

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.1097 is revised to read as follows:

§ 117.1097 Sheboygan River.

The draw of the Eighth Street bridge, mile 0.69 at Sheboygan, shall open as follows:

(a) From May 1 through October 31—
(1) Between the hours of 6:00 a.m. and 10:00 p.m., the bridge shall open on signal, except that:

(A) From 6:10 a.m. to 7:10 p.m., Monday through Saturday, the draw need open only at 10 minutes after the hour, on the half-hour, and 10 minutes before the hour; and

(B) From Monday through Friday, except Federal holidays, the draw need not open between 7:30 a.m. and 8:30 a.m., between 12:00 p.m. and 1:00 p.m., and between 4:30 p.m. and 5:30 p.m.

(2) Between the hours of 10:00 p.m. and 6:00 a.m., the draw shall open on signal if at least 2 hours advance notice is provided.

(b) From November 1 through April 30, the draw shall open on signal if at least 12 hours advance notice is provided.

(c) At all times, the draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety, vessels in distress, vessels seeking shelter from rough weather, or any other emergency.

Dated: May 2, 1998.

J.F. McGowan,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 98-14702 Filed 6-2-98; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

Glacier Bay National Park, Alaska; Commercial Fishing Regulations and Environmental Assessment

AGENCY: National Park Service, Interior.

ACTION: Proposed rule and environmental assessment, extension of public comment period.

SUMMARY: The National Park Service (NPS) announces that the public comment period for the proposed rule concerning commercial fishing at Glacier Bay National Park and the associated environmental assessment

(EA) is being extended 169 days to November 15, 1998. The proposed rule was published on April 16, 1997 (62 FR 18547). This is the third extension of the public comment period on the proposed rule.

The proposed rule, intended to provide a framework for enhanced review and comment by all interested parties, would implement fair measures to ensure protection of the values and purposes of Glacier Bay NP, including the preservation, enjoyment, and scientific value of the park's unique marine ecosystem. In general, the proposed rule would prohibit all commercial fishing in Glacier Bay proper but provide certain limited exemptions over a 15 year phase-out period, and authorize established commercial fishing in the park's marine waters outside Glacier Bay proper subject to reexamination at the end of 15 years.

DATES: Comments on the proposed rule and EA will be accepted through November 15, 1998.

ADDRESSES: Comments on the proposed rule and EA should be submitted to: Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826.

Copies of the environmental assessment and an executive summary are available by writing Glen Yankus, National Park Service, Alaska Support Office, 2525 Gambell St., Anchorage, AK 99503-2838. A copy of the Executive Summary for the EA will be available on the park's web site at <http://www.nps.gov/glba> in the management issues section.

FOR FURTHER INFORMATION CONTACT: Glen Yankus, National Park Service, Alaska Support Office, (907) 257-2645.

Dated: May 28, 1998.

Chris Andress,

Chief, Ranger Activities Division.

[FR Doc. 98-14624 Filed 6-2-98; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900-AI92

Loan Guaranty: Requirements for Interest Rate Reduction Refinancing Loans

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans

Affairs (VA) loan guaranty regulations concerning the requirements for Interest Rate Reduction Refinancing Loans (IRRRLs) by generally limiting these loans to instances where the veteran's monthly mortgage payment will decrease, and by requiring that the loans being refinanced either be current in their payments or meet certain credit standard provisions. This appears to be necessary to ensure that these loans are made only when they provide a real benefit to the veteran, and to protect the financial interest of the Government.

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

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (O2D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-AI92." All written comments received will be available for public inspection at the above address, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Ms. Judith Caden, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-7368.

SUPPLEMENTARY INFORMATION: Under the authority of 38 U.S.C. chapter 37, VA guarantees loans made by lenders to eligible veterans to purchase, construct, improve, or refinance their homes (the term veteran as used in this document includes any individual defined as a veteran under 38 U.S.C. 101 and 3701 for the purpose of housing loans). This document proposes to amend VA's loan guaranty regulations by revising the requirements for VA-guaranteed Interest Rate Reduction Refinancing Loans (IRRRLs).

This proposed rule addresses the same issues that were addressed in an interim final rule which was established in a document published in the **Federal Register** on October 8, 1997 (62 FR 52503) and rescinded in a document published in the **Federal Register** on December 1, 1997 (62 FR 63454). The interim final rule requested comments. The comments submitted in response to the interim final rule, in addition to those comments received in response to this proposed rule, will be considered and will be discussed in the final rule document. Also, we note that every lender that participates in the VA home loan guarantee program was sent a copy of the provisions of the interim final

rule and information about the rescission. Further, information about this proposed rule is also included on the VA Home Loan Guaranty Home Page on the Internet (<http://www.va.gov/vas/loan/lenders.htm>).

Background

IRRRLs are designed to assist veterans by allowing them to refinance an outstanding VA-guaranteed loan with a new loan at a lower rate. The provisions of 38 U.S.C. 3703(c)(3) and 3710(e)(1)(C) allow the veteran to do so without having to pay any out-of-pocket expenses. The veteran may include in the new loan the outstanding balance of the old loan plus reasonable closing costs, including up to two discount points. Over the years, IRRRLs have provided nearly one million veterans an opportunity to reduce the interest rates and, thus, the monthly payments on their home mortgages.

We have recently learned that a small number of lenders have been urging veterans to apply for loans under conditions that increase the risk of loss to both the veteran and the Government, and do not provide the benefit that IRRRLs were enacted to give. In some cases, these loans involve exorbitant costs in relation to the small reduction in the interest rate. Thus, veterans actually experience an increase in their monthly payment notwithstanding the lower rate. In other cases, lenders are urging veterans to default on their current loan, then refinance the delinquent loan with a new loan including the past due interest and late charges.

In one case, a veteran obtained a 30-year loan for a new home in Georgia in August of 1994. The fixed-rate mortgage was for \$90,270 (including funding fee) at an interest rate of 9.00 percent with a principal and interest payment of \$726.33. In May of 1997 he obtained an IRRRL with an interest rate of 8.50 percent. This loan was for \$97,800 and has a principal and interest payment amount of \$752.00. The loan included \$3676.41 in allowable closing costs, 2.0 discount points totaling \$1956.00 and the VA funding fee of \$486.00. The remaining amount of the new loan, \$91,681.59, exceeds the original loan amount by \$1411.59 and means that at least that amount in delinquent payments and late charges were also rolled in, further increasing both the new loan and the new loan payment. Thus, 2 years and 9 months after buying the house the veteran again has a full 30 years to pay, has a home loan that has increased by \$7530.00, and has a monthly payment approximately \$26.00 greater than the original payment.

In order to assist veterans who were delinquent on their original loan to refinance to a lower rate, VA permitted them to include their past due payments in the new loan. Because loan instruments normally provide that any past due interest and late charges are capitalized and added to the loan balance, VA considered such past due charges to be part of "the balance of the loan being refinanced" and, therefore, eligible to be refinanced under the provisions of 38 U.S.C. 3710(e)(1). Some lenders have abused this interpretation by actually encouraging veterans to skip a few payments on the old loan. VA has become aware of a number of lenders publishing advertisements telling veterans to skip two or three house payments. Ads VA has viewed contain statements such as: "Need Holiday Cash? Skip two mortgage payments on VA loans when you refinance." "[I]f you simply wish to skip making one or two payments to utilize the cash for other purposes." "SKIP TWO HOUSE PAYMENTS!!" "SKIP UP TO THREE PAYMENTS * * * on all applications received prior to May 31, 1997 * * * your next payment will not be due until July, freeing up cash for the upcoming summer vacations." "Furthermore, you can skip up to three months payments * * *. This will represent a substantial amount of money you can put in your pocket."

In order to insure that IRRRLs continue to provide a true benefit to the veteran, and to protect the financial interest of the Government, we are proposing to make the changes discussed below to the IRRRL program by revising the provisions of 38 CFR 36.4306a and 36.4337(a).

Monthly Payment Reduction

Under the proposal, we generally would require that the monthly payment (principal and interest) on the new loan be lower than the monthly payment on the loan being refinanced. This would prevent cases in which the veteran's monthly payment actually increases because of extensive costs added to the loan (including closing costs), even though the interest rate is lowered slightly. However, this proposed requirement would not apply to four situations where VA believes that other factors offset the risk of loss from an increase in monthly payment. These four situations are cases in which an ARM is being refinanced with a fixed-rate loan; cases in which the term of the new loan is shorter than the term of the loan being refinanced; cases in which the increase in monthly payment is attributable to the inclusion of energy efficient improvements, as provided in

§ 36.4336(a)(4); and cases in which the Secretary approves the new loan, on a case-by-case basis, in order to prevent an imminent foreclosure. With regard to ARMs, there is already a possibility that the monthly payment will increase in future years. The certainty that the payment on the new loan will not increase in future years offsets the increased risk associated with the immediate increase over the veteran's current payment. VA may establish limits on the amount of such increase in future rulemaking. Although the monthly payments on shorter term loans are higher, they amortize faster, thus reducing the risk of loss to both the veteran and the Government. In future rulemaking, VA may address minimum term reduction. Current law allows veterans to include additional costs of energy efficient improvements in IRRRLs; thus, this exception would merely continue current law. Finally, with regard to imminent foreclosure, the risk of loss to the Government and veteran from such foreclosure could be greater than permitting a new loan at a higher monthly payment. VA would have to approve each such loan on a case-by-case basis under existing credit underwriting standards set forth at 38 CFR 36.4337 to ensure that it is in the best interest of the Government and that the veteran is able to afford the new payment.

Delinquent Loans

We are proposing, with respect to delinquent loans, that in any case where the loan being refinanced is delinquent, the new loan will be guaranteed only if it is approved by the Secretary in advance after determining that the veteran has provided reasons for the loan deficiency, has provided information to establish that the cause of the delinquency has been corrected, and qualifies for the loan under the credit standards contained in 38 CFR 36.4337. We are also proposing, consistent with industry standards, to state that a loan is delinquent if the scheduled monthly payment of principal and interest is more than 30 days past due.

Regardless of other factors affecting loan-to-value ratio, any addition of missed payments and delinquent interest and late charges to a loan would increase the loan-to-value ratio and, consequently, would raise the Government's potential liability on a VA-guaranteed loan. Further, missed payments raise questions regarding the ability of the borrower to make future payments. Under these circumstances, the proposed process appears to be

necessary to protect the interest of the Government.

Also, the proposed rule would clarify the regulations to make clear the existing VA interpretation that delinquent interest and late charges are considered part of the balance of the loan being refinanced.

Credit Underwriting Standards

In addition, we propose to make a conforming amendment to 38 CFR 36.4337. That section contains the current credit underwriting standards. Currently, paragraph (a) of that section provides that the standards do not apply to IRRRLs. We are proposing to amend this to state the standards do not apply to IRRRLs unless under 38 CFR 36.4306a the loan must be submitted to VA for prior approval. As discussed above, under the proposal, loans to prevent imminent foreclosure where the monthly payment on the new loan exceeds the payments on the loan being refinanced, and cases where the loan being refinanced is delinquent, would be required to be approved in advance.

Executive Order 12866

This proposed rule has been reviewed by OMB under Executive Order 12866.

Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis is provided to meet the requirements of the Regulatory Flexibility Act. (5 U.S.C. 601 *et seq.*)

a. A description of the reasons why action by VA is being considered.

Response: These reasons are set forth and discussed above.

b. A succinct statement of the objectives of, and legal basis for, the proposed rule.

Response: The objectives of this proposed rule are to insure that IRRRLs continue to provide a real benefit to veterans and to protect the financial interest of the Government.

The legal basis of the proposed rule is contained in 38 U.S.C. 3703(c)(1), which provides that "Loans guaranteed (by VA) * * * shall be payable upon such terms and conditions as may be agreed upon by the parties thereto, subject to the provisions of this chapter and regulations of the Secretary issued pursuant to this chapter * * *." The provisions of 38 U.S.C. 3710(a)(8) authorize VA to guarantee loans to veterans to refinance existing guaranteed mortgage loans which are secured by a dwelling or farm residence and still owned by the veteran. Furthermore, 38 U.S.C. 3710(e)(1)(C) provides, with respect to IRRRLs, that the loan balance may include such closing costs (including discounts) "as

may be authorized by the Secretary (under regulations which the Secretary shall prescribe)."

The intent of Congress in amending 38 U.S.C. chapter 37 to permit veterans to refinance outstanding loans previously guaranteed by VA is spelled out in a House Veterans Affairs Committee Report (Report 96-1165 which accompanied H.R. 7458). This Report at page 3 stated that the IRRRL program is "solely intended to assist veterans by allowing their monthly payments to be reduced" and that "a veteran would not be permitted under th[is legislation] to obtain cash from the proceeds of the refinancing loan for other purposes."

c. A description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply.

Response: The proposed rule would apply to all lenders who make VA IRRRLs. In Fiscal Year 1997, 1476 lenders made at least one IRRRL. We believe a number of these lenders are small entities; however, we are unable to make an informed estimate of the number because we do not know how much of the total business each of the lenders would be affected by the adoption of this proposed rule.

d. A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which would be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

Response: Any reporting or recordkeeping requirements are discussed in the Paperwork Reduction Act portion of this document. The requirements of the proposed rule are set forth above. As noted above, we are unable to make an informed estimate of the number of small entities that would be affected by the adoption of the proposed rule. To comply with the provisions of the proposed rule, employees of lenders would not need any professional skills that would be additional to those skills already needed to process IRRRLs.

e. An identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

Response: We are unaware of any Federal rules which may duplicate, overlap or conflict with the proposed rule.

f. A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize

any significant economic impact of the proposed rule on small entities.

Response: Generally, limiting IRRRLs to instances where the veteran's monthly mortgage payment will decrease and requiring that the loans being refinanced either be current in their payments or meet certain credit standard provisions is intended to ensure that IRRRLs are made only when they provide a real benefit to the veteran and to protect the financial interest of the Government. One alternative would be to allow IRRRLs to be made only when the veteran's monthly mortgage payment would decrease. However, as explained above, this document proposes to establish exceptions in those cases when it appears that the objectives could still be met. Another alternative would be to require that all IRRRLs meet the credit standard provisions. However, as explained above, we believe this is necessary only when the loan is delinquent. We are aware of no alternatives which could be considered that would allow the objectives to be met and provide less stringent rules for small businesses.

The adoption of the proposed rule would not have a significant impact on the resources available to small entities. The type of actions that would be required are the same or similar to types of actions already being handled by employees of small entities.

We are unaware of any alternatives that would accomplish the intended purposes. Further, we are unaware of any changes we could consider regarding clarification, consolidation, or simplification that could be made for small entities and still protect veterans and the interests of the Government. The proposed rule does not include performance standards because we believe there is no means to ensure compliance without design standards. Further, we believe there is no good reason for any lender to act contrary to the proposed rule.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), a collection of information is set forth in the provisions of the proposed § 36.4306a(a)(3) and (a)(5). In this regard, these provisions require the submission of information concerning IRRRLs to refinance delinquent loans and require the submission of information to establish that they meet credit standards set forth in 38 CFR 36.4337. The credit standards in § 36.4337 prescribe the information to be submitted for approval of a VA loan guaranty and contains material which further explains the quality of the

information needed for approval. As required under section 3507(d) of the Act, VA has submitted a copy of this proposed rulemaking action to the Office of Management and Budget (OMB) for its review of the collection of information.

OMB assigns control numbers to collections of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments on the collections of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Comments should indicate that they are submitted in response to "RIN 2900-A192."

Title: Requirements for Certain Interest Rate Reduction Refinancing Loans.

Summary of collection of information: Pursuant to 38 U.S.C. 3710, VA may guarantee loans to veterans to refinance existing mortgage loans previously guaranteed by VA provided the veteran still owns the property used as security for the loan. Lenders must collect certain information concerning the veteran and the veteran's credit history (and spouse or other co-borrower, as applicable), in order to properly underwrite the IRRRL. Collection of this type of information is normal business practice for mortgage lenders.

Description of need for information and proposed use of information: VA requires the lender to provide the Department with the credit information to assure itself that IRRRLs to refinance loans that are delinquent are underwritten in a reasonable and prudent manner.

Description of likely respondents: Mortgage lenders who make IRRRLs.

Estimated number of respondents: 350 in FY 1998; 350 in FY 1999.

Estimated frequency of responses: This is a "one-time" request for each application for an IRRRL.

Estimated average burden per collection: 30 minutes.

Estimated total annual reporting and recordkeeping burden: 175 hours in FY 1998 and 175 hours in FY 1999.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary

for the proper performance of the functions of the Department, including whether the information will have practical utility;

- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the proposed collection of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulations.

The Catalog of Federal Domestic Assistance Program number is 64.114.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Indians, Individuals with disabilities, Loan programs-housing and community development, Loan programs-Indians, Loan programs-veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

Approved: May 19, 1998.

Togo D. West, Jr.,
Secretary.

For the reasons set out in the preamble, 38 CFR part 36 is proposed to be amended as set forth below.

PART 36—LOAN GUARANTY

1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501, 3701–3704, 3707, 3710–3714, 3719, 3720, 3729, 3762, unless otherwise noted.

2. In § 36.4306a, paragraphs (a)(3) through (a)(5) are revised and paragraphs (a)(6) and (a)(7) are added, to read as follows:

§ 36.4306a Interest rate reduction refinancing loan.

(a) * * *

(3) The monthly principal and interest payment on the new loan must be lower than the payment on the loan being

refinanced, except when the term of the new loan is shorter than the term of the loan being refinanced; or the new loan is a fixed-rate loan that refinances a VA-guaranteed adjustable rate mortgage; or the increase in the monthly payments on the loan results from the inclusion of energy efficient improvements, as provided by § 36.4336(a)(4); or the loan is approved by the Secretary in advance after determining that the new loan is necessary to prevent imminent foreclosure and the veteran qualifies for the new loan under the credit standards contained in § 36.4337.

(4) The amount of the refinancing loan may not exceed:

(i) An amount equal to the balance of the loan being refinanced, which must not be delinquent, except in cases described in paragraph (a)(5) of this section, and such closing costs as authorized by § 36.4312(d) and a discount not to exceed 2 percent of the loan amount; or

(ii) In the case of a loan to refinance an existing VA-guaranteed or direct loan and to improve the dwelling securing such loan through energy efficient improvements, the amount referred to with respect to the loan under paragraph (a)(4)(i) of this section, plus the amount authorized by § 36.4336(a)(4).

(Authority: 38 U.S.C. 3703, 3710)

(5) In any case where the loan being refinanced is delinquent (delinquent means that the scheduled monthly payment of principal and interest is more than 30 days past due), the new loan will be guaranteed only if it is approved by the Secretary in advance after determining that the borrower, through the lender, has provided reasons for the loan deficiency, has provided information to establish that the cause of the delinquency has been corrected, and qualifies for the loan under the credit standards contained in § 36.4337. In such cases, the term "balance of the loan being refinanced" shall include any past due installments, plus allowable late charges.

(6) The dollar amount of guaranty on the 38 U.S.C. 3710(a)(8) or (a)(9)(B)(i) loan may not exceed the original dollar amount of guaranty applicable to the loan being refinanced, less any dollar amount of guaranty previously paid as a claim on the loan being refinanced; and

(7) The term of the refinancing loan (38 U.S.C. 3710(a)(8)) may not exceed the original term of the loan being refinanced plus ten years, or the maximum loan term allowed under 38 U.S.C. 3703(d)(1), whichever is less. For manufactured home loans that were

previously guaranteed under 38 U.S.C. 3712, the loan term, if being refinanced under 38 U.S.C. 3710(a)(9)(B)(i), may exceed the original term of the loan but may not exceed the maximum loan term allowed under 38 U.S.C. 3703(d)(1).

(Authority: 38 U.S.C. 3703(c)(1), 3710(e)(1))

* * * * *

3. In § 36.4337, paragraph (a) is revised to read as follows:

§ 36.4337 Underwriting standards, processing procedures, lender responsibility and lender certification.

(a) *Use of standards.* The standards contained in paragraphs (c) through (j) of this section will be used to determine that the veteran's present and anticipated income and expenses, and credit history are satisfactory. These standards do not apply to loans guaranteed pursuant to 38 U.S.C. 3710(a)(8) except for cases where the Secretary is required to approve the loan in advance under § 36.4306a.

(Authority: 38 U.S.C. 3703, 3710)

* * * * *

[FR Doc. 98-14644 Filed 6-2-98; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 159

[OPP-60010I; FRL-5792-1]

RIN 2070-AB50

Reporting Requirements for Risk/Benefit Information, Final Rule and Corrections; Notification to the Secretary of Agriculture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification to the Secretary of Agriculture.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of Agriculture a final regulation and notice of corrections under section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The rule is to make a minor amendment and several technical corrections to the final regulations published on September 19, 1997 (62 FR 49370)(FRL-5739-1) which codified EPA's interpretation and enforcement policy regarding the requirement of pesticide registrants to report information concerning unreasonable adverse effects of their products as mandated in section 6(a)(2) of FIFRA. EPA is issuing a final rule to amend the definition of a registrant in the

regulation to comport with that which is in the statute. The Agency is also making several technical corrections to the regulation for clarification purposes.

FOR FURTHER INFORMATION CONTACT: by mail: Carol Peterson, Policy and Regulatory Services Branch, Field and External Affairs Division (7506C), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, e-mail address: Room 1114D, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA; telephone number: 703-305-6598; e-mail address: peterson.carol@epa.gov.

SUPPLEMENTARY INFORMATION: Section 25(a)(2) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture a copy of any final regulation at least 30 days before signing it for publication in the **Federal Register**. If the Secretary comments in writing regarding the final regulation within 15 days after receiving it, the Administrator shall issue for publication in the **Federal Register**, with the final regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime thereafter.

I. Regulatory Assessment Requirements

This action does not impose any requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). In addition, since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

II. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. 804(3).

List of subjects

Environmental protection, Pesticides and pest, Policy statements, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 136 *et seq.*

Dated: May 21, 1998.

Stephen L. Johnson,

Acting Director, Office of Pesticide Programs.

[FR Doc. 98-14438 Filed 6-2-98; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Chapter IV

[HCFA-3250-NOI]

RIN 0938-A192

Medicare Program; Coverage and Administrative Policies for Clinical Diagnostic Laboratory Tests; Intent to Form Negotiated Rulemaking Committee

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of Intent to Form Negotiated Rulemaking Committee and Notice of Meetings.

SUMMARY: The Balanced Budget Act of 1997 requires the Secretary to establish a Negotiated Rulemaking Committee under the Negotiated Rulemaking Act and the Federal Advisory Committee Act. The Negotiated Rulemaking Committee's (the Committee) purpose will be to negotiate national coverage and administrative policies for clinical diagnostic laboratory tests under Part B of the Medicare program as required by the Balanced Budget Act of 1997 (BBA). The Committee will consist of representatives of interested parties that are likely to be significantly affected by the proposed rule. The Committee will be assisted by a neutral facilitator.

The BBA outlines the scope of issues to be negotiated by the Committee. We specifically request public comment as to whether we have identified the interests that will be affected by key issues listed below.

DATES: Comments and requests for representation or for membership on the