Project staff	27	1	1.5	272
Total	2,347	1	.84	558

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: March 20, 1998.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 98–7967 Filed 3–25–98; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4352–N–01]

Notice of Proposed Information; Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: May 26, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4238, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–3642, extension 4128, for copies of other available documents. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for

review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Lease Requirements—24 CFR 966.4.

OMB Control Number, if applicable: 2577–0006.

Description of the need for the information and proposed use: HUD regulations 24 CFR 966.4 prescribe the provisions that shall be incorporated in leases by public housing agencies (PHAs) for dwelling units assisted under the U.S. Housing Act of 1937 in projects owned by or leased to PHAs and leased or subleased by PHAs to the tenants. This recordkeeping requirement imposed upon PHAs by HUD regulations and associated information collected by the PHA from tenants is incidental to the PHAs' day-to-day operations as landlords of rental housing. If these minimal requirements were not imposed, the Federal Government would have no assurance that PHAs were adopting leases consistent with the law and regulations and no assurance that tenants were being provided proper access to the PHA's grievance procedure.

Agency form numbers, if applicable: None.

Members of affected public: State, Local or Tribal Government, Individuals or households.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 3,330 respondents, one-time for new and modified leases, 48 hours per response, 158,400 hours total recordkeeping burden.

Status of the proposed information collection: Extension.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chaper 35, as amended.

Dated: March 19, 1998.

Deborah Vincent,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 98–7915 Filed 3–25–98; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Environmental Assessment, Preliminary Finding of No Significant Impact and Receipt of Application for a Habitat Conservation Plan/Appplication for Incidental Take Permit for a Project Known as Lantana Ocean Front, Brevard County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Mr. Maurice Kodsi, of Lantana Development of Brevard, Inc. (Applicant) is seeking an incidental take permit (ITP) from the Fish and Wildlife Service (Service), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The ITP would authorize the take of one family of the federally threatened Florida scrub-jay, *Aphelocoma coerulescens,* in Brevard County, Florida, for a period of 10 years. The proposed taking would be incidental to construction of a 96-unit condominium called Lantana Ocean Front, a Condominium, also known as the Milford/Martesia Site (Project). The Project will involve the clearing of 4.7 acres of a 10-acre site for the construction of four, four-story buildings, separate garages, a swimming pool with bath house, a dune crossover, and parking. The remaining 5.3 acres of the property, which lies seaward, is below the Indian Harbour Beach Setback Line, and will be preserved. A pair of Florida scrub-jays occupies 2.2 acres of the developable property which will be permanently altered by the proposed construction activity.

The project, called Lantana Ocean Front, a Condominium, also known as the Milford/Martesia Site, is located east of and bordering Highway A1A approximately one mile north of State Road 518 (Eau Gallie Causeway), in Section 12, Township 27 South, Range 37 East, in the central beaches area of Indian Harbour, Brevard County, Florida.

The Service also announces the availability of an Environmental Assessment (EA) on the submitted application for incidental take/Habitat Conservation Plan (HCP). Copies of the EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). This notice also advises the public that the Service has made a preliminary determination that re-issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as amended. This Finding of No Significant Impact (FONSI) is based on information contained in the EA and HCP. Further, the Service specifically requests comment on the appropriateness of the ''No Surprises'' assurances contained in this application. ''No Surprises'' means that the applicant will not be required to pay for mitigation beyond that contained in the application at any time in the future, so long as the species are adequately covered and the HCP is properly functioning. The Service will evaluate this application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of NEPA regulations and Section 10(a) of the Act. If it is determined that the requirements are met, an ITP will be issued for the incidental take of the Florida scrub-jay. The final determinations will not be completed until after the end of the 30-day comment period and will fully consider all public comments received during the comment period. This notice is provided pursuant to Section 10(c) of the Act and NEPA regulations (40 CFR 1506.6).

DATES: Written comments on the application/HCP, and EA should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before April 27, 1998.

ADDRESSES: Persons wishing to review the application/HCP and EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or at the Jacksonville, Florida, Field Office, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216–0912. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Comments must be submitted in writing to be processed. Please reference permit PRT-840501 in such comments, or in requests for the documents discussed herein. Requests

for the documents must be in writing to be adequately processed.

FOR FURTHER INFORMATION CONTACT: Mr. Rick G. Gooch, Regional Permit Coordinator, Atlanta, Georgia (see **ADDRESSES** above), telephone: 404/679–7110; or Mr. Jay Herrington at the Jacksonville, Florida, Field Office (see **ADDRESSES** above), telephone: 904/232–2580.

SUPPLEMENTARY INFORMATION: *Aphelocoma coerulescens* is geographically isolated from other species of scrub-jays found in Mexico and the Western United States. The Florida scrub-jay is found exclusively in peninsular Florida and is restricted to scrub habitat. The total estimated population is between 7,000 and 11,000 individuals. Due to habitat loss and degradation throughout the state of Florida, it has been estimated that the Florida scrub-jay population has been reduced by at least half in the last 100 years. Surveys indicate that one family of Florida scrub-jays inhabits the Project site. Construction of the Project's infrastructure and subsequent construction of the condominium will likely result in the death of, or injury to, *Aphelocoma coerulescens* incidental to the carrying out of the otherwise lawful activities. Habitat alteration associated with property development will reduce the availability of feeding, shelter, and nesting habitat.

The EA considers the consequences of the three alternatives. The first alternative, the proposed action alternative, is issuance of an ITP with the requirement that all lost habitat be mitigated by replacement via acquisition of habitat off of the barrier island. Further, this alternative provides for restrictions of construction activity, purchase of offsite habitat for the Florida scrub-jay, establishment of an endowment fund for managing the offsite acquired habitat, and donation of the additional offsite habitat. The HCP provides a funding mechanism for these mitigation measures. The second alternative is issuance of an ITP with mitigation on the barrier island. Cumulative impacts of historical development has left the remaining scrub habitat extremely fragmented and spatially isolated. Consequently, predation rates have increased and reproductive success has decreased. This alternative discusses the consequences of this mitigation approach to the overall success of achieving effective habitat/species replacement. The no action alternative may result in loss of habitat for *Aphelocoma coerulescens* and exposure of the applicant to Section 9 of the Act.

As stated above, the Service has made a preliminary determination that the issuance of an amended ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA, HCP, and appropriate amendments. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.
2. The proposed take is incidental to an otherwise lawful activity.
3. The applicant has ensured that adequate additional funding will be provided to implement the measures proposed in the submitted HCP.
4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP is contingent upon the Applicant's compliance with the terms of his permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of the amended Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinions, in combination with the above findings, will be used in the final analysis to determine whether or not to issue this ITP.

Dated: March 20, 1998.

H. Dale Hall,

Deputy Regional Director.

[FR Doc. 98–7885 Filed 3–25–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

United States Geological Survey

Technology Transfer Act of 1986

AGENCY: U.S. Geological Survey.

ACTION: Notice of proposed cooperative research and development agreement (CRADA) negotiations.

SUMMARY: The U.S. Geological Survey (USGS) is contemplating entering into a 2-year Cooperative Research and Development Agreement with Esso Explorations Inc., to complete and publicly release in digital form, a map of sedimentary basins of the world. The VZG Research Institution in Moscow, Russia, originally produced a paper copy of this map but because of financial reasons, had to stop work on producing it in digital form. Under this CRADA, Esso Exploration Inc. will participate in the compilation, act as technical advisor/editor, provide GIS formats, and support the project financially. The U.S. Geological Survey will acquire data, finish compiling, and prepare the map in full digital GIS format. The map will be released to the public upon completion.

ADDRESSES: If any other parties are interested in participating in this CRADA or in similar activities with the USGS, please contact: Dr. Thomas S. Ahlbrandt, Central Energy Resources Team, Box 25046, MS 939, Denver, Colorado 80225; telephone (303) 236–5776; E-mail:ahlbrandt@usgs.gov.

SUPPLEMENTARY INFORMATION: This notice is to meet the USGS requirement stipulated in the Survey Manual.

Dated: March 6, 1998.

P. Patrick Leahy,

Chief, Geologic Division.

[FR Doc. 98–7861 Filed 3–25–98; 8:45 am]

BILLING CODE 4310–31–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–933–98–1320–01; COC 61653]

Colorado; Notice of Invitation for Coal Exploration License Application, Bowie Resources Limited

Pursuant to the Mineral Leasing Act of February 25, 1920, as amended, and to Title 43, Code of Federal Regulations, Subpart 3410, members of the public are hereby invited to participate with Bowie Resources Limited in a program for the exploration of unleased coal deposits owned by the United States of America in the following described lands located in Delta County, Colorado:

T. 13 S., R.91 W., 6th P.M.
Sec. 2, SW¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 3, lots 1 to 3, inclusive, S½NE¼, S½SW¼, and N½SE¼;
Sec. 11, NE¼NW¼;

The area described contains approximately 562.31 acres.

The application for coal exploration license is available for public inspection during normal business hours under serial number COC 61653 at the Bureau

of Land Management (BLM), Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, and at the Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401.

Written Notice of Intent to Participate should be addressed to the attention of the following persons and must be received by them on or before April 27, 1998.

Karen Purvis, Solid Minerals Team, Resource Services, Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215

and

Bowie Resources Limited, P.O. Box 483, Paonia, Colorado 81428

Any party electing to participate in this program must share all costs on a pro rata basis with the applicant and with any other party or parties who elect to participate.

Dated: March 17, 1998.

Karen Purvis,

Solid Minerals Team, Resource Services.

[FR Doc. 98–7853 Filed 3–25–98; 8:45 am]

BILLING CODE 4310–JB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–030–1050–00; AZA–25624]

Notice of Realty Action, Recreation and Public Purpose (R&PP) Act Classification, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: The notice of realty action published on Tuesday, February 10, 1998, in **Federal Register** document 63–27, page 6768 is corrected as follows;

1. Page 6768, 3rd Column, Line 12, ''Sec. 16, SE¼SE¼SE¼NE¼,'' should read, ''Sec. 16, SW¼SE¼SE¼NE¼.''

FOR FURTHER INFORMATION CONTACT:

Joyce Bailey, Realty Specialist, Kingman Field Office, 2475 Beverly Ave, Kingman, Arizona, 86401, telephone (520) 692–4400.

Dated: March 12, 1998.

John R. Christensen,

Field Manager.

[FR Doc. 98–7862 Filed 3–25–98; 8:45 am]

BILLING CODE 4310–32–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–98–005]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 1, 1998 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 731-TA–761–762 (Final) (Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan)—briefing and vote.
5. Outstanding action jackets:

1. Document No. EC–98–003: Final report in Inv. No. 332–372 (The Economic Implications of Liberalizing APEC Tariff and Nontariff Barriers to Trade).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: March 24, 1998

Donna R. Koehnke,

Secretary.

[FR Doc. 98–8148 Filed 3–24–98; 3:26 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

Notice is hereby given that a proposed Consent Decree in *United States* v. *Acme Steel Company*, Civil Action No. 96 C 2076, has been lodged with the United States District Court for the Northern District of Illinois on March 12, 1998.

The Consent Decree resolves claims asserted against defendant, Acme Steel Company (''Acme''), under the Clean Air Act (''Act''), 42 U.S.C. 7401 *et seq.*, for violations of opacity and particulate matter emission limits relating to emissions from Acme's Basic Oxygen Furnace (BOF) Shop. Acme has completed various improvements to its BOF Shop and will provide a certification that it is now in compliance with applicable requirements of the Act, the Illinois SIP and specified permits. Under the Consent Decree, Acme will pay a civil penalty of $410,000. In addition, Acme will construct a fugitive emission collection system that will reduce particulate emissions at Acme's BOF Shop below levels currently required under the Illinois SIP, and Acme will implement dust control measures to reduce emissions from its coke plant.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044, and should refer to *United States* v. *Acme Steel Company*, D.J. Ref. 90–5–2–1–1964.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Northern District of Illinois, 219 S. Dearborn St., Chicago, Illinois 60604 (contact Jonathan Haile), at the Office of Regional Counsel, United States Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60606 (contact Robert Thompson), and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may also be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please enclose a check in the amount of $8.75 (25 cents per page reproduction costs) payable to the ''Consent Decree Library.''

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–7945 Filed 3–25–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

In accordance with Departmental policy, 28 CFR 50.7, and Section 9622(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9622(d)(2), notice is hereby given that on March 12, 1998, a proposed De Micromis Consent Decree in *United States* v. *Consolidation Coal Company, et al.*, Civil Action No. C2–94–785, was lodged with the United States District Court for the Southern District of Ohio.

The proposed De Micromis Consent Decree resolves the liability of and provides contribution protection to three municipalities (the City of Benwood, West Virginia; the Village of Flushing, Ohio; and the City of Wheeling, West Virginia) that contributed minuscule amounts of municipal solid waste or municipal sewer sludge to the Buckeye Reclamation Landfill Superfund Site (the ''Site''), located in Belmont County, Ohio.

The proposed De Micromis Consent Decree is considered part of the overall settlement of the United States claims. As de micromis contributors of waste to the Site, the three settling municipalities, all of which have been named as third party defendants, are not required to make any payment under the proposed De Micromis Consent Decree.

The Department of Justice will receive comments concerning the proposed De Micromis Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C., 20044, and should refer to *United States* v. *Consolidation Coal Company, et al.,* DOJ Number 90–11–2–1006. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of the Resources Conservation and Recovery Act, 42 U.S.C. 6973(d).

The proposed Consent Decree may be examined at any of the following offices: (1) The Office of the United States Attorney, Southern District of Ohio, 280 N. High Street, 4th Floor, Columbus, OH (614) 469–5715; (2) the U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Blvd. Chicago, Illinois 60604, (312) 886–6842; and (3) the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed De Micromis 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 enclose a check in the amount of $3.00 ($.25 per page reproduction charge) payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section Environment & Natural Resources.

[FR Doc. 98–7946 Filed 3–25–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

In accordance with Department of Justice policy, notice is hereby given that on March 9, 1998, a proposed Consent Decree in *United States* v. *Cowles Media Company, et al.,* Civil No. 4–96–958, was lodged in the United States District Court for the District of Minnesota. The Complaint filed by the United States sought to recover costs incurred by the United States pursuant to CERCLA, 42 U.S.C. 9601 *et seq.,* at the Brooklyn Park Dump Site in Brooklyn Park, Minnesota. The Consent Decree requires Defendant, the Estate of Arthur Wise, to reimburse the United States in the amount of $50,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States* v. *Cowles Media Company, et al.,* D.J. Ref. No. 90–11–2–1099.

The proposed Consent Decree may be examined at any of the following offices: (1) The United States Attorney for the District of Minnesota, 234 United States Courthouse, 110 S. 4th Street, Minneapolis, MN 55401 (contact Assistant United States Attorney Friedrich Siekert); (2) the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590 (contact Assistant Regional Counsel Elizabeth Murphy); and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005, 202–624–0892. Copies 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, DC 20005, telephone (202) 624–0892. For a copy of the Consent Decree please enclose a check in the amount of $4.25 (25 cents per page reproduction costs) payable to Consent Decree Library.

Joel M. Gross,

Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–7947 Filed 3–25–98; 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

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States and State of Connecticut* v. *Town of Southington, et al.,* Civil Action Nos. 3:98cv8 and 3:98cv236 was lodged on March 12, 1998, with the United States District Court for the District of Connecticut.

The compliant in this action seeks (1) to recover, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. §§ 9601 et seq., response costs incurred and to be incurred by the U.S. Environmental Protection Agency (''EPA'') at the Old Southington Landfill Superfund Site located in the Town of Southington, Connecticut (''Site''); and (2) injunctive relief under Section 106 of CERCLA, 42 U.S.C. 9606. The defendants include the Towns of Southington, United Technologies Corp. and 266 other parties.

The proposed Consent Decree embodies an agreement with two potentially responsible parties (''PRPs'') at the Site pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, to perform a remedial action at the Site including the relocation of businesses located on the Site, the construction of a multi-layer cap, the excavation and consolidation of a ''hot-spot'', the extraction and possible treatment of landfill gases, and the performance of additional groundwater studies. The proposed Consent Decree also embodies an agreement with 266 PRPs at the Site, including the U.S. Army, the U.S. Navy and the General Services Administration, to pay approximately $5.1 million, in aggregate, in settlement of claims for EPA's past and future responses costs, and certain parties' past costs at the Site. The monies paid by these 266 settlers will be used to reimburse past costs incurred at the Site and to partially fund the remedial action being performed by the two performing parties.

The Consent Decree provides the settling defendants with releases for civil liability for: (1) EPA's and the State of Connecticut's (''State's'') past CERCLA response costs at the Site; (2) response costs in connection with the remedy for the Site; and (3) for damages for natural resources under the trusteeship of the Secretary of

Commerce, through the National Oceanic and Atmospheric Administration.

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, P.O. Box 7611, Washington, D.C. 20044–7611, and should refer to *United States and State of Connecticut* v. *Town of Southington, et al.*, DOJ Ref. No. 90–11–2–420A.

The proposed consent decree may be examined at the Office of the United States Attorney, U.S. Courthouse, 915 Lafayette Blvd., Rm. 309, Bridgeport, CT 06604; the Region I Office of the Environmental Protection Agency, Region I Records Center, 90 Canal Street, First Floor, Boston, MA 02203; and the Consent Decree Library, 1120 G Street, N.W., Fourth 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, Fourth Floor, N.W., Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $175.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–7943 Filed 3–25–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on March 12, 1998 a proposed consent decree in *United States, et al. v. Stone Container Corporation*, Civil Action No. CV 96–017–M, was lodged with the United States District Court for the District of Montana.

In this action, the United States sought civil penalties and injunctive relief under Section 113 of the Clean Air Act, 42 U.S.C. 7413, for alleged violations of the Clean Air Act committed at Stone Container Corporation's (''Stone'') kraft pulp mill and liner board facility near Missoula, Montana. The proposed consent decree provides for payment of a civil penalty in the amount of $312,500 and requires Stone's compliance with certain provisions of the Montana State Implementation Plan and certain provisions of the Montana State Implementation Plan and certain New Source Performance Standards set forth at 40 CFR Part 60. The proposed consent decree also requires Stone to study and revise correlation equations necessary for determining Stone's compliance with its mass emissions limits for particulates. Three citizens groups, Montana Coalition for Health, Environmental and Economic Rights, Inc., Cold Mountain, Cold Rivers, Inc. and Native Forest Network, Inc., also are parties to the proposed consent decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States, et al.* v. *Stone Container Corporation*, D.J. Ref. 90–5–2–1–1975.

The proposed consent decree may be examined at the Office of the United States Attorney, 2929 Third Ave. North, Western Federal Savings and Loan Building, Suite 400, Billings, Montana 59101, at U.S. EPA Region Eight, 999 18th Street, Denver, Colorado 80202, and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 2005, (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 enclose a check in the amount of $11.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–7944 Filed 3–25–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Proposed Prospective Purchaser Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act and Under the Clean Water Act

Notice is hereby given that a proposed Prospective Purchaser Agreement (''PPA'') was executed on March 6, 1998, by the U.S. Environmental Protection Agency (''EPA''), and approved on March 6, 1998, by the U.S. Department of the Interior (''DOI''), and is subject to final approval by the U.S. Department of Justice. The proposed PPA would resolve certain potential claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606 and 9607, and under section 311(b)(3) of the Clean Water Act, 42 U.S.C. 1321(b)(3), against the City of Aurora, Colorado, acting by and through its Utility Enterprise, as the prospective purchaser of the Hayden Ranch located in Lake County, Colorado (the ''prospective purchaser''). The PPA would require the prospective purchaser to provide access to the United States for the implementation of potential future removal actions by or at the direction of EPA, or environmental restoration activities by or at the direction of DOI, on the Hayden Ranch, located in Lake County, Colorado, in response to past mining activities in areas hydrologically upstream of the Hayden Ranch property, and in particular at the California Gulch Superfund Site. Such access would allow for the construction of a permanent repository on the Hayden Ranch, and placement of tailings in such repository which may be excavated from various fluvial tailings locations in an eleven-mile reach of the upper Arkansas River basin. The prospective purchaser would be obligated to provide for the long-term maintenance and monitoring associated with such improvements made by or at the direction of EPA or DOI. The prospective purchaser would further be required to provide the United States limited water rights for a three year period in connection with EPA's removal actions or DOI's environmental restoration activities on the Hayden Ranch.

EPA and DOI will receive for a period of fifteen (15) days from the date of this publication comments relating to the PPA. Comments should be addressed to William P. Yellowtail, Regional Administrator, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, CO 80202.

The proposed PPA may be examined at the Superfund Records Center, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Fifth Floor, North Terrace, Denver, CO 80202. A copy of the proposed Prospective Purchaser Agreement may be obtained in person, by mail from, or by calling the Superfund Records Center, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500,

Denver, CO 80202, telephone number (303) 312–6473.

Walker B. Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–7973 Filed 3–25–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA Number 175N]

Public Meetings for Environmental Documentation on Herbicidal Eradication

AGENCY: Drug Enforcement Administration.

ACTION: Notice of public meetings.

SUMMARY: This notice advises the public that the ''Draft Supplement to the Environmental Impact Statements for Cannabis Eradication in the Contiguous United States and Hawaii'' (DSEIS) is available for public review and comment and that public meetings will be held regarding this document. On August 13, 1996, we announced our intent to supplement the programmatic EIS's on eradication of Cannabis on Federal and non-Federal lands and welcomed comments (FR 61 42056). The DSEIS is an update of the latest scientific information regarding the herbicidal alternatives in the original environmental impact statement (EIS) documentation.

In 1985 and 1986, the Drug Enforcement Administration (DEA) published progammatic EISs for its Cannabis eradication program. The first EIS was prepared for Cannabis eradication on Federal lands in the continental United States, and the second EIS was prepared for the program as it pertained to non-Federal lands, Indian lands, and the State of Hawaii, including Native Hawaiian Homestead lands. The alternatives analyzed in detail in the EIS include the use of manual, mechanical, and herbicidal eradication methods.

In the DSEIS, changes to the herbicidal eradication alternatives in the 1985 and 1986 EISs were analyzed. The changes analyzed were (1) the addition of triclopyr as an approved program herbicide; (2) elimination of paraquat as an approved program herbicide; and (3) changes in program delivery, including elimination of broadcast aerial applications of herbicides, use of new technology in aerial directed treatments of herbicides, use of marker dyes, and use of amine formulations of 2,4-D..

DATES: Five public meetings will be held.

Tuesday, May 12, 1998, 4 pm–8 pm, Denver, Colorado, Renaissance Denver, 3801 Quebec Street, Denver, Colorado 80207 (Ball Room)

Friday, May 15, 1998, 4 pm–8 pm, Honolulu, Hawaii, Ala Moana Hotel, 410 Atkins Drive, Honolulu, Hawaii 96814 (Hibiscus Ball Room)

Tuesday, May 19, 1998, 4 pm–8 pm, Boise, Idaho, Boise Center on the Grove, 850 West Front Street, Boise, Idaho 83702 (The Summit Room)

Thursday, May 21, 1998, 4 pm–8 pm, Atlanta, Georgia, Westin Atlanta Airport, 4736 Best Road, Atlanta, GA 30337 (Grand Ball Room 1)

Wednesday, May 27, 1998, 4 pm–8 pm, Washington, DC Metro Area, Holiday Eisenhower Metro Center, 2460 Eisenhower Avenue, Alexandria, VA 22314 (Eisenhower Station Ball)

The public comment period will be open for 45 days beginning with the U.S. Environmental Protection Agency's formal Notice of Availability, anticipated to appear in the **Federal Register** on April 17, 1998. The DSEIS will be mailed to the names on the mailing list.

CONTACTS: Comments and participation at the public meetings are invited. Speakers are requested to present one original and three copies of the written text of their presentation to register. Speakers may pre-register by facsimile at (301) 734–3640 any time of day or by calling Ms. Vicki Wickheiser, U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS). Speakers should identify which meeting they plan to attend. Speakers may also register starting at 3 p.m. the day of the meeting. Again, they should present written text as described above.

ADDRESSES: Comments and participation at the public meetings are invited. Speakers are requested to submit text of their presentation to: Ms. Vicky Wickheiser, DOA/APHIS, 4700 River Road, Unit 149, Riverdale, MD 20737–1228. Anyone unable to attend one of the above meetings, who wishes to submit written comments to the DSEIS may submit them to the above address prior to June 1, 1998.

Copies of the Draft DSEIS

Copies of the DSEIS have been sent to all agencies and individuals who responded to the DSEIS **Federal Register** Notice of Intent, and to all respondents from the Original EIS Mailing list who responded positively to a mailing list query, and to other individuals that have requested copies of the document. Persons wishing copies of this DSEIS should immediately contact: Mr. Jack Edmundson, DOA/APHIS, 4700 River Road, Unit 149, Riverdale, MD 20737–1228, phone (301)–734–4844, facsimile (301)–734–5992.

Copies of the DSEIS will be available until May 10, 1998. There will be a limited number of copies of the DSEIS at each public meeting. We have also arranged to have Internet online access to the document through the Drug Enforcement Administration's web site: <www.usdoj.gov/dea> Click on Programs then select Cannabis.

Dated: March 13, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–7828 Filed 3–25–98; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Drug Courts Program Office; Agency Information Collection Activities; Proposed Collection; Grantee Survey

ACTION: Emergency notification of information collection under review; new collection drug courts grantee data collection survey.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the **Federal Register**. This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10.

Written comments and suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street, NW, Washington, DC 20530. Additionally,

comments may be submitted to DOJ via facsimile to (202) 514–1590.

Written comments and suggestions from the public and affected agencies should address one or more of the following 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.

The proposed collection is described below:

(1) *Type of information collection.* New data collection.

(2) *The title of the form/collection.* Drug Court Grantee Data Collection Survey.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

Form Number: none. Drug Courts Program Office, Office of Justice Programs, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract.

This survey will assist in the National evaluation of Drug Courts. The data to be collected will assist in determining the effectiveness of these grants and the information will be shared with the drug court field to improve program quality.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 300 respondents to complete a 1–1.5 hour survey semi-annually.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 600 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.

Dated: March 20, 1998.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 98–7928 Filed 3–25–98; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

Indian and Native American Welfare-to-Work Grant Program Proposed Collection; Comment Request

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation process to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This process helps to ensure that requested data can be provided in the desired format, reporting burdens are minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the revision of the currently-approved preapplication and planning requirements for the Indian and Native American Welfare-to-Work (INA WtW) Grant Program (OMB Clearance Number 1205–0383) for the FY 1999 funding period. A copy of the currently-approved information collection request (ICR), especially FY 1998 preapplication and planning guidance, can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 26, 1998.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's burden estimate for the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Thomas M. Dowd, Chief, Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room N–4641, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 219–8502 ext 119 (VOICE) or (202) 219–6338 (FAX) (these are not toll-free numbers) or Internet: DOWDT@doleta.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Employment and Training Administration of the Department of Labor is considering revisions to its currently-approved preapplication and planning system for the Indian and Native American Welfare-to-Work Grant Program for one more year (July 1, 1998 to June 30, 1999). Current authorization for the INA WtW program expires on September 30, 1999, but grantees can continue to expend funds for three years from the date ''the funds are so provided''. This ICR concerns the submission of applications and plans by Federally-recognized tribes and Alaska Native entities (or consortia thereof) eligible to receive funding under the Indian and Native American Welfare-to-Work (INA WtW) program. These instructions include a preapplication process for those tribes which do not operate a tribal Temporary Assistance for Needy Families (TANF) program or a Native Employment Works (NEW) program, as established by section 412(a)(3) of the amended Social Security Act [42 U.S.C. 612(a)(3)], and which did not qualify for a FY 1998 INA WtW grant under the ''substantial services'' criteria. These non-TANF or NEW tribes must qualify as INA WtW grantees under the ''substantial services'' criteria established by the Department in accordance with the provisions of section 412(a)(3)(B)(ii) [42 U.S.C. 612(a)(3)(B)(ii)] of the Social Security Act, as amended. Once determined to have met the ''substantial services'' criteria, applicants must submit a plan containing a Standard Form (SF) 424, the basic information on service area,

plans for providing client services, preliminary funding and expenditure estimates, and standard assurances and forms common to most Federal funds recipients. This request for comment is an attempt to solicit input from those grantees which participated in the preapplication and/or planning process for FY 1998, and which may have recommendations for improving the process for FY 1999.

II. Current Actions

The proposed ICR will be a revision of Item no. 1205–0383, expiring 03/31/98 for the currently-approved system, that will be used by approximately 80 INA WtW grantees as the preapplication and planning vehicle for applying for INA WtW grants for FY 1999. Grantees will be required to couch their FY 1999 INA WtW plans in terms of planned numbers of enrolled individuals, their characteristics, training and services to be provided, planned outcomes, including job placement and wage data, as well as projections of program expenditures. Current paperwork burdens are covered under OMB Clearance No. 1205-0383 (expiration date 3/31/98), and have been included in the following burden estimates. For ease of analysis, the following burden estimate is broken down into the two main components of INA WtW program application: (1) Preapplication; and (2) planning.

Type of Review: Revision (with changes).

Agency: Employment and Training Administration.

Title: Indian and Native American Welfare-to-Work Grant Programs.

OMB Number: 1205–0383.

Catalog of Federal Domestic Assistance Number: 17.254.

Frequency: Annual (Both preapplication and plan submission).

Affected Public: Federally-recognized tribes, Alaska Native regional non-profit corporations, and/or consortia of any of the above.

Number of Respondents: 80.

Total Responses: 80.

Estimated Time Per Respondent: planning—6 hours; preapplication—3 hours.

Total Burden Hours: 480. (NOTE: no estimate is given for the preapplication process, as only a few tribes or consortia which did not receive FY 1998 INA WtW grants and which are neither TANF nor NEW tribes will have to submit one to establish eligibility.)

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintaining): None (planning and/or preapplication is a once-a-year activity).

Signed at Washington, DC this 20th day of March, 1998.

Anna W. Goddard,

Director, Office of Special Targeted Programs.

[FR Doc. 98–7960 Filed 3–25–98; 8:45 am]

BILLING CODE 4510–30–U

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

Institute of Museum and Library Services; Library Service Grant to PREL/FAS

ACTION: Notice.

SUMMARY: Section 221(b)(3)(C) Special Rule of the Library Services and Technology Act (LSTA) states that the Institute of Museum and Library Services (IMLS) Director shall award grants to the Pacific Territories and Freely Associated States (FAS) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory (PREL) in Honolulu, Hawaii. The Act allows IMLS to compensate PREL for administrative expenses. (PREL has been renamed Pacific Resources for Education and Learning.) This notice provides guidance on administration of FY98 PREL/FAS LSTA grants.

ADDRESSES: Institute of Museum and Library Services, Office of Library Services, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Jane Heiser, Director of State Grants at the address given above, telephone (202) 606–5226.

SUPPLEMENTARY INFORMATION:

1. For projects funded under the LSTA, the Pacific Territories/FAS shall be administered by PREL.

2. The PREL Program Officer will attend training at IMLS on the program and fiscal requirements.

3. PREL, after consultation with the Territories and Freely Associated States, shall submit a plan to the Institute of Museum and Library Services Director describing the administration of the program.

4. Excepting GU and CNMI, grantees will not receive formula grants since they are ineligible under the general funding of the Act. Awards for the competitive grants will be a combination of a basic grant amount based on a formula and a competitive/discretionary process.

5. Formula grants will be based on population (or a percentage of each allotment).

6. The balance of each allotment would be open for discretionary applications from the appropriate entity (the territorial/FAS library).

7. Activities eligible for assistance are those listed under the LSTA.

8. Funds will be used only for the purposes of the LSTA.

9. A library in a Territory or a Freely Associated State that receives a grant under the LSTA is subject to all laws, regulations, and requirements applicable to this program.

10. To compete for a discretionary grant, a territorial/FAS library shall submit an application to PREL for consideration. The application is to be in accordance with deadlines and other administrative procedures established by PREL.

11. Prior to submission of the application, the territorial/FAS library would coordinate, regarding the development of the application, with appropriate educational agencies, institutions, and organizations that are in the Territory or Freely Associated State and that serve its area.

12. In determining the order of selection for awards under the LSTA, the IMLS Director considers the recommendations of PREL, based on selection criteria established by PREL, which will include an evaluation plan.

13. The IMLS Director may require a grantee to submit reports containing information the Director finds necessary to carry out the Director's functions under the LSTA.

14. At the end of the fiscal year the PREL will collect and abstract the annual reports of the activities supported under LSTA for submission to the IMLS Director.

15. PREL, in consultation with the IMLS Office of Library Services, will include training programs for grantees.

Mamie Bittner,

Director, Public and Legislative Affairs.

[FR Doc. 98–7713 Filed 3–25–98; 8:45 am]

BILLING CODE 7036–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biomolecular Processes; 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 Panel for Biomolecular Processes (5138) (Panel B).

Date and Time: Wednesday and Thursday, April 15 & 16, 1998, 8:30 am to 5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Rm. 630, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Karen Kindle, Program Director for Biochemistry of Gene Expression, Room 655, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1441.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Biochemistry of Gene Expression 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: March 23, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–7929 Filed 3–25–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Cell Biology; 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 Panel for Cell Biology (1136).

Date and Time: Wednesday, Thursday, and Friday, April 15, 16 and 17, 1998; 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 330, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Persons: Drs. Barbara Zain and Richard D. Rodewald, Program Directors for the Cell Biology Program, National Science Foundation, Room 655 South, Arlington, VA 22230. Telephone: 703/306–1442.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Cell Biology 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. 522b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 23, 1998.

Rebecca M. Winkler,

Committee Management Officer.

[FR Doc. 98–7930 Filed 3–25–98; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–237]

Commonwealth Edison Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–19, issued to Commonwealth Edison Company (ComEd, the licensee), for operation of the Dresden Nuclear Power Station, Unit 2, located in Grundy County, Illinois.

The proposed amendment would reflect a change in the Dresden, Unit 2, minimum critical power ratio (MCPR) Safety Limit and revise footnotes in Technical Specifications (TS) Section 5.3, to allow the use of Siemens Power Corporation (SPC) ATRIUM–9B fuel.

This request for amendment was submitted under exigent circumstances to support Dresden, Unit 2, Cycle 16, operation which is scheduled to begin on April 12, 1998. The licensee had submitted an application for TS amendments on August 29, 1997, (published on January 14, 1998 at 63 FR 227) citing SPC Topical for Revised ANFB Correlation Uncertainty, ANF–1125(P), Supplement 1, Appendix D, to allow the use of SPC ATRIUM–9B fuel. However, the need for additional information has delayed the review of this topical report. To ensure that use of ATRIUM–9B fuel is approved in time for the scheduled Unit 2 startup, ComEd determined that it would submit this one-time cycle-specific amendment request proposing an interim conservative approach to calculating the MCPR Safety Limit. The time necessary for ComEd to develop this TS request would not allow the normal 30-day period for public comment to support Dresden, Unit 2, startup on April 12, 1998. However, should startup on Dresden, Unit 2, be delayed enough to allow the normal 30-day period for public comment, this amendment will not be issued until expiration of the normal 30-day period for public comment.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated:

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those consequences. Limits have been established consistent with NRC approved methods to ensure that fuel performance during normal, transient, and accident conditions is acceptable. This change does not affect the operability of plant systems, nor does it compromise any fuel performance limits.

Revision to Cycle Specific Footnotes for Dresden 2 Cycle 16 Operation With ATRIUM–9B

The revisions to the footnotes in [Technical Specification] Section 5.3 have no implications for accident analysis or plant operations. The purpose of the revisions to the footnotes is to allow operation of Dresden Unit 2 Cycle 16 with an interim conservative approach to calculating the MCPR Safety Limit. This is the same approach that was NRC approved for use for Dresden Unit 3 Cycle 15 and Quad Cities Unit 2 Cycle 15. The Dresden Unit 2 Cycle 16 MCPR Safety Limit was calculated using an interim additive constant uncertainty. The MCPR Safety Limit is used in the determination of the cycle's MCPR Operating Limit. The MCPR Operating Limit ensures that the MCPR Safety Limit is not violated for any anticipated operational occurrence. This revision does not affect any plant equipment or processes; therefore, there is no alteration in the probability or consequences of an accident previously evaluated.

Revision to the MCPR Safety Limit

Changing the MCPR Safety Limit for Dresden Unit 2 from 1.08 to 1.09 will not increase the probability of an accident previously evaluated. Additionally, operational MCPR limits will be applied that will ensure the MCPR Safety Limit is not violated during all modes of operation and anticipated operational occurrences. Changing the MCPR Safety Limit will not alter any physical systems or operating procedures. The Dresden Unit 2 MCPR Safety Limit is set to 1.09, which is a critical power

ratio value where less than 0.1% of the rods in the core are expected to experience transition boiling. This application for amendment does not change the criterion of ensuring that less than 0.1% of the rods in the core are calculated to experience transition boiling when the core is at the MCPR Safety Limit. Therefore, the probability or consequences of an accident will not increase.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated:

Creation of the possibility of a new or different kind of accident would require the creation of one or more new precursors of that accident. New accident precursors may be created by modifications to the plant configuration or changes in allowable modes of operation. Other than the use of a full reload of ATRIUM–9B fuel in Dresden Unit 2 Cycle 16 in Modes 1 and 2, this Technical Specification submittal does not involve any modifications to the plant configuration or allowable modes of operation. The operation with a full reload of ATRIUM–9B was previously approved for Dresden Unit 3 Cycle 15. The ATRIUM–9B fuel is compatible with the existing 9x9–2 fuel in the Dresden Unit 2 core. No new precursors of an accident are created and no new or different kinds of accidents are created. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Revision To Cycle Specific Footnotes for Dresden 2 Cycle 16 Operation With ATRIUM–9B

The revision to the cycle specific footnotes in Section 5.3 is necessary to allow operation of Dresden Unit 2 Cycle 16. This revision will not alter any plant systems, equipment or physical conditions of the site. Revising the footnotes in Section 5.3 allows operation with a reload of ATRIUM–9B in Modes 1 and 2 for Unit 2 Cycle 16, which has previously been approved for Dresden Unit 3 Cycle 15. This revision is based on the fact that an interim conservative additive constant uncertainty has been used to calculate the Dresden Unit 2 Cycle 16 MCPR Safety Limit. NRC approval of this interim approach in determining the Dresden Unit 2 Cycle 16 MCPR Safety Limit will ensure that fuel limits are determined and cycle specific analyses are performed for Dresden Unit 2 Cycle 16 utilizing NRC approved methods. Therefore, no new or different kinds of accidents are created from this revision.

Revision to the MCPR Safety Limit

Changing the MCPR Safety Limit will not create the possibility of a new accident from an accident previously evaluated. This change will not alter or add any new equipment or change plant modes of operation. The MCPR Safety Limit is established to ensure that 99.9% of the rods avoid transition boiling. The new MCPR Safety Limit for Dresden Unit 2, 1.09, is greater than the current value of 1.08 and is consistent with MCPR Safety Limit calculations in support of Dresden Unit 2 Cycle 16 operation. Therefore, no new accidents are created that are different from those previously evaluated.

3. Involve a significant reduction in the margin of safety for the following reasons:

Revision to Cycle Specific Footnotes for Dresden 2 Cycle 16 Operation With ATRIUM–9B

The results of the analyses for Dresden Unit 2 Cycle 16 verify that, with an interim additive constant uncertainty, an MCPR Safety Limit of 1.09 is supportable with less then 0.1% of the rods predicted to experience transition boiling. Since there is sufficient margin to the amount of rods predicted to experience transition boiling, and a conservative interim approach has been used to calculate the additive constant uncertainty, removing the footnotes to enable Dresden Unit 2 Cycle 16 to operate with ATRIUM–9B fuel will not reduce the margin of safety.

Revision to the MCPR Safety Limit

Changing the MCPR Safety Limit for Dresden Unit 2 will not involve any reduction in margin of safety. The MCPR Safety Limit provides a margin of safety by ensuring that less than 0.1% of the rods are expected to be in transition boiling if the MCPR Safety Limit is not violated. The proposed Technical Specification amendment to change the MCPR Safety Limit to 1.09 supports operation of Dresden Unit 2 Cycle 16. SPC used the ANFB critical power correlation with an interim ATRIUM–9B additive constant uncertainty to perform the MCPR Safety Limit calculations.

Because a conservative method is used to apply the ATRIUM–9B additive constant uncertainty in the MCPR Safety Limit calculation, a decrease in the margin to safety will not occur due to changing the MCPR Safety Limit. The revised Dresden Unit 2 MCPR Safety Limit will ensure the appropriate level of fuel protection. Additionally, operational limits will be established based on the proposed Dresden Unit 2 MCPR Safety Limit to ensure that the MCPR Safety Limit is not violated during all modes of operation including anticipated operational occurrences. This will ensure that the fuel design safety criterion of more than 99.9% of the fuel rods avoiding transition boiling during normal operation as well as during any anticipated operational occurrence is met.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received by close of business (4:15 p.m. EST) within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 27, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450. 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 amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date.

A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60603, 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).

For further details with respect to this action, see the application for amendment dated March 19, 1998, 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 Morris Area Public Library District, 604 Liberty Street, Morris, Illinois 60450.

Dated at Rockville, Maryland, this 23rd day of March, 1998.

For the Nuclear Regulatory Commission.

Lawrence W. Rossbach,

Project Manager Project Directorate III–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–8005 Filed 3–25–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7002]

Notice of Amendment to Certificate of Compliance GDP–2 for the U.S. Enrichment Corporation, Portsmouth Gaseous Diffusion Plant, Portsmouth, OH

The Director, Office of Nuclear Material Safety and Safeguards, has made a determination that the following amendment request is not significant in accordance with 10 CFR 76.45. In making that determination the staff concluded that (1) there is no change in the types or significant increase in the amounts of any effluents that may be released offsite; (2) there is no significant increase in individual or cumulative occupational radiation exposure; (3) there is no significant construction impact; (4) there is no significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents; (5) the proposed changes do not result in the possibility of a new or different kind of accident; (6) there is no significant reduction in any margin of safety; and (7) the proposed changes will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs. The basis for this determination for the amendment request is shown below.

The NRC staff has reviewed the certificate amendment application and concluded that it provides reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. Therefore, the Director, Office of Nuclear Material Safety and Safeguards, is prepared to issue an amendment to the Certificate of Compliance for the Portsmouth Gaseous Diffusion Plant. The staff has prepared a Compliance Evaluation Report which provides details of the staff's evaluation.

The NRC staff has determined that this amendment satisfies the criteria for a categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental

impact statement or environmental assessment need be prepared for this amendment.

USEC or any person whose interest may be affected may file a petition, not exceeding 30 pages, requesting review of the Director's Decision. The petition must be filed with the Commission not later than 15 days after publication of this **Federal Register** Notice. A petition for review of the Director's Decision shall set forth with particularity the interest of the petitioner and how that interest may be affected by the results of the decision. The petition should specifically explain the reasons why review of the Decision should be permitted with particular reference to the following factors: (1) The interest of the petitioner; (2) how that interest may be affected by the Decision, including the reasons why the petitioner should be permitted a review of the Decision; and (3) the petitioner's areas of concern about the activity that is the subject matter of the Decision. Any person described in this paragraph (USEC or any person who filed a petition) may file a response to any petition for review, not to exceed 30 pages, within 10 days after filing of the petition. If no petition is received within the designated 15-day period, the Director will issue the final amendment to the Certificate of Compliance without further delay. If a petition for review is received, the decision on the amendment application will become final in 60 days, unless the Commission grants the petition for review or otherwise acts within 60 days after publication of this **Federal Register** Notice.

A petition for review 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.

For further details with respect to the action see (1) the application for amendment and (2) the Commission's Compliance Evaluation Report. These items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the Local Public Document Room.

Date of amendment request: February 3, 1998.

Brief description of amendment: On February 3, 1998, United States Enrichment Corporation (USEC) submitted a certification amendment request (CAR) to temporarily, approximately six weeks, convert the X–705 South Annex from NRC regulations to Department of Energy (DOE) Regulatory Oversight Agreement (ROA) regulations for the replacement of inoperable HEU cylinder valves. The changes proposed in USEC's CAR involve SAR Section 3.7, ''HEU DOWNBLENDING ACTIVITIES,'' Fundamental Nuclear Material Control (FNMC) Plan Section 2.2.7, ''MBA Structure,'' and the Plan for Achieving Compliance at the Portsmouth Gaseous Diffusion Plant (Compliance Plan) Issue A.4., ''Possession of Uranium Enriched to Greater than 10% ^{235}U.''

The change to SAR Section 3.7 recognizes the HEU cylinder valve replacement under DOE ROA regulations as an anticipated evolution and provides a description of that activity. The revisions to Section 2 of the FNMC Plan and related Issue A.4 of the Compliance Plan describe access control into the X–705 facility during the period of six weeks that the areas are temporarily converted to DOE ROA regulation, to verify that no removal of fissile material occurs during the valve replacement activities, and to certify that changing the status of the areas will not result in Portsmouth (PORTS) possessing HEU or cause PORTS to exceed the HEU possession limit before returning the areas to NRC regulation.

Basis for finding of no significance:

1. The proposed amendment will not result in a change in the types or significant increase in the amounts of any effluents that may be released offsite.

The proposed amendment does not propose any new or unanalyzed activity for the facility. The amendment would temporarily change the regulatory oversight of the valve replacement due to possession limit constraints and would not change the types or increase the amounts of any effluents that may be released offsite.

2. The proposed amendment will not result in a significant increase in individual or cumulative occupational radiation exposure.

The proposed amendment does not propose any new or unanalyzed activity for the facility. The same radiological controls and criticality controls found acceptable for lower enrichment cylinder valve replacements would remain in effect for the HEU cylinder valve replacement. Therefore the amendment would not result in a significant increase in individual or cumulative occupational radiation exposure.

3. The proposed amendment will not result in a significant construction impact.

The proposed amendment does not involve any construction; therefore, there will be no construction impacts.

4. The proposed amendment will not result in a significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents.

The proposed amendment does not propose any new or unanalyzed activity for the facility. The same radiological controls, industrial hygiene controls, and criticality controls found acceptable for lower enrichment cylinder valve replacements would remain in effect for the HEU cylinder valve replacement. Therefore, the amendment would not result in a significant increase in the potential for, or radiological or chemical consequences from, previously analyzed accidents.

5. The proposed amendment will not result in the possibility of a new or different kind of accident.

The proposed amendment does not propose any new or unanalyzed activity for the facility. Therefore, the amendment does not raise the possibility of a new or different kind of accident.

6. The proposed amendment will not result in a significant reduction in any margin of safety.

For the reasons provided in the assessment of criterion 4 and 5, the proposed amendment would not result in a significant reduction in any margin of safety.

7. The proposed amendment will not result in an overall decrease in the effectiveness of the plant's safety, safeguards or security programs.

For the reasons provided in the assessment of criterion 4 and 5, the proposed amendment would not result in an overall decrease in the effectiveness of the plant's safety.

The amendment proposed changes to the FNMC Plan and Compliance Plan to increase the security and safeguards requirements commensurate with DOE ROA requirements for high enrichment and provides assurances through a special static inventory of the areas at the end of the transition to confirm the facility status. Therefore, the proposed amendment will not result in an overall decrease in the effectiveness of the plant's safeguards or security programs.

Effective date: The amendment to GDP–2 will become effective 7 days after issuance by NRC.

Certificate of Compliance No. GDP–2: Amendment will allow temporary transfer of regulatory oversight of the X–705 Building for high enrichment uranium cylinder valve replacement.

Local Public Document Room location: Portsmouth Public Library,

1220 Gallia Street, Portsmouth, Ohio 45662.

Dated at Rockville, Maryland, this 17th day of March 1998.

For the Nuclear Regulatory Commission.

Carl J. Paperiello,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98–7963 Filed 3–25–98; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–483]

Union Electric Company; Callaway Plant, 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–30, issued to Union Electric Company (the licensee), for operation of the Callaway Plant, Unit 1, located in Callaway County, Missouri.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt Union Electric Company from the requirements of 10 CFR 50.60, which requires all power reactors to meet the fracture toughness and material surveillance program requirements for the reactor coolant pressure boundary set forth in Appendices G and H to 10 CFR Part 50. The proposed exemption would allow Union Electric to apply American Society for Mechanical Engineers (ASME) Code Case N–514 for determining Callaway's cold overpressurization mitigation system (COMS) pressure setpoint.

The proposed action is in accordance with the licensee's application for exemption dated August 22, 1997.

The Need for the Proposed Action

The proposed exemption is needed to support an amendment to the Callaway Technical Specifications which will revise the heatup, cooldown and COMS curves. The use of ASME Code Case N–514 would allow an increased operating band for system makeup and pressure control.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that application of Code Case N–514 represents a special circumstance in accordance with 10 CFR 50.12(a)(2)(ii) on specific exemptions, such that the specific requirements of 10 CFR 50.60 and Appendix G are ''* * * not necessary to achieve the underlying purpose of the rule,'' which in this case is to protect the reactor vessel from brittle failure.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed 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 action, the staff considered denial of the proposed action. Denial of the application 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 for the Callaway Plant dated March 1975.

Agencies and Persons Consulted

In accordance with its stated policy, on March 19, 1998, the staff consulted with the Missouri State Official, Mr. Tom Lange of the Missouri Department of Natural Resources, 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 August 22, 1997, which is available for public inspection at the Commission's Public Document Room, The German Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the University of Missouri-Columbia, Elmer Ellis Library, Columbia, Missouri 65201–5149.

Dated at Rockville, Maryland, this 20th day of March 1998.

For the Nuclear Regulatory Commission.

Barry C. Westreich,

Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–7962 Filed 3–25–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Revision 3 of Regulatory Guide 1.134, ''Medical Evaluation of Licensed Personnel at Nuclear Power Plants,'' has been developed to provide guidance acceptable to the NRC staff on evaluating the medical qualifications of applicants for initial or renewal operator or senior operator licenses for nuclear power plants. Regulatory Guide 1.134 also provides for notification to the NRC of an operator's incapacitating disability or illness. This guide endorses the American National Standards Institute standard, ANSI/ANS–3.4–1996, ''Medical Certification and Monitoring of Personnel Requiring Operator Licenses for Nuclear Power Plants.''

The NRC has verified with the Office of Management and Budget the determination that this regulatory guide is not a major rule.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides

are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

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(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 13th day of March 1998.

For the Nuclear Regulatory Commission.

Joseph A. Murphy,

Acting Director, Office of Nuclear Regulatory Research.

[FR Doc. 98–7961 Filed 3–25–98; 8:45 am]

BILLING CODE 7590–01–U

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Order of Suspension of Trading

March 24, 1998.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Shopping.com because of recent market activity in the stock that may have been the result of manipulative conduct.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 9:30 a.m. EST, March 24, 1998 through 11:59 p.m. EDT, on April 6, 1998.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–8034 Filed 3–24–98; 1:43 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39776; File No. 600–22]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Order Granting Approval of Extension of Temporary Registration as a Clearing Agency

March 20, 1998

On February 28, 1997, the MBS Clearing Corporation (''MBSCC'') filed [1] with the Securities and Exchange Commission (''Commission'') an application pursuant to Section 19(a) of the Securities Exchange Act of 1934 (''Act'') [2] requesting that the Commission grant MBSCC permanent registration as a clearing agency under Section 17A of the Act.[3] Because MBSCC's current temporary registration expires on March 31, 1998, the Commission is extending MBSCC's temporary registration as a clearing agency through March 31, 1999, while it completes its review of MBSCC's application for permanent registration. The Commission is publishing this notice and order to solicit comments from interested persons and to extend MBSCC's temporary registration as a clearing agency through March 31, 1999.

On February 2, 1987, the Commission granted MBSCC's application for registration as a clearing agency pursuant to Sections 17A(b) [4] and 19(a)(1) [5] of the Act and Rule 17Ab2–1(c) [6] thereunder for a period of eighteen months. [7] Subsequently, the Commission has issued orders that extended MBSCC's temporary registration as a clearing agency. The last extension order extends MBSCC's temporary registration through March 31, 1998.[8]

As discussed in detail in the original order granting MBSCC's registration, one of the primary reasons for MBSCC's registration was to enable it to provide for the safe and efficient clearance and settlement of transactions in mortgage-backed securities. Since the original temporary registration order, MBSCC has implemented several improvements to its operating and financial standards and continues to work towards enhancing the safety and efficiency of its operations. For example during the past year MBSCC appraised the value given to securities deposited as collateral for participants funds obligations.[9] In addition, MBSCC modified its rules to explicitly state that MBSCC's participants are liable as principal for any contracts or other transactions they submit to MBSCC on behalf of entities that are not participants.[10]

MBSCC has functioned effectively as a registered clearing agency for over ten years. Accordingly, in light of MBSCC's past performance and the need for continuity of the services MBSCC provides to its participants, the Commission believes that it is necessary and appropriate in the public interest and for the prompt and accurate clearance and settlement of securities transactions to extend MBSCC's temporary registration through March 31, 1999. During this temporary registration period, the Commission will continue its review of MBSCC's application for permanent registration. Any comments received during MBSCC's temporary registration will be considered in conjunction with the Commission's review of MBSCC's request for permenant registration as a clearing agency under Section 17A of the Act.[11]

Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the request for permanent registration as a clearing agency that are filed with the Commission, and all written communications relating to the extension 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

[1] Letter from Julie Beyers, MBSCC, February 27, 1997.

[2] 15 U.S.C. 78s(a).

[3] 15 U.S.C. 78q–1.

[4] 15 U.S.C. 78q–1(b).

[5] 15 U.S.C. 78s(a)(1).

[6] 17 CFR 240.17Ab2–1(c).

[7] Securities Exchange Act Release No. 24046 (February 2, 1987), 52 FR 4218.

[8] Securities Exchange Act Release Nos. 25957 (August 2, 1988), 53 FR 29537; 27079 (July 31, 1989), 54 FR 32412; 28492 (September 28, 1990), 55 FR 41148; 29751 (September 27, 1991), 56 FR 50602; 31750 (January 21, 1993), 58 FR 6424; 33348 (December 15, 1993), 58 FR 68183; 35132 (December 21, 1994), 59 FR 67743; 37372 (June 26, 1996), 61 FR 35281; and 38784 (June 27, 1997) 62 FR 36587.

[9] Securities Exchange Act Release No. 38769 (June 24, 1997), 62 FR 34859 [File No. MBS–97–02].

[10] Securities Exchange Act Release No. 39405 (December 5, 1997), 62 FR 65466 [File No. MBS–97–05].

[11] 15 U.S.C. 78q–1.

be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of MBSCC. All submissions should refer to File No. 600–22.

Conclusion

On the basis of the foregoing, the Commission finds that extending MBSCC's temporary registration as a clearing agency is consistent with the Act and in particular with Section 17A of the Act.[12]

It is therefore ordered, pursuant to Section 19(a) of the Act, that MBSCC's temporary registration as a clearing agency (File No. 600–22) be, and hereby is, extended through March 31, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–7919 Filed 3–25–98; 8:45 am]

BILLING CODE 8010–01–M

[12] 15 U.S.C. 78q–1.

[13] 17 CFR 200.30–3(a)(50)(i).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39775; File No. SR–Amex-98–11]

Self-Regulatory Organizations; Notice of Filing and Order Granting Partial Accelerated Approval of Proposed Rule Change by the American Stock Exchange, Inc. Relating to a Reduction in the Value of the de Jager Year 2000, Amex Securities Broker/Dealer and Amex Airline Indices

March 20, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 23, 1998, the American Stock Exchange, Inc. (''Amex'' 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 Amex. On March 11, 1998, the Amex filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. As discussed below, the Commission is also granting accelerated approval to the portion of the proposal relating to the Amex Securities Broker/Dealer Index (''Broker/Dealer Index'').

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to split the de Jager Year 2000 (''de Jager Index''), Broker/Dealer Index and Amex Airline (''Airline Index'') Indices to one-half of their current values.

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 Amex 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 Amex 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

On December 12, 1994, the Commission granted the Exchange approval to list and trade options on the Airline Index.[4] Initially, the aggregate value of the stocks contained in the Airline Index was reduced by a divisor to establish an index benchmark value of 200. Over the past two years, the index value of the Airline Index has more than tripled in value from 200 to 728.

On March 15, 1994, the Commission granted the Exchange approval to list and trade options on the Broker/Dealer Index.[5] Initially, the aggregate value of the stocks contained in the Broker/Dealer Index was reduced by a divisor to establish an index benchmark value of 300. Since its creation the index value of the Broker/Dealer Index has more than tripled from 300 to 953.[6]

On February 19, 1997, the Commission granted the Exchange approval list and trade options on the de Jager Index.[7] Initially, the aggregate value of the stocks contained in the de Jager Index was reduced by a divisor to establish an index benchmark value of 250. Since its creation, the index value of the de Jager Index has nearly doubled in value from 250[8] to 413.

As a consequence of the rising Indices' values, premium levels for the Airline, Broker/Dealer and de Jager Indices options have also risen. According to the Exchange, these higher premium levels have been cited as the principal factor that has discouraged retail investors and some small market professionals from trading these index options. As a result, the Exchange is proposing to decrease the Airline, Broker/Dealer and de Jager Indices to one-half of their respective present values.

To decrease the Indices' values, the Exchange will double the divisor used in calculating the Indices. The Amex proposes no other changes to the components of the Indices, their methods of calculation (other than the change in the divisor), expiration style of the options or any other Index specification.

The Amex believes that lower valued Indices will result in substantial lowering of the dollar values of options premiums for the airline, Broker/Dealer and de Jager Indices options contracts. The Exchange plan to adjust outstanding series similar to the manner in which equity options are adjusted for a 2-for-1 stock split. On the effective date of the split ''ex-date,'' the number of outstanding Airline, Broker/Dealer and de Jager Indices' options contracts

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Scott G. Van Hatten, Legal Counsel, Derivative Securities, Amex, to Sharon Lawson, Esq., Assistant Director, Division of Market Regulation (''Division''), Commission, dated March 10, 1998 (''Amendment No. 1''). In Amendment No. 1, the Amex requests expedited review and accelerated effectiveness of the proposed rule change with respect to the provisions concerning the Amex Securities Broker/Dealer Index. In addition to correcting a clerical error, Amendment No. 1 also makes clear that the position and exercise limits, which are proposed to be initially doubled, will revert to their original limits at the expiration of the furthest expiration month for non-long term options series (''LEAPs'') as established on the date of the split.

[4] *See* Securities Exchange Act Release No. 35084, 59 FR 65419 (December 19, 1994) (order approving File No. SR–Amex–94–54).

[5] *See* Securities Exchange Act Release No. 33766, 59 FR 13518 (March 22, 1994) (order approving File No. SR–Amex–93–37).

[6] At the time the proposal was originally filed, the index value of the Broker/Dealer Index had increased to 953. Subsequent to the original filing, however, the index value has increased to more than 1000. According to the Amex, the system used to calculate the value of the Index cannot accommodate four-digit numbers. As a result, all calculations of the value of options on the Broker/Dealer Index must be performed manually on a continuous basis for each series. Therefore, the Amex has requested accelerated approval of the provisions of the proposal pertaining to the Broker/Dealer Index. *See* Amendment No. 1, *supra* note 3.

[7] *See* Securities Exchange Act Release No. 38307, 62 FR 8469 (February 25, 1997) (order approving File No. SR–Amex–97–04).

[8] As originally filed, the proposal incorrectly listed the de Jager's benchmark Index value as 200. This clerical error was corrected by the Exchange in Amendment No. 1. *See* Amendment No. 1, *supra* note 3.

will be doubled and strike prices halved.

Position and Exercise Limits

Currently, position and exercise limits for the Airline and Broker/Dealer Indices equal 15,000 contracts, while position and exercise limits for the de Jager Index equal 12,000 contracts, on the same side of the market. The Exchange proposes to double the position and exercise limits to 30,000 contract for the Airline and Broker/Dealer Indices and to 24,000 contracts for the de Jager Index on the same side of the market. This change will be make simultaneously with the proposed reduction of the Indices' value and the doubling of the number of contracts.

Since the new position and exercise limits will be equivalent to the Indices' present limits, there is no additional potential for manipulation of the Indices or the underlying securities. Further, an investor who is currently at the 15,000 (or 12,000) contract limit will, as a result of the index value reductions, automatically hold 30,000 (or 24,000) contracts to correspond with the lowered index values. These increased position and exercise limits will revert to their original limits at the expiration of the furthest month for non-LEAPs [9] as established on the date of the split.

The Exchange believes that decreasing the values of the Airline, Broker/Dealer and de Jager Indices may make these index options more attractive to retail investors and other market professionals and therefore, more competitive with other products in the marketplace.

2. Statutory Basis

The Amex believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act [10] that an Exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

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 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 such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

The Exchange has also requested that the Commission find good cause, pursuant to Section 19(b)(2) of the Act,[11] for approving the proposed split of the Broker/Dealer Index on an accelerated basis prior to the thirtieth day after publication in the **Federal Register**.[12]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at 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 Amex. All submissions should refer to File Number SR–Amex–98–11 and should be submitted by April 16, 1998.

V. Commission Findings and Order Granting Partial Accelerated Approval of the Proposed Rule Change

The Commission finds that the portion of the proposed rule change, as amended, relating to the Broker/Dealer Index is consistent with the requirements of Section 6 of the Act [13] and the rules and regulations thereunder applicable to a national securities exchange.[14] Specifically, the Commission believes that the provisions of the proposed rule change pertaining to the Broker/Dealer Index are consistent with and further the objectives of Section 6(b)(5) of the Act [15] in that the proposed splitting of the Broker/Dealer Index and the associated temporary increases in the position and exercise limits would remove impediments to and perfect the mechanism of a free and open market in a manner consistent with the protection of investors and the public interest.

By reducing the value of the Broker/Dealer Index, the Commission believes that a broader range of investors will be provided with a means to hedge their exposure to the market risk associated with the stocks underlying the Index. Similarly, the Commission believes that reducing the value of the Broker/Dealer Index may attract additional investors, thus creating a more active and liquid trading market.

The Commission also believes that Amex's proposed adjustments to its position and exercise limits applicable to the Broker/Dealer Index are appropriate and consistent with the Act. In particular, the Commission believes that the temporary doubling of the position and exercise limits are reasonable in light of the fact that the size of the Broker/Dealer Index option contract will be halved and that, as a result, the number of outstanding options contracts an investor holds will be doubled. The temporary doubling of the position and exercise limits, therefore, will ensure that investors will not potentially be in violation of the lower existing position and exercise

[9] The proposal, as originally filed, required the increased position and exercise limits to revert to the original limits at the expiration of the furthest expiration month as established on the date of the split. Because trading in LEAPs has been approved for each of the three Indices, the Amex proposes to clarify that position and exercise limits will revert to their original levels at the expiration of the furthest expiration month for non-LEAPs. *See* Amendment No. 1, *supra* note 3. The furthest expiration month for non-LEAPs is generally nine months.

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(2).

[12] *See* note 6, *supra*.

[13] 15 U.S.C. 78f.

[14] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f(b)(5).

limits while permitting market participants to maintain, after the split of the Broker/Dealer Index, their current level of investment in the Broker/Dealer Index option contracts. As noted above, the increased position and exercise limits of 30,000 contracts will revert to their original limit of 15,000 contracts at the expiration of the further expiration month of non-LEAPs as established on the date of the split, which is expected to be October 1998.[16]

The Commission further believes that doubling the Broker/Dealer Index's divisor will not have an adverse market impact on the trading in these options. After the split, the Broker/Dealer Index will continue to be comprised of the same stocks with the same weightings and will be calculated in the same manner, except for the proposed change in the divisor. The Commission notes that the Amex's surveillance procedures also will remain the same.

Finally, the Commission notes that, prior to implementing the changes, the Exchange will provide advance notice of the proposed changes to the Broker/Dealer Index to its membership through an information circular.[17] The Broker/Dealer Index is expected to be reduced by one-half prior to the April 17, 1998 expiration. The Amex has committed to provide notice to its membership at least two weeks prior to the implementation of the proposed change to the Broker/Dealer Index value and the resulting adjustments to the outstanding Broker/Dealer Index options contracts. The Commission believes that the proposed time frame should allow for adequate notice to be provided to the holders of all open positions in Broker/Dealer Index options and other market participants.

The Commission finds good cause for partially approving the proposed rule prior to the thirtieth day after publication of the proposed rule change in the **Federal Register**. The Commission believes that the proposed split of the Broker/Dealer Index raises no new or novel regulatory concerns. In addition, the Commission notes that since the initial filing of the proposal, the value of the Broker/Dealer Index has increased to the extent that present value is in excess of 1000. As the system used to calculate the value of the Index cannot accommodate four-digit numbers, all calculations of the value of options on the Broker/Dealer Index must be performed manually on a continuous basis for each series. The Commission believes that to ensure the continued accuracy and reliability of the values of Broker/Dealer Index options contracts, the accelerated approval of the portion of the proposal relating to the Broker/Dealer Index is appropriate. In addition, the Amex has ensured that market participants will receive adequate notice prior to implementation of the adjustments to the index value and outstanding Broker/Dealer Index options. Accordingly, the Commission finds that good cause exists, consistent with Section 6(b)(5) of the Act,[18] to partially accelerate approval of the proposed rule change, as discussed above.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[19] that the portion of the proposed rule change (SR–Amex–98–11) relating to the Broker/Dealer Index is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–7921 Filed 3–25–98; 8:45 am]

BILLING CODE 8010–01–M

[16] According to the Amex, October 1998 will be the furthest expiration month for non-LEAPs on the Broker/Dealer Index for purposes of the reversion of position and exercise limits to their original levels. The Amex has agreed to provide notice to its members to remind them of the need to reduce their positions at least one month prior to the date that the position and exercise limits revert to their original levels. Per telephone conversation between Scott Van Hatten, Legal Counsel, Derivative Securities, Amex, and Deborah Flynn, Division, Commission, on March 19, 1998.

[17] Per telephone conversation between Scott Van Hatten, Legal Counsel, Derivative Securities, Amex, and Deborah Flynn, Division, Commission, on March 19, 1998.

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78s(b)(2).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39771; File No. SR–NASD–98–15]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Elimination of Position and Exercise Limits for FLEX Equity Options

March 19, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 17, 1998, NASD Regulation, Inc. (''NASD Regulation'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to amend Rule 2860(b) of the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), to establish the NASD member firms and their customers shall have the same position and exercise limits for FLEX Equity Options as the firms that are also members of the exchange on which such FLEX Equity Options trade. Below is the text of the proposed rule change. Proposed new language is in italics.

Rule 2860. Options

* * * * *

(b) Requirements.

(1) General.

(A) Applicability—This Rule shall be applicable (i) to the trading of options contracts issued by The Options Clearing Corporation and displayed on The Nasdaq Stock Market and to the terms and conditions of such contracts; (ii) to the extent appropriate unless otherwise stated herein, to the conduct of accounts, the execution of transactions, and the handling of orders in exchange-listed options by members who are not members of an exchange on which the option executed is listed; (iii) to the extent appropriate unless otherwise stated herein, to the conduct of accounts, the execution of transactions, and the handling of orders in conventional options; and (iv) other matters related to options trading.

Unless otherwise indicated herein, subparagraphs (3) through (12) shall apply only to options displayed on Nasdaq and standardized and conventional on common stock and subparagraphs (13) through (24) shall apply to transactions in all options as defined in paragraph (a), including common stock. *The position and exercise limits for FLEX Equity Options for members who are not also members of the exchange on which FLEX Equity Options trade shall be the same as the position and exercise limits as applicable to members of the exchange on which such FLEX Equity Options are traded.*

* * * * *

[1] 15 U.S.C. § 78s(b)(1).

[2] 17 CFR 240.19b–4.

(2) Definitions.

The following terms shall, unless the context otherwise requires, have the stated meanings:

* * * * *

(W) *Flex Equity Option—The term ''Flex Equity Option'' means any options contract issued, or subject to issuance by, The Options clearing Corporation whereby the parties to the transaction have the ability to negotiate the terms of the contract consistent with the rules of the exchange on which the options contract is traded.*

(X)–(ZZ) Redesignated accordingly.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified I Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On September 5, 1997, The Nasdaq Stock Market, Inc. (''Nasdaq'') filed a proposed rule change with the Commission to: (1) amend NASD Rule 2860(b) to disaggregate conventional equity options from exchange-traded equity options for position limit purposes and establish a new conventional equity option base position limit of three times the limit allowed for standardized options on the same underlying security;[3] (2) amend the NASD's OTC Collar Aggregation Exemption to provide that the exemption may be utilized with respect to an entire conventional equity options position, not just that portion of the position that was established pursuant to the NASD's Equity Option Hedge Exemption; and (3) eliminate position and exercise limits on FLEX Equity Options. Shortly thereafter, on September 9, 1997,[4] the Commission approved a two-year pilot program (''Pilot Program'') to eliminate position and exercise limits for FLEX Equity Options, which are traded on the American Stock Exchange, Inc. (''Amex''), the Chicago Board Options Exchange, Inc. (''CBOE''), and the Pacific Exchange, Inc. (''PCX'') (collectively ''Options Exchanges'').[5] In light of the adoption of the Pilot Program, NASD Regulation seeks to amend its rules to be consistent with the rules of the Options Exchanges. The NASD has withdrawn its proposed rule change (SR–NASD–97–67) dated September 5, 1997, and recently refiled a proposed rule change addressing items (1) and (2) described above.[6] The NASD determined to submit the instant rule filing concerning FLEX Equity Options separately in order to obtain expedited approval, which is necessary to avoid inconsistencies between the rules of the NASD and the Options Exchanges.

The NASD's option position and exercise limits apply, among other things, to ''the conduct of accounts, the execution of transactions, and the handling of orders in exchange-listed options by members who are not members of an exchange on which the option executed is listed.''[7] As currently written, the NASD's position limits do not provide any exemption for FLEX Equity Options. Consequently, NASD member firms who are not members of an Options Exchange and who effect proprietary or customer FLEX Equity Options through members of the Options Exchanges are subject to options position and exercise limits. In contrast, Options Exchange member firms executing such orders in FLEX Equity Options are not subject to NASD options position and exercise limits.[8] NASD Regulation does not believe that NASD and Options Exchange member firms and their customers should be subject to different position and exercise limits with respect to FLEX Equity Options.

To reconcile the NASD rules with those of the Options Exchanges, the proposed rule change provides that the position and exercise limits for FLEX Equity Options[9] for NASD members who are not members of an Options Exchange shall be the same as the position and exercise limits applicable to members of the exchange on which such FLEX Equity Options are traded. Moreover, since the proposed rule change incorporates the position and exercise limits for FLEX Equity Options established by the Options Exchanges, the elimination of position and exercise limits for FLEX Equity Options will continue only as long as the Pilot Program remains in effect, subject, of course, to extensions by the Commission or the adoption of a rule permanently eliminating position and exercise limits for FLEX Equity Options.

Finally, although the proposed rule change does not specify any of the reporting, margin and capital charge requirements of the Pilot Program, NASD members and their customers will be effectuating such requirements through the Options Exchange member (who is subject to the requirements of the Pilot Program) effecting the FLEX Equity Option transaction.

2. Statutory Basis

NASD Regulation believes the proposed rule change is consistent with Section 15A(b)(6) of the Act,[10] which requires, among other things, that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. Specifically, NASD Regulation believes that amending its rules to incorporate changes in the position and exercise limits for FLEX Equity Options as a result of the Pilot Program achieves these purposes.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[3] Telephone Conversation between Gary L. Goldsholle, Office of General Counsel, NASD Regulation, and Christine Richardson, Division of Market Regulation, Commission, February 26, 1998.

[4] *See* Exchange Act Release No. 39032 (September 9, 1997), 62 FR 48683 (September 16, 1997).

[5] FLEX Equity Options, are exchange-traded options issued by The Options Clearing Corporation that give investors the ability, within specified limits, to designate certain terms of the option (*i.e.*, the exercise price, exercise style, expiration date, or option type), The Commission notes that it recently approved rules to permit the Philadelphia Stock Exchange to list and trade FLEX Equity Options. *See* Exchange Act Release No. 39549 (January 14, 1998), 63 FR 3601 (January 23, 1998).

[6] *See* SR–NASD–98–22.

[7] NASD Rule 2860(b)(1)(A).

[8] In other words, NASD member firms that are also members of an Options Exchange are not subject to the NASD's options position and exercise limits with regard to FLEX Equity Options.

[9] The proposed rule change defines FLEX Equity Options as any options contract issued, or subject to issuance by, The Options Clearing Corporation whereby the parties to the transaction have the ability to negotiate the terms of the contract consistent with the rules of the exchange on which the options contracts is traded.

[10] 15 U.S.C. 78*o*–3.

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 change.

III. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

NASDA Regulation has requested that the Commission find good cause pursuant to Section 19(b)(2) of the Act for approving the proposed rule change prior to the 30th day after publication in the **Federal Register**. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder. Specifically, the Commission finds that the proposed rule change promotes just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market system, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In general, the Commission believes that the proposed rule change, eliminating position and exercise limits for FLEX Equity Options for members of the NASD who are not also a member of an Options Exchange, is appropriate given that the Commission recently approved similar proposed rule changes for the Options Exchanges.[11] In the approval order for the Options Exchanges, the Commission cited several reasons for approving the elimination of position and exercise limits for FLEX Equity Options on a pilot basis. Those reasons apply here as well. First, the FLEX Equity Options market is characterized by large, sophisticated institutional investors (or extremely high net worth individuals), who have both the experience and ability to engage in negotiated, customized transactions. For example, with a required minimum size of 250 contracts to open a transaction in a new series, FLEX Equity Options are designed to appeal to institutional investors, and it is unlikely that retail investors would be able to engage in options transactions at that size. Second, all of the Options Exchanges' other current rules and provisions governing FLEX Equity Options remain applicable. Third, the Options Clearing Corporation will serve as the counter-party guarantor in every exchange-traded transaction. Fourth, the elimination of position and exercise limits for FLEX Equity Options potentially could expand the depth and liquidity of the FLEX Equity Option market without significantly increasing concerns regarding intermarket manipulations or disruptions of the options or the underlying securities. Finally, the Exchanges' surveillance programs and enhanced monitoring procedures will be applicable to the trading of FLEX Equity Options and should detect and deter trading abuses arising from the elimination of position and exercise limits.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission notes that the current rules have the effect of placing certain NASD member firms and their customers at a competitive disadvantage to Options Exchange member firms with respect to FLEX Equity Options position and exercise limits because the latter are not subject to the NASD's position and exercise limits. The Commission believes that accelerated approval of the proposed rule change will conform the NASD rules concerning position and exercise limits for FLEX Equity Options with those of the Options Exchanges, thereby resulting in consistent application of the position and exercise limits for FLEX Equity Options. Accordingly, the Commission believes that it is consistent with Section 15A of the Act to approve the proposed rule change on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying 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 Exchange. All submissions should refer to File No. SR–NASD–98–15 and should submitted by April 16, 1998.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–NASD–98–15) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–7917 Filed 3–25–98; 8:45 am]

BILLING CODE 8010–01–M

[11] *See* Exchange Act Release No. 39032 (September 9, 1997), 62 FR 48683 (September 16, 1997).

[12] 15 U.S.C. § 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39774; File No. SR–NYSE–98–05]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc., Relating to the Reimbursement of Member Organizations for Costs Incurred in the Transmission of Proxy and Other Shareholder Communication Material

March 19, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 6, 1998, the New York Stock Exchange, Inc. (''Exchange'' or ''NYSE'') 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 extend the pilot period during which recent changes to Exchange Rule 451, ''Transmission of Proxy Material,'' and Exchange Rule 465, ''Transmission of Interim Reports and Other Material'' (collectively the ''Rules''), became operative. The Rules establish guidelines for the reimbursement of expenses by issuers to NYSE member

[1] 15 U.S.C. 78s(b)(1).

organizations for the processing of proxy materials and other issuer communications (''Materials'') with respect to security holders whose securities are held in street name. The Rules also allow NYSE member organizations to employ the practice of ''householding'' to eliminate multiple mailings of Materials to beneficial security holders at the same address.

On March 14, 1997, the Commission approved a NYSE proposal that significantly amended the Rules and the reimbursement guidelines set forth therein (the ''Previous Filing'').[2] In a separate filing related to this proposed rule change (the ''Companion Filing''), the Commission approved the Exchange's proposal to reduce the rate of reimbursement for mailing each set of Materials from $.55 to $.50, and to extend the current pilot period through July 31, 1998.[3] This filing proposes one change to the Rules, regarding the use of householding through implied consent, and also proposes to extend the effectiveness of the Rules, as amended by this filing, the Previous Filing and the Companion Filing, through June 30, 2001.

The text of the proposed rule change is available at the Office of the Secretary, the Exchange, and at the Commission.

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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Previous Filing and the Companion Filing lowered certain reimbursement guidelines, created incentive fees to eliminate duplicative mailings, established a supplemental fee for intermediaries that coordinate multiple nominees, and established rules allowing householding.

The Commission approved the Previous Filing on a pilot basis and established an initial expiration date of May 13, 1998. The Companion Filing extended the expiration date through July 31, 1998.[4] In the Previous Filing, the Exchange committed to undertake an independent audit that would analyze the application of the modified Rules during the 1997 proxy season (the ''Audit''). The Exchange stated that it would submit the Audit to the Commission by October 31, 1997. Due to delays in the audit procedure, the Exchange did not deliver the Audit to the Commission until January, 1998.[5]

In addition to its proposal to extend the pilot period through June 30, 2001, the Exchange seeks to amend the Rules regarding householding to provide for the use of ''implied consent.'' This amendment would allow a member organization to send only one set of Materials to a household encompassing multiple beneficial holders if the member organization provided at least 60 days' notice of the proposed householding and the beneficial holders did not object to such practice.[6]

As to the extension of the pilot period through June 30, 2001,[7] the Exchange believes that the Audit indicates the reimbursement fees implemented during the pilot period are reasonable. However, the Exchange believes that additional experience with the pilot period fee structure would be useful before determining whether to seek permanent approval of such fee structure or to propose additional amendments. The Exchange contends that a three-year extension would provide that experience, while also providing the market with sufficient certainty that the current rules will be available for a reasonable period of time. The Exchange believes such certainty is necessary to allow market participants to invest in the infrastructure necessary to support the proxy communication process.

In its order approving the Previous Filing, the Commission stated that it was then appropriate for the Exchange to propose specific rates of reimbursement. However, the Commission went on to recommend that the Exchange, issuers, and broker-dealers develop and approach that would foster competition in this area. The Commission also suggested that the Exchange and other self-regulatory organizations (''SOR's'') ''explore whether reimbursement can be set by market forces, and whether this would provide a more efficient, competitive, and fair process than SRO standards.''

The Exchange appreciates the Commission's concerns. However, the Exchange believes it is unlikely that competition will develop to the extent necessary to relieve the Exchange of its role in establishing reimbursement guidelines. for example, within the last year, three large NYSE member organizations contracted with the industry leader, ADP Financial Information Services, Inc. (''ADP''), to handle the mailing of Materials, rather than continuing to process such mailings through in-house operations.[8] While the Exchange certainly would encourage competition in this industry, the Exchange believes that experience indicates that the proxy communication process benefits from the economies of scales and uniform procedures that arise when most mailings are coordinated through a single entity.

[2] Securities Exchange Act Release No. 38406 (Mar. 14, 1997), 62 FR 13922 (Mar. 24, 1997). The Previous Filing contains a detailed description regarding the background and history of the Rules.

[3] *See* Securities Exchange Act Release No. 39672 (Feb. 17, 1998), 63 FR 9034 (Feb. 23, 1998).

[4] In the Companion Filing, the Commission noted that the May 13, 1998, expiration date intersected the time period when proxy materials traditionally are distributed to shareholders. As a result, NYSE member organizations potentially would have been reimbursed at two different rates—the rates established by the Previous Filing, and the rates in effect prior to the implementation of the Previous Filing (the default rates)—if the expiration date were not extended.

[5] A copy of the Audit is publicly available for review in File No. SR–NYSE–98–05 at the Commission's Public Reference Section located at the address specified in Item IV.

[6] The Exchange represents that its proposal is substantively identical to the implied consent provision set forth in the Commission's recent proposed rulemaking release concerning householding. *See* Securities Act Release No. 7475; Securities Exchange Act Release No. 39321; and Investment Company Act Release No. 22884 (Nov. 13, 1997), 62 FR 61933 (Nov. 20, 1997). The rules currently permit NYSE members to household annual reports, interim reports, proxy statements, and other materials where the beneficial holders have provided actual consent. However, it should be noted that the Commission's proposed rule only would allow the householding of prospectuses, annual reports, and semiannual reports if the consent (actual or implied) of beneficial holders was obtained.

[7] In connection with the Exchange's request for a thirty-five month extension of the pilot reimbursement guidelines, the Commission notes that the Exchange has committed to undertake an independent audit of the revised fee structure during the 1998 proxy season. Conversation between James E. Buck, Senior Vice President and Secretary, Exchange, and Sharon M. Lawson, Senior Special Counsel, Division of Market Regulation, Commission, March 18, 1998.

[8] The NYSE member organizations are: Merrill Lynch, Pierce, Fenner & Smith, Inc.; Paine Webber Incorporated; and Prudential Securities Incorporated. The Audit states that of the sixty-nine NYSE member organizations that responded to the Audit-Related survey, ninety-three percent indicated they subcontract their proxy distribution responsibilities to ADP. It should be noted that this rate of subcontracting does not include the three NYSE member organizations named above.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirement under Section 6(b)(5) of the Act[9] that an exchange maintain rules that are designed to prevent fraudulent and manipulative acts and practices; promote just and equitable principles of trade; foster cooperation and coordination with persons engaged in regulating, clearing settling, processing information with respect to, and facilitating transactions in securities; remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change 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

The Exchange has not solicited, and does not intend to solicit, comments on the proposed rule change. Nor has the Exchange received any unsolicited written comments from members or other interested parties.

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 exchange consents, the Commission will:

(A) By order approved 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, including whether the proposed rule change is consistent with the Act. The Commission generally solicits comment on the questions set forth below to facilitate its independent determination as to whether the new fee structure: (1) provides for the equitable allocation of reasonable fees among NYSE-listed companies and NYSE member firms, consistent with Section 6(b)(4) of the Act; (2) conforms with Sections 6(b)(5) and 6(b)(8) of the Act by not unfairly discriminating among issuers and imposing a burden on competition that is not necessary under the Act; and (3) imposes fees that are ''reasonable'' within the meaning of Rules 14a–13, 14b–1, and 14b–2 under Sections 14(a) and 14(b) of the Act. The Commission notes that Rules 14a–13, 14b–1, and 14b–2 require registered broker-dealers, banks and other covered nominees to deliver proxy materials, annual reports and other corporate communications to street-name security holders. These rules are meant to ensure, among other things, that public companies reimburse these nominees, upon request, for ''reasonable expenses'' incurred in delivering such communications.

At stated in the Previous Filing, the Commission has reached no final resolution of the issues noted by commenters. The Commission will continue to closely examine the impact of the revised proxy fee reimbursement guidelines on NYSE-listed companies and NYSE member firms. Because the Audit did not analyze recent developments such as the shifting of proxy distribution activities to ADP from three of four self-distributing broker-dealers, and ADP's Internet proxy delivery and voting mechanism, the Commission solicits specific comment on the following questions: (1) ADP introduced its Internet delivery and voting services after the fee structure was approved on a pilot basis on March 14, 1997. Accordingly, the Commission solicits comment regarding the itemized fees that ADP charges issuers for Internet proxy delivery and voting services. In addition, should the processing fee that relates to the mailing of materials in paper format (which the Exchange recently reduced from $0.55 to $0.50 per basic proxy package) be modified to reflect the actual costs of electronic delivery? (2) Is the incentive fee ($0.50 per mailing eliminated) necessary or appropriate, in whole or part, now that ADP is offering the Internet as a vehicle for delivery of proxy materials and other corporate communications to street-name holders? (3) Is the proposed thirty-five month extension of the pilot more appropriate than a longer or shorter period? (4) Are issuers with small but diffuse shareholder bases realizing the same benefits from ADP's nominee coordination activities as larger issuers whose securities are widely owned but more concentrated in the accounts of nominees? (5) Does the $20 nominee coordination fee have a disproportionate impact on smaller issuers?

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–NYSE–98–05 and should be submitted by April 16, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

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[9] 15 U.S.C. 78f(b)(5).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39770; File No. SR–NYSE–97–36]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Revisions to Exchange Policy for Entry of MOC/LOC Orders and Publication of Imbalances

March 18, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 29, 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 NYSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. § 78s(b)(1)

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of changes to the Exchange's policy for entry of market-on-close (''MOC'') and limit-at-the-close (''LOC'') orders and publication of imbalances, for both expiration and non-expiration days.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE 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 NYSE 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

Special procedures regarding the entry of MOC and LOC orders have been in effect for more than ten years. These procedures are designed to alleviate excess volatility at the close by providing MOC imbalance information to market participants in a timely manner in order to attract contra-side interest. The procedures have been refined over the years based on the Exchange's experience and input from constituents. The Exchange is now proposing additional refinements to the procedures in order to enhance their usefulness.

The current procedures require the MOC and LOC orders in any stock be entered by 3:40 p.m. on expiration days, and by 3:50 p.m. on non-expiration days. No cancellation or reduction of any MOC or LOC order in any stock may take place after 3:40 p.m. on expiration days or 3:50 p.m. on non-expiration days, (except in a case of legitimate error or to comply with the provisions of Exchange Rule 80A). In addition, Floor brokers representing any MOC orders must indicate their MOC interest to the specialist by 3:40 p.m. or 3:50 p.m., for expiration and non-expiration days, respectively.

For the selected stocks identified by the Exchange (formerly known as ''pilot stocks'') and published in its ''special stock list,'' a single publication of imbalances of 50,000 shares or more is required to be made as soon as practicable after 3:40 p.m. on expiration days or 3:50 p.m. on non-expiration days. On expiration days, stocks on the special stock list that do not have an imbalance of 50,000 shares or more at 3:40 p.m. must publish a ''no imbalance'' status. Imbalances of 50,000 shares or more must also be published for stocks going into or out of an index. For any other stock, an imbalance of 50,000 shares or more may be published at the request of the specialist, with Floor Official approval. After the 3:40 p.m. or 3:50 p.m. imbalance publication, MOC and LOC orders may be entered only to offset a published imbalance. No MOC or LOC orders may be entered if there is no imbalance publication. On expiration days, the entry of MOC or LOC orders after 3:40 p.m. to establish or liquidate positions related to a strategy involving derivative instruments is not permitted, even if such orders might offset published imbalances.

In July of 1997, the NYSE's Market Performance Committee appointed a subcommittee to review MOC procedures. The subcommittee made several recommendations to increase the effectiveness of the procedures. These changes, which the Exchange is proposing to implement, are:

- 3:40 p.m. deadline for entry of MOC and LOC orders and indication of MOC interest to specialists by Floor brokers representing any MOC orders, every day. This earlier deadline on non-expiration days would provide additional time to attract contra-side interest.
- Integration of marketable LOC orders in the imbalance publication. Currently, imbalance publications indicate MOC interest but not LOC interest. *See* Amendment No. 1. The Exchange is proposing to include both MOC and marketable LOC orders in the imbalance publication. The determination of whether an LOC order is ''marketable'' would be based upon the last sale price at 3:40 or 3:50 p.m. This means that LOC orders to buy at a higher price would be included with the buy MOC orders; LOC orders to sell at a lower price would be included with the sell MOC orders. LOC orders with a limit equal to the last sale price would not be included in the imbalance calculation. This would provide a more complete picture to market participants of the potential size of the imbalance at the close.
- The Exchange is also proposing mandatory publication of all MOC/LOC imbalances of 50,000 shares or more in *all* stocks on *any* trading day as soon as practicable after 3:40 p.m. As discussed above and in Amendment No. 1, currently, the Exchange requires mandatory publication of imbalances of 50,000 shares or more only in stocks on special stock lists (formerly ''pilot stocks'') and stocks being added to or dropped from an index on expiration days as soon as practicable after 3:40 p.m. (or 3:50 p.m. for non-expiration days). Publication of an imbalance of *less than* 50,000 shares may be made at that time with the approval of a Floor Official. This proposed new provision would permit but not require the publication of an imbalance which, although less than 50,000 shares, may be significantly greater than average daily volume in a stock. This would enhance information available to market participants concerning stocks with significant imbalances.
- The Exchange also proposed a new procedure to permit non-mandatory publication of MOC/LOC imbalances of *any* size between 3:00 and 3:40 p.m., with Floor Official approval; these publications would be informational only, with no effect on MOC/LOC order entry. Imbalance information would be required to be updated at 3:40 p.m. for all stocks on all days, regardless of size, in order to provide timely imbalance information to market participants.
- An additional imbalance publication on both expiration and non-expiration days, must be made at 3:50 p.m. for any stock that had an imbalance publication at 3:40 p.m.[3] If the imbalance at 3:50 p.m. is less than 50,000 shares, a ''no imbalance'' status must be published, except that an imbalance of less than 50,000 shares may be published with Floor Official approval, provided there had been an imbalance publication at 3:40 p.m. If there were no imbalance publication at 3:40 p.m., there would not be a publication at 3:50 p.m., since MOC and LOC orders could not be entered during the interim to change the imbalance. If the 3:50 p.m. imbalance publication reversed the first imbalance publication, only MOC and LOC orders which offset the 3:50 p.m. imbalance would be permitted to be entered thereafter. This would present market participants with

[2] On March 18, 1998, at the Commission staff's request, the NYSE amended the filing by submitting a chart which clarifies the proposed procedures and contains the authority and sources for the NYSE's proposed policy change for entry of MOC and LOC orders and for the publication of imbalances, for both expiration and non-expiration days. *See* Letter from Donald Siemer, Director, Market Surveillance, NYSE, to Richard Strasser, Assistant Director, Division of Market Regulation, Commission, dated march 13, 1998 (''Amendment No. 1''). The chart is provided in Exhibit A, below.

[3] Currently, the Exchange requires only a single imbalance publication at 3:40 p.m. on expiration days and at 3:50 p.m. on non-expiration days. *See* Amendment No. 1.

a more timely and more accurate picture of imbalances before the close.

• MOC/LOC order entry is precluded after 3:40 p.m. in all stocks on all days, unless an imbalance is published, in which case entry of MOC/LOC orders would be permitted only on the contra side of the published imbalance.

The Exchange believes that these revisions would provide more timely and more complete information to market participants concerning MOC/LOC order imbalances and improve the effectiveness of the procedures.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an Exchange have rules that are 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. The proposed changes to MOC/LOC procedures are designed to respond to constituent advice that more timely and more complete information with respect to MOC/LOC imbalances would improve the Exchange's closing procedures.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

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 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, including whether the proposed rule change to consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room in 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 NYSE. All submissions should refer to File No. SR–NYSE–97–36 and should be submitted by April 16, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

EXHIBIT A.—MOC AND LOC CHANGES PROPOSED IN FILE NO. SR–NYSE–97–36

Proposed policy	Current policy	Sources for current policy
• *3:40 p.m.* deadline for entry of MOC and LOC orders on *expiration* days and *non-expiration* days.	• *3:40 p.m.* deadline for entry of MOC and LOC orders on *expiration* days.	• Expiration day MOC procedures permanent approval (File No. SR–NYSE–96–31, Release No. 34–37894, October 30, 1996); Information Memo No. 96–34, November 8, 1996. • LOC order entry procedures pilot approval (File No. SR–NYSE–97–21, Release No. 34–37969, November 20, 1996 and File No. SR–NYSE–97–19, Release No. 34–38865, July 23, 1997); Information Member No. 97–25, May 13, 1997.
• Same as above	• *3:50 p.m.* deadline for entry of MOC and LOC orders on *non-expiration* days.	• Non-expiration day MOC procedures permanent approval (File No. SR–NYSE–94–44, Release No. 34–35589, April 10, 1995); Information Memo No. 95–21, May 12, 1995. • LOC order entry procedures pilot approval (File No. SR–NYSE–96–21, Release No. 34–37969, November 20, 1996 and File No. SR–NYSE–97–19, Release 34–38865, July 23, 1997); Information Memo No. 97–25, May 13, 1997.
• Integration of marketable LOC orders in the imbalance publication, (i.e., include *both MOC* and *marketable LOC* orders in imbalance publication).	• Imbalance publication indicates *MOC* interest only.	• Expiration day MOC procedures permanent approval (File No. SR–NYSE–96–31, Release No. 34–37894, October 30, 1996); Information Memo No. 96–34, November 8, 1996.

[4] 17 CFR 200.30–3(a)(12).

EXHIBIT A.—MOC AND LOC CHANGES PROPOSED IN FILE NO. SR–NYSE–97–36—Continued

Proposed policy	Current policy	Sources for current policy
• Mandatory publication of all *MOC/LOC* imbalances of 50,000 shares or more in *all stocks* on *any trading day* (i.e., expiration and non-expiration days) as soon as practicable after *3:40* p.m.	• Mandatory publication of *MOC* imbalances of 50,000 shares or more in *stocks on special stocks lists* (formerly known as pilot stocks) and *stocks being added to or dropped from an index,* on *expiration days* as soon as practicable after *3:40* p.m.	• Expiration day of MOC procedures permanent approval (File No. SR–NYSE–96–31, Release No. 34–37894, October 30, 1996); Information Memo No. 96–34, November 8, 1996.
• Same as above	• Mandatory publication of MOC imbalances of 50,000 shares or more in *stocks on special stock lists* (formerly—known as pilot stocks) and *stocks being added to or dropped from an index,* on *non-expiration* days as soon as practicable after 3:50 p.m.	• Non-expiration day MOC procedures permanent approval (File No. SR–NYSE–94–44, Release No. 34–35589, April 10, 1995); Information Memo No. 95–21, May 12, 1995.
• Non-mandatory publication of MOC/LOC imbalances of *less than* 50,000 shares at *3:40* p.m. with Floor Official approval.	• New.	
• Non-mandatory publication of MOC/LOC imbalances of *any* size *between 3:00 and 3:40 p.m.,* with Floor Official approval. These would be informational only with no effect on MOC/LOC order entry. Imbalance information would be required to be updated at 3:40 p.m., regardless of size.	• New.	
• Additional imbalance publication on both expiration and non-expiration days, at *3:50 p.m.* for any stock which had an imbalance publication at 3:40 p.m.	• *Single* imbalance publication at *3:40 p.m.,* on *expiration* days and at *3.50 p.m.* on *non-expiration* days.	Expiration day MOC procedures permanent approval (File No. SR–NYSE–96–31, Release No. 34–37894, October 30, 1996); Information Memo No. 96–34, November 8, 1996. • Non-expiration day MOC procedures permanent approval (File No. SR–NYSE–94–44, Release No. 34–35589, April 10, 1995); Information Memo No. 95–21, May 12, 1995.
• After 3:40 and 3:50 p.m. imbalance publications on *any* trading day, MOC/LOC orders may be entered only to offset a published imbalance.	• After imbalance publications at *3:40* p.m. on *expiration days* and *3:50* p.m. on *non-expiration* days, MOC/LOC orders may be entered only to offset a published imbalance.	Expiration day MOC procedures permanent approval (File No. SR–NYSE–96–31, Release No. 34–37894, October 30, 1996); Information Memo No. 96–34, November 8, 1996. • Non-expiration day MOC procedures permanent approval (File No. SR–NYSE–94–44, Release No. 34–35589, April 10, 1995); Information Memo No. 95–21, May 12, 1995. • LOC order entry procedures pilot approval (File No. SR–NYSE–96–21, Release No. 34–37969, November 20, 1996 and File No. SR–NYSE–97–19, Release No. 34–38865, July 23, 1997); Information Memo No. 97–25, May 13, 1997.
• If the imbalance at 3:50 p.m. is less than 50,000 shares, either (1) a ''no imbalance'' status must be published; or (2) Floor Official approval must be sought to publish an imbalance of less than 50,000 shares. • If there were no imbalance publication at 3:40 p.m., there would not be a publication at 3:50 p.m..	•New.	

[FR Doc. 98–7920 Filed 3–25–98; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

[Treasury Directive Number 12–04]

Delegation of Authority for Budget Execution in the Departmental Offices

March 20, 1998.

1. *Delegation.* Pursuant to sections 3. and 5. of Treasury Order (TO) 102–13, this Directive delegates the authority for budget execution/control of funds in the Departmental Offices (DO).

2. For the purposes of paragraphs 3.a. and 3.c. of TO 102–13, the Deputy Assistant Secretary (Administration) shall perform those functions assigned there to the ''head of bureau'' with respect to the DO other than the Financial Crimes Enforcement Network (FinCEN).

3. The Director, FinCEN:

(a) Is delegated authority to incur obligations and make expenditures within the budgetary resources available to FinCEN consistent with applicable Office of Management and Budget apportionments and reapportionments and other authority to make funds available for obligation;

(b) Is delegated authority to issue sub-allotments or allocations of funds to components of FinCEN; and

(c) Shall maintain a system of administrative control of funds for

FinCEN in conformity with the requirements of paragraph 3.c. of TO 102–13.

4. Nothing in this Directive shall be construed to:

a. Apply to the Office of Inspector General, the Community Development Financial Institutions Fund, or the Treasury Asset Forfeiture Fund; or

b. Change organizational or reporting relationships of DO or FinCEN.

5. *Authority.* TO 102–13, ''Delegation of Authority Concerning Budget Matters,'' dated January 19, 1993.

6. *Cancellation.* Treasury Directive 12–04, ''Delegation of Authority for Budget Execution in the Departmental Offices,'' dated September 28, 1995, is superseded.

7. *Expiration Date.* This Directive expires three years after date of issuance unless superseded or cancelled prior to that date.

8. *Office of Primary Interest.* Office of Financial and Budget Execution, Office of the Deputy Chief Financial Officer, Office of the Assistant Secretary for Management and Chief Financial Officer.

Nancy Killefer,

Assistant Secretary for Management and Chief Financial Officer.

[FR Doc. 98–7926 Filed 3–25–98; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Customs Service

Application of Producers' Good Versus Consumers' Good Test in Determining Country of Origin Marking

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed interpretation; solicitation of comments.

SUMMARY: This notice advises the public that Customs does not intend to rely on the distinction between producers' goods and consumers' goods in making country of origin marking determinations. It is Customs' opinion that the consumer-good-versus-producer-good distinction is not determinative that a substantial transformation, as it is traditionally defined, has occurred as demonstrated in a number of recent court decisions. As this proposal may affect certain importer practices, Customs is soliciting comments.

DATES: Comments must be received on or before May 26, 1998.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, D.C. 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Monika Brenner, Attorney, Special Classification and Marking Branch, Office of Regulations and Rulings (202–927–1675).

SUPPLEMENTARY INFORMATION:

Background

In *Midwood Industries, Inc.* v. *United States,* 313 F. Supp. 951 (Cust. Ct. 1970), the U.S. Customs Court considered whether an importer of steel forgings was the ultimate purchaser for purposes of the marking statute, 19 U.S.C. 1304. The court cited the principles set forth in *United States* v. *Gibson-Thomsen Co., Inc.,* 27 CCPA 267 (1940), in determining that the importer's manufacturing operations made it the ultimate purchaser, namely that the importer may be considered the ultimate purchaser for marking purposes if it subjects the article to further processing that results in the manufacture of a new article with a new name, character and use. However, the *Midwood* court also found it relevant to that finding that the imported forgings at issue were transformed from producers' goods to consumers' goods, stating:

> While it may be true * * * that the imported forgings are made as close to the dimensions of ultimate finished form as is possible, they, nevertheless, remain forgings unless and until converted by some manufacturer into consumers' good, i.e., flanges and fittings. And as producers' goods the forgings are a material of further manufacture, having, as such, a special value and appeal only for manufacturers of flanges and fittings. But, as consumers' goods and flanges and fittings produced from these forgings are end use products, having, as such, a special value and appeal for industrial users and for distributors of industrial products. *Midwood* at 957.

It is Customs' opinion that based on subsequent court decisions applying substantial transformation analysis, *Midwood* would be decided differently today. In *National Juice Products Ass'n.* v. *United States.,* 628 F. Supp. 978 (CIT 1986), for example, the court stated that the significance of the producers' goods to consumers' goods transformation in marking cases is diminished in light of its decision in *Uniroyal, Inc.* v. *United States,* 542 F. Supp. 1026 (CIT 1983). In *Uniroyal,* the court held that despite a change in name from an ''upper'' to a ''shoe,'' there was no substantial transformation because the attachment of an outsole to an upper was a minor manufacturing or combining process that left the identity of the upper intact and was the very ''essence'' of the finished shoe. Utilizing the analysis it had articulated in *Uniroyal,* the court in *National Juice Products* found that the addition of water, orange essences, and oils to concentrate does not change the fundamental character of the product, which is still essentially the product of the juice of oranges. The court stated: ''Under recent precedents, the transition from producers' to consumers' goods is not determinative.'' 628 F. Supp. at 989–990. In both *Uniroyal* and *National Juice Products,* however, it was clear that imported materials could have been characterized as ''producers' goods,'' had the court wished to adopt the reasoning used in *Midwood.*

In *Superior Wire* v. *United States,* 669 F. Supp. 472 (CIT 1987), *aff'd,* 867 F.2d 1409 (Fed. Cir. 1989), the lower court found no substantial transformation because while there was a name change from wire rod to wire, there was no character or use change when wire rod was drawn into wire. While the lower court referred to *Torrington* v. *United States,* 764 F.2d 1563 (Fed. Cir. 1985), and *Midwood* and their use of the producers' versus consumers' goods distinction, it also relied on *Uniroyal,* where that distinction was not found to be determinative as to substantial transformation. Accordingly, the court in *Superior Wire* looked to many factors, such as a value added, change in tariff classification, amount of labor required, or capital investment, in determining whether a substantial transformation had occurred and did not endorse the use of the producers' good-consumers' goods analysis of *Midwood.*

Additionally, while the court in *Ferrostaal Metals Corp.* v. *United States,* 664 F. Supp. 535, 541 (CIT 1987), referred to *Midwood's* producers' goods versus consumers' goods distinction as evidence that a change in utility of a product is indicative of a substantial transformation, it did not find that distinction to be particularly determinative. Rather, as it had in *Superior Wire,* the court looked at the ''totality of the evidence'' to hold that hot-dipped galvanized steel sheet was substantially transformed into a ''new and different article of commerce,'' full hard cold-rolled steel sheet. *Id.* At 541.

Finally, in one of the most recent cases, *National Hand Tool Corp.* v. *United States,* 16 CIT 308 (1992), the court did not mention the producers' goods-consumers' goods analysis in its application of the substantial

transformation test. As in the *National Juice Products* and *Uniroyal* decisions, it was clear that the imported articles at issue, hand tool forgings, could have been characterized as ''producers' goods,'' had the court wished to engage in the *Midwood* analysis.

Accordingly, in interpreting the numerous relevant decisions of the Federal Circuit and Court of International Trade, it is Customs' opinion that it is not bound to follow the producer's good versus consumer's good reasoning set forth in *Midwood*. Therefore, Customs does not intend to use producer's good-consumer's good analysis in making country of origin marking determinations under the substantial transformation test. If additional cross-checks are needed in order to make a country of origin marking determination, Customs intends to rely on the ''essence'' test of *Uniroyal* which has been given more weight as exemplified by numerous recent decisions of the Court of International Trade and Federal Circuit.

If this proposal is adopted, parties may seek clarification regarding the continued viability of any ruling that they believe was based on the producers' goods-consumers' goods analysis articulated in *Midwood*.

Comments

Before making a final decision on this proposed position, consideration will be given to any written comments timely submitted to Customs. Mindful of Judge Restani's remarks in *National Juice Products* regarding the propriety of seeking comments from interested parties concerning the effective date of policy changes which have a significant impact on an entire industry, Customs also seeks comments from interested parties as to the impact this proposed interpretation may have on importers and how much time is reasonably needed to comply. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), section 1.4, Treasury Department Regulations (31 CFR 1.4), and section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, D.C.

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: October 1, 1997.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 98–7968 Filed 3–25–98; 8:45 am]

BILLING CODE 4820–02–P

Corrections

Federal Register

Vol. 63, No. 58

Thursday, March 26, 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.

OFFICE OF PERSONNEL MANAGEMENT

Proposed Civilian Acquisition Workforce Personnel Demonstration Project; Department of Defense (DoD)

Correction

In notice document 98–7486 beginning on page 14254, in the issue of Tuesday, March 24, 1998, make the following correction:

On page 14254, in the first column, in the **DATES** section, in the third line, after ''before'' insert ''May 26, 1998:''.

BILLING CODE 1505-01-D

federal register

Thursday
March 26, 1998

Part II

Office of Personnel Management

5 CFR Parts 581 and 582

Processing Garnishment Orders for Child Support and Alimony and Commercial Garnishment of Federal Employees' Pay; Final Rule

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 581 and 582

RIN 3206–AH43

Processing Garnishment Orders for Child Support and Alimony and Commercial Garnishment of Federal Employees' Pay

AGENCY: Office of Personnel Management.

ACTION: Final rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is finalizing amendments to its rules for processing garnishment orders for child support and alimony and to its rules for processing commercial garnishment orders. OPM is also updating the appendices to its regulations.

EFFECTIVE DATE: April 27, 1998.

FOR FURTHER INFORMATION CONTACT: Murray M. Meeker, Senior Attorney, Office of the General Counsel, (202) 606–1700.

SUPPLEMENTARY INFORMATION: On June 11, 1997, OPM published a notice of proposed rulemaking for both its support and its commercial garnishment rules. (62 FR 31763) OPM received ten comments, including eight comments from federal agencies, one comment from a federal employee organization, and one comment from a private law firm.

The majority of the proposed changes to the support garnishment regulations (5 CFR part 581) were intended to implement provisions of 42 U.S.C. 659, as amended by section 362 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104–193.

Among these proposed changes was an amendment to § 581.103(c)(1) concerning the garnishment of pension payments made by the Department of Veterans Affairs (VA). By letters dated July 23, 1997, and August 13, 1997, the VA explained that the proposed amendment to § 581.103(c)(1) was not supported by law. The VA noted that sections 5542 and 5557 of the Balanced Budget Act of 1997, Pub. L. 105–33, amended Pub. L. 104–193 to clarify that VA pension benefits payable under Chapter 15 of title 38 of the United States Code are not subject to garnishment. As requested by the VA and in accordance with the Balanced Budget Act amendments, we have deleted VA pension payments from § 581.103(c)(1).

One agency recommended that OPM amend the definition of legal process in § 581.102(f) to expressly refer to the new interstate enforcement orders referred to in section 362 of Pub. L. 104–193 as ''notices to withhold income pursuant to subsection (a)(1) or (b) of section 466 (of the Social Security Act)''; that OPM add voluntary separation incentive payments and special separation benefits to the items subject to garnishment that are listed in § 581.103; and that OPM revise § 581.303(a)(4) to cover situations where interrogatories in connection with garnishment actions are received by the wrong office. OPM adopted all of these recommendations. The reference to the new orders § 5812.102(f) is reasonable and appropriate. The inclusion of the separation payments in § 581.103 is consistent with FPM Bulletin 581–14 (Nov. 4, 1993) in which OPM announced its determination that separation incentive payments are subject to both support and commercial garnishment. OPM believes that the recommended revision to § 581.303(a)(4) may be of assistance to agencies that receive interrogatories.

One agency recommended that employee contributions to the Thrift Savings Plan as provided for in 5 U.S.C. 8432, be deleted from the moneys subject to garnishment in § 581.103(c). We concur because such contributions are subject to garnishment in accordance with procedures prescribed by the Federal Retirement Thrift Investment Board implementing 5 U.S.C. 8437(e)(3), rather than under the procedures in part 581.

The union commented that the proposed amendment to § 581.103(c), which revises the listing for death benefits that are subject to garnishment, might result in the garnishment of death benefits payable to someone other than a person obligated to pay child support or alimony. The union further commented that § 581.101(a)(1) was redundant because it discusses an obligor's legal obligations to provide child support, alimony, or both, even though the term ''obligor'' is already defined as an individual having a legal obligation to pay alimony or child support. In fact, all of the items listed in § 581.103(c) are for obligors generally and the definition of ''obligor'' in § 581.101(h) eliminates the possibility that someone other than an obligor would be subject to legal process. Therefore, no change was needed. We have also concluded that notwithstanding the redundancy, § 581.101(a)(1) does not require any revision. As to whether death benefits are, in fact, subject to garnishment as remuneration for employment for the obligor, we must emphasize that Congress has expressly provided that ''death benefits under any Federal program'' are subject to garnishment for child support and alimony. 42 U.S.C. 659(h)(1)(A)(ii)(III).

One agency questioned whether the ''authorized official'' mentioned in the definition of legal process in § 581.102(f)(1)(iii) would include an attorney. In certain jurisdictions, attorneys are authorized to issue legal process. Attorneys may, therefore, in certain jurisdictions, qualify as authorized officials.

The union indicated that legal process which did not expressly name a governmental entity would not be regular on its face. OPM has previously determined that legal process which does not expressly name a governmental entity may be accepted for processing. (58 FR 35845) This determination is in accordance with the decision of the United States Court of Appeals for the Federal Circuit in *Millard* v. *United States*, 916 F.2d 1 (1990).

In response to an agency comment, we have corrected a typographical error in the definition of child support and revised the definition of alimony in § 581.102 in accordance with the definitions in 42 U.S.C. 659(i)(3).

As suggested by one agency, we have revised § 581.202(b) to clarify that the Government is not liable for improper service of process. This same agency suggested that § 581.303(a)(4) be revised to permit the designated agent's counsel or other designee to respond to interrogatories. This suggestion has been adopted. However this agency's recommendations that §§ 581.402(a) and 582.402(a) be amended to permit agencies to apply the law where the agency is geographically situated has not been accepted. Because Congress has specified that federal agencies are to be treated like private parties, it would be inappropriate to provide that agencies may apply the law of the jurisdiction in which the agency is located or the Federal Rules of Civil Procedure rather than the law of the jurisdiction that issued the legal process. See 42 U.S.C. 659(a) and *Loftin* v. *Rush*, 767 F.2d 800, 806 (11th Cir. 1985).

As explained in our notice of proposed rulemaking, § 581.402(b) concerns the applicability of the maximum limitations of the Consumer Credit Protection Act, 15 U.S.C. 1673, in the unusual situation where an employee-obligor receives remuneration from more than one governmental entity. One agency commented that while they agreed with this amendment conceptually, they were concerned about its practical application inasmuch

as it is unlikely that one governmental entity would necessarily be aware that the obligor is receiving remuneration from a second governmental entity. While we share this concern, past experience indicates that there are few situations where a court will apply the maximum limitations to more than the specific amount payable by the governmental entity that has received the legal process. We recognize that in those limited situations where the court aggregates payments, the governmental entity may need to make further inquiries to the court. Our goal was to ensure that OPM's regulations did not prohibit the court's action even though it may necessarily complicate the processing of orders where this occurs.

Commenters also suggested that §§ 581.102(d), 581.202(b), 581.303(a)(2), 581.303(a)(3), and 581.305(d) be revised. One agency suggested, for example, that agencies should not be required to be familiar with all of the service of process procedures in each State. However, except as already discussed with regard to § 581.202(b), we have declined to amend the regulations pursuant to these suggestions. All of these sections implement specific provisions of 42 U.S.C. 659 as amended by section 362 of Pub. L. 104–193.

Three commenters criticized the proposed amendments to the commercial garnishment regulations in 5 CFR part 582, particularly the proposed amendment to § 582.305(k), an amendment that requires employing agencies to deduct the agency's administrative costs incurred in complying with commercial garnishment orders. While the proposed amendment was mandated by section 643 of the National Defense Authorization Act for Fiscal Year 1996, Pub. L. 104–106, on November 18, 1997, Congress repealed section 643 with its enactment of section 1105 of the National Defense Authorization Act for Fiscal Year 1998, Pub. L. 105–85. In accordance with section 1105 of Pub. L. 105–85, OPM has deleted the proposed amendment to § 582.305(k).

The employee organization commented that while § 582.305(c)(1) directed agencies to comply with State law, paragraph (c)(2) appears to direct agencies to ignore State law. One agency suggested that § 582.305(c)(1) be revised. However, the proposed provisions are proper. Agencies must comply with the provisions of State law concerning the continuing effect of a garnishment order pending an appeal. *See First Virginia Bank* v. *Vera Randolph and United States*, 920 F. Supp. 213 (D.D.C. 1996), *reversed on other grounds*, 110 F.3d 75 (D.C. Cir. 1997), *cert. denied*, 66 U.S.L.W. 3472 (U.S. Jan. 20, 1998) (No. 97–451). However, agencies need not comply with State laws that would require the agency to escrow funds. See 42 U.S.C. 659(e) and 5 CFR 582.305(h).

One agency recommended that OPM amend Part 582 to expressly provide for the garnishment of interest due the creditor by the employee-obligor that accrued during the garnishment process. Congress has provided that the Federal Government shall comply with commercial garnishment orders as if it were a private person. 42 U.S.C. 659(a). In jurisdictions where private employers are permitted to garnish for the interest associated with commercial garnishment orders, so too are agencies of the Federal Government. In accordance with this recommendation that we clarify this requirement, we have added a new paragraph (m) to § 582.305.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that these regulations will not have significant economic impact on a substantial number of small entities because their effects are limited to federal employees and their creditors.

List of Subjects in 5 CFR Parts 581 and 582

Alimony, Child support, Claims, Government employees, and Wages.

Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending parts 581 and 582 of Title 5, Code of Federal Regulations, as follows:

PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND ALIMONY

1. The authority citation for part 581 is revised as follows:

Authority: 42 U.S.C. 659; 15 U.S.C. 1673; E.O. 12105 (43 FR 59465 and 3 CFR 262) (1979).

2. Section 581.101 is revised to read as follows:

§ 581.101 Purpose.

(2) Notwithstanding any other provision of law (including section 407 of title 42, United States Code, section 5301 of title 38, United States Code, and sections 8346 and 8470 of title 5, United States Code), section 659 of title 42, United States Code, as amended, provides that moneys, the entitlement to which is based upon remuneration for employment, due from, or payable by, the United States or the District of Columbia to any individual, shall be subject, in like manner and to the same extent as if the United States or the District of Columbia were a private person:

(1) To legal process for the enforcement of an obligor's legal obligations to provide child support, alimony, or both, resulting from an action brought by an individual obligee; and

(2) To withholding in accordance with State law enacted pursuant to subsections (a)(1) and (b) of section 666 of title 42, United States Code, and to regulations of the Secretary of Health and Human Services under such subsections, and to any other legal process brought by a State agency subject to regulations of the Secretary of Health and Human Services that is administering a program under an approved State plan to enforce the legal obligations of obligors to provide child support and alimony.

(b) Section 659 of title 42, United States Code, as amended, provides further that each governmental entity shall be subject to the same requirements as would apply if the governmental entity were a private person, except as set forth in this part.

3. In § 581.102, paragraphs (d), (e), and (f) are revised and paragraph (k) is added to read as follows:

§ 581.102 Definitions.

* * * * *

(d) *Child support* means the amounts required to be paid for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing State, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages or reimbursement, and which may include other related costs and fees, interest and penalties, income withholding, attorney's fees, and other relief.

(e) *Alimony* means periodic payments of funds for the support and maintenance of the spouse (or former spouse) of the individual, and (subject to and in accordance with State law) includes separate maintenance, alimony pendente lite, maintenance, and spousal support, and includes attorney's fees, interest, and court costs when and to the extent that the same are expressly made recoverable as such pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court of competent jurisdiction.

Alimony does not include child support or any payment or transfer of property or its value by an individual to the spouse or a former spouse of the individual in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

(f) *Legal process* means any writ, order, summons, notice to withhold income pursuant to subsection (a)(1) or (b) of section 666 of title 42, United States Code, or other similar process in the nature of garnishment, which may include an attachment, writ of execution, court ordered wage assignment, or in the case where a child support order is submitted by a child support agency using the standard Order/Notice to withhold income for child support as required by section 324 of Pub. L. 104–193 and which—

(1) Is issued by:

(i) A court of competent jurisdiction, including Indian tribal courts, within any State, territory, or possession of the United States, or the District of Columbia;

(ii) A court of competent jurisdiction in any foreign country with which the United States has entered into an agreement that requires the United States to honor such process; or

(iii) An authorized official pursuant to an order of a court of competent jurisdiction or pursuant to State or local law; or

(iv) A State agency authorized to issue income withholding notices pursuant to State or local law or pursuant to the requirements of section 666(b) to title 42 of the United States Code; and

(2) Is directed to, and the purpose of which is to compel, a governmental entity, to make a payment from moneys otherwise payable to an individual, to another party to satisfy a legal obligation of the individual to provide child support, alimony or both.

* * * * *

(k) *Individual obligee* means any individual or entity other than a State agency authorized to issue income withholding notices pursuant to the requirements of section 666(b) to title 42 of the United States Code.

4. In § 581.103, paragraphs (a) and (b) introductory text, are republished, paragraphs (a)(27), (a)(28), (b)(14), (b)(15), and (c) are revised, and paragraphs (a)(29), (b)(16), and (b)(17) are added to read as follows:

§ 581.103 Moneys which are subject to garnishment.

(a) For the personal service of a civilian employee obligor:

* * * * *

(27) Special pay adjustments for law enforcement officers in selected cities;

(28) Advances in pay; and

(29) voluntary separation incentive payments.

(b) For the personal service of an obligor in the uniformed services of the United States:

* * * * *

(14) Severance pay (including disability severance pay);

(15) Cash awards (NOAA Corps);

(16) Special separation benefits; and

(17) Voluntary separation incentives.

(c) for obligors generally:

(1) Periodic benefits, including a periodic benefit as defined in section 428(h)(3) of title 42 of the United States Code, title II of the Social Security Act, to include a benefit payable in a lump sum if it is commutation of, or a substitute for, periodic payments; or other payments to these individuals under the programs established by subchapter II of chapter 7 of title 42 of the United States Code (Social Security Act); and payments under chapter 9 of title 45 of the United States Code (Railroad Retirement Act) or any other system, plan, or fund established by the United States (as defined in section 662(a) of title 42 of the United States Code) which provides for the payment of:

(i) Pensions;

(ii) Retirement benefits;

(iii) Retired/retainer pay;

(iv) Annuities; and

(v) Dependents' or survivors' benefits when payable to the obligor;

(2) Refunds of retirement contributions where an application has been filed;

(3) Amounts received under any federal program for compensation for work injuries; and

(4) Benefits received under the Longshoremen's and Harbor Workers' Compensation Act.

(5) Compensation for death under any federal program, including death gratuities authorized under 5 U.S.C. 8133(f); 5 U.S.C. 8134(a); Pub. L. 103–332, section 312; and Pub. L. 104–208, section 651.

(6) Any payment under any federal program established to provide ''black lung'' benefits;

(7) Any payment by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if the former member has waived either the entire amount or a portion of the retired or retainer pay in order to receive such compensation. In such cases, only that part of the Department of Veterans Affairs payment that is in lieu of the waived retired pay or waived retainer pay is subject to garnishment.

§ 581.104 [Amended]

5. In § 581.104, paragraph (j) is removed and paragraph (k) is redesignated as paragraph (j).

6. In § 581.105, paragraph (a) is revised to read as follows:

§ 581.105 Exclusions.

* * * * *

(a) Are owed by the individual to the United States, except that an indebtedness based on a levy for income tax under section 6331 of title 26 of the United States Code, shall not be excluded in complying with legal process for the support of minor children if the legal process was entered prior to the date of the levy;

* * * * *

7. In § 581.202, paragraphs (a) and (b) are revised to read as follows:

§ 581.202 Service of process.

(a) A party using this part shall serve legal process on the agent designated in appendix A to this part, or if no agent has been designated for the governmental entity having payment responsibility for the moneys involved, then upon the head of that governmental entity, which has moneys due and payable to the obligor. Where the legal process is directed to, and the purpose of the legal process is to compel a governmental entity which holds moneys which are otherwise payable to an individual, to make a payment from such moneys in order to satisfy a legal obligation of such individual to provide child support or make alimony payments, the legal process need not expressly name the governmental entity as a garnishee.

(b) Service shall be accomplished pursuant to State procedures in effect pursuant to subsection (a)(1) or (b) of section 666 of title 42 of the United States Code. The designated agent shall note the date and time of receipt on the legal process. The governmental entity shall make every reasonable effort to facilitate proper service of process on its designated agent(s). If legal process is not directed to any particular official within the entity, or if it is addressed to the wrong individual, the recipient shall, nonetheless, forward the legal process to the designated agent. However, valid service is not accomplished until the legal process is received in the office of the designated agent. Moreover, the Government will not be liable for any costs or damages resulting from an agency's failure to

timely serve process or to correct faulty service of process.

* * * * *

8. In § 581.303, paragraph (a) is revised to read as follows:

§ 581.303 Response to legal process or interrogatories.

(a) Whenever the designated agent is validly served with legal process pursuant to State procedures in effect pursuant to subjection (a)(1) or (b) of section 666 of title 42, United States Code, within 30 calendar days, or within such longer period as may be prescribed by applicable State law, the agent shall comply with all applicable provisions of section 666, including as follows:

(1) If an agent is served with notice concerning amounts owed by an obligor to more than one person, the agent shall comply with section 666(b)(7);

(2) Allocation of moneys due and payable to an individual under section 666(b) shall be governed by section 666(b) and the regulations prescribed under such section by the Secretary of Health and Human Services;

(3) Such moneys as remain after compliance with paragraphs (a)(1) and (a)(2) of this section shall be available to satisfy any other such legal process on a first-come, first-served basis, with any such legal process being satisfied out of such moneys as remain after the satisfaction of all such legal process which have been previously served.

(4) The agent or the agent's counsel or other designee shall respond within 30 calendar days to interrogatories which accompany legal process if the information sought in the interrogatory is not available to the entity to which it was sent, and the proper entity is known, the recipient shall forward the interrogatory to the appropriate entity in sufficient time to allow for a timely response.

* * * * *

9. In § 581.305, paragraphs (d) and (e) are revised to read as follows:

§ 581.305 Honoring legal process.

* * * * *

(d) If a governmental entity is served with more than one legal process for the same moneys due or payable to an individual, the entity shall comply with § 581.303(a). *Provided,* That in no event will the total amount garnished for any pay or disbursement cycle exceed the applicable limitation set forth in § 581.402.

(e)(1) Neither the United States, any disbursing officer, nor any governmental entity shall be liable for any payment made from moneys due from, or payable by, the United States to any individual pursuant to legal process regular on its face, if such payment is made in accordance with this part.

(2) Neither the United States, any disbursing officer, nor any governmental entity shall be liable under this part to pay money damages for failure to comply with legal process.

* * * * *

10. In subpart D, § 581.402 is revised to read as follows:

§ 581.402 Maximum garnishment limitations.

(a) Except as provided in paragraph (b) of this section, pursuant to section 1673(b)(2) (A) and (B) of title 15 of the United States Code (the Consumer Credit Protection Act, as amended), unless a lower maximum garnishment limitation is provided by applicable State or local law, the maximum part of the aggregate disposable earnings subject to garnishment to enforce any support order(s) shall not exceed:

(1) Fifty percent of the obligor's aggregate disposable earnings for any workweek, where the obligor asserts by affidavit, or by other acceptable evidence, that he or she is supporting a spouse, a dependent child, or both, other than the former spouse, child, or both, for whose support such order is issued, except that an additional five percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is 12 weeks prior to that workweek. An obligor shall be considered to be supporting a spouse, dependent child, or both, only if the obligor provides over half of the support for a spouse, dependent child or both.

(2) Sixty percent of the obligor's aggregate disposable earnings for any workweek, where the obligor fails to assert by affidavit or establishes by other acceptable evidence, that he or she is supporting a spouse, dependent child, or both, other than a former spouse, child, or both, with respect to whose support such order is issued, except that an additional five percent will apply if it appears on the face of the legal process, or from other evidence submitted in accordance with § 581.202(d), that such earnings are to enforce a support order for a period which is 12 weeks prior to that workweek.

(3) Where, under § 581.302(a)(2), an obligor submits evidence that he or she is supporting a second spouse, child, or both a second spouse and dependent child, copies of the evidence shall be sent by the governmental entity to the garnishor, or the garnishor's representative, as well as to the court, or other authority as specified in § 581.102(f)(1), together with notification that the obligor's support claim will be honored. If the garnishor disagrees with the obligor's support claim, the garnishor should immediately refer the matter to the court, or other authority, for resolution.

(b) In instances where an obligor is receiving remuneration from more than one governmental entity, an authority described in § 581.102(f)(1) may apply the limitations described in paragraph (a) of this section to the total remuneration, i.e., to the combined aggregate disposable earnings received by the obligor.

11. Section 581.501 is revised to read as follows:

§ 581.501 Rules, regulations, and directives by governmental entities.

Appropriate officials of all governmental entities shall, to the extent necessary, issue implementing rules, regulations, or directives that are consistent with this part or as are otherwise in accordance with statutory law.

12. Appendix A to part 581 is revised to read as follows:

Appendix A to Part 581—List of Agents Designated to Accept Legal Process

[This appendix lists the agents designated to accept legal process for the Executive Branch of the United States, the United States Postal Service, the Postal Rate Commission, the District of Columbia, American Samoa, Guam, the Virgin Islands, and the Smithsonian Institution.]

I. Departments

Department of Agriculture

Office of the Secretary
Office of the Deputy Secretary
Office of the Under Secretaries
Office of the Assistant Secretaries

Director, Executive Resources and Services Division, Office of Personnel, Room 334 W—Administration Bldg., 14th St. and Independence Ave., SW., Washington, DC 20250, (202) 720–6047

Office of Inspector General

Chief Counsel to the Inspector General, Office of Inspector General, Room 27E—Administration Bldg., 14th St. and Independence Ave., SW., Washington, DC 20250, (202) 720–9110

Administration
Board of Contract Appeals
Chief Financial Officer
Judicial Officer
Office of Administrative Law Judges
Office of Budget and Program Analysis
Office of Civil Rights Enforcement
Office of Communications
Office of Congressional and Intergovernmental Relations
Office of the General Counsel

Office of Information and Resources Management
Office of Operations
Office of Personnel
Office of Small and Disadvantaged Business Utilization

Chief, Employment and Compensation Branch, Office of Personnel—POD, Room 31W—Administration Bldg., 14th St. and Independence Ave., SW., Washington, DC 20250–9630, (202) 720–7797

Chief Economist Office of risk Assessment and Cost-Benefit Analysis World Agricultural Outlook Board

Chief, Economics and Statistics Operations Branch, Human Resources Division, Agricultural Research Service, Room 1424—South Bldg., 14th St. and Independence Ave., SW., Washington, DC 20250, (202) 720–7657

Farm and Foreign Agricultural Services
Consolidated Farm Service Agency
Foreign Agricultural Service

Chief, Employee and Labor Relations Branch, Human Resources Division, Consolidated Farm Service Agency, Room 6732—South Bldg., PO Box 2415, Washington, DC 20013, (202) 720–5964

Federal Crop Insurance Corporation

Chief, Labor Relations Branch, Federal Crop Insurance Corporation, Consolidated Farm Service Agency, Room 6732—South Bldg., 14th St. and Independence Ave., SW., Washington, DC 20250, (202) 720–5964

Food, Nutrition, and Consumer Services
Food and Consumer Service

Senior Employee Relations Specialist, Employee Relations Division, Food and Consumer Service, 3101 Park Center Drive, Room 623, Alexandria, VA 22302, (703) 305–2374

Marketing and Regulatory Programs

Chief, Employee Relations Branch, Agricultural Marketing Service, PED, ERB, Room 1745—South Bldg., P.O. Box 96456, Washington, DC 20090–6456, (202) 720–5721

Agricultural Marketing Service
(Except for employees of the Milk Marketing Administration)
Animal and Plant Health Inspection Service
Grain Inspection, Packers and Stockyards Administration

Chief, Human Resources Operations, HR, Marketing and Regulatory Programs, Animal and Plant Health Inspection Service, Butler Square West, 5th Floor, 100 N. 6th Street, Minneapolis, MN 55403, (612) 370–2107

Agricultural Marketing Service
Milk Marketing Employees

Personnel Management Specialist, Agricultural Marketing Service, DA, Room 2754—South Bldg., P.O. Box 96456, Washington, DC 20090–6456, (202) 720–7258

Food Safety
Food Safety and Inspection Service

Chief, Classification and Organization Branch, Personnel Division, Food Safety and Inspection Service, Room 3821—South Bldg., 14th St. and Independence Ave., SW., Washington, DC 20250–3700, (202) 720–6287.

Rural Economic and Community Development
Rural Housing and Community Development Service
Rural Business and Cooperative Development Service

Chief, Employee Information Systems Branch, Human Relations Division, Rural Housing and Community Development Service, 501 School St., SW., Washington, DC 20250, (202) 245–5573

Rural Utilities Service

Chief, Rural Utilities Service, Personnel Operations Branch, Human Relations Division, Rural Housing and Community Development Service, Room 4031—South Bldg., 14th St. and Independence Ave., SW., Washington, DC 20250–1382, (202) 720–1382

Natural Resources and Environment
Forest Service
Washington Office

Director, Personnel Management, 900 RP–E, PO Box 96090, Washington, DC 20090–6090, (703) 235–8102

International Institute of Tropical Forestry

Director, Call Box 25000, UPR Experimental Station Grounds, Rio Piedras, PR 00928–2500, (809) 766–5335

Region 1

Regional Forester, Regional Office, Federal Bldg., PO Box 7669, Missoula, MT 59807, (406) 329–3003

Idaho

Clearwater—Forest Supervisor, 12730 Highway 12, Orofino, ID 83544, (208) 476–4541
Idaho Panhandle National Forests—Forest Supervisor, 1201 Ironwood Dr., Coeur d'Alene, ID 83814, (208) 765–7223
Nez Perce—Forest Supervisor, Rt. 2, Box 475, Grangeville, ID 83530, (208) 983–1950

Montana

Beaverhead—Forest Supervisor, 420 Barrett St., Dillon, MT 59725–3572, (406) 683–3900
Bitterroot—Forest Supervisor, 1801 N. 1st St., Hamilton, MT 59840, (406) 363–7121
Custer—Forest Supervisor, Box 2556, Billings, MT 59103, (406) 657–6361
Deerlodge—Forest Supervisor, Federal Bldg., Box 400, Butte, MT 59701, (406) 496–3400
Flathead—Forest Supervisor, 1935 3rd Ave., E., Kalispell, MT 59901, (406) 755–5401
Gallatin—Forest Supervisor, Federal Bldg., 10 E. Babcock Ave., Box 130, Bozeman, MT 59771, (406) 587–6701
Helena—Forest Supervisor, 2880 Skyway Dr., Helena, MT 59601, (406) 449–5201
Kootenai—Forest Supervisor, 506 Highway 2 W., Libby, MT 59923, (406) 293–6211
Lewis and Clark—Forest Supervisor, PO Box 869, 1101 15th St. N., Great Falls, MT 59403, (406) 791–7700
Lolo—Forest Supervisor, Bldg. 24, Ft. Missoula, Missoula, MT 59801, (406) 329–3750

Region 2

Regional Forester, Regional Office, 740 Simms St., Lakewood, CO 80255, (303) 275–5306

Colorado

Arapaho and Roosevelt—Forest Supervisor, 240 W. Prospect, Fort Collins, CO 80526, (303) 498–1100
Grand Mesa, Uncompahgre, and Gunnison—Forest Supervisor, 2250 Highway 50, Delta, CO 81416, (303) 874–7691
Pike and San Isabel—Forest Supervisor, 1920 Valley Dr., Pueblo, CO 81008, (719) 545–8737
Rio Grande—Forest Supervisor, 1803 West Highway 160, Monte Vista, CO 81144, (719) 852–5941
Routt—Forest Supervisor, 29587 W. US 40, Suite 20, Steamboat Springs, CO 80487–9550, (303) 879–1722
San Juan—Forest Supervisor, 701 Camino Del Rico, Room 301, Durango, CO 81301, (303) 247–4874
White River—Forest Supervisor, Old Federal Bldg., Box 948, Glenwood Springs, CO 81602, (303) 945–2521

Nebraska

Nebraska—Forest Supervisor, 125 N. Main St., Chadron, NE 69337, (308) 432–0300

South Dakota

Black Hills—Forest Supervisor, R.R. 2, Box 200, Custer, SD 57730–9504, (605) 673–2251

Wyoming

Bighorn—Forest Supervisor, 1969 So. Sheridan Ave., Sheridan, WY 82801, (307) 672–0751
Medicine Bow—Forest Supervisor, 2468 Jackson St., Laramie, WY 82070–6535, (307) 745–8971
Shoshone—Forest Supervisor, 808 Meadow Lane, Cody, WY 82414, (307) 527–6241

Region 3

Regional Forester, Regional Office, Federal Bldg., 517 Gold Ave., SW., Albuquerque, NM 87102, (505) 842–3380

Arizona

Apache—Sitgreaves—Forest Supervisor, Federal Bldg., Box 640, Springerville, AZ 85938, (602) 333–4301
Coconino—Forest Supervisor, 2323 E. Greenlaw Lane, Flagstaff, AZ 86004, (602) 527–3600
Coronado—Forest Supervisor, 300 W. Congress, Tucson, AZ 85701, (692) 670–4552
Kaibab—Forest Supervisor, 800 S. 6th St., Williams, AZ 86046, (602) 635–2681
Prescott—Forest Supervisor, 344 South Cortez, Prescott, AZ 86303, (602) 771–4700
Tonto—Forest Supervisor, 2324 E. McDowell Rd., Phoenix, AZ 85006, (602) 225–5200

New Mexico

Carson—Forest Supervisor, 208 Cruz Alta Rd., PO Box 558, Taos, NM 87571, (505) 758–6200
Cibola—Forest Supervisor, 2113 Osuna Rd., NE., Suite A, Albuquerque, NM 87113–1001, (505) 761–4650
Gila—Forest Supervisor, 3005 E. Camino del Bosque, Silver City, NM 88061, (505) 388–8201

Lincoln—Forest Supervisor, Federal Bldg., 1101 New York Ave., Alamogordo, NM 88310–6992, (505) 434–7200
Santa Fe—Forest Supervisor, 1220 St. Francis Dr., Santa Fe, NM 87504, (505) 988–6940

Region 4

Regional Forester, Regional Office, Federal Bldg., 324 25th St., Ogden, UT 84401, (801) 625–5298

Idaho

Boise—Forest Supervisor, 1750 Front Street, Boise, ID 83702, (208) 364–4100
Caribou—Forest Supervisor, 250 S. 4th Ave., Suite 282, Federal Bldg., Pocatello, ID 83201, (208) 236–7500
Challis—Forest Supervisor, HC 63 Box 1671, F.S. Bldg., Challis, ID 83226, (208) 879–2285
Payette—Forest Supervisor, Box 10206 or 106 W. Park, McCall, ID 83638, (208) 634–0700
Salmon—Forest Supervisor, P.O. Box 729, Salmon, ID 83467–0729, (208) 765–2215
Sawtooth—Forest Supervisor, 2647 Kimberly Rd. East, Twin Falls, ID 83301–7976, (208) 737–3200
Targhee—Forest Supervisor, 420 N. Bridge St., P.O. Box 208, St. Anthony, ID 83445, (208) 624–3151

Nevada

Humboldt—Forest Supervisor, 976 Mountain City Highway, Elko, NV 89801, (702) 738–5171
Toiyabe—Forest Supervisor, 1200 Franklin Way, Sparks, NV 89431, (702) 355–5300

Utah

Ashley—Forest Supervisor, 355 North Vernal Ave., Vernal, UT 84078, (801) 789–1181
Dixie—Forest Supervisor, 82 No. 100 E. St., P.O. Box 580, Cedar City, UT 84721–0580, (801) 865–3700
Fishlake—Forest Supervisor, 115 E. 900 N, Richfield, UT 84701, (801) 896–9233
Manti—La Sal—Forest Supervisor, 599 W. Price River Drive, Price, UT 84501, (801) 637–2817
Uinta—Forest Supervisor, 88 W. 100 N., Provo, UT 84601, (801) 342–5100
Wasatch—Cache—Forest Supervisor, 8236 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138, (801) 524–5030

Wyoming

Bridger—Teton—Forest Supervisor, F.S. Bldg., 340 N. Cache, Box 1888, Jackson, WY 83001, (307) 739–5500

Region 5

Regional Forester, Regional Office, 630 Sansome St., San Francisco, San Francisco, CA 94111, (415) 705–2856

California

Angeles—Forest Supervisor, 701 N. Santa Anita Ave., Arcadia, CA 91006, (818) 574–1613
Cleveland—Forest Supervisor, 10845 Rancho Bernardo Rd., Suite 200, San Diego, CA 92127–2107, (619) 673–6180
Eldorado—Forest Supervisor, 100 Forni Rd., Placerville, CA 95667, (916) 622–5062
Inyo—Forest Supervisor, 873 North Main St., Bishop, CA 93514, (619) 873–2400
Klamath—Forest Supervisor, 1312 Fairlane Rd., Yreka, CA 96097, (916) 842–6131
Lassen—Forest Supervisor, 55 S. Sacramento St., Susanville, CA 96130, (916) 257–2151
Los Padres—Forest Supervisor, 6144 Calle Real, Goleta, CA 93117, (805) 683–6711
Mendocino—Forest Supervisor, 420 E. Laurel St., Willows, CA 95988, (916) 934–3316
Modoc—Forest Supervisor, 800 W. 12th St., Alturas, CA 96101, (916) 233–5811
Plumas—Forest Supervisor, 159 Lawrence St., Box 11500, Quincy, CA 95971–6025, (916) 283–2050
San Bernardino—Forest Supervisor, 1824 S. Commercenter Cir., San Bernardino, CA 92408–3430, (909) 383–5588
Sequoia—Forest Supervisor, 900 W. Grand Ave., Porterville, CA 93257–2035, (209) 784–1500
Shasta—Trinity—Forest Supervisor, 2400 Washington Ave., Redding, CA 96001, (916) 246–5222
Sierra—Forest Supervisor, 1600 Tollhouse Rd., Clovis, CA 93611, (209) 297–0706
Six Rivers—Forest Supervisor, 1330 Bayshore Way, Eureka, CA 95501–3834, (707) 441–3517
Stanislaus—Forest Supervisor, 19777 Greenley Rd., Sonora, CA 95370, (209) 532–3671
Tahoe—Forest Supervisor, 631 Coyote St., PO Box 6003, Nevada City, CA 95959–6003, (916) 265–4531

Region 6

Regional Forester, Regional Office, 333 S.W. 1st Ave., PO Box 3623, Portland, OR 97208, (503) 326–3630

Oregon

Deschutes—Forest Supervisor, 1645 Highway 20 E., Bend, OR 97701, (503) 388–2715
Fremont—Forest Supervisor, 524 North G St., Lakeview, OR 97630, (503) 947–2151
Malheur—Forest Supervisor, 139 NE Dayton St., John Day, OR 97845, (503) 575–1731
Mt. Hood—Forest Supervisor, 2955 N.W. Division St., Gresham, OR 97030, (503) 666–0700
Ochoco—Forest Supervisor, Box 490, Prineville, OR 97754, (503) 447–6247
Rogue River—Forest Supervisor, Federal Bldg., 333 W. 8th St., Box 520, Medford, OR 97501, (503) 776–3600
Siskiyou—Forest Supervisor, Box 440, Grants Pass, OR 97526, (503) 471–6500
Siuslaw—Forest Supervisor, Box 1148, Corvallis, OR 97339, (503) 750–7000
Umatilla—Forest Supervisor, 2517 SW Hailey Ave., Pendleton, OR 97801, (503) 278–3721
Umpqua—Forest Supervisor, Box 1008, Roseburg, OR 97470, (503) 672–6601
Wallowa—Whitman—Forest Supervisor, Box 907, Baker City, OR 97814, (503) 523–6391
Willamette—Forest Supervisor, Box 10607, Eugene, OR 97440, (503) 465–6521
Winema—Forest Supervisor, 2819 Dahlia, Klamath Falls, OR 97601, (503) 883–6714

Washington

Colville—Forest Supervisor, 765 S. Main, Colville, WA 99114, (509) 684–7000
Gifford Pinchot—Forest Supervisor, 6926 E. 4th Plain Blvd., Vancouver, WA 98668–8944, (206) 750–5000
Mt. Baker—Snoqualmie—Forest Supervisor, 21905 64th Avenue West, Mountlake Terrace, WA 98043, (206) 744–3200
Okanogan—Forest Supervisor, 1240 South Second Ave., Okanogan, WA 98840, (509) 826–3275
Olympic—Forest Supervisor, 1835 Black Lake Blvd., SW., Olympia, WA 98512, (206) 956–2300
Wenatchee—Forest Supervisor, 301 Yakima St., PO Box 811, Wenatchee, WA 98807, (509) 662–4335

Region 8

Regional Forester, Regional Office, 1720 Peachtree Rd., NW., Atlanta, GA 30367, (404) 347–3841

Alabama

National Forests in Alabama—Forest Supervisor, 2946 Chestnut St., Montgomery, AL 36107–3010, (205) 832–4470

Arkansas

Ouachita—Forest Supervisor, Box 1270, Federal Bldg., Hot Springs National Park, AR 71902, (501) 321–5200
Ozark—St. Francis—Forest Supervisor, 605 West Main, Box 1008, Russellville, AR 72801, (501) 968–2354

Florida

National Forests in Florida—Forest Supervisor, Woodcrest Office Park, 325 John Knox Rd., Suite F–100, Tallahassee, FL 32303, (904) 681–7265

Georgia

Chattahoochee and Oconee—Forest Supervisor, 508 Oak St., NW., Gainesville, GA 30501, (404) 536–0541

Kentucky

Daniel Boone—Forest Supervisor, 100 Vaught Rd., Winchester, KY 40391, (606) 745–3100

Louisiana

Kisatchie—Forest Supervisor, 2500 Shreveport Hwy., PO Box 5500, Pineville, LA 71361–5500, (318) 473–7160

Mississippi

National Forests in Mississippi—Forest Supervisor, 100 W. Capital St., Suite 1141, Jackson, MS 39269, (601) 965–4391

North Carolina

National Forests in North Carolina—Forest Supervisor, Post and Otis Streets, PO Box 2750, Asheville, NC 28802, (704) 257–4200

Puerto Rico and the Virgin Islands

Caribbean National Forest—Forest Supervisor, Call Box 25000, Rio Piedras, PR 00928–2500, (809) 766–5335

South Carolina

Francis Marion and Sumter National Forests—Forest Supervisor, 4923 Broad River Rd., Columbia, SC 29212, (803) 765–5222

Tennessee

Cherokee—Forest Supervisor, 2800 N. Ocoee St., NE., PO Box 2010, Cleveland, TN 37320, (615) 476–9700

Texas

National Forests in Texas—Forest Supervisor, Homer Garrison Federal Bldg., 701 N. First St., Lufkin, TX 75901, (409) 639–8501

Virginia

George Washington—Forest Supervisor, PO Box 233, Harrison Plaza, Harrisonburg, VA 22801, (703) 433–2491

Region 9

Regional Forester, Regional Office, 310 W. Wisconsin Ave., Room 500, Milwaukee, WI 53203, (414) 297–3674

Illinois

Shawnee—Forest Supervisor, 901 S. Commercial St., Harrisburg, IL 62946, (618) 253–7114

Indiana

Hoosier—Forest Supervisor, 811 Constitution Ave., Bedford, IN 47421, (812) 275–5987

Michigan

Hiawatha—Forest Supervisor, 2727 N. Lincoln Rd., Escanaba, MI 49829, (906) 786–4062

Huron—Manistee—Forest Supervisor, 421 S. Mitchell St., Cadillac, MI 49601, (616) 775–2421

Ottawa—Forest Supervisor, 2100 E. Cloverland Dr., Ironwood, MI 49938, (906) 932–1330

Minnesota

Chippewa—Forest Supervisor, Rt. 3 Box 244, Cass Lake, MN 56633, (218) 335–8600

Superior—Forest Supervisor, Box 338, Federal Bldg., 515 W. First St., Duluth, MN 55802, (218) 720–5324

Missouri

Mark Twain—Forest Supervisor, 401 Fairgrounds Rd., Rolla, MO 65401, (314) 364–4621

New Hampshire and Maine, White Mountain—Forest Supervisor, Federal Bldg., 719 Main St., PO Box 638, Laconia, NH 03247, (603) 528–8721

Ohio

Wayne—Forest Supervisor, 219 Columbus Rd., Athens, OH 45701–1399, (614) 592–6644

Pennsylvania

Allegheny—Forest Supervisor, 222 Liberty St., Box 847, Warren, PA 16365, (814) 723–5150

Vermont

Green Mountain and Finger Lakes—Forest Supervisor, 231 N. Main St., Rutland, NY 05701, (802) 747–6700

West Virginia

Monongahela—Forest Supervisor, USDA Bldg., 200 Sycamore St., Elkins, WV 26241–3962, (304) 636–1800

Wisconsin

Chequamegon—Forest Supervisor, 1170 4th Ave. South, Park Falls, WI 54552, (715) 762–2461

Nicolet—Forest Supervisor, Federal Bldg., 68 S. Stevens, Rhinelander, WI 54501, (715) 362–1300

Region 10

Regional Forester, Regional Office, Federal Office Bldg., Box 21628, Juneau, AK 99802–1628, (907) 586–8719

Alaska

Chugach—Forest Supervisor, 3301 C St., Suite 300, Anchorage, AK 99503–3998, (907) 271–2500

Tongass—Chatham Area—Forest Supervisor, 204 Siginaka Way, Sitka, AK 99835, (907) 747–6671

Tongass—Ketchikan Area—Forest Supervisor, Federal Bldg., Ketchikan, AK 99901, (907) 225–3101

Tongass—Stikine Area—Forest Supervisor, Box 309, Petersburg, AK 99833, (907) 772–3841

Forest and Range Experiment Stations

Intermountain Research Station, Director, 324 25th Street, Ogden, UT 84401, (801) 625–5412

North Central Forest Experiment Station, Director, 1992 Folwell Ave., St. Paul, MN 55108, (612) 649–5249

Northeastern Forest Experiment Station, Director, 5 Radnor Corporate Center, Suite 200, PO Box 6775, Radnor, PA 19087–8775, (610) 975–4017

Pacific Northwest Research Station, Director, PO Box 3890, Portland, OR 97208–3890, (503) 326–5640

Pacific Southwest Forest and Range Experiment Station, Director, 800 Buchanan St., West Building, Albany, CA 94710–0011, (510) 559–6310

Rocky Mountain Forest and Range Experiment Station, Director, 240 W. Prospect Rd., Fort Collins, CO 80526–2098, (303) 498–1126

Southeastern Forest Experiment Station, Director, 200 Weaver Blvd., PO Box 2680, Ashville, NC 28802, (704) 257–4300

Southern Forest Experiment Station, Director, T–10210, U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, LA 70113, (504) 589–3921

Forest Products Laboratory, Director, One Gifford Pinchot Dr., Madison, WI 53705–2398, (608) 231–9318

Northeastern Area State and Private Forestry, Director, 5 Radnor Corporate Center, Suite 200, PO Box 6775, Radnor, PA 19087–8775, (610) 975–4103

Natural Resources Conservation Service

Regional Administrative Officer, Natural Resources Conservation Service, Midwest Regional Office, 2820 Walton Commons West, Suite 123, Madison, WI 53704–6785, (608) 224–3000

Regional Administrative Officer, Natural Resources Conservation Service, West Regional Office, 650 Capitol Mall, Room 6072, Sacramento, CA 95814, (916) 498–5240

Regional Administrative Officer, Natural Resources Conservation Service, Southeast Regional Office, 1720 Peachtree Road, NW., Suite 716–N, Atlanta, GA 30309–2439, (404) 347–6153

Regional Administrative Officer, Natural Resources Conservation Service, East Regional Office, 11710 Beltsville Drive, Suite 100, Calverton Office Bldg., #2, Beltsville, MD 20705, (301) 586–1328

Regional Administrative Officer, Natural Resources Conservation Service, South Central Regional Office, PO Box 6459, Ft. Worth, TX 76115–0459, (817) 334–5258, ext. 3504

Regional Administrative Officer, Natural Resources Conservation Service, Northern Plains Regional Office, 100 Centennial Mall North, Room 152, Lincoln, NE 68508–3866, (402) 437–5315

Human Resources Officer, Natural Resources Conservation Service, National Business Management Center, Bldg. 23, 501 W. Felix Street, PO Box 6567, Ft. Worth, TX 76115, (817) 334–5427, ext. 3750

Human Resources Officer, Natural Resources Conservation Service, PO Box 2890, Room 5215-South Bldg., Washington, DC 20013–2890, (202) 720–4264

Human Resources Officer, Natural Resources Conservation Service, 665 Opelika Road, PO Box 311, Auburn, AL 36830–0311, (334) 887–4543

Human Resources Officer, Natural Resources Conservation Service, 3003 N. Central Ave., Suite 800, Phoenix, AZ 85012–2945, (602) 280–8800

Human Resources Officer, Natural Resources Conservation Service, 700 West Capitol Avenue, Federal Bldg., Room 5404, Little Rock, AR 72201–3225, (501) 324–5479

Human Resources Officer, Natural Resources Conservation Service, 2121–C 2nd Street, Davis, CA 95616, (916) 757–8294

Human Resources Officer, Natural Resources Conservation Services, 655 Parfet Street, Room E200C, Lakewood, CO 80215–5517, (303) 236–2891, ext. 219

Human Resources Officer, Natural Resources Conservation Service, 16 Professional Park Road, Storrs, CT 06268–1299, (860) 487–4034

Human Resources Officer, Natural Resources Conservation Service, 1203 College Park Drive, Suite 101, Dover, DE 19904–8713, (302) 678–4173

Human Resources Officer, Natural Resources Conservation Service, 2614 NW 43rd Street, Gainesville, FL 32606, (352) 338–9525

Human Resources Officer, Natural Resources Conservation Service, Federal Bldg., Box 13, 355 E. Hancock Avenue, Athens, GA 30601, (706) 546–2270

Human Resources Officer, Natural Resources Conservation Service, 300 Ala Moana Blvd., Rm 4316, PO Box 50004, Honolulu, HI 96850–0002, (808) 541–1896

Human Resources Officer, Natural Resources Conservation Service, 693 Federal Bldg., 210 Walnut Street, Des Moines, IA 50309, (515) 284–4588

Human Resources Officer, Natural Resources Conservation Service, 3244 Elder Street, Room 124, Boise, ID 83705–4711, (208) 378–5712

Human Resources Officer, Natural Resources Conservation Service, 1902 Fox Drive, Champaign, IL 61820, (217) 398–5288

Human Resources Officer, Natural Resources Conservation Service, 6013 Lakeside Blvd., Indianapolis, IN 46278, (317) 290–3207, ext. 335

Human Resources Officer, Natural Resources Conservation Service, 760 S. Broadway, Salina, KS 67401, (913) 823–4510

Human Resources Officer, Natural Resources Conservation Service, 771 Corporate Drive, Suite 110, Lexington, KY 40503–5479, (606) 224–7353

Human Resources Officer, Natural Resources Conservation Service, 3737 Government

Street, Alexandria, LA 71302–3327, (318) 473–7786

Human Resources Officer, Natural Resources Conservation Service, 451 West Street, Amherst, MA 01002–2955, (413) 253–4353

Human Resources Officer, Natural Resources Conservation Service, John Hanson Business Center, 339 Busch's Frontage Road, Suite 301, Annapolis, MD 21401–5534, (410) 757–0861, ext. 337

Human Resources Officer, Natural Resources Conservation Service, 5 Godfrey Drive, Orono, ME 04473, (207) 866–7245

Human Resources Officer, Natural Resources Conservation Service, 1405 S. Harrison Road, Room 101, East Lansing, MI 48823–5243, (517) 337–6701, ext. 1233

Human Resources Officer, Natural Resources Conservation Service, 600 FCS Bldg., 375 Jackson St., St. Paul, MN 55101–1854, (612) 290–3678

Human Resources Officer, Natural Resources Conservation Service, 100 West Capitol Street, Federal Bldg., Suite 1321, Jackson, MS 39269, (601) 965–5183

Human Resources Manager, Natural Resources Conservation Service, 601 Business Loop 70 West, Parkade Center, Suite 250, Columbia, MO 65203, (573) 876–0904

Human Resources Manager, Natural Resources Conservation Service, Federal Building, Room 443, 10 East Babcock Street, Bozeman, MT 59715, (406) 587–6866

Human Resources Manager, Natural Resources Conservation Service, 4405 Bland Road, Suite 205, Raleigh, NC 27609, (919) 873–2108

Human Resources Manager, Natural Resources Conservation Service, 220 Rosser Avenue, P.O. Box 1458, Room 278, Bismarck, ND 58502–1458, (701) 250–4761

Human Resources Manager, Natural Resources Conservation Service, 100 Centennial Mall, N., Federal Bldg., Room 152, Lincoln, NE 68508–3866, (402) 437–4057

Human Resources Manager, Natural Resources Conservation Service, 2 Madbury Road, Federal Building, Durham, NH 03824–1499, (868) 686–7581

Human Resources Manager, Natural Resources Conservation Service, 1370 Hamilton Street, Somerset, NJ 08873, (908) 246–1171, ext. 166

Human Resources Manager, Natural Resources Conservation Service, 6200 Jefferson Street, NE., Albuquerque, NM 87109–3734, (505) 761–4409

Human Resources Manager, Natural Resources Conservation Service, 5301 Longley Lane, Bldg. F, Suite 201, Reno, NV 89511, (702) 784–5867

Human Resources Manager, Natural Resources Conservation Service, 441 South Salina Street, Suite 354, Syracuse, NY 13202–2450, (315) 477–6512

Human Resources Manager, Natural Resources Conservation Service, 200 North High Street, Room 522, Columbus, OH 43215, (614) 469–6977

Human Resources Manager, Natural Resources Conservation Service, 100 USDA, Suite 203, Stillwater, OK 74074–2655, (405) 742–1209

Human Resources Manager, Natural Resources Conservation Service, 101 SW Main Street, Suite 1300, Portland, OR 97204, (503) 414–3211

Human Resources Manager, Natural Resources Conservation Service, One Credit Union Place, Suite 340, Harrisburg, PA 17110–2993, (717) 782–3716

Human Resources Manager, Natural Resources Conservation Service, 1835 Assembly Street, Room 950, Columbia, SC 29201, (803) 253–3920

Human Resources Manager, Natural Resources Conservation Service, Federal Bldg., 200 4th St., SW., Huron, SD 57350–2475, (605) 352–1224

Human Resources Manager, Natural Resources Conservation Service, 675 U.S. Courthouse, 801 Broadway, Nashville, TN 37203, (615) 736–5388

Human Resources Manager, Natural Resources Conservation Service, W.R. Poage Federal Bldg., 101 South Main St., Temple, TX 76501–7682, (817) 774–1246

Human Resources Manager, Natural Resources Conservation Service, 125 S. State Street, Room 4402, P.O. Box 11350, Salt Lake City, UT 84147, (801) 524–5068

Human Resources Manager, Natural Resources Conservation Service, 69 Union Street, Winooski, VT 05404–1999, (802) 951–6795, ext. 223

Human Resources Manager, Natural Resources Conservation Service, 1606 Santa Rosa Road, Culpeper Bldg., Suite 209, Richmond, VA 23229–5014, (804) 287–1625

Human Resources Manager, Natural Resources Conservation Service, Rock Pointe Tower II, W. 316 Boone Avenue, Suite 450, Spokane, WA 99201–2348, (509) 353–2333

Human Resources Manager, Natural Resources Conservation Service, 75 High Street, Room 301, Morgantown, WV 26505, (304) 291–4152, ext. 176

Human Resources Manager, Natural Resources Conservation Service, 6515 Watts Road, Suite 200, Madison, WI 53719–2726, (608) 264–5341, ext. 161

Human Resources Manager, Natural Resources Conservation Service, 100 East B Street, Room 3124, Casper, WY 82601–1911, (307) 261–6492

Research, Education, and Economics, Agricultural Research Service, Cooperative State Research, Education, and Extension Service, National Agricultural Statistics Service, Economic Research Service

Agricultural Research Service, Office of the Director, Human Resources Division, 6303 Ivy Lane, Suite 810, Greenbelt, MD 20770–1433, (301) 344–1518

National Appeals Division

Administrative Officer, National Appeals Division, 3101 Park Center Drive, Room 1020, Alexandria, VA 22302, (703) 305–2566

Department of Commerce

1. Bureau of the Census and the Economics and Statistics Administration (ESA): For Census employee-obligors employed by Headquarters, a Regional Office, the Hagerstown Telephone Center and the Tucson Telephone Center; and for employee-obligors in ESA—Headquarters/Washington, DC offices only:

Bureau of the Census, Human Resources Division, ATTN: Chief, Pay, Processing and Systems Branch, FOB # 3, Room 3254, Washington, DC 20233, (301) 457–3710

For employee-obligors employed by the Census Data Preparation Division:

Bureau of the Census, Data Preparation Division, ATTN: Chief, Human Resources Branch, Bldg. 66, Room 113, Jeffersonville, IN 47132, (812) 218–3323

2. Patent and Trademark Office (PTO): Human Resources Manager

U.S. Patent and Trademark Office, Box 3, Washington, DC 20231, (703) 305–8221

3. United States and Foreign Commercial Service (US&FCS): Personnel Officer

Office of Foreign Service Personnel, Room 3815, 14th & Constitution Avenue, NW., Washington, DC 20230, (202) 482–3133

4. International Trade Administration (ITA) (For employee-obligors of the Headquarters/Washington, DC offices only):

Human Resources Manager, Personnel Management Division, Room 4809, 14th & Constitution Avenue, NW., Washington, DC 20230, (202) 482–3438

5. National Institute of Standards and Technology (NIST), the Technology Administration (TA), and the National Technical Information Service (NTIS) (For NIST employee-obligors other than in Colorado and Hawaii; for employee-obligors employed by TA and NTIS):

Personnel Officer, Office of Human Resources Management, Administration Building, Room A–123, Gaithersburg, MD 20899, (301) 975–3000

6. Office of the Inspector General (OIG):

Human Resources Manager, Resource Management Division, Room 7713, 14th & Constitution Avenue, NW., Washington, DC 20230, (202) 482–4948

7. National Oceanic and Atmospheric Administration (NOAA) (For employee-obligors in the Headquarters/Washington, DC; the Silver Spring and Camp Springs, MD; and the Sterling, VA offices only): Chief

Human Resources Services Division, NOAA, 1315 East-West Highway, Room 13619, Silver Spring, MD 20910, (301) 713–0524

8. Office of the Secretary (O/S), Bureau of Economic Analysis (BEA), Bureau of Export Administration (BXA), Economic Development Administration (EDA), Minority Business Development Agency (MBDA), and National Telecommunications and Information Administration (NTIA) (For employee-obligors in Washington, DC metro area offices only):

Human Resources Manager, Office of Personnel Operations, Office of the Secretary, Room 5005, 14th and Constitution Avenue, NW., Washington, DC 20230, (202) 482–3827

9. Regional employees of NOAA, NIST, BXA, EDA, MBDA, ITA, NTIA, to the Human Resources Manager servicing the region or State in which they are employed, as follows:

a. Central Region. For NOAA employee-obligors in the States of: Alabama, Arkansas,

Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin; for National Marine Fisheries Service employees in the states of North Carolina, South Carolina and Texas; and for National Weather Service employees in the States of Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming; for employee-obligors in the BXA, EDA, MBDA, and ITA in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin:

Human Resources Manager, Central Administrative Support Center (CASC), Federal Building, Room 1736, 601 East 12th Street, Kansas City, MO 64106, (816) 426–2056

b. Eastern Region. For NOAA employee-obligors in the States of: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Puerto Rico, and the Virgin Islands; for employee-obligors in the BXA, EDA, MBDA, and ITA in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Puerto Rico, and the Virgin Islands:

Human Resources Manager, Eastern Administrative Support Center (EASC), NOAA EC, 200 World Trade Center, Norfolk, VA 23510, (757) 441–6517

c. Mountain Region. For NOAA employee-obligors in the States of: Alaska, Colorado, Florida, Hawaii, Idaho, and Oklahoma, at the South Pole and in American Samoa; and for the National Weather Service employees in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, Texas and in Puerto Rico; for employee-obligors in BXA, EDA, MBDA, NIST, and NTIA in the States of Arkansas, Colorado, Hawaii, Iowa, Louisiana, Missouri, Montana, South Dakota, Texas, Utah and Wisconsin:

Human Resources Office, Mountain Administrative Support Center (MASC), MC22A, 325 Broadway, Boulder, CO 80303–3328, (303) 497–3578

d. Western Region. For NOAA employee-obligors in the States of Arizona, California, Montana, Nevada, Oregon, Utah, Washington, and the Trust Territories; for employee-obligors in BXA, EDA, MBDA, and ITA in the States of Arizona, California, Nevada, Oregon, Utah, Washington, and the Trust Territories:

Human Resources Manager, Western Administrative Support Center (WASC), NOAA WC2, 7600 Sand Point Way, NE., Bin C15700, Seattle, WA 89115–0070, (206) 526–6057

10. In cases where the name of the operating unit cannot be determined:

Director for Human Resources Management, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 5001, (202) 482–4807

Department of Defense

Unless specifically listed below, all military members (active, retired, reserve, and national guard), and all civilian employees of the Department of Defense:

Assistant General Counsel for Garnishment Operations, Defense Finance and Accounting Service, Cleveland Center—Code L (DFAS–CL/L), P.O. Box 998002, Cleveland, OH 44199–8002, (216) 522–5301

Army

a. Civilian employees in Germany:

Commander, 266th Theater Finance Corps, Attention: AEUCF–CPF, Unit 29001, APO AE 09007, 011–49–6221–57–7977/6044

b. Nonappropriated fund civilian employees of the Army:

Post Exchanges

Army and Air Force Exchange Service, Attention: CM–C–RI, P.O. Box 660202, Dallas, TX 75266–0202, (214) 312–2011

Navy

a. Military Sealift Command Pacific Mariners:

Office of Counsel (Code N2), Military Sealift Command, Pacific, 280 Anchor Way, Suite 1W, Oakland, CA 94625–5010

b. Military Sealift Command Atlantic Mariners:

Office of Counsel, Military Sealift Command, Atlantic, Military Ocean Terminal, Building 42, Bayonne, NJ 07002–5399

c. Nonappropriated fund civilian employees of Navy Exchanges or related nonappropriated fund instrumentalities administered by the Navy Resale Systems Office:

Commanding Officer, Navy Exchange Service Command, 3280 Virginia Beach Blvd., Virginia Beach, VA 23452, (804) 631–3614

d. Nonappropriated fund civilian employees at Navy clubs, messes or recreational facilities:

Chief of Navy Personnel, Director, Morale, Welfare, and Recreation Division (MWR), Washington, DC 20370, (202) 433–3005

e. Nonappropriated fund personnel of activities that fall outside the purview of the Chief of Navy Personnel or the Commanding Officer of the Navy Exchange Service Command, such as locally established morale, welfare and other social and hobby clubs, such process may be served on the commanding officer of the activity concerned.

Marine Corps

Nonappropriated fund civilian employees, process may be served on the commanding officer of the activity concerned.

Air Force

a. Nonappropriated fund civilian employees of base exchanges:

Army and Air Force Exchange Service, Attention: FA–F/R, PO Box 650038, Dallas, TX 75265–0038, (214) 312–2119

b. Nonappropriated fund civilian employees of all other Air Force nonappropriated fund activities:

Office of Legal Counsel, Air Force Services Agency, 10100 Reunion Place, Suite 503, San Antonio, TX 78216–4138, (210) 652–7051

Department of Education

Assistant Secretary, Office of Management, FB–10, Room 2164, 600 Independence Avenue, SW., Washington, DC 20202–2110, (202) 401–0470

Department of Energy

Power Administration

1. Alaska Power Administration

Administrator, Alaska Power Administration, Department of Energy, PO Box 020050, Juneau, AK 99802–0050, (907) 586–7405

2. Bonneville Power Administration

Chief, Payroll Section DSDP, Bonneville Power Administration, Department of Energy, 905 NE. 11th Avenue, Portland, OR 97232, (503) 230–3203

3. Southeastern Power Administration

Chief, Payroll Branch, Department of Energy, Forrestal Building, Room 1E–184, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–5581

4. Southwestern Power Administration

Chief Counsel, Southwestern Power Administration, Department of Energy, PO Box Drawer 1619, Tulsa, OK 74101, (918) 581–7426

5. Western Area Power Administration

General Counsel, Western Area Power Administration, Department of Energy, PO Box 3402, Golden, CO 80401, (303) 231–1529

Field Offices

1. Albuquerque Operations Office

Chief Counsel, Albuquerque Operations Office, Department of Energy, PO Box 5400, Albuquerque, NM 87115, (505) 844–7265

2. Chicago Operations Office

Chief Counsel, Chicago Operations Office, Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439, (312) 972–2032

3. Idaho Operations Office

Financial Services Division-Payroll, 850 Energy Drive, Idaho Falls, ID 83401, (208) 526–0459

4. Nevada Operations Office

Chief, Payroll Branch, CR–431, Department of Energy, GTN Building, Room 259, Washington, DC 20585, (301) 903–4012

5. Oak Ridge Operations Office

Chief Counsel, Oak Ridge Operations Office, Department of Energy, P.O. Box 20001, Oak Ridge, TN 37831–8510, (615) 576–1200

6. Richland Operations Office

Chief Counsel, Richland Operations Office, Department of Energy, P.O. Box 550, Richland, WA 99352, (509) 376–7311

7. Oakland Operations Office

Director, Finance and Accounting Division, Department of Energy, 1301 Clay Street, Oakland, CA 94612–5208, (510) 637–1532

8. Savannah River Operations Office

Director, Financial Management and Program Support Division, Department of Energy, P.O. Box A, Aiken, SC 29802, (803) 725–5590

9. Washington DC Headquarters, Pittsburgh Naval Reactors Office, Schenectady Naval Reactors Office, and All Other Organizations Within the Department of Energy

Chief, Payroll Branch, CR–431, Department of Energy, GTN Building, Room E–259, Washington, DC 20585, (301) 903–4012

Department of Health and Human Services

Garnishment Agent, Office of General Counsel, Room 5362—North Building, 330 Independence Ave., SW., Washington, DC 20201, (202) 619–0150

Department of Housing and Urban Development

Director, Systems Support Division, Employee Service Center, 451 7th Street, SW., Room 2284, Washington, DC 20410, (202) 708–0241

Department of the Interior

Chief, Payroll Operations Division, Attn: Code D–2605, Bureau of Reclamation, Administrative Service Center, Department of the Interior, P.O. Box 272030, 7201 West Mansfield Avenue, Denver, CO 80227–9030, (303) 969–7739

Department of Justice

Offices, Boards, and Divisions

Personnel Group/Payroll Operations, 1331 Pennsylvania Avenue, NW., Suite 1170, Washington, DC 20530, (202) 514–6008

Office of the Inspector General

Personnel Division, 1425 New York Avenue, NW., Suite 7000, Washington, DC 20005, (202) 616–4501

For employees of any office of a United States Attorney and for employees of the Executive Office for United States Attorneys:

Assistant Director, Executive Office for United States Attorneys, Personnel Staff, Bicentennial Building, 600 E Street, NW., Room 8017, Washington, DC 20530

United States Marshals Service

Personnel Office, 600 Army Navy Drive, Room 850, Arlington, VA 22202–4210, (202) 307–9637

Office of Justice Programs

Office of Personnel, 633 Indiana Avenue, NW., Room 600, Washington, DC 20530, (202) 307–0730

U.S. Trustees Programs

Personnel Office, 901 E Street, NW., Room 770, Washington, DC 20530, (202) 616–1000

Drug Enforcement Administration

Office of Personnel, Employee Relations Unit, 700 Army Navy Drive, Room 3164, Arlington, VA 22202–4210, (202) 307–1222

Immigration and Naturalization Service

Personnel Support, Immigration and Naturalization Service, 425 I Street, NW., Room 2038, Washington, DC 20536, (202) 514–2525

Human Resources and Career Development, Immigration and Naturalization Service, One Federal Drive #400, Whipple Bldg., Fort Snelling, MN 55111, (612) 725–3211

Human Resources and Career Development, Immigration and Naturalization Service, 70 Kimball Avenue, South Burlington, VT 05403, (802) 660–5137

Human Resources and Career Development, Immigration and Naturalization Service, 7701 N. Stemmons Freeway, Dallas TX 75247, (214) 655–6032

Personnel Office, Immigration and Naturalization Service, P.O. Box 30070, Laguna Niguel, CA 92607, (714) 643–4934

Federal Prisons Systems, U.S. Penitentiary, Personnel Office, 1300 Metropolitan, Leavenworth, KS 66048, (913) 682–8700

Federal Correctional Institution, Personnel Office, Route 37, Danbury, CT 06811, (203) 743–6471

Personnel Office, 320 1st Street, NW., Room 161, Washington, DC 20534, (202) 307–3135

U.S. Penitentiary, Personnel Office, Highway 63 South, Terre Haute, IN 47808, (812) 238–1531

U.S. Penitentiary, Personnel Office, RD #5, Lewisburg, PA 17837, (717) 523–1251

Federal Correctional Institution, Personnel Office, P.O. Box 1000, Anthony, NM 88021, (915) 886–3422

Federal Correctional Institution, Personnel Office, Kettler River Road, Sandstone, MN 55072, (612) 245–2262

U.S. Penitentiary, Personnel Office, 601 McDonough Blvd., SE., Atlanta, GA 30315, (404) 622–6241

Federal Correctional Institution, Personnel Office, PO Box 9999, Milan, MI 48160, (313) 439–1511

Federal Correctional Institution, Personnel Office, PO Box 888, Ashland, KY 41105, (606) 928–6414

Federal Correctional Institution, Personnel Office, 501 Capital Cir., NE., Tallahassee, FL 32301, (904) 878–2173

Federal Correctional Institution, Personnel Office, Greenbag Road, Morgantown, WV 26505, (304) 296–4416

U.S. Medical Center, Federal Prison, Personnel Office, 1900 W. Sunshine, Springfield, MO 65808, (417) 862–7041

Federal Correctional Institution, Personnel Office, 2113 N. HWY 175, Seagoville, TX 75159, (214) 287–2911

Federal Correctional Institution, Personnel Office, 1000 River Road, Petersburg, VA 23804–1000, (804) 733–7881

Federal Prison Camp, Personnel Office, Glen Ray Road, Box B, Alderson, WV 24910 (304) 445–2901

U.S. Penitentiary, Personnel Office, 3901 Klein Blvd., Lompoc, CA 93436, (805) 735–3245

Federal Correctional Institution, Personnel Office, Highway 66 West, El Reno, OK 73036, (405) 262–4875

Federal Correctional Institution, Personnel Office, 9595 W. Quincy Avenue, Englewood, CO 80123, (303) 985–1566

Federal Correctional Institution, Personnel Office, 1299 Seaside Avenue, Terminal Island, CA 90731, (310) 831–8961

U.S. Penitentiary, Personnel Office, Rt. 5, P.O. Box 2000, Marion, IL 62959, (618) 964–1441

Federal Correctional Institution, Personnel Office, 3150 Norton Road, Fort Worth, TX 76119, (817) 535–2111

Metropolitan Correctional Center, Personnel Office, 150 Park Row, New York, NY 10007, (212) 791–9130

Federal Correctional Institution, Personnel Office, P.O. Box 1000, Butner, NC 27509, (919) 575–4541

Federal Correctional Institution, Personnel Office, RR #2, Box 820, Safford, AZ 85546, (602) 348–1337

Bureau of Prisons, South Central Regional Office, Personnel Office, 4211 Cedar Springs, Suite 300, Dallas, TX 75219, (214) 767–9700

Federal Correctional Institution, Personnel Office, Oxford, WI 53952, (608) 584–5511

Federal Medical Center, Personnel Office, 3301 Leestown Road, Lexington, KY 40511, (606) 255–6812

Federal Correctional Institution, Personnel Office, 5701 8th Street, Dublin, CA 94568, (510) 833–7500

Federal Correctional Institution, Personnel Office, 8901 S. Wilmot Road, Tucson, AZ 85706, (602) 574–7100

Bureau of Prisons, Personnel Office, SE Regional Office, 523 McDonough Blvd., SE., Atlanta, GA 30315, (404) 624–5252

Bureau of Prisons, North Central Regional Office, Personnel Office, 4th & State Avenue, 8th Floor—Tower II, Kansas City, KS 66101–2492, (913) 551–1144

Bureau of Prisons, Personnel Office, NE Region, U.S. Customs, 2nd & Chestnut, 7th Floor, Philadelphia, PA 19106, (215) 597–6302

Bureau of Prisons, Personnel Office, W. Regional Office, 7950 Dublin Blvd., 3rd Floor, Dublin, CA 94568, (510) 803–4710

Metropolitan Correctional Center, Personnel Office, 71 W. Van Buren Street, Chicago, IL 60605, (312) 322–0567

Metropolitan Correctional Center, Personnel Office, 808 Union Street, San Diego, CA 92101, (619) 232–4311

Metropolitan Correctional Center, Personnel Office, 15801 SW 137th Avenue, Miami, FL 33177, (305) 255–6788

Federal Correctional Institution, Personnel Office, 1101 John A. Denie Road, Memphis, TN 38134, (901) 372–2269

Federal Prison Camp, Personnel Office, P.O. Box 1000, Montgomery, PA 17752, (717) 547–1641

Federal Correctional Institution, Personnel Office, P.O. Box 730, HWY 95, Bastrop, TX 78602–0730, (512) 321–3903

Federal Prison Camp, Personnel Office, Eglin AFB, Eglin AFB, FL 32542, (904) 882–8522

Federal Correctional Institution, Personnel Office, 565 E Renfroe Road, Talladega, AL 35160, (205) 362–0410

Federal Prison Camp, Personnel Office, P.O. Box 500, Boron, CA 93516, (619) 762–5161

Federal Correctional Institution, Personnel Office, 1900 Simler Avenue, Big Spring, TX 79720, (915) 263–8304

Federal Correctional Institution, Personnel Office, P.O. Box 600, Otisville, NY 10963, (914) 386–5855
Federal Correctional Institution, Personnel Office, P.O. Box 300, Raybrook, NY 12977, (518) 891–5400
Federal Correctional Institution, Personnel Office, 37900 North 45th Avenue, Dept. 1680, Phoenix, AZ 85027, (602) 465–5112
Federal Correctional Institution, Personnel Office, P.O. Box 5050, Oakdale, LA 71463, (318) 335–4070
Federal Medical Center, Personnel Office, P.O. Box 4600, Rochester, MN 55903, (507) 287–0674
Federal Correctional Institution, Personnel Office, P.O. Box 1000, Loretto, PA 15940, (814) 472–4140
Federal Prison Camp, Personnel Office, Maxwell AFB, Montgomery, AL 36112, (205) 834–3681
Federal Correctional Institution, Personnel Office, 3625 FCI Road, Marianna, FL 32446, (904) 526–6377
Metropolitan Detention Center, Personnel Office, 535 N. Alameda Street, Los Angeles, CA 90012, (213) 485–0439
Federal Prison Camp, Personnel Office, P.O. Box 680, Yankton, SD 57078, (605) 665–3265
Federal Prison Camp, Personnel Office, Drawer 2197, Bryan, TX 77803, (409) 823–1879
Federal Prison Camp, Personnel Office, Saufley Field, Pensacola, FL 32509, (904) 457–1911
Federal Correctional Institution, Personnel Office, 3600 Guard Road, Lompoc, CA 93436, (805) 736–4154
Federal Correctional Institution, Personnel Office, Box 5000, Bradford, PA 16701, (814) 362–8900
Federal Prison Camp, Personnel Office, Seymour Johnson AFB, Goldsboro, NC 27533, (919) 735–9711
Federal Prison Camp, Personnel Office, Nellis AFB, Nellis, NV 89191, (702) 644–5001
Federal Correctional Institution, Personnel Office, P.O. Box 5001, Sheridan, OR 97378, (503) 843–4442
Federal Correctional Institution, Personnel Office, 2600 Highway 301 South, Jesup, GA 31545, (912) 427–0870
Federal Correctional Institution, Personnel Office, P.O. Box 280, Fairton, NJ 08320, (609) 453–4068
Federal Prison Camp, Personnel Office, P.O. Box 1400, Duluth, MN 55814, (218) 722–8634
Federal Prison Camp, Personnel Office, P.O. Box 16300, El Paso, TX 79906, (915) 540–6150
Federal Correctional Institution, Personnel Office, P.O. Box 4000, Three Rivers, TX 78071, (512) 786–3576
Federal Detention Center, Personnel Office, P.O. Box 5060, Oakdale, LA 71463, (318) 335–4070
Federal Prison Camp, Personnel Office, 6696 Navy Road, Millington, TN 38053, (901) 872–2277
Federal Medical Center, Personnel Office, P.O. Box 68, Carville, LA 70721, (504) 389–5044
Federal Correctional Institution, Personnel Office, P.O. Box 789, Minersville, PA 17954, (717) 544–7121
Federal Prison Camp, Personnel Office, Homestead, FL 33039, (305) 258–9676
Federal Prison Camp, Personnel Office, Box 40150, Tyndall AFB, FL 32403, (904) 286–6777
Metropolitan Detention Center, Personnel Office, P.O. Box 34028, Ft. Buchanan, PR 00934, (809) 749–4480
Bureau of Prisons #580, Personnel Office, Management & Specialist Training Center, 791 Chambers Road, Aurora, CO 80011, (303) 361–0567
LSCI, P.O. Box 1500, White Deer, PA 17887, (717) 547–1990
Federal Correctional Institution, Personnel Office, Rt. 8 Box 58, Fox Hollow Road, Manchester, KY 40962, (606) 598–4153
Metropolitan Detention Center, Personnel Office, 100 29th Street, Brooklyn, NY 11232, (718) 832–1039
U.S. Penitentiary-High, 5880 State Hwy, 67 South, Florence, CO 81226, (719) 784–9454
Federal Correctional Institution, Personnel Office, 5880 State Hwy, 67 South, Florence, Co 81226, (719) 784–9100
Federal Correctional Institution, Personnel Office, P.O. Box 699, Estill, SC 29918, (803) 625–4607
Federal Correctional Institution, Personnel Office, P.O. Box 2500, White Deer, PA 17887, (717) 547–7950
Federal Detention Center, Personnel Office, 1638, Northwest 82nd Avenue, Miami, FL 33126, (305) 597–4884
Bureau of Prisons, Personnel Office, Mid Atlantic Region, 10010 Junctions Dr., #100–N, Annapolis Junction, MD 20701, (301) 317–3199
U.S. Penitentiary, Personnel Office, P.O. Box 3500, White Deer, PA 17887, (717) 547–0963
North Central Regional Office, Personnel Office, 4th & State Ave., 8th Floor—Tower II, Kansas City, KS 66101–2492, (913) 551–1114
Federal Prison Camp, Personnel Office, Glen Ray Road—Box B, Alderson, WV 24910–0700, (304) 445–2901
Federal Correctional Complex, Personnel Office, P.O. Box 999, 904 NE 50th Way, Coleman, FL 33521–0999, (904) 748–0999
Federal Correctional Institution, Personnel Office, Fort Dix, P.O. Box 38, Trenton, NJ 08640, (609) 723–1100
Federal Medical Center, Personnel Office, P.O. Box 27066, J St., Bldg. 3000, Ft. Worth, TX 76127–7066, (817) 782–3834

Federal Bureau of Investigation

Personnel Officer, FBI Headquarters, J. Edgar Hoover Building, 10th Street and Pennsylvania Avenue, NW., Room 6012, Washington, DC 20535, (202) 324–3514

Department of Labor

1. Payments to employees of the Department of Labor:

Director, Office of Accounting, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219–8314

2. Process relating to those exceptional cases where there is money due and payable by the United States under the Longshoreman's Act should be directed to the:

Associate Director for Longshore and Harbor Worker's Compensation, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219–8721

3. Process relating to benefits payable under the Federal Employees' Compensation Act should be directed to the appropriate district office of the Office of Workers' Compensation Programs:

District No. 1

District Director, Office of Workers' Compensation Programs, John F. Kennedy Building, Room 1800, Government Center, Boston, MA 12203, (617) 565–2137

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

District No. 2

District Director, Office of Workers' Compensation Programs, 201 Varick Street, Room 750, P.O. Box 566, New York, NY 10014–0566, (212) 337–2075

New Jersey, New York, Puerto Rico, and the Virgin Islands

District No. 3

District Director, Office of Workers' Compensation Programs, Gateway Building, 3535 Market Street, Philadelphia, PA 19104, (215) 596–1457

Delaware, Pennsylvania, and West Virginia

District No. 6

District Director, Office of Workers' Compensation Programs, 214 N. Hogan Street, Suite 1026, Jacksonville, FL 32202, (904) 232–2821

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

District No. 9

District Director, Office of Workers' Compensation Programs, 1240 East 9th Street, Cleveland, OH 44199, (216) 522–3800

Indiana, Michigan, and Ohio

District No. 10

District Director, Office of Workers' Compensation Programs, 230 S. Dearborn Street, 8th Floor, Chicago, IL 60604, (312) 353–5656

Illinois, Minnesota, and Wisconsin

District No. 11

Regional Director, Office of Workers' Compensation Programs, 1910 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106, (816) 426–2195

Iowa, Kansas, Missouri, and Nebraska

District No. 12

District Director, Office of Workers' Compensation Programs, 1801 California Street, Suite 915, Denver, CO 80202, (303) 391–6000

Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming

District No. 13

District Director, Office of Workers' Compensation Programs, 71 Stevenson Street, 2nd Floor, P.O. Box 3769, San Francisco, CA 94119–3769, (415) 744–6610

Arizona, California, Hawaii, Guam, and Nevada

District No. 14

District Director, Office of Workers' Compensation Programs, 111 Third Avenue, Suite 615, Seattle, WA 98101, (206) 553–5508

Alaska, Idaho, Oregon, and Washington

District No. 16

District Director, Office of Workers' Compensation Programs, 525 Griffin Street, Room 100, Dallas, TX 75202, (214) 767–2580

Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

District No. 25

District Director, Office of Workers' Compensation Programs, 800 N. Capitol Street, Room 800, Washington, DC 20211, (202) 724–0713

District of Columbia, Maryland, and Virginia

4. Process relating to claims arising out of the places set forth below and process seeking to attach Federal Employees' Compensation Act benefits payable to employees of the Department of Labor should be directed to the:

Regional Director, Office of Workers' Compensation Programs, 1910 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106, (816) 426–2195

Department of State

Executive Director (L/EX), Office of the legal Adviser, Department of State, 22nd and C Streets, NW., Room 5519A, Washington, DC 20520, (202) 647–8323

Department of Transportation

Office of the Secretary

General Counsel, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366–4702

Agent designated to accept legal process issued by courts in the District of Columbia:

Assistant Chief Counsel, AGC–100, Department of Transportation, 701 Pennsylvania Avenue, NW., Suite 925, Washington, DC 20004, (202) 376–6416

Agent designated to accept legal process issued by courts in the District of Columbia:

Assistant Chief Counsel, MC–7, Department of Transportation, P.O. Box 25082, Oklahoma City, OK 73125, (405) 954–3296

Agent designated to accept legal process issued by courts in the State of New Jersey:

Assistant Chief Counsel, ACT–7, FAA Technical Center, Department of Transportation, Atlantic City, NJ 08405, (609) 485–7087

United States Coast Guard

Commanding Officer (LGL), Coast Guard Human Resources, Service and Information Center, 444 SE. Quincy Street, Topeka, KS 66683–3591, (785) 357–3595

Federal Aviation Administration

1. Headquarters (Washington, DC) and overseas employees:

Agent designated to accept legal process issued by courts in the District of Columbia:

Assistant Chief Counsel, AGC–100, Federal Aviation Administration, 701 Pennsylvania Avenue, NW., Suite 925, Washington, DC 20004, (202) 376–6416

Agent designated to accept legal process issued by courts in the State of Oklahoma:

Assistant Chief Counsel, AMC–7, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125, (405) 954–3296

Agent designated to accept legal process issued by courts in the State of New Jersey:

Assistant Chief Counsel, ACT–7, FAA Technical Center, Federal Aviation Administration, Atlantic City, NJ 08405, (609) 485–7087

Agent designated to accept legal process issued by courts in the State of Alaska:

Assistant Chief Counsel, AAL–7, Federal Aviation Administration, 222 West 7th Avenue, #14, Anchorage, AL 99533, (907) 271–5269

Agent designated to accept legal process issued by courts in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut:

Assistant Chief Counsel, ANE–7, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803, (617) 238–7040

Agent designated to accept legal process issued by courts in the States of New York, Pennsylvania, Maryland, West Virginia, Delaware, and Virginia:

Assistant Chief Counsel, AEA–7, Federal Aviation Administration, JFK International Airport, Fitzgerald Federal Building, Jamaica, NY 11430, (718) 553–1035

Agent designated to accept legal process issued by courts in the States of Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi:

Assistant Chief Counsel, ASO–7, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320, (404) 763–7204

Agent designated to accept legal process issued by courts in the States of Louisiana, Arkansas, Texas, and New Mexico:

Assistant Chief Counsel, ASW–7, Federal Aviation Administration, 2601 Meacham Boulevard, Forth Worth, TX 76137–4298, (817) 222–5064

Agent designated to accept legal process issued by courts in the States of Nebraska, Iowa, Missouri, and Kansas:

Assistant Chief Counsel, ACE–7, Federal Aviation Administration, 601 East 12th Street, Federal Building, Kansas City, MO 64106, (816) 426–5446

Agent designated to accept legal process issued by courts in the State of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota:

Assistant Chief Counsel, AGL–7, Federal Aviation Administration, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018, (708) 294–7108

Agent designated to accept legal process issued by courts in the States of Colorado, Utah, Wyoming, Montana, Idaho, Oregon, and Washington:

Assistant Chief Counsel, AMN–7, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055–4056, (206) 227–2007

Agent designated to accept legal process issued by courts in the States of Hawaii, Arizona, Nevada, and California:

Assistant Chief Counsel, AWP, Federal Aviation Administration, PO Box 92007, World Postal Center, Los Angeles, CA 90009, (310) 297–1270

Department of the Treasury

(1) Departmental Offices

Assistant General Counsel (Administrative and General Law), Treasury Department, 1500 Pennsylvania Avenue, NW., Room 1410, Washington, DC 20220, (202) 622–0450

(2) Office of Foreign Assets Control

Chief Counsel, Second Floor, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 622–2410

(3) Financial Management Service

Chief Counsel, Financial Management Service, 401 14th Street, SW., Room 531, Washington, DC 20227, (202) 874–6680

(4) Internal Revenue Service

Chief, Special Processing Unit, Garnishing Processing Center, 214 North Kanawha Street, Beckley, WV 25801, (304) 256–6200

(5) Bureau of Alcohol, Tobacco & Firearms

Chief Counsel, 650 Massachusetts Avenue, NW., Room 6100, Washington, DC 20226, (202) 927–7772

(6) Bureau of the Public Debt

Deputy Chief Counsel, Bureau of the Public Debt, Room 119, Hintgen Building, Parkersburg, WV 26106–1328, (304) 480–5192

(7) Secret Service

Legal Counsel, 1800 G Street, NW., Room 842, Washington, DC 20023, (202) 435–5771

(8) Bureau of Engraving & Printing

Legal Counsel, 14th & C Streets, NW., Room 306M, Washington, DC 20228, (202) 874–2500

(9) Office of the Comptroller of the Currency

Washington Headquarters.

Director of Litigation, Office of the Comptroller of the Currency, 250 E Street SW., Washington, DC 20219–0001, (202) 874–5280

District Offices

District Counsel, Office of the Comptroller of the Currency, Northeasten District, 1114 Avenue of the Americas, Suite 3900, New York, NY 10036–7730, (212) 790–4010

District Counsel, Office of the Comptroller of the Currency, Southeastern District,

Marquis One Tower, Suite 600, 245 Peachtree Center Ave., NE., Atlanta, GA 30303–1223, (404) 588–4520

District Counsel, Office of the Comptroller of the Currency, Central District, One Financial Place, Suite 2700, 440 South LaSalle St., Chicago, IL 60605–1073, (312) 663–8020

District Counsel, Office of the Comptroller of the Currency, Midwestern District, 2345 Grand Avenue, Suit 700, Kansas City, MO 64108–2683, (816) 556–1870

District Counsel, Office of the Comptroller of the Currency, Southwestern District, 1600 Lincoln Plaza, 500 North Akard Street, Dallas, TX 75201–3345, (214) 720–7012

District Counsel, Office of the Comptroller of the Currency, Western District, 50 Fremont Street, Suite 3900, San Francisco, CA 94105–2292, (415) 545–5980

(10) United States Mint

Chief Counsel, 633 3rd Street, NW., Room 733, Washington, DC 20220, (202) 874–6040

(11) Federal Law Enforcement Training Center

Legal Counsel, Building 69, Glynco, GA 31524, (912) 267–2100

(12) Customs Service

Assistant Chief Counsel, PO Box 68914, Indianapolis, IN 46278, (317) 298–1233

(13) Office of Thrift Supervision

Chief Counsel, 1700 G Street, NW., Fifth Floor, Washington, DC 20552, (202) 906–6251

Department of Veterans Affairs

The fiscal officer at each Department of Veterans Affairs (VA) facility shall be the designated agent for VA employee obligers at that facility. When a facility at which an individual is employed does not have a fiscal officer, the address and telephone number listed is for the fiscal officer servicing such a facility. In those limited cases where a portion of VA service-connected benefits may be subject to garnishment, service of process, unless otherwise indicated below, should be made at the regional office nearest the veteran obligor's permanent residence.

Alabama

Fiscal Officer, Birmingham Medical Center, Send to: Fiscal Officer, VA Medical Center, 215 Perry Hill Road, Montgomery, AL 36193, (205) 272–4670, ext. 4709

National Cemetery Area Office, 700 South 19th Street, Birmingham, AL 35233, (205) 939–2103

Mobile Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Gulfport, MS 39501, (601) 863–1972, ext. 225

Fiscal Officer, Montgomery Regional Office, 474 South Court Street, Montgomery, AL 36104, (205) 832–7172

Fiscal Officer Montgomery Medical Center, 215 Perry Hill Road, Montgomery, AL 36109, (205) 272–4670, ext. 204

Fiscal Officer, Tuscaloosa Medical Center, Tuscaloosa, AL 35401, (205) 553–3760

Fiscal Officer, Tuskegee Medical Center, Tuskegee, AL 36083, (205) 727–0550, ext. 0622

Alaska

Fiscal Officer, Anchorage Regional Office, Outpatient Clinic, 235 East 8th Avenue, Anchorage, AK 99501, (907) 271–2250

Juneau VA Office, Send to: Fiscal Officer, VA Regional Office, 235 East 8th Avenue, Anchorage, AK 99501, (907) 271–2250

Sitka National Cemetery Area Office, Send to: Fiscal Officer, VA Regional Office, 235 East 8th Avenue, Anchorage, AK 99501, (907) 271–2250

Arizona

Cave Creek National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Seventh Street & Indian School Road, Phoenix, AZ 85012, (602) 277–5551

Fiscal Officer, Phoenix Regional Office, 3225 North Central Avenue, Phoenix, AZ 85012, (606) 241–2735

Fiscal Officer, Phoenix Medical Center, Seventh Street & Indian School Road, Phoenix, AZ 85012, (602) 277–5551

Fiscal Officer, Prescott Medical Center, Prescott, AZ 86313, (602) 445–4860, ext. 264

Prescott National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Prescott, AZ 86313, (602) 445–4860, ext. 264

Fiscal Officer, Tucson Medical Center, Tucson, AZ 85723, (602) 792–1450, ext. 710

Arkansas

Fayetteville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701, (501) 443–4301

Fiscal Officer, Fayetteville Medical Center, Fayetteville, AR 72701, (501) 443–4301

Fort Smith National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701, (501) 443–4301

Fiscal Officer, Little Rock Regional Office, 1200 W. 3d Street, Little Rock, AR 72201, (501) 378–5142

Fiscal Officer, John L. McClellan Memorial, Veterans Hospital, 4300 West 7th Street (04), Little Rock, AR 72205, (501) 661–1202, ext. 1310

Fiscal Officer, VA Regional Office, Send to: VA Medical Center, 11000 N. College Avenue, Fayetteville, AR 72701, (501) 444–5007

Fiscal Officer, VA Regional Office, Building 65, Fort Roots, PO Box 1280, North Little Rock, Little Rock, AR 72115, (501) 370–3741

California

Bell Supply Depot, Send to: Fiscal Officer, VA Supply Depot, PO Box 27, Hines, IL 60141, (312) 681–6800

Fiscal Officer, Fresno Medical Center, 2615 East Clinton Avenue, Fresno, CA 94703, (209) 225–6100

Fiscal Officer, Livermore Medical Center, Livermore, CA 94550, (415) 447–2560, ext. 317

Fiscal Officer, Loma Linda Medical Center, 11201 Benton Street, Loma Linda, CA 92357, (714) 825–7084, ext. 2550/2551

Fiscal Officer, Long Beach Medical Center, 5901 East Seventh Street, Long Beach, CA 90822, (213) 498–1313, ext. 2101

Fiscal Officer, Los Angeles Regional Office, Federal Building, 11000 Wilshire Blvd., Los Angeles, CA 90024, (213) 209–7565

Jurisdiction over the following counties in California: Inyo, Kern, Los Angeles, Orange, San Bernadino, San Luis Obispo, Santa Barbara and Ventura.

Los Angeles Data Processing Center, Send to: Fiscal Officer, VA Regional Office, Federal Bldg., 11000 Wilshire Blvd., Los Angeles, CA 90024, (213) 209–7565

Fiscal Officer, Los Angeles Medical Center—Brentwood Division, Los Angeles, CA 90073, (213) 478–3478

Fiscal Officer, Los Angeles Medical Center—Wadsworth Division, Los Angeles, CA 90073, (213) 478–3478

Fiscal Officer, Los Angeles Outpatient Clinic, 425 South Hill Street, Los Angeles, CA 90013, (213) 894–3870

Los Angeles Regional Office of Audit, Send to: Fiscal Officer, VA Medical Center—Brentwood Division, Los Angeles, CA 90073, (213) 824–4402

Los Angeles Field Office of Audit, Send to: Fiscal Officer, VA Medical Center—Wadsworth Division, Los Angeles, CA 90073, (213) 478–3478

Los Angeles National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center—Brentwood Division, Los Angeles, CA 90073, (213) 478–3478

Fiscal Officer, Martinez Medical Center, 150 Muir Rd., Martinez, CA 94553, (415) 228–6680, ext. 235

Fiscal Officer, Palo Alto Medical Center, 3801 Miranda Avenue, Palo Alto, CA 94304, (415) 493–5000, ext. 5643

Riverside National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center—Wadsworth Division, Los Angeles, CA 90073, (213) 478–3478

San Bruno National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 4150 Clement Street, San Bruno, CA 94121, (415) 221–4810, ext. 315/316

Fiscal Officer, San Diego Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161, (714) 453–7500, ext. 3351

San Diego Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161, (714) 453–7500, ext. 3351

Fiscal Officer, San Diego Regional Office, 2022 Camino Del Rio North, San Diego, CA 92108, (714) 289–5703

Jurisdiction over the following counties in California: Imperial, Riverside and San Diego

San Francisco National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Officer, 4150 Clement Street, San Francisco, CA 94121, (415) 556–0483

Fiscal Officer, San Francisco Regional Office, 211 Main Street, San Francisco, CA 94105, (415) 974–0160

Jurisdiction over all counties in California except Inyo, Kern, Los Angeles, Orange, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, Imperial, Riverside, San Diego, Alpine, Lassen, Modoc and Mono.

Fiscal Officer, San Francisco Medical Center, 4150 Clement Street, San Francisco, CA 94121, (415) 221–4810, ext. 315/316

Fiscal Officer, Sepulveda Medical Center, 16111 Plummer Street, Sepulveda, CA 91343, (818) 891–2377

Colorado

Fiscal Officer, Denver Regional Office, Denver Federal Center, Building 20, Denver, CO 80225, (303) 234–3920

Fiscal Officer, Denver Medical Center, 1055 Clermont Street, Denver, CO 80220, (303) 393–2813

Denver National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220, (303) 393–2813

Fort Logan National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220, (303) 393–2813

Fort Lyon National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Fort Lyon, CO 81038, (719) 384–3987

Fiscal Officer, Fort Lyon Medical Center, Fort Lyon, CO 81038, (719) 384–3987

Fiscal Officer, Grand Junction Medical Center, 2121 North Avenue, Grand Junction, CO 81501, (303) 242–0731, ext. 275

Connecticut

Fiscal Officer, Hartford Regional Office, 450 Main Street, Hartford, CT 06103, (203) 244–3217

Fiscal Officer, Newington Medical Center, 555 Willard Avenue, Newington, CT 06111, (203) 666–6951, ext. 369

Fiscal Officer, West Haven Medical Center, 950 Campbell Avenue, West Haven, CT 06516, (203) 932–5711, ext. 859

Delaware

Fiscal Officer, Wilmington Medical and Regional Office Center, 1601 Kirkwood Highway, Wilmington, DE 19805, (302) 633–5432

District of Columbia

Finance Division Chief (047H), Washington Central Office, 810 Vermont Avenue, NW., Room C–50, Washington, DC 20420, (202) 233–3901

Washington Veterans Canteen Service Field Office, Send to: Finance Division Chief (047H), VA Central Office, 810 Vermont Avenue, NW., Room C–50, Washington, DC 20420, (202) 233–3901

Fiscal Officer, Washington Regional Office, 941 North Capitol Street, NE., Washington, DC 20421, (202) 208–1349

Jurisdiction over all foreign countries or overseas areas except Mexico, American Samoa, Guam, Midway, Wake, the Trust Territory of the Pacific Islands, the Virgin Islands and the Philippines. Also, jurisdiction over Prince George's and Montgomery Counties in Maryland; Fairfax and Arlington Counties and the cities of Alexandria, Fairfax and Falls Church in Virginia.

Fiscal Officer, Washington Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745–8229

Florida

Fiscal Officer, Bay Pines Medical Center, National Cemetery Area Office, Bay Pines, FL 33504, (813) 398–9321

Fiscal Officer, Gainesville Medical Center, Archer Road, Gainesville, FL 32601, (904) 376–1611, ext. 6685

Jacksonville Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1601 SW. Archer Road, Gainesville, FL 32602, (904) 376–1611, ext. 6685

Jacksonville VA Office, Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731, (813) 893–3236

Fiscal Officer, Lake City Medical Center, 801 South Marion Street, Lake City, FL 32055, (904) 755–3016

Miami VA Office, Send to: Fiscal Officer, VA Regional Office, 144 First Avenue, South, St. Petersburg, FL 33731, (813) 893–3236

Fiscal Officer, Miami Medical Center, 1201 Northwest 16th Street, Miami, FL 33125, (305) 324–4284

Orlando Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1300 North 30th Street, Tampa, FL 33612, (813) 971–4500

Fiscal Officer, James A. Haley Veterans' Hospital, 13000 Bruce B. Downs Blvd., Tampa, FL 33612, (813) 972–7501

Riviera Beach Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1201 Northwest 16th Street, Miami, FL 33125, (305) 324–4284

Pensacola National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Gulfport, MS 39501, (601) 863–1972, ext. 225

St. Augustine National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Archer Road, Gainesville, FL 32602, (904) 376–1611, ext. 6685

Fiscal Officer, St. Petersburg Regional Office, 144 First Avenue, South, St. Petersburg, FL 33612, (813) 893–3236

Georgia

Fiscal Officer, Atlanta Regional Office, 730 Peachtree Street, NE., Atlanta, GA 30365, (404) 347–5008

Atlanta Veterans Canteen Service Field Office, Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 321–6111

Atlanta National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Office, 1670 Clairmont Road, Decatur, GA 30033, (404) 321–6111

Atlanta Field Office of Audit, Send to: Fiscal Officer, VA Regional Office, 730 Peachtree Street, NE., Atlanta, GA 30301, (404) 347–5008

Fiscal Officer, Augusta Medical Center, Augusta, GA 30904, (404) 733–4471, ext. 675/676

Fiscal Officer, VA Medical Center, 2460 Wrightsboro Road, Augusta, GA 30910, (404) 724–5116

Fiscal Officer, Decatur Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 321–6111, ext. 6320

Fiscal Officer, Dublin Medical Center, Dublin, GA 31021, (912) 272–1210, ext. 373

Marietta National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 321–6111

Hawaii

Fiscal Officer, Honolulu Regional Office, PO Box 50188, Honolulu, HI 96850, (808) 541–1490

Jurisdiction over Islands of American Samoa, Guam, Wake, Midway and Trust Territory of the Pacific Islands

Honolulu National Cemetery Area Office, Send to: Fiscal Officer, VA Regional Office, PO Box 50188, Honolulu, HI 96850, (808) 546–2109

Idaho

Fiscal Officer, Boise Medical Center, 500 West Fort Street, Boise, ID 83702, (208) 336–5100, ext. 7312

Fiscal Officer, Boise Regional Office, Federal Bldg. & U.S. Courthouse, 550 West Fort Street, Box 044, Boise, ID 83724, (208) 334–1009

Illinois

Alton National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125, (314) 894–4631

AMF O'Hare Field Office of Audit, Send to: Fiscal Officer, VA Medical Center, Hines, IL 60141, (312) 343–7200, ext. 2481

Fiscal Officer, Chicago Medical Center (Lakeside), 33 East Huron Street, Chicago, IL 60611, (312) 943–6600

Fiscal Officer, Chicago Medical Center (West Side), 820 South Damen Avenue, Chicago, IL 60612, (312) 666–6500, ext. 3338

Fiscal Officer, Chicago Regional Office, 536 South Clark Street, Chicago, IL 60680, (312) 886–9417

Fiscal Officer, Danville Medical Center, 1900 E. Main Street, Danville, IL 61832, (217) 442–8000

Danville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1900 E. Main Street, Danville, IL 61832, (217) 442–8000, ext. 210

Fiscal Officer, Hines Medical Center, Hines, IL 60141, (312) 343–7200, ext. 2481

Hines Marketing Center, Send to: Fiscal Officer, VA Supply Depot, PO Box 27, Hines, IL 60141, (312) 681–6800

Fiscal Officer, Hines Supply Depot, PO Box 27, Hines, IL 60141, (312) 681–6800

Fiscal Officer, Hines Data Processing Center, PO Box 66303, AMF O'Hare, Hines, IL 60666, (312) 681–6650

Fiscal Officer, Marion Medical Center, Marion, IL 62959, (618) 997–5311

Mound City National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 2401 West Main Street, Marion, IL 62959, (618) 997–5311

Fiscal Officer, North Chicago Medical Center, North Chicago, IL 60064, (312) 689–1900

Quincy National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240, (319) 338–0581, ext. 304

Rock Island National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52240, (319) 338–0581, ext. 304

Springfield National Cemetery Area Officer, Send to: Fiscal Officer, VA Medical Center, 1900 E. Main Street, Danville, IL 61832, (217) 442–8000

Indiana

Evansville Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Marion, IL 62959, (618) 997–5311

Fiscal Officer, Fort Wayne Medical Center, 1600 Randalia Drive, Fort Wayne, IN 46805, (219) 426–5431

Fiscal Officer, Indianapolis Regional Office, 575 North Pennsylvania Street, Indianapolis, IN 46204, (317) 269–7840

Fiscal Officer, Indianapolis Medical Center, 1481 West 10th Street, Indianapolis, IN 46202, (317) 635–7401, ext. 2363

Indianapolis National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1481 West 10th Street, Indianapolis, IN 46202, (317) 635–7401, ext. 2363

Fiscal Officer, Marion Medical Center, Marion, IN 46952, (317) 674–3321, ext. 214

Marion National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Marion, IN 46952, (317) 674–3321, ext. 211

New Albany National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202, (502) 895–3401

Iowa

Fiscal Officer, Des Moines Regional Office, 210 Walnut Street, Des Moines, IA 50309, (515) 284–4220

Fiscal Officer, Des Moines Medical Center, 30th & Euclid Avenue, Des Moines, IA 50310, (515) 699–5999

Fiscal Officer, Iowa City Medical Center, Iowa City, IA 52246, (319) 338–0581, ext. 7702

Keokuk National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52246, (319) 338–0581, ext. 7702

Keokuk National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Iowa City, IA 52246, (319) 338–0581, ext. 7702

Kansas

Ft. Leavenworth National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048, (913) 682–2000, ext. 214

Ft. Scott National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048, (913) 682–2000, ext. 214

Leavenworth National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Leavenworth, KS 66048, (913) 682–2000, ext. 214

Fiscal Officer, Leavenworth Medical Center, Leavenworth, KS 66048, (913) 682–2000, ext. 214

Fiscal Officer, Topeka Medical Center, 2200 Gage Blvd., Topeka, KS 66622, (913) 272–3111, ext. 521

Fiscal Officer, Wichita Medical Center, 5500 East Kellogg, Wichita, KA 67211 (316) 685–2221, ext. 256

Wichita Regional Office, Send to: VA Medical Center, 5500 East Kellogg, Wichita, KS 67211, (316) 685–2111, ext. 256

Process for VA service-connected benefits should also be sent to the Wichita Medical Center rather than to the Wichita Regional Office.

Fiscal Officer, VA Regional Office, 901 George Washington Blvd, Wichita, KS 67211, (316) 269–6813

Kentucky

Danville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507, (606) 223–4511

Fiscal Officer, Knoxville Medical Center, Knoxville, KY 50138, (515) 842–3101, ext. 241

Lebanon National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507, (606) 233–4511

Lexington National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507, (606) 233–4511

Fiscal Officer, Lexington Medical Center, Lexington KY 40507, (606) 233–4511

Fiscal Officer, Louisville Regional Office, 600 Federal Place, Louisville, KY 40202, (502) 582–6482

Fiscal Officer, Louisville Medical Center, 800 Zorn Avenue, Louisville, KY 40202, (502) 895–3401, ext. 241

Louisville National Cemetery Area Office (Zachry Taylor), Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202, (502) 895–3401, ext. 241

Louisville National Cemetery Area Office (Cave Hill), Send to: Fiscal Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40202, (502) 895–3401, ext. 241

Nancy National Cemetery Area Office, Send to: Fiscal Office, VA Medical Center, Lexington, KY 40507, (606) 233–4511

Nicholasville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507, (606) 233–4511

Perryville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Lexington, KY 40507, (606) 233–4511

Louisiana

Fiscal Officer, Alexandria Medical Center, Alexandria LA 71303, (318) 473–0010, ext. 2281

Baton Rouge National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1601 Perdido Street, New Orleans, LA 70146, (504) 568–0811

Fiscal Officer, New Orleans Regional Office, 701 Loyola Avenue, New Orleans, LA 70133, (504) 589–6604

Fiscal Officer, New Orleans Medical Center, 1601 Perdido Street, New Orleans, LA 70146, (504) 568–0811

Baton Rouge National Cemetery, 220 North 19th Street, Baton Rouge, LA 70806, (504) 389–0788

Pineville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Alexandria, LA 71301, (318) 442–0251

Fiscal Officer, Shreveport Medical Center, 510 East Stoner Avenue, Shreveport, LA 71101, (318) 221–8411, ext. 722

Shreveport VA Office, Send to: Fiscal Officer, VA Regional Officer, 701 Loyola Avenue, New Orleans, LA 70113, (504) 589–6604

Port Hudson (Zachary) National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1601 Perdido Street, New Orleans, LA 70146, (504) 568–0811

Maine

Portland VA Office, Send to: Fiscal Officer, VA Center, Togus, ME 04330, (207) 623–8411

Fiscal Officer, Togus Medical & Regional Office Center, Togus, ME 04330, (207) 623–8411

Togus National Cemetery Area Office, Send to: Fiscal Officer, VA Center, Togus, ME 04330, (207) 623–8411

Maryland

Annapolis National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218, (301) 467–9932, ext. 5281/5282

Fiscal Officer, Baltimore Regional Office, Federal Bldg., 31 Hopkins Plaza, Baltimore, MD 21201, (301) 962–4410

Jurisdiction does not include Prince George's and Montgomery Counties which are included under the Washington, DC Regional Office

Baltimore Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218, (301) 467–9932, ext. 5281/5282

Fiscal Officer, Baltimore Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218, (301) 467–9932, ext. 5281/5282

Baltimore National Cemetery Area Office (Loudon Park), Send to: Fiscal Officer, VA Medical Center, 3900 Loch Raven Blvd., Baltimore, MD 21218, (301) 467–9932, ext. 5281/5282

Fiscal Officer, Fort Howard Medical Center, Fort Howard, MD 21052, (301) 687–8768, ext. 328

Hyattsville Field Office of Audit, Send to: Fiscal Division Chief (047H), VA Central Office, Room C–50, 810 Vermont Avenue, Washington, DC 20420, (202) 389–3901

Fiscal Officer, Perry Point Medical Center, Perry Point, MD 21902, (301) 642–2411, ext. 5224/5225

Massachusetts

Fiscal Officer, Bedford Medical Center, 200 Springs Road, Bedford, MA 01730, (617) 275–7500

Fiscal Officer, Boston Regional Office, John F. Kennedy Bldg., Room 400C, Government Center, Boston, MA, (617) 565–2616

Jurisdiction over certain towns in Bristol and Plymouth Counties and the counties of Barnstable, Dukes and Nantucket is allocated to the Providence, Rhode Island Regional Office.

Boston Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 150 South Huntington Avenue, Boston, MA 02130, (617) 232–9500, ext. 427/420

Fiscal Officer, Boston Medical Center, 150 South Huntington Avenue, Boston, MA 02130, (617) 232–9500, ext. 427/420

Bourne National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Brockton, MA 02401, (617) 583–4500, ext. 266

Fiscal Officer, Brockton Medical Center, Brockton, MA 02401 (617) 583–4500, ext. 266

Lowell Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 150 South Huntington Avenue, Boston, MA 02130 (617) 322–9500, ext 427/420

New Bedford Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Providence, RI 02908, (401) 273–7100

Fiscal Officer, Northampton Medical Center, Northampton, MA 01060, (413) 584–4040

Springfield Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Northampton, MA 01060, (413) 584–4040

Springfield VA Office, Send to: Fiscal Officer, VA Regional Office, John F.

Kennedy Bldg., Room 400C, Government Center, Boston, MA 02203, (617) 565–2616
Fiscal Officer, West Roxbury Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132, (617) 323–7700, ext. 5650
Worcester Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1400 Veterans of Foreign Wars Parkway, West Roxbury, MA 02132, (617) 323–7700, ext. 5650

Michigan

Fiscal Officer, Allen Park Medical Center, Allen Park, MI 48101, (313) 562–6000, ext. 535
Fiscal Officer, Ann Arbor Medical Center, 2215 Fuller Road, Ann Arbor, MI 48105, (313) 769–7100, ext. 288/289
Fiscal Officer, Battle Creek Medical Center, Battle Creek, MI 49016, (616) 966–5600, ext. 3566
Grand Rapids Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Battle Creek, MI 49016, (616) 966–5600, ext. 3566
Fiscal Officer, Detroit Regional Office, 477 Michigan Avenue, Detroit, MI 48226, (313) 226–4190
Fiscal Officer, Iron Mountain Medical Center, Iron Mountain, MI 49801, (906) 774–3300, ext. 308
Fiscal Officer, Saginaw Medical Center, 1500 Weiss Street, Saginaw, MI 48602, (517) 793–2340, ext. 3061

Minnesota

Fiscal Officer, Minneapolis Medical Center, 54th & 48th Avenue, South Minneapolis, MN 55417, (612) 725–6767, ext. 6311
Fiscal Officer, St. Cloud Medical Center, St. Cloud, MN 56301, (612) 252–1600, ext. 411
Fiscal Officer, St. Paul Center (Regional Office), Federal Building, Ft. Snelling, St. Paul, MN 55111, (612) 725–4075
Fiscal Officer, VA Medical Center, One Veterans Drive, Minneapolis, MN 55417, (612) 725–2150

Jurisdiction over the counties of Becker, Beltrami, Clay, Clearwater, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau and Wilkin is allocated to the Fargo, North Dakota Center.

St. Paul National Cemetery Area Office, Send to: VA Medical Center, 54th & 48th Avenue, South, Minneapolis, MN 55417, (612) 725–6767, ext. 6311
St. Paul Data Processing Center, Send to: Fiscal Officer, VA Center, Federal Building, Ft. Snelling, St. Paul, MN 55111, (612) 725–3075
St. Paul Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 54th & 48th Avenue, Minneapolis, MN 55111, (612) 725–6767, ext. 6311

Mississippi

Biloxi National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Biloxi, MS 39531, (601) 863–1972, ext. 225
Fiscal Officer, Biloxi Medical Center, Biloxi, MS 39531, (601) 863–1972, ext. 225
Corrinth National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523–8990
Fiscal Officer, Gulfport Medical Center, Gulfport, MS 39601, (601) 863–1972, ext. 225
Fiscal Officer, Jackson Medical Center, 1500 East Woodrow Wilson Drive, Jackson, MS 39216, (601) 362–4471, ext. 1281
Fiscal Officer, VA Regional Office, Federal Building, 100 W. Capitol St., Suite 207, Jackson, MS 39269, (601) 965–4853
Natchez National Cemetery, Send to: Fiscal Officer, VA Medical Center, 1500 E. Woodrow Wilson Dr., Jackson, MS 39216, (601) 362–4471, ext. 1281

Process for VA service-connected benefits should also be sent to the Jackson Medical Center rather than to the Jackson Regional Office.

Missouri

Fiscal Officer, Columbia Medical Center, 800 Stadium Road, Columbia, MO 62501, (314) 443–2511
Jefferson City National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 800 Stadium Road, Columbia, MO 65201, (314) 443–2511, ext. 6050
Fiscal Officer, Kansas City Medical Center, 4801 Linwood Blvd., Kansas City, MO 64128, (816) 861–4700, ext. 214
Fiscal Officer, Poplar Bluff Medical Center, Poplar Bluff, MO 63901, (314) 686–4151
St. Louis National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125, (314) 894–4931
Fiscal Officer, St. Louis Regional Office, 1520 Market Street, St. Louis, MO 63103, (314) 539–3112
Fiscal Officer, VA Medical Center, 1500 N. Westwood Blvd., Poplar Bluff, MO 63901, (314) 686–4151, ext. 265
St. Louis Veterans Canteen Service Field Office, Send to: Fiscal Officer, VA Medical Center, St. Louis, MO 63125, (314) 894–4631
Fiscal Officer, St. Louis Medical Center, St. Louis, MO 63125, (314) 894–4631
St. Louis Records Processing Center, Send to: Fiscal Officer, VA Regional Office, 1520 Market Street, St. Louis, MO 63103, (314) 539–3112
Springfield National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Fayetteville, AR 72701, (501) 443–4301

Montana

Fiscal Officer, Fort Harrison Medical & Regional Office Center, Fort Harrison, MT 59636, (406) 442–6410
Fiscal Officer, Mile City Medical Center, 210 N. Broadwell, Miles City, MT 59301, (406) 232–3060

Nebraska

Fiscal Officer, Grand Island Medical Center, 2201 N. Broadwell, Grand Island, NE 68801, (308) 382–3660, ext. 244
Fiscal Officer, Lincoln Regional Office, 100 Centennial Mall North, Lincoln NE 68510, (402) 437–5041
Fiscal Officer, Lincoln Regional Office, 600 South 70th Street, Lincoln NE 68510, (402) 489–3802, ext. 332
Maxwell National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Grand Island, NE 68801, (308) 382–3660, ext. 244
Fiscal Officer, Omaha Medical Center, 4101 Woolworth Avenue, Omaha, NE, (402) 346–8800, ext. 4538

Nevada

Las Vegas Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89250, (702) 786–7200, ext. 244
Fiscal Officer, Reno Regional Office, 1201 Terminal Way, Reno, NV (702) 784–5637

Jurisdiction over the following counties in California: Alpine, Lassen, Modoc and Mono.

Fiscal Officer, Reno Medical Center, 1000 Locust Street, Reno, NV 89520, (702) 786–7200, ext. 244
Henderson Outpatient Clinic, Send to: Fiscal Officer, Reno Medical Center, 1000 Locust Street, Reno, NV 89520, (702) 786–7200, ext. 244

New Hampshire

Fiscal Officer, Manchester Regional Office, 275 Chestnut Street, Manchester, NH 03103, (603) 666–7638
Fiscal Officer, Manchester Medical Center 718 Smyth Road, Manchester, NH 03104, (603) 624–4366

New Jersey

Beverly National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, University and Woodland Avenues, Philadelphia, PA 19104, (215) 382–2400, ext. 291/292
Fiscal Officer, East Orange Medical Center, Tremont Avenue and So. Center Street, East Orange, NJ 07019, (201) 676–1000, ext. 1771
Fiscal Officer, Lyons Medical Center, Lyons, NJ 07939, (201) 647–0180, ext. 4302
Newark Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, Tremont Avenue and So. Center Street, East Orange, NJ 07019, (201) 676–1000, ext. 125
Fiscal Officer, Newark Regional Office, 20 Washington Place, Newark, NJ 07102, (201) 645–3507
Salem National Cemetery Area Office, Send to: Fiscal Officer, VA Center, 1601 Kirkwood Highway, Wilmington, DE 19805, (302) 994–2511
Fiscal Officer, Somerville Supply Depot, Somerville, NJ 08876, (210) 725–2540

New Mexico

Fiscal Officer, Albuquerque Regional Office, 500 Gold Avenue, SW., Albuquerque, NM 87102, (505) 766–2204
Fiscal Officer, Albuquerque Medical Center, 2100 Ridgecrest Drive, SE., Albuquerque NM 87108, (505) 265–1711
Santa Fe National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 2100 Ridgecrest Drive, SE., Albuquerque, NM 87108, (505) 265–1711, ext. 2214

New York

Fiscal Officer, Albany Medical Center, 113 Holland Ave., Albany, NY 12202, (518) 462–3311, ext. 355
Fiscal Officer, VA Medical Center, 800 Irving Center, Syracuse, NY 13210, (315) 476–7461, ext. 2358
Albany VA Office, Send to: Fiscal Officer, VA Regional Office, 252 Seventh Avenue & 24th Street, New York, NY 10001, (211) 620–6293

Fiscal Officer, Batavia Medical Center, Redfield Parkway, Batavia, NY 14020, (716) 345–7500, ext. 215
Fiscal Officer, Bath Medical Center, Bath, NY 14810, (607) 776–2111, ext. 1502
Fiscal Officer, Bronx Medical Center, 140 W. Kings Bridge Road, Bronx, NY 10408, (212) 584–9000, ext. 1502/1717
Fiscal Officer, Brooklyn Medical Center, 800 Poly Place, Brooklyn, NY 11209, (718) 630–3542
Brooklyn National Cemetery Area Office, Fiscal Officer, VA Medical Center, 800 Poly Place, Brooklyn, NY 11209, (718) 630–2541
Brooklyn Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 800 Poly Place, Brooklyn, NY 11209, (718) 630–3542
Fiscal Officer, Buffalo Regional Office, 111 West Huron Street, Buffalo, NY 14202, (716) 846–5251
Brooklyn Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 800 Poly Place, Brooklyn, NY 11209, (718) 630–3542
Fiscal Officer, Buffalo Regional Office, 111 West Huron Street, Buffalo, NY 14202, (716) 846–5251

Jurisdiction over all counties in New York not listed under the New York Regional Office.

Fiscal Officer, Buffalo Medical Center, 3495 Bailey Avenue, Buffalo, NY 14215, (716) 862–3335/(716) 834–9200, ext. 3335
Calverton National Cemetery Area Office, Send to: Fiscal Office, VA Medical Center, Northport, NY 11768, (516) 261–4400, ext. 7101/7103
Fiscal Officer, Canandiague Medical Center, Canandaigua, NY 14424, (716) 394–2000, ext. 3368
Fiscal Officer, Castle Point Medical Center, Castle Point, NY 12511, (914) 882–5404
Elmira National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Bath, NY 14810, (607) 776–2111
Farmingdale National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Northport, NY 11768, (516) 261–4400, ext. 2462/2463
Fiscal Officer, Montrose Medical Center, Montrose, NY 10548, (914) 737–4400, ext. 2463
Fiscal Officer, New York Medical Center, First Avenue at East 24th Street, New York, NY 10010, (212) 686–7320
New York Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, First Avenue at East 24th Street, New York, NY 10010, (212) 686–7320
New York Prosthetics Center, Send to: Fiscal Officer, VA Regional Office, 252 Seventh Avenue, New York, NY 10001, (212) 620–6293
Fiscal Officer, New York Regional Office, 252 Seventh Avenue at 24th Street, New York, NY 10001, (212) 620–6293

Jurisdiction over the following counties in New York: Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Kings, Montgomery, Nassau, New York, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schharie, Suffolk, Sullivan, Ulster, Warren, Washington and Westchester.

New York Veterans Canteen Service Field Office, Send to: Fiscal Officer, VA Medical Center, First Avenue at East 24th Street, New York, NY 10010, (202) 686–7320
Fiscal Officer, Northport Medical Center, Northport, NY 11768, (516) 261–4400, ext. 2462/2463
Rochester VA Office, Send to: Fiscal Officer, VA Regional Office, 111 West Huron Street, Buffalo, NY 14202, (716) 846–5251
Rochester Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Batavia, NY 14020, (716) 343–7500, ext. 215
Fiscal Officer, Syracuse Medical Center, Irving Avenue & University Place, Syracuse, NY 13210, (315) 476–7461
Syracuse VA Office, Send to: Fiscal Officer, VA Regional Office, 111 West Huron Street, Buffalo, NY 14202, (716) 846–5251

North Carolina

Fiscal Officer, Asheville Medical Center, 1100 Tunnel Road, Asheville, NC 28801, (704) 298–7911, ext. 5616
Fiscal Officer, Durham Medical Center, 508 Fulton Street, Durham, NC 27705, (919) 671–6913
Fiscal Officer, Fayetteville Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301, (919) 488–2120
New Bern National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301, (919) 488–2120
Raleigh National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 508 Fulton Street, Durham, NC 27705, (919) 286–0411, ext. 6469
Fiscal Officer, Salisbury Medical Center, Salisbury, NC 28144, (704) 636–2351
Salisbury National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Salisbury, NC 28144, (704) 636–2351
Wilmington National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301, (919) 488–2120
Fiscal Officer, Winston-Salem Regional Office, 251 North Main Street, Winston-Salem, NC 27102 (919) 761–3513
Winston-Salem Outpatient Regional Office, Send to: Fiscal Officer, VA Medical Center, Salisbury, NC 28144, (704) 636–2351

North Dakota

Fiscal Officer, Fargo Medical and Regional Office Center, 21st & Elm, Fargo, ND 58102, (701) 232–3241, ext. 249

See listing under the St. Paul, Minnesota Center for the names of the counties in Minnesota which come under the jurisdiction of the Fargo, North Dakota Center.

Ohio

Fiscal Officer, Chillicothe Medical Center, 17273 State Route 104, Chillicothe, OH 45601, (614) 773–1141, ext. 203
Fiscal Officer, Cincinnati Medical Center, 3200 Vine Street, Cincinnati, OH 45220, (513) 550–5040, ext. 4113
Fiscal Officer, VA Medical Center, 2090 Kenny Road, Columbus, OH 43221, (614) 469–6712
Cincinnati VA Office, Send to: Fiscal Officer, VA Regional Office, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522–3540
Fiscal Officer, Cleveland Regional Office, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522–3540
Fiscal Officer, Cleveland Medical Center, 10,000 Brecksville Rd, Brecksville, OH 44141, (216) 526–3030, ext. 7170
Fiscal Officer, Columbus Outpatient Clinic, 456 Clinic Drive, Columbus, OH 43210, (614) 469–6712
Columbus VA Office, Send to: Fiscal Officer, VA Regional Office, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522–3540
Dayton National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Dayton, OH 45248, (513) 268–6511, ext. 262–2157
Fiscal Officer, VA Medical Center, 4100 W. Third Street, Dayton, OH 45428, (513) 262–2157

Oklahoma

Fort Gibson National Cemetery Area Office, Fiscal Officer, VA Medical Center, Memorial Station, Honor Heights Drive, Muskogee, OK 74401, (918) 683–3261, ext. 392
Fiscal Officer, Muskogee Regional Office, 125 South Main Street, Muskogee, OK 74401, (918) 687–2169
Fiscal Officer, Muskogee Medical Center, Memorial Station, Honor Heights Drive, Muskogee, OK 74401, (918) 683–3261, ext. 392
Fiscal Officer, Oklahoma City Medical Center, 921 Northeast 13th Street, Oklahoma, OK 73104, (405) 272–9876, ext. 500
Oklahoma City VA Office, Send to: Fiscal Officer, VA Regional Office, 125 South Main St., Muskogee, OK 74401, (908) 687–2169

Oregon

Portland National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201, (503) 220–8262, ext. 6948
Fiscal Officer, Portland Regional Office, 1220 SW 3rd Avenue, Portland, OR 97204, (503) 221–2521
Fiscal Officer, Portland Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201, (503) 220–8262, ext. 6948
Portland Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97210, (503) 222–9221, ext. 6984
Fiscal Officer, VA Medical Center, Garden Valley Blvd., Roseburg, OR 97470, (503) 440–1000, ext. 4261
Roseburg National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Garden Valley Blvd., Roseburg, OR 97470, (503) 672–4411
Fiscal Officer, White City Domiciliary, White City, OR 97501, (503) 826–2111, ext. 241
White City National Cemetery Area, Send to: Fiscal Officer, VA Office, Domiciliary, White City, OR 97503, (503) 826–2111, ext. 241

Pennsylvania

Fiscal Officer, Altoona Medical Center, Altoona, PA 16603, (814) 943–8164, ext. 7046
Annville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center,

Lebanon, PA 17042, (717) 272–6621, ext. 229
Fiscal Officer, VA Medical Center, Butler, PA, 16001, (412) 287–4781, ext. 4505
Fiscal Officer, Coatsville Medical Center, Coatsville, PA 19320, (215) 384–7711, ext. 342
Fiscal Officer, Erie Medical Center, 135 East 38th Street, Erie, PA 16501, (814) 868–8661
Harrisburg Outpatient Clinic Substation, Fiscal Officer, VA Medical Center, Lebanon, PA 17042, (717) 272–6621, ext. 229
Fiscal Officer, Lebanon Medical Center, Lebanon Medical Center, Lebanon, PA, 17042, (717) 272–6621, ext. 229
Fiscal Officer, Philadelphia Center (Regional Office), PO Box 8079, Philadelphia, PA 19101, (215) 951–5321

Jurisdiction over the following counties in Pennsylvania: Adams, Berks, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York.

Philadelphia Data Processing Center, Send to: Fiscal Officer, VA Medical Center, P.O. Box 13399, Philadelphia, PA 19101, (215) 951–5321
Philadelphia National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104, (215) 951–5321
Fiscal Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104, (125) 951–5321
Fiscal Officer, Pittsburgh Regional Office, 1000 Liberty Avenue, Pittsburgh, PA 15222, (412) 644–4394

Jurisdiction over all of the counties in Pennsylvania that are not listed under the Philadelphia Center (Regional Office) and jurisdiction over the following counties in West Virginia: Brooke, Hancock, Marshall and Ohio.

Fiscal Officer, Pittsburgh Medical Center, Highland Drive, Pittsburgh, PA 15206, (412) 363–4900, ext. 4235
Fiscal Officer, Pittsburgh Medical Center, University Drive C, Pittsburgh, PA 15240 (412) 683–3000, ext. 675
Fiscal Officer, Wilkes-Barre Medical Center, 1111 East End Blvd., Wilkes-Barre, PA 18711, (717) 824–3521, ext. 7211

Philippines

Manila Regional Office Outpatient Clinic and Manila Regional Office Center
For either of the above, send to:

Director, Department of Veterans Affairs, APO, San Francisco, CA 96528, 011–632–521–7116, ext. 2560

Puerto Rico

Raymon National Cemetery Area Office, Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936, (890) 766–5115
Hato Regional Office, GPO, Box 4867, San Juan, PR 00936, (809) 766–5115
Mayaguez Outpatient Clinic Substation, Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936, (809) 763–0275
Rio Piedras Medical and Regional Office Center, Send to: Fiscal Officer, VA Center, GPO, Box 4867, San Juan, PR 00936, (809) 758–7575, ext. 4953
Fiscal Officer, VA Medical Center, One Veterans Plaza, San Juan, PR 00927–5800, (809) 766–5365/(809) 766–5953

Rhode Island

Fiscal Officer, Providence Regional Office, 321 South Main Street, Providence, RI 02903, (401) 528–4439

Jurisdication over the following towns and counties in Massachusetts: all towns in Bristol County except Mansfield and Easton, the towns of Lakeville, Middleboro, Carver, Rochester. Mattapoisett, Marion, and Wareham in Plymouth County; and the counties of Dukes, Nantucket and Barnstable.

Fiscal Officer, Providence Medical Center, Davis Park, Providence, RI 02908, (401) 475–3019

South Carolina

Beaufort National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 109 Bee Street, Charleston, SC 29403, (803) 577–5011, ext. 222
Fiscal Officer, Charleston Medical Center, 109 Bee Street, Charleston, SC 29403, (803) 577–5011, ext. 222
Fiscal Officer, Columbia Regional Office, 1801 Assembly Street, Columbia, SC 29201, (803) 765–5210
Fiscal Officer, Columbia Medical Center, Columbia, SC 29201, (803) 776–4000, ext. 150
Florence National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Columbia, SC 29201, (803) 776–4000, ext. 149
Greenville Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, Columbia, SC 29201, (803) 776–4000, ext. 149

South Dakota

Fort Meade National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Fort Meade, SD 57741 (605) 347–2511, ext. 272
Fiscal Officer, VA Medical Center, Fort Meade, SD 57741 (605) 347–2511, ext. 272
Hot Springs National Cemetery Area Office, Fiscal Officer, VA Medical Center, Hot Springs, SD 57747 (605) 745–4101, ext. 246
Fiscal Officer, Hot Springs Medical Center, Hot Springs, SD 57747, (605) 745–4101
Fiscal Officer, Sioux Falls Medical and Regional Office Center, PO Box 5046, Sioux Falls, SD 57117, (605) 333–6823

Tennessee

Chattanooga Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1310 24th Avenue, South, Nashville, TN 37203, (615) 327–4651
Chattanooga National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Murfreesboro, TN 37123, (615) 893–1360
Knoxville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Mountain Home, TN 37684, (615) 926–1171, ext. 7601
Knoxville Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 1320 24th Avenue, South, Nashville, TN 37203, (615) 327–4651, ext. 553
Madison National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1320 24th Avenue, South, Nashville, TN 37203, (615) 327–4651, ext. 553
Fiscal Officer, Memphis Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523–8990, ext. 5838
Memphis National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523–8990, ext. 5838
Fiscal Officer, Mountain Home Medical Center, Mountain Home, TN 37684, (615) 926–1171, ext. 7601
Mountain Home National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Mountain Home, TN 37684, (615) 926–1171
Fiscal Officer, Murfreesboro Medical Center, Murfreesboro, TN 37130, (615) 893–1360, ext. 3198
Fiscal Officer, National Regional Office, 110 Ninth Avenue South, Nashville, TN 37203, (615) 736–5352
Fiscal Officer, Medical Center, 1310 24th Avenue, South, Nashville, TN 37212, (615) 327–4751, ext. 5147

Texas

Fiscal Officer, Amarillo Medical Center, 6010 Amarillo Blvd. W., Amarillo, TX 79106, (806) 355–9703, ext. 7370
Fiscal Officer, Austin Data Processing Center, 1615 East Woodward Street, Austin, TX 78772, (512) 482–4028
Beaumont Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211, (713) 795–7493
Fiscal Officer, Big Spring Medical Center, Big Spring, TX 79720, (915) 263–7361, ext. 326
Fiscal Officer, Bonham Medical Center, East 96th & Lipscomb Street, Bonham, TX 75418, (218) 583–2111, ext. 240
Corpus Christi Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696–9660, ext. 5871
Fiscal Officer, Dallas Medical Center, 4500 South Lancaster Road, Dallas, TX 75216, (214) 376–5451, ext. 5238
Dallas VA Office, Send to: Fiscal Officer, VA Regional Office, 1400 North Valley Mills Drive, Waco, TX 76799, (817) 757–6454
Fiscal Officer, El Paso Outpatient Clinic, 5919 Brook Hollow Drive, el Paso, TX 79925, (915) 579–7960
Fort Bliss National Cemetery Area Office, Send to: Fiscal Officer, VA Outpatient Clinic, 5919 Brook Hollow Drive, El Paso, TX 79925, (915) 579–7960
Fiscal Officer, Houston Medical Center, 2002 Holcombe Blvd., Houston, TX 77211, (713) 795–7493
Fiscal Officer, Houston Regional Office, 2515 Murworth Drive, Houston, TX 77054, (713) 660–4121

Jurisdiction over the country of Mexico and the following counties in Texas: Angelina, Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Blanco, Brazoria, Brewster, Brooks, Caldwell, Calhoun,

Cameron, Chambers, Colorado, Comal, Crockett, DeWitt, Dimmitt, Duval, Edwards, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenndall, Kennedy, Kerr, Kimble, Kinney, Kleberg, LaSalle, Lavaca, Liberty, Live Oak, McCulloch, McMullen, Mason, Matagorda, Maverick, Medina, Menard, Montgomery, Necogdoches, Newton, Nueces, Orange, Pecos, Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patrico, Schleicher, Shelby, Starr, Sutton, Terrell, Trinity, Tyler, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata and Zavala.

Houston National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77211, (713) 795–7493

Fiscal Officer, Kerrville Medical Center, Kerrville, TX 78028, (512) 896–2020, ext. 300

Kerrville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Kerrville, TX 78028, (512) 896–2020, ext. 300

Lubbock VA Office, Send to: Fiscal Officer, VA Regional Office, 1400 North Valley Mills Drive, Waco, TX 76799, (817) 657–6464, ext. 635

Fiscal Officer, Lubbock Outpatient Clinic, 1205 Texas Avenue, Lubbock, TX 79401, (806) 762–7209

Fiscal Officer, Marlin Medical Center, 1016 Ward Street, Marlin, TX 76661, (817) 883–3511, ext. 224

McAllen Outpatient Clinic Substation, Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696–9660, ext. 5871

Fiscal Officer, San Antonio Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696–9660, ext. 5871

San Antonio VA Office, Send to: Fiscal Officer, VA Regional Office, 2515 Murworth Drive, Houston, TX 77054 (713) 226–4185

San Antonio National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696–9660, ext. 5871

San Antonio National Cemetery Area Office, (Fort Sam Houston), Send to: Fiscal Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (512) 696–9660, ext. 5871

Fiscal Officer, Temple Medical Center, Temple, TX 76501, (817) 778–4811

Fiscal Officer, Waco Regional Office, 1400 North Valley Mills Drive, Waco, TX 76799, (817) 756–6454

Jurisdiction over all counties in Texas not listed under the Houston Regional Office.

Fiscal Officer, Waco Medical Center, Memorial Drive, Waco, TX 76703, (817) 752–6581

Waco Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, Memorial Drive, Waco, TX 76703, (817) 752–6581

Utah

Fiscal Officer, Salt Lake City Regional Office, 125 South State Street, Salt Lake City, UT 84147, (801) 524–5361

Fiscal Officer, Salt Lake City Medical Center, 500 Foothill Blvd., Salt Lake City, UT 85148, (810) 584–1213

Vermont

Fiscal Officer, White River Junction, Medical and Regional Office Center, White River Junction, VT 05001, (802) 295–9363, ext. 1034

Virginia

Alexandria National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745–8228

Culpeper National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Martinsburg, WV 25401, (304) 263–0811, ext. 3176

Danville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Salem, VA 24153, (703) 982–2463

Hopewell National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 230–1304

Leesburg National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745–8228

Mechanicsville National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 230–1304

Fiscal Officer, Hampton Medical Center, Hampton, VA 23667, (804) 722–9961

Hampton National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Hampton, VA 23667, (807) 722–9961

Quantico National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745–8228

Fiscal Officer, Richmond Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 230–1304

Richmond National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 230–1304

Fiscal Officer, Roanoke Regional Office, 210 Franklin Road, SW., Roanoke, VA 24011, (703) 982–6116

Jurisdiction over Fairfax and Arlington Counties and the cities of Alexandria, Fairfax, and Falls Church is allocated to the Washington, DC Regional Office.

Fiscal Officer, Salem Medical Center, Salem, VA 24153, (703) 982–2463

Sandston national Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, 1201 Broad Rock Road, Richmond, VA 23249, (804) 231–9011, ext. 205

Staunton National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Salem, VA 24135, (703) 982–2463

Winchester National Cemetery Area Office, Send to: Fiscal Officer, VA Medical Center, Martinsburg, WV 25401, (304) 263–0811, ext. 3176

Washington

Fiscal Officer, American Lake Medical Center, Tacoma, WA 98493, (206) 582–8440, ext. 6049

Fiscal Officer, Seattle Regional Office, 915 Second Avenue, Seattle, WA 98714, (206) 442–5025

Fiscal Officer, Seattle Medical Center, 1160 S. Columbian Way, Seattle, WA 98198, (206) 764–2226

Seattle Outpatient Clinic, Send to: Fiscal Officer, VA Medical Center, 1160 S. Columbia Way, Seattle, WA 98198, (206) 764–2226

Fiscal Officer, Spokane Medical Center—North, 4815 Assembly Street, Spokane, WA 99205, (509) 327–0283, ext. 286

Vancouver Medical Center, Send to: Fiscal Officer, VA Medical Center, 3710 SW U.S. Veterans Hospital Road, Portland, OR 97201, (503) 220–8262, ext. 6948

West Virginia

Fiscal Officer, Beckley Medical Center, 200 Veterans Avenue, Beckley, WV 25801, (304) 225–2121, ext. 4174

Fiscal Officer, Clarksburg Medical Center, Clarksburg, WV 26301, (304) 623–3461, ext. 3389

Grafton National Cemetery Area Office, Fiscal Officer, VA Medical Center, Clarksburg, WV 26301, (304) 623–3461, ext. 335

Fiscal Officer, Huntington Regional Office, 640 West Avenue, Huntington, WV 25701, (304) 529–5477

Jurisdiction over the counties of Brooke, Hancock, Marshall and Ohio is allocated to the Pittsburgh, Pennsylvania Regional Office.

Fiscal Officer, Huntington Medical Center, 1540 Spring Valley Drive, Huntington, WV 25704, (304) 429–6741, ext. 2422

Fiscal Officer, Martinsburg Medical Center, Martinsburg, WV 25401, (304) 263–0811, ext. 3176

Wheeling Outpatient Clinic Substation, Fiscal Officer, VA Medical Center, University Drive C, Pittsburgh, PA 15240, (412) 683–7675

Wisconsin

Fiscal Officer, Madison Medical Center, 2500 Overlook Terrace, Madison, WI 53705, (608) 262–7050

Fiscal Officer, Milwaukee (Wood) Regional Office, PO Box 6, Wood, WI 53193, (414) 671–8121

Fiscal Officer, Tomah Medical Center, Tomah, WI 54660, (608) 372–1786

Fiscal Officer, VA Medical Center, 5000 West National Avenue, Milwaukee, WI 53295, (414) 384–2000, ext. 2591

Wood National Cemetery Area Office, Fiscal Officer, VA Medical Center, 5000 West National Avenue, Milwaukee, WI 53295, (414) 384–2000, ext. 2591

Wyoming

Fiscal Officer, Cheyenne Medical & Regional, Office Center, 2360 East Pershing Blvd., Cheyenne, WY 82001, (307) 672–7339

Fiscal Officer, Sheridan Medical Center, Sheridan, WY 82801, (307) 672–3473

Social Security Administration

1. For the garnishment of the remuneration of employees:

Garnishment Agent, Office of the General Counsel, Room 611, Altmeyer Building, 6401 Security Blvd., Baltimore, MD 21235, (410) 965–4202

Effective March 30, 1998, garnishment orders for employees of the Social Security Administration should be sent to:

Chief, Payroll Operations Division, Attn.: Code D–2640, Bureau of Reclamation, Administrative Services Center, Department of the Interior, P.O. Box 272030, Denver, CO 80227–9030, (303) 969–7739

2. For the garnishment of benefits under Title II of the Social Security Act, legal process may be served on the office manager at any Social Security District or Branch Office. The addresses and telephone numbers of Social Security District and Branch Offices may be found in the local telephone directory.

II. Agencies

(Unless otherwise indicated below, all agencies of the executive branch shall be subject to service of legal process brought for the enforcement of an individual's obligation to provide child support and/or make alimony payments where such service is sent by certified or registered mail, return receipt requested, or by personal service, upon the head of the agency.)

Agency for International Development

For employees of the Agency for International Development and the Trade and Development Program:

Payroll Division, Office of Financial Management (FM/P), U.S. Agency for International Development, Room 403 SA–2, Washington, DC 20523, (202) 663–2011, (fax) (202) 663–2354

Arms Control and Disarmament Agency

General Counsel, Arms Control and Disarmament Agency, 320 21st Street, NW., Washington, DC 20451, (202) 647–3596

Central Intelligence Agency

Office of Personnel Security, Attn: Chief, Special Activities Staff, Washington, DC 20505, (703) 482–1217

Commission on Civil Rights

Solicitor, Commission on Civil Rights, 624 9th Street, NW., Suite 632, Washington, DC 20425, (202) 376–8351

Commodity Futures Trading Commission

Director, Office of Personnel, Commodity Futures Trading Commission, Three Lafayette Center, Room 7200, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5003

Consumer Product Safety Commission

(Mail Service), General Counsel, Consumer Product Safety Commission, Washington, DC 20207–0001, (202) 504–0980

(Personal Service), General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Room 700, Bethesda, MD 20814–4408, (301) 504–0980

Environmental Protection Agency

Chief, Headquarters Accounting Operations Branch, Financial Management Division (3303), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–5116

Export-Import Bank of the United States

General Counsel, Export-Import Bank of the United States, 811 Vermont Avenue, NW., Room 947, Washington, DC 20571, (202) 566–8334

Equal Employment Opportunity Commission

Director, Financial Management Division, 1801 L Street, NW., Room 2002, Washington, DC 20507, (202) 663–4224

Farm Credit Administration

Chief, Fiscal Management Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, (703) 883–4122

Federal Deposit Insurance Corporation

Counsel, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429, (202) 898–3686

Federal Election Commission

Accounting Officer, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, (202) 376–5270

Federal Emergency Management Agency

Office of General Counsel, General Law Division, 500 C Street, SW., Washington, DC 20472, (202) 646–4105

Federal Labor Relations Authority

Director of Personnel, Federal Labor Relations Authority, 607 14th Street, NW., Suite 430, Washington, DC 20424, (202) 482–6690

Federal Maritime Commission

Director of Personnel or Deputy Director of Personnel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523–5773

Federal Mediation and Conciliation Service

General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, (202) 653–5305

Federal Retirement Thrift Investment Board

Payments to Board employees:

Director of Administration, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005, (202) 942–1670

Benefits from the Thrift Savings Fund:

General Counsel, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005, (202) 942–1662

Federal Trade Commission

Garnishment orders for employees of the Federal Trade Commission should be sent to:

Chief, Payroll Operations Division, Attn.: Code D–2605, Bureau of Reclamation, Administrative Services Center, Department of the Interior, 7201 West Mansfield Avenue, Denver, CO 80227–9030, (303) 969–7739

General Services Administration

1. Region 1 (Maine, Vermont, New Hampshire, Massachusetts, Connecticut):

Regional Counsel, 10 Causeway Street, Boston, MA 02222, (617) 835–5896

2. Region 2 (New York, New Jersey, Puerto Rico, the Virgin Islands):

Regional Counsel, 26 Federal Plaza, New York, NY 10007, (212) 264–8306

3. Region 3 (Pennsylvania, West Virginia, Maryland, Virginia, less the greater metropolitan area of Washington, DC):

Regional Counsel, Ninth and Market Streets, Philadelphia, PA 19107, (215) 597–1319

4. Region 4 (Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida):

Regional Counsel, R.B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW., Atlanta, GA 30303, (404) 331–0915

5. Region 5 (Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio):

Regional Counsel, 230 South Dearborn Street, Chicago, IL 60604, (312) 353–5392

6. Region 6 (Nebraska, Iowa, Kansas, Missouri):

Regional Counsel, 1500 E. Bannister Road, Kansas City, MO 64131, (816) 926–7212

7. Region 7 (New Mexico, Texas, Oklahoma, Arkansas, Louisiana):

Regional Counsel, 819 Taylor Street, Fort Worth, TX 76102, (817) 334–2325

8. Region 8 (Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado):

Regional Counsel, Building 41, Denver Federal Center, Denver, CO 80225, (303) 776–7352

9. Region 9 (California, Nevada, Arizona, Hawaii, Guam):

Regional Counsel, 525 Market Street, San Francisco, CA 94105, (415) 744–5057

10. Region 10 (Washington, Oregon, Idaho, Alaska):

Regional Counsel, GSA Center, Auburn, WA 98002, (206) 396–7007

11. Greater metropolitan area of Washington, DC (includes parts of Maryland and Virginia):

Regional Counsel, 7th & D Streets, NW., Washington, DC 20547, (202) 708–5155

Institute of Peace

Garnishment orders for employees of the Institute of Peace should be sent to:

General Services Administration, Director, Finance Division—(6BC), 1500 E. Bannister Road, Room 1107, Kansas City, MO 64131, (816) 926–1666

Merit Systems Protection Board

Director, Office of Administration, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, (202) 653–5805

National Aeronautics and Space Administration

NASA Headquarters

Associate General Counsel (General), Attention: SN Code GG, NASA Headquarters, 300 E Street, SW., Washington, DC 20546, (202) 358–2465

NASA Field Installations

Chief Counsel, Ames Research Center, Moffett Field, CA 94035, (415) 694–5055

Chief Counsel, Dryden Flight Research Center, Edwards, CA 93523, (805) 258–2827
Chief Counsel, Goddard Space Flight Center, (including Wallops Flight Center), Greenbelt, MD 20771, (301) 286–9181
Chief Counsel, Johnson Space Center, Houston, TX 77058, (713) 483–3021
Chief Counsel, Kennedy Space Center, Kennedy Space Center, FL 32899, (407) 867–2550
Chief Counsel, Langley Research Center, Hampton, VA 23665, (804) 864–3221
Chief Counsel, Lewis Research Center, Cleveland, OH 44135, (216) 433–2318
Chief Counsel, Marshall Space Flight center, Marshall Space Flight Center, AL 35812, (205) 544–0012
Chief Counsel, John C. Stennis Space Center, Stennis Space Center, MS 39529–6000, (601) 688–2164

National Archives and Records Administration

General Counsel (NSL), Room 305 Archives Building, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408, (202) 501–5535

National Capital Planning Commission

Administrative Officer, National Capital Planning Commission, 1325 G Street, NW., Washington, DC 20576, (202) 724–0170

National Credit Union Administration

General Counsel, Office of General Counsel, 1775 Duke Street, Alexandria, VA 22314–3428, (703) 518–6540

National Endowment for the Arts

General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 522, Washington, DC 20506, (202) 682–5418

National Endowment for the Humanities

General Counsel, National Endowment for the Humanities, Room 530, Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 606–8322

National Labor Relations Board

Director of Personnel, National Labor Relations Board, 1099 14th Street, NW., Room 6700, Washington, DC 20570–0001, (202) 273–3904

National Mediation Board

Administrative Officer, National Mediation Board, 1301 K Street, NW., Suite 250 East, Washington, DC 20572, (202) 523–5950

National Railroad Adjustment Board

Staff Director/Grievances, National Railroad Adjustment Board, 175 West Jackson Boulevard, Chicago, IL 60604, (312) 886–7300

National Science Foundation

General Counsel, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1060

National Security Agency

General Counsel, National Security Agency, 9800 Savage Road, Ft. Meade, MD 20755–6000, (301) 688–6054

National Transportation Safety Board

Director, Personnel and Training Division, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, DC 20594, ATTN: AD–30, (202) 382–6718

Navajo and Hopi Indian Relocation Commission

Attorney, Navajo and Hopi Indian Relocation Commission, 201 East Birch, Room 11, P.O. Box KK, Flagstaff, AZ 86002, (602) 779–2721

Nuclear Regulatory Commission

Controller, Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–4750

Office of Personnel Management

Payments to OPM employees:

General Counsel, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, (202) 606–1700

Payments of retirement benefits under the Civil Service Retirement System and the Federal Employees Retirement System:

Associate Director for Retirement and Insurance, Office of Personnel Management, Court Ordered Benefits Branch, PO Box 17, Washington, DC 20044, (202) 606–0218,

Overseas Private Investment Corporation

Director, Human Resources Management, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527, (202) 336–8524

Panama Canal Commission

Secretary, Office of the Secretary, International Square, 1825 I Street, NW., Suite 1050, Washington, DC 20006–5402, (202) 634–6441

Pension Benefit Guaranty Corporation

General Counsel or Deputy General Counsel, 1200 K Street, NW., Washington, DC 20005–4026, (202) 326–4020

Railroad Retirement Board

Deputy General Counsel, Bureau of Law, 844 North Rush Street, Chicago, IL 60611, (312) 751–4935

Securities and Exchange Commission

Branch Chief, Fiscal Operations, Office of the Comptroller, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, (202) 942–0349

Selective Service System

General Counsel, 1515 Wilson Boulevard, Arlington, VA 22209–2425, (703) 235–2050,

Small Business Administration

District Director, Birmingham District Office, 908 South 20th Street, Birmingham, AL 35205, (205) 254–1344
District Director, Anchorage District Office, 1016 West 6th Avenue, Anchorage, AK 99501, (907) 271–4022
District Director, Phoenix District Office, 3030 North Central Avenue, Phoenix, AZ 85012, (602) 261–3611
District Director, Little Rock District Office, 611 Gaines Street, Little Rock, AR 72201, (501) 378–5871
District Director, Los Angeles District Office, 350 S. Figueroa Street, Los Angeles, CA 90071, (213) 688–2956
District Director, San Diego District Office, 880 Front Street, San Diego, CA 92188, (714) 291–5440
District Director, San Francisco District Office, 211 Main Street, San Francisco, CA 94105, (415) 556–7490
District Director, Denver District Office, 721 19th Street, Denver, CO 80202, (303) 837–2607
District Director, Hartford District Office, One Financial Plaza, Hartford, CT 06106, (203) 244–3600
District Director, Washington District Office, 1030 15th Street, NW., Washington DC 20417, (202) 655–4000
District Director, Jacksonville District Office, 400 West Bay Street, Jacksonville, FL 32202, (904) 791–3782
District Director, Miami District Office, 222 Ponce De Leon Blvd., Coral Gables, FL 33134, (305) 350–5521
District Director, Atlanta District Office, 1720 Peachtree Street, NW., Atlanta, GA 30309, (404) 347–2441
District Director, Honolulu District Office, 300 Ala Moana, Honolulu, HI 96850, (808) 546–8950
District Director, Boise District Office, 1005 Main Street, Boise, ID 83701, (208) 384–1096
District Director, Des Moines District Office, 210 Walnut Street, Des Moines, IA 50309, (515) 284–4433
District Director, Chicago District Office, 219 South Dearborn Street, Chicago, IL 60604, (312) 353–4528
District Director, Indianapolis District Office, 575 N. Pennsylvania Street, Indianapolis, IN 46204, (317) 269–7272
District Director, Wichita District Office, 110 East Waterman Street, Wichita, KS 67202, (316) 267–6571
District Director, Louisville District Office, 600 Federal Place, Louisville, KY 40201, (502) 582–5978
District Director, New Orleans District Office, 1001 Howard Avenue, New Orleans, LA 70113, (504) 589–6685
District Director, Augusta District Office, 40 Western Avenue, Augusta, ME 04330, (207) 622–6171
District Director, Baltimore District Office, 8600 LaSalle Road, Towson, MD 21204, (301) 862–4392
District Director, Boston District Office, 150 Causeway Street, Boston, MA 02114, (617) 223–2100
District Director, Detroit District, 477 Michigan Avenue, Detroit, MI 48116, (313) 226–6075
District Director, Minneapolis District Office, 12 South 6th Street, Minneapolis, MN 55402, (612) 725–2362
District Director, Jackson District Office, 101 West Capitol Street, Suite 400, Jackson, MS 39201, (601) 965–5371
District Director, Kansas City District Office, 1150 Grande Avenue, Kansas City, MO 64106, (816) 374–3416
District Director, St. Louis District Office, One Mercantile Center, St. Louis, MO 63101, (314) 425–4191

District Director, Helena District Office, 301 South Park Avenue, Helena, MT 59601, (406) 449–5381
District Director, Omaha District Office, 19th & Farnum Street, Omaha, NE 68102, (404) 221–4691
District Director, Las Vegas District Office, 301 East Stewart, Las Vegas, NV 89101, (702) 385–6611
District Director, Concord District Office, 55 Pleasant Street, Concord, NH 03301, (603) 224–4041
District Director, Newark District Office, 970 Broad Street, Newark, NJ 07102, (201) 645–2434
District Director, Albuquerque District Office, 5000 Marble Avenue, NE., Albuquerque, NM 87110, (505) 766–3430
District Director, New York District Office, 26 Federal Plaza, New York, NY 10007, (212) 264–4355
District Director, Syracuse District Office, 100 South Clinton Street, Syracuse, NY 13260, (315) 423–5383
District Director, Charlotte District Office, 230 South Tryon Street, Charlotte, NC 28202, (704) 371–6111
District Director, Fargo District Office, 657 2nd Avenue, North, Fargo, ND 58108, (701) 237–5771
District Director, Sioux Falls District Office, 101 South Main Avenue, Sioux Falls, SD 57102, (605) 336–2980
District Director, Cleveland District Office, 1240 East 9th Street, Cleveland, OH 44199, (216) 522–4180
District Director, Columbus District Office, 85 Marconi Boulevard, Columbus, OH 43215, (614) 469–6860
District Director, Oklahoma City District Office, 200 NW. 5th Street, Oklahoma City, OK 73102, (405) 231–4301
District Director, Portland District Office, 1220 SW. Third Avenue, Portland, OR 97204, (503) 221–2682
District Director, Philadelphia District Office, 231 St. Asaphs Road, Bala Cynwyd, PA 19004, (215) 597–3311
District Director, Pittsburgh District Office, 1000 Liberty Avenue, Pittsburgh, PA 15222, (412) 644–2780
District Director, Hato Rey District Office, Chardon & Bolivia Streets, Hato Rey, PR 00918, (809) 753–4572
District Director, Providence District Office, 57 Eddy Street, Providence, RI 02903, (401) 528–4580
District Director, Columbia District Office, 1835 Assembly Street, Columbia, SC 29201, (803) 765–5376
District Director, Nashville District Office, 404 James Robertson Parkway, Nashville, TN 37219, (615) 251–5881
District Director, Dallas District Office, 1100 Commerce Street, Dallas, TX 75242, (214) 767–0605
District Director, Houston District Office, 500 Dallas Street, Houston, TX 77002, (713) 226–4341
District Director, Lower Rio Grande Valley District Office, 222 East Van Buren Street, Harlingen, TX 78550, (512) 423–4534
District Director, Lubbock District Office, 1205 Texas Avenue, Lubbock, TX 79401, (806) 762–7466
District Director, San Antonio District Office, 727 East Durango Street, San Antonio, TX 78206, (512) 229–6250
District Director, Salt Lake City District Office, 125 South State Street, Salt Lake City, UT 84138, (314) 425–5800
District Director, Montpelier District Office, 87 State Street, Montpelier, VT 05602, (802) 229–0538
District Director, Richmond District Office, 400 North 8th Street, Richmond, VA 23240, (804) 782–2617
District Director, Seattle District Office, 915 Second Avenue, Seattle, WA 98174, (206) 442–5534
District Director, Spokane District Office, West 920 Riverside Avenue, Spokane, WA 99210, (509) 456–5310
District Director, Clarksburg District Office, 109 North 3rd Street, Clarksburg, WV 26301, (304) 623–5631
District Director, Madison District Office, 212 East Washington Avenue, Madison, WI 53703, (608) 264–5261
District Director, Casper District Office, 100 East B Street, Casper, WY 82602, (307) 265–5266

Tennessee Valley Authority

Payments to TVA employees:

Chairman, Board of Directors, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902, (423) 632–2101

Payments of retirement benefits under the TVA Retirement System:

Chairman, Board of Directors, TVA Retirement System, 500 West Summit Hill Drive, Knoxville, TN 37902, (423) 632–0202

United States Information Agency

Counsel, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547, (202) 485–7976

United States Soldiers' & Airmen's Home

Assistant General Counsel for Garnishment Operations, Defense Finance and Accounting Service, Cleveland Center, Code L (DFAS—CL/L), PO Box 998002, Cleveland, OH 44199–8002, (216) 522–5301

III. United States Postal Service and Postal Rate Commission

United States Postal Service and Postal Rate Commission

Manager, Payroll Processing Branch, 1 Federal Drive, Ft. Snelling, MN 55111–9650, (612) 293–6300

IV. The District of Columbia, American Samoa, Guam, and the Virgin Islands

The District of Columbia

Assistant City Administrator for Financial Management, The District Building, Room 412, 14th and Pennsylvania Avenue, NW, Washington, DC 20004, (202) 727–6979

American Samoa

Director of Administrative Service, American Samoa government, Pago Pago, American Samoa 96799, (684) 633–4155

Guam

Attorney General, PO Box DA, Agana, Guam 96910, 472–6841 (Country Code 671)

The Virgin Islands

Attorney General, PO Box 280, St. Thomas, VI 00801, (809) 774–1163

V. Instrumentality

Smithsonian Institution

For service of process in garnishment proceedings for child support and/or alimony of present Smithsonian Institution employees:

General Counsel, The Smithsonian Institution, MRC 012, 1000 Jefferson Drive, SW., Washington, DC 20560, (202) 357–2583

For service of process in garnishment proceedings for child support and/or alimony involving retirement annuities of former trust fund employees of the Smithsonian Institution:

General Counsel, Teachers Insurance and Annuity Association of America, College Retirement Equity Fund (TIAA/CREF), 730 Third Avenue, New York, NY 10017, (212) 490–9000

VI. Executive Office of the President

Executive Office of the President

General Counsel, Office of Administration, Old Executive Office Building, Washington, DC 20503, (202) 395–2273

13. Appendix B to part 581 is revised to read as follows:

Appendix B to Part 581—List of Agents Designated to Facilitate the Service of Legal Process on Federal Employees

(The agents designated to accept legal process for the garnishment of the remuneration for employment due from the United States are listed in appendix A to part 581. Appendix B to part 581 lists the agents designated to assist in the service of legal process in civil actions pursuant to orders of State courts to establish paternity and to establish or to enforce support obligations by making Federal employees and members of the Uniformed Services available for service of process, regardless of the location of the employee's workplace or of the member's duty station. Agents are listed in appendix B only for those executive agencies where the designations differ from those found in appendix A to part 581.)

Department of Defense

The Department of Defense officials identified pursuant to Executive Order 12953, section 302, shall facilitate an employee's or member's availability for service of process. Additionally, these officials shall be responsible for answering inquiries about their respective organization's service of process rules. Such officials are not responsible for actual service of process and will not accept requests to make such service.

Office of the Secretary of Defense

Personnel Management Specialist, DoD Civilian Personnel Management Service,

1400 Key Blvd., Level A, Arlington, VA 22209

Department of the Army

Members of the uniformed service, active, reserve, and retired.

Office of the Judge Advocate General, ATTN: DAJA–LA, 2200 Army Pentagon, Washington, DC 20310–2200, (703) 697–3170.

Federal civilian employees of the Army, both appropriated fund and nonappropriated fund.

Deputy Assistant Secretary, (Civilian Personnel Policy/Director of Civilian Personnel), 111 Army Pentagon, Washington, DC 20310–0111, (703) 695–4237

Active duty, reserve, and appropriated fund and nonappropriated fund employees of the Department of the Army employed within the United States.

Appropriated fund and nonappropriated fund Federal civilian employees employed in Panama.

Deputy Chief of Staff for Resource Management, U.S. Army Southern Command, Finance & Accounting Office, Civilian Personnel Section, ATTN: Unit 7153, SORM–FA–C, APO AA 34004

Department of the Navy

In order to locate, or determine the cognizant command and mailing address of a Navy Member:

Bureau of Naval Personnel, Worldwide Locator, (Pers 324D), 2 Navy Annex, Washington, DC 20370–3000, (703) 614–3155/5011

In order to obtain assistance in the service of legal process in civil actions pursuant to orders of State courts:

Bureau of Naval Personnel, Office of Legal Counsel (Pers 06), 2 Navy Annex, Washington, DC 20370–5006, (703) 614–4110

Members of the Marine Corps

Paralegal Specialist, Headquarters, U.S. Marine Corps (JAR), 2 Navy Annex, Washington, DC 20380–1775, (703) 614–2510

For assistance in service of process on Department of the Navy civilian employees:

Department of the Navy, Office of Civilian Personnel Mgmt., Office of Counsel (Code OL), 800 N. Quincy Street, Arlington, VA 2203, (703) 696–4717

Department of the Air Force

For all military and civilian personnel:

AFLSA/JACA, 1420 Air Force Pentagon, Washington, DC 20330–1420, (703) 695–2450

Defense Intelligence Agency

Defense Intelligence Agency, ATTN: Office of the General Counsel, The Pentagon—Room 2E–238, Washington, DC 20301–7400

Defense Mapping Agency

Defense Mapping Agency, Office of Legal Services, 3200 South Second Street, St. Louis, MO 63118

Defense Nuclear Agency

Associate General Counsel, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398, (703) 325–7681

On-Site Inspection Agency

General Counsel, Defense Nuclear Agency, 6801 Telegraph Road, Alexandria, VA 22310–3398, (703) 325–7681

Department of Housing and Urban Development

Headquarters

Chief, Systems Support Branch, Technology Support Division, 451 7th Street, SW., Room 2256, Washington, DC 20410, (202) 708–0241

New England (Massachusetts, Maine, Vermont, New Hampshire, Rhode Island, and Connecticut)

Human Resources Officer, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Room 375, Boston, MA 02222, (617) 565–5435

New York, New Jersey

Human Resources Officer, 26 Federal Plaza, New York, NY 10278, (212) 264–0782

Mid-Atlantic (Pennsylvania, Maryland, Washington, DC, West Virginia, Virginia, and Delaware)

Human Resources Officer, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107, (215) 656–0593

Southwest (Georgia, North Carolina, Kentucky, Tennessee, South Carolina, Alabama, Mississippi, Puerto Rico, and Florida)

Human Resources Officer, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, GA 30303, (404) 331–4078

Midwest (Illinois, Minnesota, Wisconsin, Michigan, Ohio, and Indiana)

Human Resources Officer, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604, (312) 353–5960

Southwest (Texas, Oklahoma, Arkansas, Louisiana, and New Mexico)

Human Resources Officer, 1600 Throckmorton, Post Office Box 2905, Fort Worth, TX 76113, (817) 885–5471

Great Plains (Kansas, Missouri, Iowa, and Nebraska)

Human Resources Officer, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101, (913) 551–5419

Rocky Mountain (Colorado, Montana, North Dakota, South Dakota, Wyoming, and Utah)

Human Resources Officer, First Interstate Tower North, 633 17th Street, Denver, CO 80202, (303) 672–5259

Pacific/Hawaii (California, Nevada, Arizona, and Hawaii)

Human Resources Officer, Phillip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, CA 94102, (415) 556–7142

Northwest/Alaska (Washington, Oregon, Idaho, and Alaska)

Human Resources Officer, Federal Office Building, 909 First Avenue, Suite 200, Seattle, WA 98104, (206) 220–5125

Department of Justice

Federal Bureau of Investigation

Chief, Payroll Administration and Processing Unit, Room 1885, 10th Street & Pennsylvania Avenue, NW, Washington, DC 20535, (202) 324–5881

Department of Transportation

HPT–1 (FHWA), Room 4317, Department of Transportation, Washington, DC 20590

G–PC (USCG), Room 4100E, CGHQ, Department of Transportation, Washington, DC 20590

RAD–10 (FRA), Room 8232, Department of Transportation, Washington, DC 20590

NAD–20 (NHTSA), Room 5306, Department of Transportation, Washington, DC 20590

TAD–30 (FTA), Room 7101, Department of Transportation, Washington, DC 20590

DMA–12 (RSPA), Room 8401, Department of Transportation, Washington, DC 20590

JM–20 (OIG), Room 7418, Department of Transportation, Washington, DC 20590

MAR–360 (MARAD), Room 8101, Department of Transportation, Washington, DC 20590

Personnel Officer (SLSDC), 180 Andrews Street, Masena, NY 13662–1763

AHR–1 (FAA), FOB–10A, Room 500E, Department of Transportation, Washington, DC 20590

Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh St., SW., Room 5424, Washington, DC 20590

Department of Veterans Affairs

Alabama

Human Resources Management Officer, Birmingham Medical Center, 700 South 19th Street, Birmingham, AL 35233, (205) 933–4478

Montgomery Regional Office, Send to: VBA Southern Area Human Resources, Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Human Resources Management Officer, Montgomery Medical Center, 215 Perry Hill Road, Montgomery, AL 36109–3798, (334) 272–4670

Human Resources Management Officer, Tuskegee Medical Center, 2400 Hospital Road, Tuskegee, AL 36083–5001, (334) 727–0550

Human Resources Management Officer, Tuscaloosa Medical Center, 3701 Loop Road, Tuscaloosa, AL 35404, (205) 554–2000, ext. 2542

Fort Mitchell National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 2400 Hospital Road, Tuskegee, AL 36083–5001, (334) 727–0550

Mobile Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, 400 Veterans Blvd., Biloxi, MS 39531, (601) 388–5541, ext. 5780

Alaska

Fort Richardson (Sitka) National Cemetery, Send to: Human Resources Management

Officer, VA Medical Center & Regional Office, 2925 DeBarr Road, Anchorage, AK 99508–2989, (907) 257–4750

Human Resources Management Officer, Anchorage Medical Center & Regional Office, 2925 DeBarr Road, Anchorage, AK 99508–2989, (907) 257–4750

Arizona

Human Resources Management Officer, Prescott Medical Center, 500 N. Highway 89, Prescott, AZ 86313–5000, (520) 776–6015

Prescott National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 500 N. Highway 89, Prescott, AZ 86313–5000, (520) 776–6015

Human Resources Management Officer, Phoenix Medical Center, 650 E. Indian School Road, Phoenix, AZ 85012, (602) 277–5551, ext. 7594

Human Resources Management Officer, Tucson Medical Center, 3601 South Sixth Avenue, Tuscon, AZ 85723–0001, (520) 629–1803

Phoenix Regional Office, Send to: VBA Western Area Human Resources, Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Arizona (Cave Creek) Memorial National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 650 E. Indian School Road, Phoenix, AZ 85012, (602) 277–5551, ext. 7594

Arkansas

Fayetteville National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1100 N. College Avenue, Fayetteville, AR 72703, (501) 444–5020

Fort Smith National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1100 N. College Avenue, Fayetteville, AR 72703, (501) 444–5020

Little Rock National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 4300 West 7th Street, Little Rock, AR 72114, (501) 370–6677

Little Rock Regional Office, Send to: VBA Southern Area Human Resources, Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Human Resources Management Officer, Little Rock Medical Center, 4300 West 7th Street, Little Rock, AR 72114, (501) 370–6677

Human Resources Management Officer, Fayetteville Medical Center, 1100 N. College Avenue, Fayetteville, AR 72703, (501) 444–5020

California

Human Resources Management Officer, Palo Alto Medical Center, 3801 Miranda Avenue, Palo Alto, CA 94304–1207, (415) 493–5000, ext. 5515

Human Resources Management Officer, Loma Linda Medical Center, 11201 Benton Street, Loma Linda, CA 92357–0002, (909) 825–7084, ext. 3058

San Diego Regional Office, Send to: VBA Western Area Human Resources, Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Sepulveda VCS Western Region, Send to: Human Resources Management Officer, VA Medical Center, 16111 Plummer Street, Sepulveda, CA 91343–2099, (818) 895–9377

Human Resources Management Officer, San Francisco Medical Center, 4150 Clement Street, San Francisco, CA 94121–1598, (415) 750–2107

Human Resources Management Officer, Fresno Medical Center, 2615 E. Clinton Avenue, Fresno, CA 93703–2223, (209) 225–6100, ext. 5005

Human Resources Management Officer, San Diego Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161–0001, (619) 552–8585

Oakland Regional Office, Send To: VBA Western Area Human Resources, Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Human Resources Management Officer, Sepulveda Medical Center, 16111 Plummer Street, Sepulveda, CA 91343–2099, (818) 895–9377

Human Resources Management Officer, Los Angeles, Medical Center, Wilshire & Sawtelle Blvds., Los Angeles, CA 90073, (310) 824–3153

Los Angeles Field Office of Audit, Send to: Human Resources Management Officer, VA Medical Center, Wilshire & Sawtelle Blvds., Los Angeles, CA 90073, (310) 824–3153

Los Angeles Regional Office of Audit, Send to: Human Resources Management Officer, VA Medical Center, Wilshire & Sawtelle Blvds., Los Angeles, CA 90073, (310) 824–3153

Human Resources Management Office, Los Angeles Outpatient Clinic, 351 E. Temple St., Los Angeles, CA 90012–3328, (213) 253–2677

Pleasant Hill Northern California System of Clinics, Human Resources Management Officer, 2300 Contra Costa Blvd., Suite 440, Pleasant Hills, CA 94523–3961, (510) 372–2008

Human Resources Management Officer, Long Beach Medical Center, 5901 E. Seventh Street, Long Beach, CA 90882–5201, (310) 494–5642

Los Angeles Regional Office, Send To: VBA Western Area Human Resources Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

San Bruno (Golden Gate) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 4150 Clement Street, San Francisco, CA 94121–1598, (415) 750–2107

Fort Rosecrans National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161–0001, (619) 552–8585

Los Angeles National Cemetery, Send to Human Resources Management Office, VA Medical Center, Wilshire & Sawtelle Blvds., Los Angeles, CA 90073, (310) 824–3153

San Joaquin Valley National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 2615 E. Clinton Avenue, Fresno, CA 93703–2223, (209) 225–6100, ext. 5005

Riverside National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 11201 Benton Street, Loma Linda, CA 92357–0002, (909) 825–7084, ext. 3058

San Francisco National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 4150 Clement Street, San Francisco, CA 94121–1598, (415) 750–2107

San Diego Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 3350 La Jolla Village Drive, San Diego, CA 92161–0001, (619) 552–8585

Colorado

Human Resources Management Officer, Grand Junction Medical Center, 2121 North Avenue, Grand Junction, CO 81501, (970) 252–0731, ext. 2062

Human Resources Management Officer, Denver Medical Center, 1055 Clermont Street, Denver, CO 80220–0166, (303) 393–2815

Denver Regional Office, Sent to: VBA Western Area Human Resources Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Human Resources Management Officer, Fort Lyon Medical Center, Fort Lyon, CO 81038–5000, (719) 384–3190

Fort Logan National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220–0166, (303) 393–2815

Denver National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 1055 Clermont Street, Denver, CO 80220–0166, (303) 393–2815

VBA Western Area Human Resources Management Office, Human Resources Management Director, 12600, W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Denver Civilian Health and Medical Program (CHAMPVA), Human Resources Management Officer, 300 S. Jackson St., Denver, CO 80206, (303) 331–7514

Denver Distribution Center, Send to: VBA Western Area Human Resources, Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215 (303) 231–5855

Connecticut

Hartford Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Human Resources Management Officer, Newington Medical Center, 555 Willard Avenue, Newington, CT 06111, (203) 667–6710

Human Resources Management Officer, West Haven Medical Center, 950 Campbell Avenue, West Haven, CT 06516, (203) 932–5711

District of Columbia

Human Resources Management Officer, Washington DC Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745–8200

Director, Central Office Human Resources, Management Service, VA Central Office, 810 Vermont Ave., NW., Washington, DC 20420, (202) 273–4950

Washington DC Regional Office, Sent to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Delaware

Human Resources Management Officer, Wilmington Medical and Regional Office Center, 1601 Kirkwood Highway, Wilmington, DE 19805, (302) 633–5340

Florida

Pensacola (Barrancas) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 400 Veterans Blvd., Biloxi, MS 39531, (601) 388–5541, ext. 5780

Human Resources Management Officer, Bay Pines Medical Center, 10000 Bay Pines Blvd., Bay Pines, FL 33504, (813) 398–6661, ext. 4116

Florida National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 13000 Bruce B. Downs Blvd., Tampa, FL 33612, (813) 972–7524

Riviera Beach Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 1201 Northwest 16th Street, Miami, FL 33125, (305) 324–4455, ext. 3343

Orlando Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 13000 Bruce B. Downs Blvd., Tampa, FL 33612, (813) 972–7524

Miami VA Office, Send to: VBA Southern Area Human Resources, Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Jacksonville VA Office, Send to: VBA Southern Area Human Resources, Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Jacksonville Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 1601 SW Archer Road, Gainesville, FL 32608–1197, (904) 374–6045

Daytona Beach Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 1601 SW Archer Road, Gainesville, FL 32608–1197, (904) 374–6045

Jacksonville Vet Center, Send to: Human Resources Management Officer,

VA Medical Center, 1601 SW Archer Road, Gainesville, FL 32608–1197, (904) 374–6045

Human Resources Management Officer, Tampa Medical Center, 13000 Bruce B. Downs Blvd., Tampa, FL 33612, (813) 972–7524

Bay Pines National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 10000 Bay Pines Blvd., Bay Pines, FL 33504, (813) 398–6661, ext. 4116

Human Resources Management Officer, Gainesville Medical Center, 1601 SW Archer Road, Gainesville, FL 32608–1197, (904) 374–6045

St. Petersburg Regional Office, Send to: VBA Southern Area Human Resources Management Office, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Human Resources Management Officer, Palm Beach Gardens Medical Center, P.O. Box 33207, Palm Beach Gardens, FL 33420, (407) 691–8251

Human Resources Management Officer, Miami Medical Center, 1201 Northwest 16th Street, Miami, FL 33125, (305) 324–4455, ext. 3343

Human Resources Management Officer, Lake City Medical Center, 801 S. Marion Street, Lake City, FL 32025–5898, (904) 755–3016

Georgia

Marietta National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 728–7636

Atlanta Veterans Canteen Service Field Office, Send to: Human Resources Management Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 728–7636

Human Resources Management Officer, Augusta Medical Center, 1 Freedom Way, Augusta, GA 30904–6285, (706) 823–3955

Human Resources Management Officer, Dublin Medical Center, 1826 Veterans Blvd., Dublin, GA 31021, (912) 277–2753

Atlanta Field Office of Audit, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Atlanta National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 728–7636

Human Resources Management Officer, Atlanta Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 728–7636

Income Verification Match Center, Send to: Human Resources Management Officer, VA Medical Center, 1670 Clairmont Road, Decatur, GA 30033, (404) 728–7636

Atlanta Regional Office, Send to: VBA Southern Area Human Resources, Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Hawaii

Human Resources Management Officer, Honolulu Medical and Regional Office Center, 300 Ala Moana Blvd., P.O. Box 50188, Honolulu, HI 96850, (808) 566–1470

Pacific Memorial National Cemetery, Send to: Human Resources Management Officer, VA Medical and Regional Office Center, 300 Ala Moana Blvd., P.O. Box 50188, Honolulu, HI 96850, (808) 566–1470

Idaho

Human Resources Management Officer, Boise Medical Center, 500 W. Fort Street, Boise, ID 83702–4598, (208) 338–7218

Boise Regional Office, Send to: VBA Western Area Human Resources, Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Illinois

Human Resources Management Officer, North Chicago Medical Center, 3001 Green Bay Road, North Chicago, IL 60064, (708) 578–3763

Human Resources Management Office, Hines Medical Center, Edward Hines Jr. Hospital, 5th Avenue & Roosevelt Road, Hines, IL 60141, (708) 216–2601

Rock Island National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, Highway 6 West, Iowa City, IA 52246, (319) 338–0581, ext. 7720

Danville National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1900 E. Main Street, Danville, IL 61832, (217) 431–6548

Human Resources Management Officer, Chicago Lakeside Medical Center, 333 E. Huron Street, Chicago, IL 60611, (312) 943–6600

Camp Butler National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1900 E. Main Street, Danville, IL 61832, (217) 431–6548

Hines Systems Delivery Center, Send to: Human Resources Management Officer, Hines Benefits Delivery Center, PO Box 27 (901A1), Hines, IL 60141, (708) 681–6680

Human Resources Management Officer, Chicago Medical Center, 820 South Damen Avenue, PO Box 8195, Chicago, IL 60680, (312) 633–2174

Chicago Regional Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Human Resources Management Officer, Marion Medical Center, 2401 W. Main Street, Marion, IL 62959, (618) 997–5311, ext. 4116

Hines Finance Center, Send to: Human Resources Management Officer, Hines Benefits Delivery Center, PO Box 27 (901A1), Hines, IL 60141, (708) 681–6680

Human Resources Management Officer, Danville Medical Center, 1900 E. Main Street, Danville, IL 61832, (217) 431–6548

Hines National Acquisition Center, Send to: Human Resources Management Officer, Hines Benefits Delivery Center, PO Box 27 (901A1), Hines, IL 60141, (708) 681–6680

Hines Benefits Delivery Center, Human Resources Management Officer, PO Box 27 (901A1), Hines, IL 60141, (708) 681–6680

Alton National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, Jefferson Barracks, St. Louis, MO 63106, (314) 894–6620

Mound City National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 2401 W. Main Street, Marion, IL 62959, (618) 997–5311, ext. 4116

Quincy National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, Highway 6 West, Iowa City, IA 52246, (319) 338–0581, ext. 7720

Indiana

Marion National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1700 East 38th, Marion, IN 46953–4589, (317) 677–3101

Human Resources Management Officer, Marion Medical Center, 1700 East 38th, Marion, IN 46953–4589, (317) 677–3101

Human Resources Management Officer, Indianapolis Medical Center, 1481 West 10th Street, Indianapolis, IN 46202, (317) 267–8758

Human Resources Management Officer, Fort Wayne Medical Center, 2121 Lake Avenue, Fort Wayne, IN 46805–5100, (219) 460–1342

Indianapolis Regional Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

New Albany National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40206, (502) 895–3401, ext. 5866

Evansville Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, 2401 W. Main Street, Marion, IL 62959, (618) 997–5311, ext. 4116

Indianapolis National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 1481 West 10th Street, Indianapolis, IN 46202, (317) 267–8758

Iowa

Des Moines Regional Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Keokuk National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, Highway 6 West, Iowa City, IA 52246, (319) 338–0581, ext. 7720

Human Resources Management Officer, Knoxville Medical Center, 1515 W. Pleasant Street, Knoxville, IA 50138, (515) 842–3101, ext. 6219

Human Resources Management Officer, Des Moines Medical Center, 3600 30th Street, Des Moines, IA 50310, (515) 271–5812

Human Resources Management Officer, Iowa City Medical Center, Highway 6 West, Iowa City, IA 52246, (319) 338–0581, ext. 7720

Kansas

Human Resources Management Officer, Topeka Medical Center, 2200 Gage Blvd., Topeka, KS 66622, (913) 271–4310

Human Resources Management Officer, Leavenworth Medical Center, 4101 S. 4th St. Trafficway, Leavenworth, KS 66048, (913) 682–2000, ext. 2500

Leavenworth National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 4101 S. 4th St. Trafficway, Leavenworth, KS 66048, (913) 682–2000, ext 2500

Human Resources Management Officer, Wichita Medical and Regional Office Center, 901 George Washington Blvd., Wichita, KS 67211, (316) 651–3625

Fort Scott National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 4101 S. 4th St. Trafficway, Leavenworth, KS 66048, (913) 682–2000, ext. 2500

Ft. Leavenworth National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 4101 S. 4th St. Trafficway, Leavenworth, KS 66048, (913) 682–2000, ext. 2500

Kentucky

Nicholasville (Camp Nelson) National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 2250 Leestown Road, Lexington, KY 40511–1093, (606) 281–3924

Zachary Taylor National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40206, (502) 895–3401, ext. 5866

Human Resources Management Officer, Louisville Medical Center, 800 Zorn Avenue, Louisville, KY 40206, (502) 895–3401, ext. 5866

Lebanon National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40206, (502) 895–3401, ext. 5866

Louisville Regional Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Cave Hill National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 800 Zorn Avenue, Louisville, KY 40206, (502) 895–3401, ext. 5866

Human Resources Management Officer, Lexington Medical Center, 2250 Leestown Road, Lexington, KY 40511–1093, (606) 281–3924

Danville National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 2250 Leestown Road, Lexington, KY 40511–1093, (606) 281–3924

Lexington National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 2250 Leestown Road, Lexington, KY 40511–1093, (606) 281–3924

Nancy National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 2250 Leestown Road, Lexington, KY 40511–1093, (606) 281–3924

Perryville National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 2250 Leestown Road, Lexington, KY 40511–1093, (606) 281–3924

Louisiana

Human Resources Management Officer, New Orleans Medical Center, 1601 Perdido Street, New Orleans, LA 70146, (504) 568–0811

Port Hudson (Zachary) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1601 Perdido Street, New Orleans, LA 70146, (504) 568–0811

Human Resources Management Officer, Alexandria Medical Center, Highway 171, Alexandria, LA 71301, (318) 473–0010, ext. 2262

Human Resources Management Officer, Shreveport Medical Center, 510 E. Stoner Avenue, Shreveport, LA 71101–4295, (318) 424–6028

Alexandria (Pinesville) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, Highway 171, Alexandria, LA 71301, (318) 473–0010, ext. 2262

New Orleans Regional Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Baton Rouge National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 1601 Perdido Street, New Orleans, LA 70146, (504) 568–0811

Shreveport VA Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Maine

Human Resources Management Officer, Togus Medical and Regional Office Center, Togus, ME 04330, (207) 623–5713

Portland VA (Vet Center) Office, Send to: Human Resources Management Officer, VA Medical and Regional Office Center, Togus, ME 04330, (207) 623–5713

Togus National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical and Regional Office Center, Togus, ME 04330, (207) 623–5713

Maryland

Human Resources Management Officer, Ft. Howard Medical Center, 9600 N. Point Road, Ft. Howard, MD 21052, (410) 687–8343

Ft. Howard VCS Eastern Region, Send to: Human Resources Management Officer, VA Medical Center, 9600 N. Point Road, Ft. Howard, MD 21052, (410) 687–8343

Baltimore Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Human Resources Management Officer, Baltimore Medical Center, 10 N. Greene Street, Baltimore, MD 21201, (410) 605–7200

Baltimore National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 10 N. Greene Street, Baltimore, MD 21201, (410) 605–7200

Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Human Resources Management Officer, Perry Point Medical Center, Building 101, Perry

Point, MD 21902, (410) 642–2411, ext. 5193

Baltimore Rehabilitation, Research and Development Center, Send to: Human Resources Management Officer, VA Medical Center, 10 N. Greene Street, Baltimore, MD 21201, (410) 605–7200

Annapolis National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 10 N. Greene Street, Baltimore, MD 21201, (410) 605–7200

Baltimore Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 10 N. Greene Street, Baltimore, MD 21201, (410) 605–7200

Hyattsville Field Office of Audit, Send to: Director, CO Human Resources Management Service, VA Central Office, 810 Vermont Ave., NW., Washington, DC 20420, (202) 273–4950

Massachusetts

Human Resources Management Officer, Boston Medical Center, 150 S. Huntington Ave., Boston, MA 02130, (617) 232–9500, ext. 5561

Human Resources Management Officer, Northampton Medical Center, Northampton, MA 01060–1288, (413) 582–3027

Boston Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Human Resources Management Officer, Bedford Medical Center, 200 Springs Road, Bedford, MA 01730, (617) 275–7500, ext. 2367

Bourne National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 940 Belmont Street, Brockton, MA 02401, (508) 583–4500, ext. 3260

Human Resources Management Officer, Brockton Medical Center, 940 Belmont Street, Brockton, MA 02401, (508) 583–4500, ext. 3260

Boston Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 150 S. Huntington Ave., Boston, MA 02130, (617) 232–9500, ext. 5561

Lowell Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 150 S. Huntington Ave., Boston, MA 02130, (617) 232–9500, ext. 5561

New Bedford Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 830 Chalkstone Avenue, Providence, RI 02908–4799, (401) 457–3072

Springfield Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, Northampton, MA 01060–1288, (413) 582–3027

Springfield VA Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

West Roxbury Medical Center, Send to: Human Resources Management Officer, VA Medical Center, 940 Belmont Street, Brockton, MA 02401, (508) 583–4500, ext. 3260

Worchester Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, 940 Belmont Street, Brockton, MA 02401, (508) 583–4500, ext. 3260

Michigan

Fort Custer National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 5500 Armstrong Rd., Battle Creek, MI 49016, (616) 966–5600, ext. 3600

Grand Rapids Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 5500 Armstrong Rd., Battle Creek, MI 49016, (616) 966–5600, ext. 3600

Detroit Regional Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Human Resources Management Officer, Battle Creek Medical Center, 5500 Armstrong Rd., Battle Creek, MI 49016, (616) 966–5600, ext. 3600

Human Resources Management Officer, Saginaw Medical Center, 1500 Weiss Street, Saginaw, MI 48602, (517) 793–2340, ext. 3070

VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Human Resources Management Officer, Iron Mountain Medical Center, H Street, Iron Mountain, MI 49801, (906) 774–3300, ext. 2280

Human Resources Management Officer, Ann Arbor Medical Center, 2215 Fuller Rd., Ann Arbor, MI 28105, (313) 761–7938

Human Resources Management Officer, Allen Park Medical Center, Southfield & Outer Drive, Allen Park, MI 48101, (313) 562–6000, ext. 3323

Minnesota

St. Paul Regional Office and Insurance Center, Send to: VBA Central Area Human Resources, Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Fort Snelling National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, One Veterans Drive, Minneapolis, MN 55417, (612) 725–2061

Fort Snelling Debt Management Center, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Human Resources Management Officer, Minneapolis Medical Center, One Veterans Drive, Minneapolis, MN 55417, (612) 725–2061

Human Resources Management Officer, St. Cloud Medical Center, 4801 8th Street North, St. Cloud, MN 56303, (612) 255–6301

St. Paul Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, One Veterans Drive, Minneapolis, MN 55417, (612) 725–2061

Mississippi

Corinth National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523–8990, ext. 5928

VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Human Resources Management Officer, Biloxi Medical Center, 400 Veterans Blvd., Biloxi, MS 39531, (601) 388–5541, ext. 5780

Biloxi National Cemetery, Human Resources Management Officer, VA Medical Center, 400 Veterans Blvd., Biloxi, MS 39531, (601) 388–5541, ext. 5780

Jackson Regional Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Human Resources Management Officer, Jackson Medical Center, 1500 E. Woodrow Wilson Blvd., Jackson, MS 39216, (601) 364–1239

Natchez National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1500 E. Woodrow Wilson Blvd., Jackson, MS 39216, (601) 364–1239

Missouri

Human Resources Management Officer, St. Louis Medical Center, Jefferson Bks., St. Louis, MO 63106, (314) 894–6620

Human Resources Management Officer, Poplar Bluff Medical Center, 1500 N. Westwood Blvd., Poplar Bluff, MO 63901, (314) 686–4151, ext. 328

St. Louis Records Processing Center, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Human Resources Management Officer, Kansas City Medical Center, 4801 Linwood Blvd., Kansas City, MO 64128, (816) 861–4700, ext. 6926

Jefferson Barracks National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 800 Hospital Drive, Columbia, MO 65201, (314) 443–2511, ext. 6261

Human Resources Management Officer, Columbia Medical Center, 800 Hospital Drive, Columbia, MO 65201, (314) 443–2511, ext. 6261

St. Louis Regional Office, Send to: VBA Central Area Human Resources, Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Veterans Canteen Service Field Office, Send to: Human Resources Management Officer, VA Medical Center, Jefferson Barracks, St. Louis, MO 63106, (314) 894–6620

Springfield National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1100 N. College Avenue, Fayetteville, AR 72703, (501) 444–5020

Montana

Human Resources Management Officer, Fort Harrison Medical Center and Regional Office, Fort Harrison, MT 59636, (406) 447–7933

Human Resources Management Officer, Miles City Medical Center, 210 South Winchester, Miles City, MT 59301–4798, (406) 232–8287

Nebraska

Lincoln Regional Office, Send to: VBA Central Area Human Resources, Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Human Resources Management Officer, Lincoln Medical Center, 600 South 70th Street, Lincoln, NE 68510, (402) 489–3802, ext. 7819

Human Resources Management Officer, Grand Island Medical Center, 2201 N. Broadwell Ave., Grand Island, NE 68803, (308) 389–5177

Maxwell (Fort McPherson) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 2201 N. Broadwell Ave., Grand Island, NE 68803, (308) 389–5177

Human Resources Management Officer, Omaha Medical Center, 4101 Woolworth Avenue, Omaha, NE 68105, (402) 449–0614

Nevada

Human Resources Management Officer, Reno Medical Center, 1000 Locust Street, Reno, NV 89520–0111, (702) 328–1260

Reno Regional Office, Send to: VBA Western Area Human Resources Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Las Vegas Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89520–0111, (702) 328–1260

Henderson Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 1000 Locust Street, Reno, NV 89520–0111, (702) 328–1260

New Hampshire

Manchester Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Human Resources Management Officer, Manchester Medical Center, 718 Smyth Road, Manchester, NH 03104, (603) 624–4366, ext. 6608

New Jersey

Beverly National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104, (215) 823–4088

New Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Human Resources Management Officer, East Orange Medical Center, 385 Tremont Avenue, East Orange, NJ 07018–0195, (201) 676–1000, ext. 1366

James J. Howard Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 385 Tremont Avenue, East Orange, NJ 07018–0195, (201) 676–1000, ext. 1366

Newark Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 385 Tremont Avenue, East Orange, NJ 07018–0195, (201) 676–1000, ext. 1366

Human Resources Management Officer, Lyons Medical Center, Knollcroft Road, Lyons, NJ 07939, (908) 647–0180, ext. 4002

New Mexico

Albuquerque Regional Office, Send to: VBA Western Area Human Resources Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Santa Fe National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 2100 Ridgecrest Dr., SE., Albuquerque, NM 87108–5138, (505) 256–5702

New York

Human Resources Management Officer, Bath Medical Center, Bath, NY 14810, (607) 776–2111, ext. 1239

Human Resources Management Officer, Brooklyn Medical Center, 800 Poly Place, Brooklyn, NY 11209, (718) 630–3660

Human Resources Management Officer, Montrose Medical Center, P.O. Box 100, Montrose, NY 10548–0100, (914) 737–4400, ext. 2553

Human Resources Management Officer, Syracuse Medical Center, 800 Irving Avenue, Syracuse, NY 13210–2799, (315) 477–4531

Human Resources Management Officer, Bronx Medical Center, 130 W. Kingsbridge Road, Bronx, NY 10468, (718) 584–9000, ext. 6590

Human Resources Management Officer, New York Medical Center, 423 East 23rd Street, New York, NY 10010, (212) 686–7500, ext. 7635

Human Resources Management Officer, Castle Point Medical Center, Route 9D, Castle Point, NY 12511, (914) 831–2000, ext. 5405

Human Resources Management Officer, Northport Medical Center, 79 Middleville Road, Northport, NY 11768, (516) 261–4400, ext. 2715

Human Resources Management Officer, Albany Medical Center, 113 Holland Avenue, Albany, NY 12208, (518) 462–3311, ext. 2231

Calverton National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 79 Middleville Road, Northport, NY 11768, (516) 261–4400, ext. 2715

Human Resources Management Officer, Buffalo Medical Center, 3495 Bailey Avenue, Buffalo, NY 14215, (716) 862–3605

New York Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Human Resources Management Officer, Batavia Medical Center, 222 Richmond Ave., Batavia, NY 14020, (716) 343–7500, ext. 7272

Bath (Elmira) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, Bath, NY 14810, (607) 776–2111, ext 1239

Long Island National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 79 Middleville Road, Northport, NY 11768, (516) 261–4400, ext. 2715

Albany VA (Vet Center) Office, Send to: Human Resources Management Officer, VA Medical Center, 113 Holland Avenue, Albany, NY 12208, (518) 462–3311, ext. 2231

Brooklyn National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 800 Poly Place, Brooklyn, NY 11209, (718) 630–3660

Brooklyn Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 800 Poly Place, Brooklyn, NY 11209, (718) 630–3660

New York Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 423 East 23rd Street, New York, NY 10010, (212) 686–7500, ext. 7635

New York Prosthetics Center, Send to: Human Resources Management Officer, VA Medical Center, 423 East 23rd Street, New York, NY 10010, (212) 686–7500, ext. 7635

New York Veterans Canteen Service Field Office, Send to: Human Resources Management Officer, VA Medical Center, 423 East 23rd Street, New York, NY 10010, (212) 686–7500, ext. 7635

Rochester VA (Vet Center) Office, Send to: Human Resources Management Officer, VA Medical Center, 222 Richmond Ave., Batavia, NY 14020, (716) 343–7500, ext. 7272

Buffalo Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Rochester Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, 222 Richmond Ave., Batavia, NY 14020, (716) 343–7500, ext. 7272

Human Resources Management Officer, Canandaigua Medical Center, Canandaigua, NY 14424, (716) 394–2000, ext. 3700

Syracuse VA Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

North Carolina

Human Resources Management Officer, Fayetteville Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301, (919) 822–7055

Raleigh National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 508 Fulton Street, Durham, NC 27705, (919) 286–6901

Human Resources Management Officer, Durham Medical Center, 508 Fulton Street, Durham, NC 27705, (919) 286–6901

Human Resources Management Officer, Asheville Medical Center, 1100 Tunnell Road, Asheville, NC 28805, (704) 299–2535

New Bern National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301, (919) 822–7055

Salisbury National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1601 Brenner Avenue, Salisbury, NC 28144, (704) 638–3432

Winston-Salem Regional Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Human Resources Management Officer, Salisbury Medical Center, 1601 Brenner Avenue, Salisbury, NC 28144, (704) 638–3432

Wilmington National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 2300 Ramsey Street, Fayetteville, NC 28301, (919) 822–7055

Winston-Salem Outpatient Regional Office, Send to: Human Resources Management Officer, VA Medical Center, 1601 Brenner Avenue, Salisbury, NC 28144, (704) 638–3432

North Dakota

Human Resources Management Officer, Fargo Medical and Regional Office Center, 655 First Avenue, Fargo, ND 58102, (701) 232–3241

Ohio

Human Resources Management Officer, Columbus Outpatient Clinic, 2090 Kenny Road, Columbus, OH 43221, (614) 257–5501

Cleveland Regional Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Dayton National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 4100 W. Third Street, Dayton, OH 45428, (513) 262–2107

Human Resources Management Officer, Cincinnati Medical Center, 3200 Vine Street, Cincinnati, OH 45220, (513) 559–5051

Cincinnati VA Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Columbus VA Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Human Resources Management Officer, Dayton Medical Center, 4100 W. Third Street, Dayton, OH 45428, (513) 262–2107

Human Resources Management Officer, Cleveland Medical Center, 10000 Brecksville Rd., Brecksville, OH 44141, (216) 526–3030, ext. 7900

Human Resources Management Officer, Chillicothe Medical Center, 17273 State Route 104, Chillicothe, OH 45601, (614) 773–1141, ext. 7538

Oklahoma

Fort Gibson National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, Honor Heights Drive, Muskogee, OK 74401, (918) 683–3261, ext. 404

Human Resources Management Officer, Oklahoma City Medical Center, 921 NE 13th Street, Oklahoma City, OK 73104, (405) 270–5157

Muskogee Regional Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Human Resources Management Officer, Muskogee Medical Center, Honor Heights Drive, Muskogee, OK 74401, (918) 683–3261, ext. 404

Oklahoma City VA Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson MS 39213, (601) 965–4140

Oregon

Portland Regional Office, Send to: VBA Western Area Human Resources Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Human Resources Management Officer, White City Medical Center, 8495 Craterlake Highway, White City, OR 97503–1088, (503) 826–2111, ext. 3204

Human Resources Management Officer, Roseburg Medical Center, 913 NW Garden Valley Blvd., Roseburg, OR 97470–6153, (503) 440–1260

Human Resources Management Officer, Portland Medical Center, 3710 SW US Veterans Hospital Rd., Portland, OR 97207–1034, (503) 220–3403

Eagle Point National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 8495 Craterlake Highway, White City, OR 97503–1088, (503) 826–2111, ext. 3204

Williamette National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 3710 SW US Veterans Hospital Rd., Portland, OR 97207–1034, (503) 220–3403

Pennsylvania

Human Resources Management Officer, Pittsburgh Medical Center, University Drive C, Pittsburgh, PA 15240, (412) 692–3240

Philadelphia Benefits Delivery Center, Send to: Human Resources Management Liaison, VA Regional Office, 5000 Wissahickon Avenue, P.O. Box 13399, Philadelphia, PA 19101, (215) 951–5534

Human Resources Management Officer, Wilkes-Barre Medical Center, 1111 East End Boulevard, Wilkes-Barre, PA 18711, (717) 821–7209

Philadelphia Systems Development Center, Send to: Human Resources Management Liaison, VA Regional Office, 5000 Wissahickon Avenue, P.O. Box 13399, Philadelphia, PA 19101, (215) 951–5534

Philadelphia National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, University & Woodland Avenues, Philadelphia, PA 19104, (215) 823–4088

Annville (Indiantown Gap) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1700 S. Lincoln Avenue, Lebanon, PA 17042, (717) 272–6621, ext. 4055

Human Resources Management Officer, Philadelphia Medical Center, University & Woodland Avenues, Philadelphia, PA 19104, (215) 823–4088

Human Resources Management Officer, Altoona Medical Center, 2907 Pleasant Valley Blvd., Altoona, PA 16602–4377, (814) 943–8164, ext. 7039

Human Resources Management Officer, Lebanon Medical Center, 1700 S. Lincoln Avenue, Lebanon, PA 17042, (717) 272–6621, ext. 4055

Harrisburg Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, 1700 S. Lincoln Avenue, Lebanon, PA 17042, (717) 272–6621, ext. 4055

Human Resources Management Officer, Coatesville Medical Center, 1400 BlackHorse Hill Rd., Coatesville, PA 19320–2096, (610) 383–0234

Human Resources Management Officer, Pittsburgh (HD) Medical Center, 7180 Highland Drive, Pittsburgh, PA 15206–1297, (412) 365–4755

Human Resources Management Officer, Butler Medical Center, 325 New Castle Road, Butler, PA 16001–2480, (412) 477–5051

Pittsburgh Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Philadelphia Regional Office, Human Resources Management Liaison, 5000 Wissahickon Avenue, P.O. Box 13399, Philadelphia, PA 19101, (215) 951–5534

Human Resources Management Officer, Erie Medical Center, 135 East 38th Street, Erie, PA 16504, (814) 868–6205

Philippines

Manila Regional Office Outpatient Clinic, Manila Regional Office Center, Send to: Director, Department of Veterans Affairs, APO, San Francisco, CA 96528, 011–632–521–7116

Puerto Rico

Puerto Rico National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, One Veterans Plaza, San Juan, PR 00927–5800, (809) 766–5485

Human Resources Management Officer, San Juan Medical Center, One Veterans Plaza, San Juan, PR 00927–5800, (809) 766–5485

Mayaguez Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, One Veterans Plaza, San Juan, PR 00927–5800, (809) 766–5485

San Juan Regional Office, Send to: VBA Southern Area Human Resources Management Officer, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Rhode Island

Human Resources Management Officer, Providence Medical Center, 830 Chalkstone Avenue, Providence, RI 02908–4799, (401) 457–3072

Providence Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

South Carolina

Florence National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 6439 Garners Ferry Rd., Columbia, SC 29201–1639, (803) 695–6835

Human Resources Management Officer, Columbia Medical Center, 6439 Garners Ferry Rd., Columbia, SC 29201–1639, (803) 695–6835

Greenville Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, 6439 Garners Ferry Rd., Columbia, SC 29201–1639, (803) 695–6835

Human Resources Management Officer, Charleston Medical Center, 109 Bee Street, Charleston, SC 29401–5799, (803) 577–5011, ext. 7610

Beaufort National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 109 Bee Street, Charleston, SC 29401–5799, (803) 577–5011, ext. 7610

Columbia Regional Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

South Dakota

Human Resources Management Officer, Hot Springs Medical Center, 500 North 5th Street, Hot Springs, SD 57747, (605) 745–2018

Hot Springs National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 500 North 5th Street, Hot Springs, SD 57747, (605) 745–2018

Human Resources Management Officer, Fort Meade Medical Center, 113 Comanche Road, Fort Meade, SD 57741, (605) 347–7090

Fort Meade (Black Hills) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 113 Comanche Road, Fort Meade, SD 57741, (605) 347–7090

Human Resources Management Officer, Sioux Falls Medical and Regional Office Center, PO Box 5046, 2501 W. 22nd St., Sioux Falls, SD 57117, (605) 333–6852

Tennessee

Mountain Home National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, Johnston City, Mountain Home, TN 37684, (615) 926–1171, ext. 7181

Nashville (Madison) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1310 24th Avenue South, Nashville, TN 37212–2637, (615) 327–5381

Chattanooga National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 3400 Lebanon Road, Murfreesboro, TN 37129–1236, (615) 893–1360, ext. 3317

Knoxville National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, Johnston City, Mountain Home, TN 37684, (615) 926–1171, ext. 7181

Memphis National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523–8900, ext. 5928

Human Resources Management Officer, Memphis Medical Center, 1030 Jefferson Avenue, Memphis, TN 38104, (901) 523–8990, ext. 5928

Human Resources Management Officer, Mountain Home Medical Center, Johnston City, Mountain Home, TN 37684, (615) 926–1171, ext. 7181

Human Resources Management Officer, Nashville Medical Center, 1310 24th Avenue South, Nashville, TN 37212–2637, (615) 327–5381

Knoxville Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, 1310 24th Avenue South, Nashville, TN 37212–2637, (615) 327–5381

Nashville Regional Office, Send to: VBA Southern Area Human Resources Management Office Human Resources Management Officer, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Texas

Human Resources Management Officer, San Antonio Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (210) 617–5300, ext. 6732

Corpus Christi Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (210) 617–5300, ext. 6732

McAllen Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (210) 617–5300, ext. 6732

Human Resources Management Officer, Temple Medical Center,1901 S. 1st Street, Temple, TX 76504, (817) 778–4811, ext. 4429

Human Resources Management Officer, Austin Automation Center, 1615 E. Woodard Street, Austin, TX 78772, (512) 326–6054

Human Resources Management Officer, Waco Medical Center, 4800 Memorial Drive, Waco, TX 76711, (817) 752–6581, ext. 6346

Waco Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 4800 Memorial Drive, Waco, TX 76711, (817) 752–6581, ext. 6346

Human Resources Management Officer, Dallas Medical Center, 4500 S. Lancaster Road, Dallas, TX 75216, (214) 372–7032

Human Resources Management Officer, Houston Medical Center, 2002 Holcombe Blvd., Houston, TX 77030, (713) 794–7458

Beaumont Outpatient Clinic Substation, Send to: Human Resources Management Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77030, (713) 794–7458

Lufkin Outpatient Clinic, Send to: Human Resources Management Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77030, (713) 794–7458

Human Resources Management Officer, Waco Medical Center, 4800 Memorial Drive, Waco, TX 76711, (817) 752–6581, ext. 6346

Human Resources Management Officer, El Paso Outpatient Clinic, 5919 Brook Hollow Drive, El Paso, TX 79925, (915) 540–7878

Fort Bliss National Cemetery, Send to: Human Resources Management Officer, El Paso Outpatient Clinic, 5919 Brook Hollow Drive, El Paso, TX 79925, (915) 540–7878

Houston Regional Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

San Antonio VA Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Human Resources Management Officer, Big Spring Medical Center, 2400 Gregg St., Big Spring, TX 79720, (915) 264–4820

Austin Systems Development Center, Send to: Human Resources Management Officer, Austin Automation Center, 1615 E. Woodard Street, Austin, TX 78772, (512) 326–6054

Human Resources Management Officer, Amarillo Medical Center, 6010 Amarillo Blvd. West, Amarillo, TX 79106, (806) 354–7827

Houston National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 2002 Holcombe Blvd., Houston, TX 77030, (713) 794–7458

San Antonio National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (210) 617–5300, ext. 6732

Fort Sam Houston National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 7400 Merton Minter Blvd., San Antonio, TX 78284, (210) 617–5300, ext. 6732

Human Resources Management Officer, Kerrville Medical Center, 3600 Memorial Blvd., Kerrville, TX 78028, (210) 792–2518

Kerrville National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 3600 Memorial Blvd., Kerrville, TX 78028, (210) 792–2518

Human Resources Management Officer, Marlin Medical Center, 1016 Ward Street, Marlin, TX 76661, (817) 883–3511, ext. 4702

Human Resources Management Officer, Bonham Medical Center, East Ninth & Lipscomb Street, Bonham, TX 75418–4091, (903) 583–2111, ext. 6331

Waco Regional Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Dallas VA Office, Send to: VBA Southern Area Human Resources Management Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Lubbock VA Office, Send to: VBA Southern Area Human Resources Management

Office, Human Resources Management Director, 6508 Dogwood Parkway, Suite E, Jackson, MS 39213, (601) 965–4140

Lubbock Outpatient Clinic, Send to: Human Resources Management Office, VA Medical Center, 6010 Amarillo Blvd. West, Amarillo, TX 79106, (806) 354–7827

Austin Finance Center, Send to: Human Resources Management Officer, Austin Automation Center, 1615 E. Woodard Street, Austin, TX 78772, (512) 326–6054

Utah

Salt Lake City Regional Office, Send to: VBA Western Area Human Resources Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Human Resources Management Officer, Salt Lake City Medical Center, 500 Foothill Blvd., Salt Lake City, UT 84148–0001, (801) 584–1284

Vermont

Human Resources Management Officer, White River Junction Medical and Regional Office Center, White River Junction, VT 05009, (802) 295–9363, ext. 5350

Virginia

Human Resources Management Officer, Richmond Medical Center, 1201 Broad Rock Blvd., Richmond, VA 23249, (804) 230–1305

Human Resources Management Officer, Hampton Medical Center, 100 Emancipation Road, Hampton, VA 23667, (804) 722–9961, ext. 3160

Richmond National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1201 Broad Rock Blvd., Richmond, VA 23249 (804) 230–1305

Quantico National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745–8200

Hampton National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 100 Emancipation Road, Hampton, VA 23667, (804) 722–9961, ext. 3160

Culpepper National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, Route 9, Martinsburg, WV 25401, (304) 263–0811, ext. 3237

Roanoke Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Human Resources Management Officer, Salem Medical Center, 1970 Roanoke Blvd., Salem, VA 24153, (703) 982–2463, ext. 2812

Danville National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 1970 Roanoke Blvd., Salem, VA 24153, (703) 982–2463, ext. 2812

Alexandria National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745–8200

Leesburg National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 50 Irving Street, NW., Washington, DC 20422, (202) 745–8200

Mechanicsville National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 1201 Broad Rock Blvd., Richmond, VA 23249, (804) 230–1305

Sandston National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 1201 Broad Rock Blvd., Richmond, VA 23249, (804) 230–1305

Hopewell National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 1201 Broad Rock Blvd., Richmond, VA 23249 (804) 230–1305

Staunton National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, 1970 Roanoke Blvd., Salem, VA 24153, (703) 982–2463, ext. 2812

Winchester National Cemetery Area Office, Send to: Human Resources Management Officer, VA Medical Center, Route 9, Martinsburg, WV 25401, (304) 263–0811, ext. 3237

Washington

Seattle Regional Office, Send to: VBA Western Area Human Resources, Management Office, Human Resources Management Director, 126000 W. Colfax Ave., Suite C–300, Lakewood, CO 80215, (303) 231–5855

Human Resources Management Officer, Walla Walla Medical Center, 77 Wainwright Drive, Walla Walla, WA 99362–3975, (509) 527–3453

Human Resources Management Officer, Seattle Medical Center, 1660 S. Columbian Way, Seattle, WA 98108–1597, (206) 764–2135

Seattle Outpatient Clinic (Vet Center), Send to: Human Resources Management Officer, VA Medical Center, 1660 S. Columbian Way, Seattle, WA 98108–1597, (206) 764–2135

Human Resources Management Officer, Tacoma Medical Center, American Lake, Tacoma, WA 98493, (206) 582–8440, ext. 6054

Human Resources Management Officer, Spokane Medical Center, 4815 North Assembly Street, Spokane, WA 99205–6197, (509) 327–0242

West Virginia

Human Resources Management Officer, Huntington Medical Center, 1540 Spring Valley Road, Huntington, WV 25704, (304) 429–6755, ext. 2343

Human Resources Management Officer, Beckley Medical Center, 200 Veterans Avenue, Beckley, WV 25801, (304) 255–2121, ext. 4461

Human Resources Management Officer, Clarksburg, Medical Center, 1 Medical Center Dr., Clarksburg, WV 26301, (304) 623–7697

Human Resources Management Officer, Martinsburg Medical Center, Route 9, Martinsburg, WV 25401, (304) 263–0811, ext. 3237

West Virginia (Grafton) National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 1 Medical Center Dr., Clarksburg, WV 26301, (304) 623–7697

Huntington Regional Office, Send to: Eastern Area Servicing Assistance Center, Human Resources Management Director, 31 Hopkins Plaza, Baltimore, MD 21202–2004, (410) 962–4090

Wisconsin

Wood National Cemetery, Send to: Human Resources Management Officer, VA Medical Center, 5000 W. National Avenue, Milwaukee, WI 53295, (414) 384–2000

Milwaukee Regional Office, Send to: VBA Central Area Human Resources Management Office, Human Resources Management Director, 38701 Seven Mile Road, Suite 345, Livonia, MI 48152, (313) 953–8830

Human Resources Management Officer, Milwaukee Medical Center, 5000 W. National Avenue, Milwaukee, WI 53295, (414) 384–2000, ext. 2930

Human Resources Management Officer, Tomah Medical Center, 500 E. Veterans Street, Tomah, WI 54660, (608) 372–1636

Human Resources Management Officer, Madison Medical Center, 2500 Overlook Terrace, Madison, WI 53705, (608) 262–7026

Wyoming

Human Resources Management Officer, Sheridan Medical Center, 1898 Fort Road, Sheridan, WY 82801–8320, (307) 672–1673

Human Resources Management Officer, Cheyenne Medical and Regional Office Center, 2360 East Pershing Blvd., Cheyenne, WY 82001, (307) 778–7331

II. Agencies

American Battle Monuments Commission

Chief, Administration, Room 5127, Pulaski Building, 20 Massachusetts Avenue, NW., Washington, DC 20314–0001, (202) 761–0533

Architectural and Transportation Barriers Compliance Board

General Counsel, 1331 F Street, NW., #1000, Washington, DC 20004–1111, (202) 272–5434, ext. 16

Equal Employment Opportunity Commission

Management Director, Office of Management, 1801 L Street, NW., Washington, DC 20507, (202) 663–4411

Export-Import Bank of the United States

Associate General Counsel, 811 Vermont Avenue, NW., Room 955, Washington, DC 20571, (202) 565–3432

Farm Credit Administration

Chief, Human Resources Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090, (703) 883–4122

Federal Communications Commission

Chief, Payroll/Personnel Support Branch, 1919 M Street, NW., Room 212, Washington, DC 20554, (202) 481–0136

Federal Deposit Insurance Corporation

Chief, Operations Section, Office of Personnel Management, 550 17th Street,

NW., PA–1730–5018, Washington, DC 20429, (202) 942–3401

Federal Election Commission

Assistant General Counsel—Administrative Law, 999 E Street, NW., Washington, DC 20463, (202) 219–3690

Federal Energy Regulatory Commission

Chief, Payroll Branch, Department of Energy, GTN Building, Room E–259, Washington, DC 20585, (301) 903–4012

Federal Housing Finance Board

Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006, (202) 408–2685 or (202) 408–2686

Federal Retirement Thrift Investment Board

Director of Personnel, 1250 H Street, NW., Suite 400, Washington, DC 20005, (202) 942–1680

Federal Trade Commission

Director, Division of Personnel, 6th Street & Pennsylvania Avenue, NW., Room H–148, Washington, DC 20580, (202) 326–2022

General Accounting Office

Comptroller General, Attention: Chief, Payroll/Personnel Systems Branch, Personnel, Room 1180, 441 G Street, NW., Washington, DC 20415, (202) 512–5811

General Services Administration

Office of Personnel, Personnel Operations Division, Office of General Counsel, 18th & F Streets, NW., Room 1100, Washington, DC 20405, (202) 501–0610

New England Region (ME, VT, NH, MA, RI, CT)

Office of Personnel, 10 Causeway Street, Room 1095, Boston, MA 02222, (617) 565–5860

Northeast and Caribbean Region (NY, NJ, PR, VI)

Office of Personnel, 26 Federal Plaza, Room 18–110, New York, NY 10278, (212) 264–8302 or (212) 264–8303

Mid-Atlantic Region (PA, WV, VA, MD, DE)

Office of Personnel, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3396, (215) 656–5642

Southeast Region—Atlanta (KY, TN, MS, AL, GA, NC, SC, FL)

Office of Personnel, 401 West Peachtree Street, NW., Room 2802, Atlanta, GA 30365–2550, (404) 331–5171

Great Lakes Region (MN, WI, IL, MI, IN, OH)

Office of Personnel, 230 S. Dearborn Street, Room 3730, Mail Stop 37–7, Chicago, IL 60604, (312) 353–0992

The Heartland Region (KS, NE, IA, MO)

Office of Personnel, 1500 E. Bannister Road, Kansas City, MO 64131, (816) 926–7208

Greater Southwest Region (TX, NM, OK, AR, LA) and Rocky Mountain Region (MT, ND, SD, WY, UT, CO)

Office of Personnel, 819 Taylor Street, Room 9A00, Ft. Worth, TX 76102, (817) 334–2361 or (817) 334–3442 or (817) 334–2741

Pacific Rim Region (CA, NV, AZ, HI, GU, CM) and Northwest/Arctic Region (WA, ID, OR, AK)

Office of Personnel, 525 Market Street, San Francisco, CA 94105, (415) 744–5189

National Capital Region (DC, surrounding VA & MD counties), Office of Personnel, 7th & D Streets, SW., Room 1030, Washington, DC 20407, (202) 708–5319

If initial contact is not made with one of the above agent offices, GSA employees (or designees) on site who are contacted by process servers have been instructed to contact the appropriate office listed above for guidance in fulfilling GSA's responsibilities for facilitation of service of process to establish paternity and establish a support obligation.

Institute of Peace

Personnel and Benefits Manager, 1550 M Street, NW., Suite 700, Washington, DC 20005, (202) 429–3801

Inter-American Foundation

General Counsel, 901 N. Stuart Street, 10th Floor, Arlington, VA 22203, (703) 841–3894

JFK Assassination Records Review Board

General Counsel, 600 E Street, NW., Washington, DC 20530

Merit Systems Protection Board

Director, Human Resources Management Division, Office of Planning and Resources Management, 1120 Vermont Avenue, NW., Washington, DC 20419, (202) 653–5916

National Archives & Records Administration

Supervisory Personnel Staffing Specialist, Personnel Operations Branch, 9700 Page Avenue, Room 2002, St. Louis, MO 63132, (314) 538–4953

National Capital Planning Commission

General Counsel, 801 Pennsylvania Avenue, NW, Suite 301, Washington, DC 20576, (202) 724–0174

Nuclear Regulatory Commission

Chief, Policy and Labor Relations, Office of Personnel, Washington, DC 20555, (301) 415–7526

Nuclear Waste Technical Review Board

Administrative Officer, 1100 Wilson Blvd., Suite 910, Arlington, VA 22209, (703) 235–4473

Office of Special Counsel

Director of Management and Associate Special Counsel for Planning and Advice, 1730 M Street, NW., Suite 201, Washington, DC 20036–4505, (202) 653–9485

Peace Corps

Associate General Counsel, 1990 K Street, NW., Room 8300, Washington, DC 20526, (202) 606–3114

Resolution Trust Corporation

Payroll Specialist/Paralegal Specialist, 1717 H Street, NW., Washington, DC 20434, (202) 736–3095

Securities and Exchange Commission

Personnel Management Specialist, Office of Administrative & Personnel Management, 450 5th Street, NW. (Stop 2–3), Washington, DC 20549

Small Business Administration

Chief, Personnel/Payroll Systems Branch or Payroll Analyst, 409 3rd Street, SW., Suite 4200, Washington, DC 20416, (202) 205–6148 or (202) 205–6213

III. United States Postal Service

United States Postal Service

The United States Postal Service will cooperate with process servers in the service of process regarding private civil or criminal matters only when service is attempted in person on the subject employee at the employee's place of employment, in accordance with the provisions of 39 CFR 243.2(g). Service of summonses and complaints, in prviate matters, by mail to either the agent or employees at their workstations is not permitted.

The Postal Service agent will attempt to facilitate and assist personnel of child support enforcement agencies within the limitations imposed by the Privacy Act, 5 U.S.C. 552a and relevant Postal regulations. The requester must furnish the name and social security number of the person who is the subject of the inquiry.

Manager, Payroll Processing Branch, 1 Federal Drive, Ft. Snelling, MN 55111–9650, (612) 293–6300

PART 582—COMMERCIAL GARNISHMENT OF FEDERAL EMPLOYEES' PAY

14. The authority citation for part 582 continues to read as follows:

Authority: 5 U.S.C. 552a; 15 U.S.C. 1673; E.O. 12897.

15. In § 582.305, paragraphs (c) and (g) are revised and paragraph (m) is added to read as follows:

§ 582.305 Honoring legal process.

* * * * *

(c)(1) The filing of an appeal by an employee-obligor will not generally delay the processing of a garnishment action. If the employee-obligor establishes to the satisfaction of the employee-obligor's agency that the law of the jurisdiction which issued the legal process provides that the processing of the garnishment action shall be suspended during an appeal, and if the employee-obligor establishes that he or she has filed an appeal, the employing agency shall comply with the applicable law of the jurisdiction and delay or suspend the processing of the garnishment action.

(2) Notwithstanding paragraph (c)(1) of this section, the employing agency shall not be required to establish an escrow account to comply with the legal process even if the applicable law of the jurisdiction requires private employers to do so.

* * * * *

(g)(1) Neither the United States, and executive agency, nor any disbursing officer shall be liable for any payment made from moneys due from, or payable by, the United States to any individual pursuant to legal process regular on its face, if such payment is made in accordance with this part.

(2) Neither the United States, an executive agency, nor any disbursing officer shall be liable under this part to pay money damages for failure to comply with the legal process.

* * * * *

(m) Within 30 days following the collection of the amount required in the garnishment order, the creditor may submit a final statement of interest that accrued during the garnishment process, and the employing agency shall process the statement for payment, provided the garnishment order authorizes the collection of such interest. This final statement of interest should be accompanied by a statement of account showing how the interest was computed.

16. In § 582.402, paragraph (a) is revised to read as follows:

§ 582.402 Maximum garnishment limitations.

* * * * *

(a) Unless a lower maximum limitation is provided by applicable State or local law, the maximum part of an employee-obligor's aggregate disposable earnings subject to garnishment to enforce any legal debt other than an order for child support or alimony, including any amounts withheld to offset administrative costs as provided for in § 582.305(k), shall not exceed 25 percent of the employee-obligor's aggregate disposable earnings for any workweek. As appropriate, State or local law should be construed as providing a lower maximum limitation where legal process may only be processed on a one at a time basis. Where an agency is garnishing 25 percent or more of an employee-obligor's aggregate disposable earnings for any workweek in compliance with legal process to which an agency is subject under sections 459, 461, and 462 of the Social Security Act, no additional amount may be garnished in compliance with legal process under this part. Furthermore, the following dollar limitations, which are contained in title 29 of the Code of Federal Regulations, part 870, must be applied in determining the garnishable amount of the employee's aggregate disposable earnings:

(1) If the employee-obligor's aggregate disposable earnings for the workweek are in excess of 40 times the Fair Labor Standards Act (FLSA) minimum hourly wage, 25 percent of the employee-obligor's aggregate disposable earnings may be garnished. For example, effective September 1, 1997, when the FLSA minimum wage rate is $5.15 per hour, this rate multiplied by 40 equals $206.00 and thus, if an employee-obligor's disposable earnings are in excess of $206.00 for a workweek, 25 percent of the employee-obligor's disposable earnings are subject to garnishment.

(2) If the employee-obligor's aggregate disposable earnings for a workweek are less than 40 times the FLSA minimum hourly wage, garnishment may not exceed the amount by which the employee-obligor's aggregate disposable earnings exceed 30 times the current minimum wage rate. For example, at an FLSA minimum wage rate of $5.15 per hour, the amount of aggregate disposable earnings which may not be garnished is $154.50 [$5.15 × 30]. Only the amount above $154.50 is garnishable.

(3) If the employee-obligor's aggregate disposable earnings in a workweek are equal to or less than 30 times the FLSA minimum hourly wage, the employee-obligator's earnings may not be garnished in any amount.

* * * * *

17. Section 582.501 is revised to read as follows:

§ 582.501 Rules, regulations, and directives by agencies.

Appropriate officials of all agencies shall, to the extent necessary, issue implementing rules, regulations, or directives that are consistent with this part or as are otherwise in accordance with statutory law.

[FR Doc. 98–7573 Filed 3–25–98; 8:45 am]

BILLING CODE 6325–01–M

federal register

Thursday
March 26, 1998

Part III

Department of Education

Regional Resource and Federal Center Programs; Notice

DEPARTMENT OF EDUCATION

Regional Resource and Federal Center Programs

AGENCY: Department of Education.

ACTION: Notice of proposed waiver and additional activities.

SUMMARY: The Secretary proposes to waive the requirements in EDGAR at 34 CFR 75.261 as applied to the currently-funded Regional Resource Centers and to require the Centers to carry out certain additional activities. Section 75.261 sets forth the conditions for extending a project period, including the general prohibition against extending projects that involve the obligation of additional Federal funds. The Secretary proposes to issue continuation awards to the Regional Resource Center Programs in order to ensure the most efficient use of Federal funds. The Department is therefore soliciting public comment on the proposed waiver and the new activities that the RRCs would undertake.

DATES: Comments must be received on April 27, 1998.

ADDRESSES: All comments concerning this proposal should be addressed to Debra Sturdivant or Marie Roane, U.S. Department of Education, 600 Independence Avenue, SW., Room 3527, Switzer Building, Washington, DC 20202–2641.

FOR FURTHER INFORMATION CONTACT: Debra Sturdivant, Telephone: (202) 205–8038, or Marie Roane, Telephone: (202) 205–8451. Individuals who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 A.M. and 8:00 P.M. Eastern Standard Time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: On December 14, 1992, the Department issued a Notice Inviting Applications for New Awards under the Regional Resource Center Program for Fiscal Year 1992. In this notice the Department announced that it would make six awards of up to 60 months under 34 CFR 75.105(c)(3) and the Individuals with Disabilities Education Act (IDEA), which directed the Secretary to support the establishment of Regional Centers that provide consultation, technical assistance and training to State educational agencies and, through those State educational agencies, to local educational agencies and to other appropriate public agencies providing special education and related services and early intervention services.

The grant period for the six centers ends May 31, 1998. In order to carry out activities relating to implementation of the IDEA Amendments of 1997 as stated by the Senate Appropriations Committee in its report accompanying the Department's fiscal year 1998 appropriations act, it is necessary to issue continuation awards to the existing grantees. Specifically, the Senate report states that the Secretary should provide training and disseminate information to State and local administrators, teachers, related services personnel, parents of children with disabilities, and other appropriate parties on the implementation of the 1997 amendments.

The Department is utilizing a number of strategies to carry out this directive. Because the Regional Resource Centers (RRCs) have a primary role in assisting States in implementing the IDEA Amendments of 1997, these organizations are well-positioned to play a key part in this training and information effort. In particular, the Secretary plans for the RRCs to conduct a series of regional institutes for educational excellence. The purposes of the regional institutes are:

(1) To ensure that State education agency personnel, local school personnel and parents receive high-quality, accurate training on the IDEA Amendments of 1997 in order to improve results for students with disabilities through improved teaching and learning;

(2) To build field support as part of the implementation of the IDEA Amendments of 1997 that is community-based and grounded in the context of improving schooling and results for children; and

(3) To ensure the involvement of State education agencies, local school personnel, parents, Office of Special Education and Rehabilitative Services (OSERS)—supported technical assistance and dissemination services, State technical assistance providers, and topical research centers in the development of strategies and models to implement the IDEA Amendments of 1997.

Because the regional institutes would be held during the summer of 1998, the project period for the current Regional Resource Centers must be extended to enable the RRCs to both plan and conduct the institutes. The Secretary believes that it is essential that the RRCs conduct the institutes given the RRCs technical assistance expertise and experience in carrying out similar activities.

Based on the foregoing, the Secretary believes that it makes the most programmatic sense and is the most efficient use of Federal funds to issue continuation awards. However, to do so, the Department must waive the requirements in EDGAR at 34 CFR 75.261 as well as provide for the new activities stated in this notice. That provision includes a prohibition against project period extensions that involve the obligation of additional Federal funds.

Reasons

There is an immediate need to provide training and information to the populations that will be targeted by the regional institutes. Waiting until after a new RRC competition to hold the institutes would severely hinder the Department's efforts to address the critical needs that are now present in the regions. The current RRCs have already conducted extensive training and information activities related to State implementation of the Amendments and are best suited to conduct the regional institutes.

Therefore, the Department proposes to issue continuation awards to the current grantees for four (4) months.

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and additional activities would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by this proposal are the six Centers currently receiving Federal funds. However, the proposal would not have a significant economic impact on the Centers because the waiver and additional activities would not impose excessive regulatory burdens or require unnecessary Federal supervision. The proposal would impose minimal requirements to ensure the proper expenditure of program funds, including requirements that are standard to continuation awards.

Paperwork Reduction Act of 1980

This proposal has been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental

partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding this proposed waiver and additional activities.

All comments submitted in response to this proposal will be available for public inspection, during and after the comment period, in room 3521, 300 ''C'' Street, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

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Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219–1511 or, toll free, 1–800–222–4922. The documents are located under Option G—Files/Announcements, Bulletins and Press Releases.

Note: The official version of this document is the document published in the **Federal Register**.

(Catalog of Federal Domestic Assistance Number 84.028, Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities)

Dated: March 20, 1998.

Curtis L. Richards,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 98–7831 Filed 3–25–98; 8:45 am]

BILLING CODE 4000–01–P

federal register

Thursday
March 26, 1998

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Parts 23, 25 and 33

Airworthiness Standards; Rain and Hail Ingestion Standards; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 23, 25 and 33

[Docket No. 28652; Amendment Nos. 23–53, 25–95, and 33–19]

RIN 2120–AF75

Airworthiness Standards; Rain and Hail Ingestion Standards

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments establish revisions to the Federal Aviation Administration's certification standards for rain and hail ingestion for aircraft turbine engines. These amendments address engine power-loss and instability phenomena attributed to operation in extreme rain or hail that are not adequately addressed by current requirements. These amendments also generally harmonize these standards with rain and hail ingestion standards being amended by the Joint Aviation Authorities (JAA). These amendments establish nearly uniform standards for engines certified in the United States under 14 CFR part 33 and in the JAA countries under Joint Airworthiness Requirements-Engines (JAR–E), thereby simplifying the certification of engine designs by the FAA and the JAA.

EFFECTIVE DATE: April 30, 1998.

FOR FURTHER INFORMATION CONTACT: John Fisher, Engine and Propeller Standards Staff, ANE–110, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803–5229; telephone (781) 238–7149; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Availability of Final Rules

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339), the **Federal Register's** electronic bulletin board service (20002–512–1661), or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service (telephone 202–267–5948).

Internet users may reach the FAA's web page at http://www.faa.gov or the **Federal Register's** web page at http://www.access.gpo.gov/su__docs for access to recently published rulemaking documents.

Any person may obtain a copy of this final rule by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Communications must identify the amendment number or document number of this final rule.

Persons interested in being placed on the mailing list for future notices of proposed rulemaking and final rulemaking should request from the above office a copy of Advisory Circular No. 11–2A, Notices of Proposed Rulemaking Distribution System, that describes the application procedure.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires the FAA to report inquiries from small entities concerning information on, and advice about, compliance with statutes and regulations within the FAA's jurisdiction, including interpretation and application of the law to specific sets of facts supplied by a small entity.

If you are a small entity and have a question, contact your local FAA official. If you do not know how to contact your local FAA official, you may contact Charlene Brown, Program Analyst Staff, Office of Rulemaking, ARM–27, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 1–888–551–1594. Internet users can find additional information on SBREFA in the ''Quick Jump'' section of the FAA's web page at http://www.faa.gov and may send electronic inquiries to the following internet address: 9–AWA–SBEFA@faa.dot.gov.

Background

Statement of the Problem

There have been a number of multiple turbine engine power-loss and instability events, forced landings, and accidents attributed to operating airplanes in extreme rain or hail. Investigations have revealed that ambient rain or hail concentrations can be amplified significantly through the turbine engine core at high flight speeds and low engine power conditions. Rain or hail through the turbine engine core may degrade compressor stability, combustor flameout margin, and fuel control run down margin. Ingestion of extreme quantities of rain or hail through the engine core may ultimately produce a number of engine anomalies, including surging, power loss, and engine flameout.

Industry Study

In 1987, the Aerospace Industries Association (AIA) initiated a study of natural icing effects on high bypass ratio (HBR) turbofan engines that concentrated primarily on the mechanical damage aspects of icing encounters. It was discovered during that study that separate power-loss and instability phenomena existed that were not related to mechanical damage. Consequently, in 1988 another AIA study was initiated to determine the magnitude of these threats and to recommend changes to part 33, if appropriate. AIA, working with the Association Europeenne des constructeurs de Materiel Aerospatial (AECMA), concluded that a potential flight safety threat exists for turbine engines installed on airplanes operating in extreme rain and hail. Further, the study concluded that the current water and hail ingestion standards of 14 CFR part 33 do not adequately address this threat.

Engine Harmonization Effort

The FAA is committed to undertaking and supporting harmonization of standards in part 33 with those in Joint Aviation Requirements-Engines (JAR–E). In August 1989, as a result of that commitment, the FAA Engine and Propeller Directorate participated in a meeting with the Joint Aviation Authorities (JAA), AIA, and AECMA. The purpose of the meeting was to establish a philosophy, guidelines, and a working relationship regarding the resolution of issues arising from standards that need harmonization, including the adoption of new standards when needed. All parties agreed to work in partnership to address jointly the harmonization task. This partnership was later expanded to include the airworthiness authority of Canada, Transport Canada.

This partnership identified seven items which were considered the most critical to the initial harmonization effort. New rain and hail ingestion standards are an item on this list of seven items and, therefore, represent a critical harmonization effort.

Aviation Rulemaking Advisory Committee Project

In December 1992, the FAA requested the Aviation Rulemaking Advisory Committee (ARAC) to evaluate the need for new rain and hail ingestion standards. This task, in turn, was assigned to the Engine Harmonization Working Group (EHWG) of the Transport Airplane and Engine Issues Group (TAEIG) on December 11, 1992 (57 FR 58840). On November 7, 1995, the TAEIG recommended to the FAA that it proceed with rulemaking and associated advisory material even

though one manufacturer expressed reservations. The FAA published a notice of proposed rulemaking on August 9, 1996 (61 FR 41688). This rule and associated advisory material reflect the ARAC recommendations.

Discussion of Comments

All interested persons have been afforded an opportunity to participate in this rulemaking, and due consideration has been given to all comments received. The commenters represent domestic and foreign industry, and foreign airworthiness authorities. Five commenters provided the FAA with comments to the NPRM.

Four commenters expressed concern with the proposed wording for §§ 23.903 and 25.903. The commenters state that the proposal could result in retroactive requirements imposed on certain engines already type certificated. Three of the four commenters further state that this part of the proposal represents a significant departure from the proposal submitted to the FAA by ARAC.

The FAA agrees. It was not the intent of the FAA to retroactively impose the new requirements on an engine design already type certificated unless service history indicates that an unsafe condition is present. The FAA has changed the wording for §§ 23.903 and 25.903 back to that originally proposed by the ARAC.

All five commenters found a number of typographical errors and suggested some editorial changes. One notable typographical error appeared in the ''Disposition of Comments'' section of the preamble of the proposal. When addressing a concern that the hail threat definition was apparently rounded up to 10 g/m^3, the value 8/3 g/m^3 was incorrect and should have been written as 8.7 g/m^3.

The FAA also agrees to the other recommendations by the commenters and the following grammatical corrections and changes to § 33.78 and Appendix B have been made to this rule:

Section 33.78(a)(1): ''Critical inlet fact area'' has been changed to ''Critical inlet face area'' and the last sentence revised to read, ''the hailstones shall be ingested in a rapid sequence to simulate a hailstone encounter and the number and size of the hailstones shall be determined as follows:''.

Section 33.78(a)(1)(ii): The term ''one 20-inch'' has been changed to ''one 2-inch''.

Section 33.78(a)(2): The following has been added to the beginning of the paragraph, ''In addition to complying with paragraph (a)(1) of this section and'', and a comma has been added immediately following the phrase ''or loss of acceleration and deceleration capability''.

Section 33.78(b)(4): ''deceleration'' has been replaced with ''acceleration''.

Appendix B, Table B3: ''Contribution to total LWC (%)'' has been changed to ''Contribution to total RWC (%)''.

Appendix B, Table B4: The term ''0.49'' has been changed to ''0–4.9'', and ''hailstone'' has been replaced with ''hail'' in the title, column heading, and footnote.

One commenter provided an additional clarifying statement with respect to the hail threat level variations obtained from the Industry Study. Given an extremely remote encounter probability and a typical thirty second exposure to severe hail, the assessed hail threat level varies from 8.7 g/m^3 to 10.2 g/m^3, depending upon the airspeed of the aircraft traversing the hail shaft.

The FAA agrees with the commenter's additional explanation of the assessed hail threat variation. However, the discussion of the Industry Study in the proposal is technically correct.

One commenter states the need for advisory material to accompany the rule to clarify various terms and criteria contained in the rule.

The FAA agrees. An extensive advisory circular (AC) was drafted providing explanation of the various terms and criteria contained in the rule. The FAA issued a notice of availability of proposed AC and request for comments on September 5, 1996 (61 FR 46893). Further information regarding this AC can be obtained by contacting the FAA at the address specified under **FOR FURTHER INFORMATION CONTACT:**

One commenter suggested changes to the preamble discussion regarding power loss and performance degradation. The commenter did not suggest nor imply that any changes to the proposed rule were needed. The FAA need not address those comments since they do not affect the meaning of these regulations.

One commenter states that the criterion of no flameout contained in § 33.78(a)(2) and § 33.78(b) was excessive. The commenter further states that many engines are equipped with automatic re-ignition systems that would ensure quick recovery from a flameout.

The FAA disagrees. Automatic re-ignition systems can facilitate quick recovery from a flameout as a result of a momentary ingestion, such as an ice shed. However, the rain and hail ingestion threats addressed by the new standards are not momentary, and have been defined for purposes of certification testing as 30 seconds duration for hail and 3 minutes duration for rain. Once flameout occurs under these conditions, it is unlikely that the engine will be capable of recovery until the ingestion of rain or hail ceases, with or without an automatic re-ignition system. Also, for actual encounters of severe rain and hail, it is likely that the engine will continue to ingest water, at lower concentrations, after exiting the area of severe rain or hail. The effect of this ingested water is to lower the starting capability of the engine. Therefore, if an airplane encounters severe rain or hail with installed engines that are susceptible to flameout, the airplane will be susceptible to an all engine out, forced landing. For these reasons, demonstrating tolerance to flameout under conditions of extreme rain and hail is a primary objective of the new standards.

One commenter states that the acceptance criteria for rain and hail ingestion contained in § 33.78(a)(2) and § 33.78(b) appeared to be more stringent than the acceptance for ice ingestion. The commenter believes that the acceptance criteria for rain and hail ingestion should be less stringent than for ice ingestion, since ice ingestion is a more common occurrence than hail ingestion.

The FAA concurs with the commenter that the stringency of acceptance criteria should be proportional to the occurrence rate of the threat being assessed. However, the FAA disagrees with the commenter's view that the acceptance criteria for rain and hail ingestion are more stringent than for ice ingestion. Some amount of sustained power or thrust loss is permitted following an ice ingestion test. Also, the FAA would accept momentary but recoverable surges and stalls encountered while testing to the new rain and hail ingestion standards, but has not historically accepted momentary surges and stalls following an ice ingestion test. Flameout, run down, continued or non-recoverable surge or stall, and loss of acceleration and deceleration are unacceptable conditions for rain, hail and ice ingestion.

Finally, the FAA has made the following minor editorial changes to better align this rule with recent changes to the JAA's requirements. These changes do not affect the scope of the rule or change the intent of these sections.

Section 33.78(a)(1): The phrase ''maximum true air speed'' replaces the phrase ''maximum rough air speed'', and the phrase ''operating in rough air'' is added following the words ''representative aircraft''.

Section 33.78(a)(1)(i) and (ii): The word ''area'' is changed to read ''areas''.

Section 33.78(c): In the first sentence the phrase ''complying with paragraph (a)(1) of this section'' is changed to read ''complying with paragraphs (a)(1) and (a)(2) of this section.

Appendix B: The word ''hailstones'' is changed to read ''hail'' in the introductory paragraph and also in Table B4.

After careful review of all the comments, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d), there are no information collection requirements associated with this final rule.

Regulatory Evaluation Summary

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this rule: (1) Will generate benefits that justify its costs and is not a ''significant regulatory action'' as defined in the Executive Order; (2) is not significant as defined in DOT's Regulatory Policies and Procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will not constitute a barrier to international trade. These analyses, available in the docket, are summarized below.

Incremental Costs

The proposed rule will permit a range of compliance options, thereby enabling manufacturers to select cost-minimizing approaches. Approaches that maximize the use of analytical methods will most likely be the least expensive means to demonstrate compliance, while approaches that rely primarily on engine testing in a simulated rain and hail environment will likely be the most costly. Incremental certification cost estimates supplied by industry varied depending on engine model and the testing method used.

FAA conservatively estimates that incremental certification costs for an airplane turbine engine design will be approximately $627,000—this includes $300,000 in additional engineering hours, and $327,000 for the prorated share of the cost of a test facility.

Based on statements from industry, the FAA expects that, once Rain/Hail centrifuging and engine cycle models are established, compliance will be accomplished through design modifications that will have little impact on manufacturing costs. Such design features may affect: (1) fan blade/propeller, (2) spinner/nose cone, (3) bypass splitter, (4) engine bleeds, (5) accessory loads, (6) variable stator scheduling, and (7) fuel control. Similarly, the FAA expects that the rule will have a negligible effect on operating costs.

Expected Benefits

Rain or hail related in-flight engine shutdowns are rare occurrences. This is due, in large part, to the high quality of meteorological data available to ground controllers and pilots, and to well established weather avoidance procedures. However, while such events are infrequent, they pose a serious hazard because they typically occur during a critical phase of flight where recovery is difficult or impossible.

An examination of the FAA accident/incident database system and National Transportation Safety Board (NTSB) records revealed two accidents that were the result of inflight engine shutdown or rundowns caused by excessive water ingestion. In each case, the aircraft was in the descent phase of flight. These accidents form the basis of the expected benefits of the subject rule. However, what follows should be considered a conservative estimate of the rule's potential benefits for three reasons.

First, the rule should have the effect of increasing turbine engine water ingestion tolerance regardless of the source of water Accident/incident records show that many events (not included in the benefits estimates that follow) were caused by other forms of water such as snow and graupel. It is possible that some of these cases would have benefited from the subject rule.

Second, several other incidents, while not resulting in a crash, nevertheless had catastrophic potential. This potential could be exacerbated by the development of more efficient turbofan powerplants which have permitted large aircraft designs incorporating fewer engines. An industry study identified seven events (not recorded in either the FAA or NTSB databases) in which rain and/or hail affected two or more engines and resulted in an inflight shutdown of at least one engine.

Third, heavy rain and hail are often accompanied by severe turbulence and windshear. While recovery from a water induced engine shutdown is frequently successful, the ability to maintain engine power during an encounter with an unexpected downdraft could be crucial to avoiding a crash.

The available accident and aircraft usage data suggest the categories that are used to classify the benefits of the subject rule. These classifications are: (1) Large air carrier aircraft (operated by major and national air carriers), and (2) other air carrier aircraft (operated by large regional, medium regional, commuter, and other small certificated air carriers). An examination of accident records for the 20-year period 1975–1994 indicates that, in the absence of the subject rule, the probability of a hull loss due to a water induced loss of engine power is 0.0094 per million departures for large air carriers, and 0.0249 per million departures for other air carriers.

The calculation of the rule's benefits, then, depends on the degree to which the rule can reduce this risk. According to industry representatives, compliance with the revised water ingestion standards will reduce the rate of engine power loss events by two orders of magnitude. This analysis assumes that the rule's effect on the accident rate will be proportionately equal to the rule's effect on the event rate.

Using projections from the FAA Aviation Forecast, this analysis assumes that the average large air carrier airplane has 168 seats and a load factor of 61%. The average regional air carrier airplane is assumed to have 30 seats and a load factor of 51%. The estimated distribution of fatal, serious, and minor injuries is based on the actual distribution of casualties in the accidents cited above. On the basis of these assumptions, FAA estimates the annual benefits of prevented casualties per airplane will be $3,360 for large air carriers and $618 for other air carriers.

Benefits and Costs Analysis

The benefits and costs of the rule are compared for two representative engine certifications: (1) An engine designed for operation on a large jet transport (corresponding to the ''large air carrier'' category described earlier), and (2) an engine designed for operation on a regional transport (corresponding to the ''other air carrier'' category).

For each certification, the following assumptions apply: (1) 50 engines are produced per year for 10 years (500 total

engines produced per certification), (2) incremental certification costs are incurred in the year 2000, (3) engine production begins in the year 2002, (4) the first engines enter service in the year 2003, (5) each engine is retired after 10 years, (6) the discount rate is 7%. Also, in order to compare incremental engine costs with expected benefits (which are expressed in terms of the reduction in the aircraft accident rate) this analysis assumes that each aircraft has two engines.

Under the assumptions enumerated above, total lifecycle benefits for a representative engine designed for operation on a large airplane equal approximately $9.3 million or $3.5 million at present value (1997 dollars). Total lifecycle benefits for a representative engine designed for operation on a regional airplane equal to approximately $1.8 million or $0.7 million at present value.

This analysis postulates that incremental certification costs for both representative engine designs are the same. As discussed above, incremental costs are approximately $627,000 or $512,000 at present value.

FAA finds that the rule would be cost-beneficial. Under very conservative production, service life, and incremental engine certification cost assumption, the expected discounted benefits of prevented casualties and aircraft damage will exceed costs by a ratio ranging from 6.9 to 1 for large air carriers to 1.3 to 1 for other air carriers.

Harmonization Benefits

In addition to the benefits of increased safety, the rule harmonizes with JAR requirements, thus reducing costs associated with certificating aircraft turbine engines to differing airworthiness standards.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principal, the Act requires agencies to solicit and consider flexible regulatory proposal and to explain the rational for their actions. The Act covers a wide range of small entities, including small businesses, non-for-profit organizations and small governmental jurisdictions.

Agencies must perform an analysis to determine whether a rule will have a significant economic impact on a substantial number of small entities; if the determination is that it will, the agency must prepare a regulatory flexibility analysis (RFA).

However, if after an analysis for a proposed or final rule, an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities. Section 605(b) of the 1980 act provides that the head of the agency may so certify. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA conducted the required preliminary analysis of the proposal and determined that it would not have a significant economic impact on a substantial number of small entities. That determination was published in the **Federal Register** on August 9, 1996 as part of the Notice of Proposed Rulemaking. No comments were received regarding the economic analysis of the rule. No substantial changes were made in the final rule from the proposed rule, and estimated costs were not significantly modified. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The rule will have little or no effect on trade for either U.S. firms marketing turbine engines in foreign markets or foreign firms marketing turbine engines in the U.S. Generally, this rule harmonizes FAA requirements with existing and proposed JAA requirements.

Federalism Implication

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

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (The Act), enacted as Public L. 104–4 on March 22, 1995, requires each federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any federal mandate in a proposed or final agency rule that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. Section 204(A) of The Act, 2 U.S.C. 1534(A), requires the federal agency to develop an effective process to permit timely input by elected officers (or their designees) of state, local, and tribal governments on a proposed ''significant intergovernmental mandate''. A ''significant intergovernmental mandate'' under The Act is any provision in a federal agency regulation that will impose an enforceable duty upon state, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. Section 203 of The Act, 2 U.S.C. 1533, which supplements section 204(A), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

The FAA determines that this rule does not contain a significant intergovernmental or private sector mandate as defined by the act.

List of Subjects in 14 CFR Parts 23, 25 and 33

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendments

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR parts 23, 25, and 33 as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

2. Section 23.901 is amended by revising paragraph (d)(2) to read as follows:

§ 23.901 Installation.

* * * * *

(d) * * *

(2) Ensure that the capability of the installed engine to withstand the ingestion of rain, hail, ice, and birds into the engine inlet is not less than the

capability established for the engine itself under § 23.903(a)(2).

* * * * *

3. Section 23.903 is amended by revising paragraph (a)(2) to read as follows:

§ 23.903 Engines.

(a) * * *

(2) Each turbine engine must either—

(i) Comply with §§ 33.77 and 33.78 of this chapter in effect on April 30, 1998; or as subsequently amended; or

(ii) Comply with § 33.77 of this chapter in effect on October 31, 1974, or as subsequently amended prior to April 30, 1998, and must have a foreign object ingestion service history that has not resulted in any unsafe condition; or

(iii) Be shown to have a foreign object ingestion service history in similar installation locations which has not resulted in any unsafe condition.

Note: § 33.77 of this chapter in effect on October 31, 1974, was published in 14 CFR parts 1 to 59, Revised as of January 1, 1975. See 39 FR 35467, October 1, 1974.

* * * * *

PART 25—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY AIRPLANES

4. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

5. Section 25.903 is amended by revising paragraph (a)(2) to read as follows:

§ 25.903 Engines.

(a) * * *

(2) Each turbine engine must either—

(i) Comply with §§ 33.77 and 33.78 of this chapter in effect on April 30, 1998 or as subsequently amended; or

(ii) Comply with § 33.77 of this chapter in effect on October 31, 1974, or as subsequently amended prior to April 30, 1998, and must have a foreign object ingestion service history that has not resulted in any unsafe condition; or

(iii) Be shown to have a foreign object ingestion service history in similar installation locations which has not resulted in any unsafe condition.

Note: § 33.77 of this chapter in effect on October 31, 1974, was published in 14 CFR parts 1 to 59, Revised as of January 1, 1975. See 39 FR 35467, October 1, 1974.

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PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

6. The authority citation for part 33 continues to read as follows:

Authority: 49 U.S.C. 106(g) 40113, 44701–44702, 44704.

7. Section 33.77 is amended by revising paragraphs (c) and (e) to read as follows:

§ 33.77 Foreign object ingestion.

* * * * *

(c) Ingestion of ice under the conditions prescribed in paragraph (e) of this section, may not cause a sustained power or thrust loss or require the engine to be shut down.

* * * * *

(e) Compliance with paragraphs (a), (b), and (c) of this section must be shown by engine test under the following ingestion conditions:

Foregin object	Test quantity	Speed of foreign object	Engine operation	Ingestion
Birds:				
3-ounce size	One for each 50 square inches of inlet area, or fraction thereof, up to a maximum of 16 birds. Three-ounce bird ingestion not required if a 1½-pound bird will pass the inlet guide vanes into the rotor blades.	Liftoff speed of typical aircraft.	Takeoff	In rapid sequence to simulate a flock encounter and aimed at selected critical areas.
1½-pound size	One for the first 300 square inches of inlet area, if it can enter the inlet, plus one for each additional 600 square inches of inlet area, or fraction, thereof up to a maximum of 8 birds.	Initial climb speed of typical aircraft.	Takeoff	In rapid sequence to simulate a flock encounter at selected critical areas.
4-pound size	One, if it can enter the inlet	Maximum climb speed of typical aircraft, if the engine has inlet guide vanes.	Maximum cruise	Aimed at critical area.
		Liftoff speed of typical aircraft, if the engine does not have inlet guide vanes.	Takeoff	Aimed at critical area.
Ice:				
Maximum accumulation on a typical inlet cowl and engine face resulting from a 2-minute delay in actuating anti-icing system, or a slab of ice which is comparable in weight or thickness for that size engine..	Sucked in		Maximum cruise	To simulate a continuous maximum icing encounter at 25° F.

NOTE: The term ''inlet area'' as used in this section means the engine inlet projected area at the front face of the engine. It includes the projected area of any spinner or bullet nose that is provided.

8. Section 33.78 is added to part 33, to read as follows:

§ 33.78 Rain and hail ingestion.

(a) *All engines.* (1) The ingestion of large hailstones (0.8 to 0.9 specific gravity) at the maximum true air speed, up to 15,000 feet (4,500 meters), associated with a representative aircraft operating in rough air, with the engine at maximum continuous power, may not cause unacceptable mechanical damage or unacceptable power or thrust loss after the ingestion, or require the engine to be shut down. One-half the number of hailstones shall be aimed randomly over the inlet face area and the other half aimed at the critical inlet face area. The hailstones shall be ingested in a rapid sequence to simulate a hailstone encounter and the number and size of the hailstones shall be determined as follows:

(i) One 1-inch (25 millimeters) diameter hailstone for engines with inlet areas of not more than 100 square inches (0.0645 square meters).

(ii) One 1-inch (25 millimeters) diameter and one 2-inch (50 millimeters) diameter hailstone for each 150 square inches (0.0968 square meters) of inlet area, or fraction thereof, for engines with inlet areas of more than 100 square inches (0.0645 square meters).

(2) In addition to complying with paragraph (a)(1) of this section and except as provided in paragraph (b) of this section, it must be shown that each engine is capable of acceptable operation throughout its specified operating envelope when subjected to sudden encounters with the certification standard concentrations of rain and hail, as defined in appendix B to this part. Acceptable engine operation precludes flameout, run down, continued or non-recoverable surge or stall, or loss of acceleration and deceleration capability, during any three minute continuous period in rain and during any 30 second continuous period in hail. It must also be shown after the ingestion that there is no unacceptable mechanical damage, unacceptable power or thrust loss, or other adverse engine anomalies.

(b) *Engines for rotorcraft.* As an alternative to the requirements specified in paragraph (a)(2) of this section, for rotorcraft turbine engines only, it must be shown that each engine is capable of acceptable operation during and after the ingestion of rain with an overall ratio of water droplet flow to airflow, by weight, with a uniform distribution at the inlet plane, of at least four percent. Acceptable engine operation precludes flameout, run down, continued or non-recoverable surge or stall, or loss of acceleration and deceleration capability. It must also be shown after the ingestion that there is no unacceptable mechanical damage, unacceptable power loss, or other adverse engine anomalies. The rain ingestion must occur under the following static ground level conditions:

(1) A normal stabilization period at take-off power without rain ingestion, followed immediately by the suddenly commencing ingestion of rain for three minutes at takeoff power, then

(2) Continuation of the rain ingestion during subsequent rapid deceleration to minimum idle, then

(3) Continuation of the rain ingestion during three minutes at minimum idle power to be certified for flight operation, then

(4) Continuation of the rain ingestion during subsequent rapid acceleration to takeoff power.

(c) *Engines for supersonic airplanes.* In addition to complying with paragraphs (a)(1) and (a)(2) of this section, a separate test for supersonic airplane engines only, shall be conducted with three hailstones ingested at supersonic cruise velocity. These hailstones shall be aimed at the engine's critical face area, and their ingestion must not cause unacceptable mechanical damage or unacceptable power or thrust loss after the ingestion or require the engine to be shut down. The size of these hailstones shall be determined from the linear variation in diameter from 1-inch (25 millimeters) at 35,000 feet (10,500 meters) to ¼-inch (6 millimeters) at 60,000 feet (18,000 meters) using the diameter corresponding to the lowest expected supersonic cruise altitude. Alternatively, three larger hailstones may be ingested at subsonic velocities such that the kinetic energy of these larger hailstones is equivalent to the applicable supersonic ingestion conditions.

(d) For an engine that incorporates or requires the use of a protection device, demonstration of the rain and hail ingestion capabilities of the engine, as required in paragraphs (a), (b), and (c) of this section, may be waived wholly or in part by the Administrator if the applicant shows that:

(1) The subject rain and hail constituents are of a size that will not pass through the protection device;

(2) The protection device will withstand the impact of the subject rain and hail constituents; and

(3) The subject of rain and hail constituents, stopped by the protection device, will not obstruct the flow of induction air into the engine, resulting in damage, power or thrust loss, or other adverse engine anomalies in excess of what would be accepted in paragraphs (a), (b), and (c) of this section.

9. Appendix B is added to part 33, to read as follows:

Appendix B to Part 33—Certification Standard Atmospheric Concentrations of Rain and Hail

Figure B1, Table B1, Table B2, Table B3, and Table B4 specify the atmospheric concentrations and size distributions of rain and hail for establishing certification, in accordance with the requirements of § 33.78(a)(2). In conducting tests, normally by spraying liquid water to simulate rain conditions and by delivering hail fabricated from ice to simulate hail conditions, the use of water droplets and hail having shapes, sizes and distributions of sizes other than those defined in this appendix B, or the use of a single size or shape for each water droplet or hail, can be accepted, provided that applicant shows that the substitution does not reduce the severity of the test.

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FIGURE B1 - Illustration of Rain and Hail Threats. Certification concentrations are obtained using Tables B1 and B2.

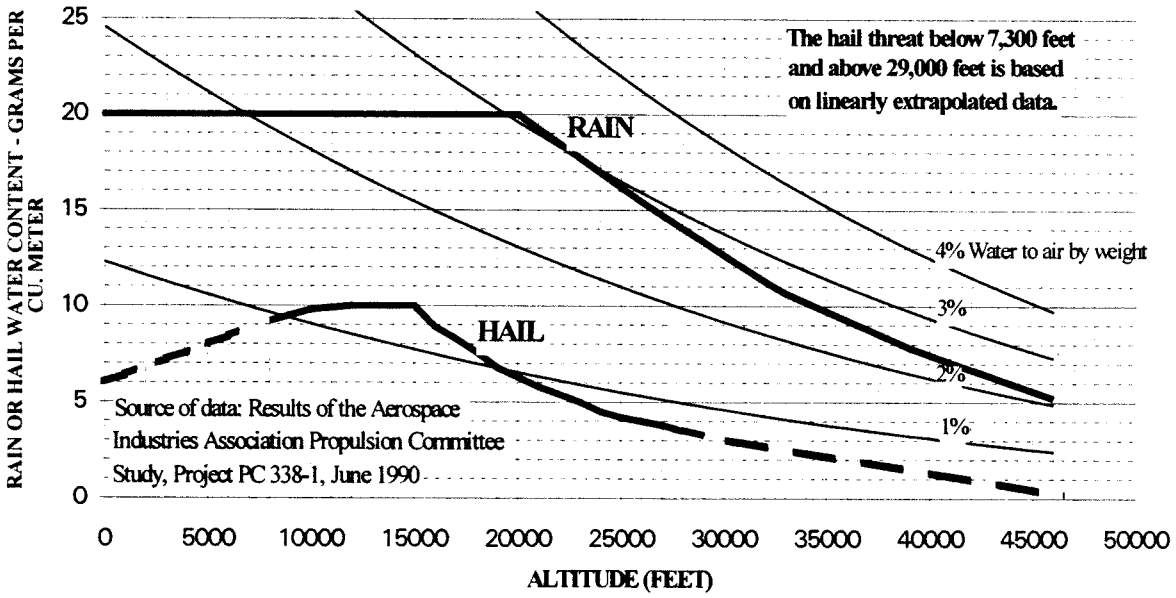

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TABLE B1.—CERTIFICATION STANDARD ATMOSPHERIC RAIN CONCENTRATIONS

Altitude (feet)	Rain water content (RWC) (grams water/meter^3 air)
0	20.0
20,000	20.0
26,300	15.2
32,700	10.8
39,300	7.7
46,000	5.2

RWC values at other altitudes may be determined by linear interpolation.

NOTE: Source of data—Results of the Aerospace Industries Association (AIA) Propulsion Committee Study, Project PC 338–1, June 1990.

TABLE B2.—CERTIFICATION STANDARD ATMOSPHERIC HAIL CONCENTRATIONS

Altitude (feet)	Hail water content (HWC) (grams water/meter^3 air)
0	6.0
7,300	8.9
8,500	9.4
10,000	9.9
12,000	10.0
15,000	10.0
16,000	8.9
17,700	7.8
19,300	6.6
21,500	5.6
24,300	4.4
29,000	3.3
46,000	0.2

HWC values at other altitudes may be determined by linear interpolation. The hail threat below 7,300 feet and above 29,000 feet is based on linearly extrapolated data.

Note: Source of data—Results of the Aerospace Industries Association (AIA Propulsion Committee (PC) Study, Project PC 338–1, June 1990.

TABLE B3.—CERTIFICATION STANDARD ATMOSPHERIC RAIN DROPLET SIZE DISTRIBUTION

Rain droplet diameter (mm)	Contribution total RWC (%)
0–0.49	0
0.50–0.99	2.25
1.00–1.49	8.75
1.50–1.99	16.25
2.00–2.49	19.00
2.50–2.99	17.75
3.00–3.49	13.50
3.50–3.99	9.50
4.00–4.49	6.00
4.50–4.99	3.00
5.00–5.49	2.00
5.50–5.99	1.25
6.00–6.49	0.50
6.50–7.00	0.25
Total	100.00

Median diameter of rain droplets in 2.66 mm

Note: Source of data—Results of the Aerospace Industries Association (AIA Propulsion Committee (PC) Study, Project PC 338–1, June 1990.

TABLE B4.—CERTIFICATION STANDARD ATMOSPHERIC HAIL SIZE DISTRIBUTION

Hail diameter (mm)	Contribution total HWC (%)
0–4.9	0
5.0–9.9	17.00
10.0–14.9	25.00
15.0–19.9	22.50
20.0–24.9	16.00
25.0–29.9	9.75
30.0–34.9	4.75
35.0–39.9	2.50
40.0–44.9	1.50

TABLE B4.—CERTIFICATION STANDARD ATMOSPHERIC HAIL SIZE DISTRIBUTION—Continued

Hail diameter (mm)	Contribution total HWC (%)
45.0–49.9	0.75
50.0–55.0	0.25
Total	100.00

Median diameter of hail is 16 mm

Note: Source of data—Results of the Aerospace Industries Association (AIA Propulsion Committee (PC) Study, Project PC 338–1, June 1990.

Issued in Washington, DC, on March 20, 1998.

Jane F. Garvey,

Administrator.

[FR Doc. 98–7902 Filed 3–25–98; 8:45 am]

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