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Wednesday
June 24, 1998

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Presidential Documents

Title 3—

The President

Presidential Determination No. 98–30 of June 15, 1998

Report to Congress Regarding Conditions in Burma and U.S. Policy Toward Burma

Memorandum for the Secretary of State

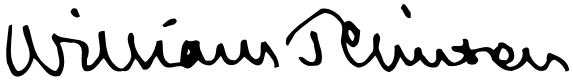
Pursuant to the requirements set forth under the heading ''Policy Toward Burma'' in section 570(d) of the FY 1997 Foreign Operations Appropriations Act, as contained in the Omnibus Consolidated Appropriations Act (Public Law 104–208), a report is required every 6 months following enactment concerning:

1) progress towards democratization in Burma;

2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and

3) progress made in developing a comprehensive multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialogue between the State Peace and Development Council (SPDC) and democratic opposition groups in Burma.

You are hereby authorized and directed to transmit the attached report fulfilling this requirement to the appropriate committees of the Congress and to arrange for publication of this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, June 15, 1998.

[FR Doc. 98–16984
Filed 6–23–98; 8:45 am]
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Rules and Regulations

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 317 and 335

RIN 3206–AH92

Employment in the Senior Executive Service; Promotion and Internal Placement

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to correct existing regulations which are inconsistent with statutory provisions governing the 120-day moratorium on involuntary reassignments of career Senior Executive Service (SES) appointees following the appointment of a new agency head or a new noncareer immediate supervisor; and to authorize agencies to reinstate SES career appointees who have competitive service reinstatement eligibility to career appointments in any competitive service position for which qualified, including Senior Level (SL) positions.

EFFECTIVE DATE: July 24, 1998.

COMMENTS DUE: August 24, 1998.

ADDRESSES: Send or deliver comments to Ms. K. Joyce Edwards, Assistant Director for Executive Policy and Services, Office of Executive Resources, Room 6484, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Mr. Bede Bender (202) 606–1784.

SUPPLEMENTARY INFORMATION:

120-Day Moratorium on Involuntary Reassignments

The law in 5 U.S.C. 3395(e)(1) provides for a 120-day moratorium on involuntary reassignments of SES career appointees following the appointment of a new agency head or the career appointee's most immediate supervisor who is a noncareer appointee and who has the authority to make an initial appraisal of the career appointee's performance. The law also provides in § 3395(e)(2) for an exception to the moratorium by permitting involuntary reassignments during the 120-day period when the reassignment results from a final unsatisfactory performance rating issued prior to the appointment that triggered the moratorium. In situations which meet this criterion for exception, it does not matter if a new agency head or noncareer supervisor (with authority to make an initial performance appraisal) is appointed subsequently, i.e., after issuance of a final unsatisfactory performance rating, nor does it matter if there has been a change in the agency official responsible for taking the reassignment action (the language of the current regulation). The reassignment action may proceed if the conditions for the exception are met.

In instances where there is a change in agency head, it is possible that career appointees will be subject to more than one moratorium—which almost certainly will not run concurrently but may overlap to some degree, i.e., appointment of a new agency head often results in some turnover among noncareer appointees. When applying the regulation in these instances, it is important to look at the starting date of each moratorium independently, in relation to the date on which the unsatisfactory rating was issued. For example, if a final rating of unsatisfactory is issued after the appointment of a new agency head, the moratorium initiated by that appointment must be allowed to run its course before any involuntary reassignment action can be effected. If a new noncareer supervisor is appointed after the new agency head, and also after the issuance of the unsatisfactory rating (i.e., when the rating is issued between the appointment of the new agency head and the new noncareer supervisor), then the second moratorium (i.e., the moratorium triggered by the appointment of the new noncareer supervisor) does not apply to an involuntary reassignment resulting from the unsatisfactory rating.

Conversion From Career SES to Career SL Appointment

Senior Level (SL) positions established under 5 CFR Part 319 are in the competitive service and are covered by OPM regulations governing the competitive service generally. Currently, under 5 CFR 335.103(c)(1)(vi), agencies must follow competitive procedures in agency merit promotion plans in order to reinstate a person to a permanent or temporary position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service. This means that career SES members may be reinstated to competitive service positions only at the same grade or pay level as the highest position they held previously in the competitive service.

By law, SES and SL positions are above the GS–15 level. In nearly all cases, career SES appointees have already competed at least Governmentwide. This regulatory change will recognize that fact by permitting reinstatement of career SES appointees to competitive service positions above the GS–15 level.

Waiver of Notice of Proposed Rulemaking

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking for the following reasons: (1) The purpose of the interim regulations pertaining to the 120-day moratorium on involuntary reassignments is to correct existing regulations which are inconsistent with statutory provisions governing the involuntary reassignment of career Senior Executive Service appointees. Because this change is taken directly from statute, public comment is unnecessary. (2) The provision pertaining to conversion of SES career to Senior Level career appointments was originally incorporated in proposed Promotion and Internal Placement regulations published in the **Federal Register** on February 20, 1996, in Volume 61, Number 34, page 6327. No comments were received pertaining to the proposed regulatory change.

Regulatory Flexibility Act

I certify that this regulation will not have a significant impact on a substantial number of small entities

because it pertains only to Federal agencies and employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Parts 317 and 335

Government employees.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

Accordingly, OPM is amending 5 CFR part 317 as follows:

PART 317—EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE

1. The authority citation for part 317 continues to read as follows:

Authority: 5 U.S.C. 3392, 3393, 3393a, 3395, 3397, 3593, and 3595.

2. In § 317.901, the text in paragraph (c) and (c)(1) is republished for the convenience of the reader, paragraph (c)(2) is revised to read as follows:

§ 317.901 Reassignments.

* * * * *

(c) A career appointee may not be involuntarily reassigned within 120 days after the appointment of the head of an agency, or within 120 days after the appointment of the career appointee's most immediate supervisor who is a noncareer appointee and who has the authority to make an initial appraisal of the career appointee's performance under subpart C of part 430 of this chapter.

(1) *In this paragraph—*

(i) *Head of an agency* means the head of an executive or military department or the head of an independent establishment.

(ii) *Noncareer appointee* includes an SES noncareer or limited appointee, an appointee in a position filled by Schedule C, or an appointee in an Executive Schedule or equivalent position that is not required to be filled competitively.

(2) These restrictions do not apply to the involuntary reassignment of a career appointee under 5 U.S.C. 4314(b)(3) based on a final performance rating of ''Unsatisfactory'' that was issued before the appointment of a new agency head or a new noncareer supervisor as defined in paragraph (c)(1) of this section. If a moratorium is already underway at the time the final rating is issued, then that moratorium must be completed before the reassignment action can be effected.

PART 335—PROMOTION AND INTERNAL PLACEMENT

2. The authority citation for part 335 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302, 3330, and E.O. 10577 (3 CFR 1957–58 Comp., p. 218).

3. In § 335.103(c)(3) the text is republished for the convenience of the reader, a new paragraph (c)(3)(vii) is added to read as follows.

§ 335.103 Agency Promotion Programs.

* * * * *

(c) * * *

(3) *Discretionary actions.* Agencies may at their discretion except the following actions from competitive procedures of this section:

* * * * *

(vii) Appointments of career SES appointees with competitive service reinstatement eligibility to any position for which they qualify in the competitive service at any grade or salary level, including Senior-Level positions established under 5 CFR Part 319—Employment in Senior-Level and Scientific and Professional positions.

[FR Doc. 98–16825 Filed 6–23–98; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF THE INTERIOR

5 CFR Part 3501

43 CFR Part 20

RINS 1090–AA38, 3209–AA15

Supplemental Standards of Ethical Conduct for Employees of the Department of the Interior and Residual Employee Responsibilities and Conduct Regulations

AGENCY: Department of the Interior (Department).

ACTION: Final rule.

SUMMARY: The Department of the Interior, with the concurrence of the Office of Government Ethics (OGE), is issuing a final rule for employees of the Department that supplements the Standards of Ethical Conduct for Employees of the Executive Branch (Standards) issued by OGE. This final rule is a necessary supplement to the Standards because it addresses ethical issues unique to the Department. The final rule adopts prior interim regulations as final, with amendments deleting the provision specifying the title of an employee to serve as the Designated Agency Ethics Official and a typographical correction. The portion of the interim rule concerning the Department's separate employee responsibilities and conduct regulation is being amended by this final rule by changing the reference to the Designated Agency Ethics Official as well and by making technical revisions to the authority citation.

EFFECTIVE DATE: June 24, 1998.

FOR FURTHER INFORMATION CONTACT: Mason Tsai or Linda T. Sullivan, Department Ethics Office, (202) 208–5916.

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1992, the Office of Government Ethics published the Standards of Ethical Conduct for Employees of the Executive Branch (Standards). See 57 FR 35006–35067, as corrected at 57 FR 48557, 57 FR 52583, and 60 FR 51667, and amended at 61 FR 42965–42970 (as corrected at 61 FR 48733), 61 FR 50689–50691 (interim rule revisions adopted as final at 62 FR 12531), and 62 FR 48746–48748, with additional grace period extensions at 59 FR 4779–4780, 60 FR 6390–6391, 60 FR 66857–66858, and 61 FR 40950–40952. The Standards, codified at 5 CFR part 2635 and effective February 3, 1993, establish uniform standards of ethical conduct for executive branch personnel.

On October 16, 1997, the Department, with OGE's concurrence, issued an interim rule with a request for comments, setting forth the Supplemental Standards of Ethical Conduct for Employees of the Department of the Interior and revising the Department's employee responsibilities and conduct regulations at 43 CFR part 20. See 62 FR 53713–53726. The Department's separate employee responsibilities and conduct regulations at 43 CFR part 20 had previously been revised in a final rule published on June 10, 1993 at 58 FR 32446–32449. The interim rule prescribed a 60-day comment period and invited comments from all interested parties. The Department received no comments in response to its requests for comments on the interim rule. The comment period closed on December 15, 1997.

The Department, with OGE's concurrence, is now publishing as final, with a few minor technical amendments, the interim Supplemental Standards of Conduct for Employees of the Department of the Interior and the Department's separate employee responsibilities and conduct interim regulations. The Department has determined that these supplemental regulations are necessary to the success of its ethics program.

II. Analysis of Amendments

This final rule amends two provisions in the interim rule which are located at 5 CFR 3501.101(b)(3) and 43 CFR 20.201(a), respectively, dealing with the designation of the Department's Designated Agency Ethics Official. These two provisions in the interim rule state that ''Designated Agency Ethics Official'' (DAEO) means the Assistant Secretary—Policy, Management and Budget.

Because future administrations and reorganizations may change the position title of the Assistant Secretary—Policy, Management and Budget, or result in the DAEO responsibilities being assigned to an employee in a different position, the Department has determined that it is not practical or cost efficient to publish in this rule the title of the officer who has been assigned the responsibilities of the DAEO. As a result, the final rule in 5 CFR 3501.101(b)(3) has been amended to delete the provision specifying the title of the employee who serves as the DAEO. As the procedure for designation of the DAEO is already referenced in the definition section of the Standards at 5 CFR 2635.102(f), no substitute for the deleted supplemental provision is necessary. In the Department's separate residual regulation at 43 CFR 20.201(a), the final rule has been amended to read that the DAEO means the official designated under 5 CFR 2638.201 to coordinate and manage the Department's ethics program. The authority citation to the Department's residual regulation is also being revised by adding a reference to 5 U.S.C. 7301 and by revising the citation to 43 U.S.C. 31 to 43 U.S.C. 31(a). Other than these amendments to the Department's residual regulation, the final rule adopts the revisions to the Department's residual regulation made in the interim rule without change.

III. Correction of Typographical Error

The Department is also correcting in this final rule a typographical error that appeared in the interim rule which was published in the **Federal Register** on October 16, 1997 (62 FR 53720). The citation mentioned in 5 CFR 3501.105(b)(4)(ii)(E) is incorrect and is being amended to read ''(b)(4)(ii) (A) through (D) of this section.''

IV. Matters of Regulatory Procedure

Executive Order 12886

In promulgating this final rule, the Department has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This regulation has not been reviewed by the Office of Management and Budget under that Executive Order since it deals with agency organization, management, and personnel matters and is not, in any event, deemed ''significant'' thereunder.

Administrative Procedure Act

The Department has found good cause, pursuant to 5 U.S.C. 553(d)(3), for waiving the 30-day delay in effectiveness as to this final rule. The reason for this determination is that it is important that these minor technical amendments effective as soon as possible.

Regulatory Flexibility Act

The Department has determined that these regulations will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 605).

Paperwork Reduction Act

The Department has determined that these regulations do not contain any information collection requirements that require the approval of the Office of Management and Budget pursuant to the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 5 CFR Part 3501 and 43 CFR Part 20

Conflict of interests, Government employees.

Dated: June 11, 1998.

John D. Leshy,

Solicitor, Department of the Interior.

Approved: June 17, 1998.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Department of the Interior, with the concurrence of the Office of Government Ethics, is adopting the interim rule adding 5 CFR chapter XXV, consisting of part 3501, and amending 43 CFR part 20 which was published at 62 FR 53713–53726 on October 16, 1997, as a final rule with the following changes:

CHAPTER XXV—DEPARTMENT OF THE INTERIOR

PART 3501—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR

1. The authority citation for part 3501 continues to read as follows:

Authority: 5 U.S.C. 301, 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); 30 U.S.C. 1211; 43 U.S.C. 11, 31(a); E.O. 12674, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.203(a), 2635.403(a), 2635.803.

§ 3501.101 [Amended]

2. Section 3501.101 is amended by removing paragraph (b)(3) and redesignating paragraphs (b)(4) and (b)(5) as paragraphs (b)(3) and (b)(4), respectively.

§ 3501.105 [Amended]

3. Section 3501.105 is amended by removing the cross-reference ''(c)(4)(ii)(A) through (D)'' in paragraph (b)(4)(ii)(E) and adding in its place the cross-reference ''(b)(4)(ii)(A) through (D)''.

TITLE 43—[AMENDED]

SUBTITLE A—[AMENDED]

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

4. The authority citation for part 20 is revised to read as follows:

Authority: 5 U.S.C. 301, 7301; 5 U.S.C. App. (Reorganization Plan No. 3 of 1950); 30 U.S.C. 1211; 43 U.S.C. 11, 31(a); 5 CFR 2634.903, 2634.905.

5. Section 20.201 is amended by revising paragraph (a) to read as follows:

§ 20.201 Ethics officials.

(a) *Designated Agency Ethics Official* refers to the official designated under 5 CFR 2638.201 to coordinate and manage the Department's ethics program.

* * * * *

[FR Doc. 98–16688 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 50

[Docket No. 98–033–1]

Tuberculosis in Cattle, Bison, and Captive Cervids; Indemnity for Suspects

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations concerning animals destroyed because of tuberculosis to provide for the payment of Federal indemnity to owners of cattle, bison, and captive cervids that have been

classified as suspects for tuberculosis and have been destroyed, when it has been determined by the Animal and Plant Health Inspection Service that the destruction of the suspect animals will contribute to the tuberculosis eradication program in U.S. livestock. We are also amending the regulations to allow the U.S. Department of Agriculture to pay herd owners some of their expenses for transporting the suspect cattle, bison, and captive cervids to slaughter or to the point of disposal, and for disposing of the animals. Prior to this interim rule, owners of cattle, bison, and captive cervids could only receive Federal indemnity for affected and exposed animals destroyed because of tuberculosis, and animals in an affected herd destroyed as part of a herd depopulation. Indemnity for suspects will provide incentive for owners to promptly destroy suspect animals, thereby hastening the diagnosis of tuberculosis in a herd. This interim rule is necessary to ensure continued progress toward eradicating tuberculosis in U.S. livestock.

DATES: Interim rule effective June 17, 1998. Consideration will be given only to comments received on or before August 24, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–033–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–033–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. James P. Davis, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231, (301) 734–5970; or e-mail: jdavis@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis (referred to below as tuberculosis) is a serious communicable disease of cattle, bison, and other species, including humans, caused by *Mycobacterium bovis.* Tuberculosis causes weight loss, general debilitation, and sometimes death. The regulations at 9 CFR part 50, ''Animals Destroyed Because of Tuberculosis'' (the regulations), administered by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (the Department), provide for payment of Federal indemnity to owners of certain cattle, bison, captive cervids, and swine destroyed because of tuberculosis.

As part of the program to control and eradicate tuberculosis in cattle, bison, and captive cervids, the regulations have provided for the payment of indemnity for the destruction of cattle, bison, and captive cervids that are affected with or exposed to tuberculosis. Because the continued presence of tuberculosis in a herd seriously threatens the health of other animals in that herd and possibly other herds, the prompt destruction of tuberculosis-affected and -exposed animals is critical if tuberculosis eradication efforts in the United States are to succeed. Indemnity is intended to provide owners with an incentive for promptly destroying such cattle, bison, and captive cervids.

As set forth in § 50.4 of the regulations, cattle, bison, and captive cervids are classified as affected with tuberculosis on the basis of an intradermal tuberculin test applied by a Federal, State, or an accredited veterinarian, or by another diagnostic procedure approved in advance by the Administrator of APHIS. Cattle, bison, and captive cervids are classified as exposed to tuberculosis when such cattle, bison, and captive cervids (1) are part of a known affected herd, or (2) are found to have moved from an affected herd before the time infection was disclosed in the herd and after the time the herd had apparently become affected, or (3) are found to have been exposed by virtue of nursing from a reactor dam.

Cattle, bison, and captive cervids that respond to an intradermal tuberculin test are not always classified as affected with tuberculosis. Cattle, bison, and captive cervids are classified as affected with tuberculosis based on an intradermal test when they are classified as reactors to that test. The Uniform Methods and Rules—Bovine Tuberculosis Eradication (UMR) (incorporated into the regulations by reference in 9 CFR part 77) contains the requirements for classifying cattle and bison. In accordance with the UMR, in herds of unknown tuberculosis status, an initial response to an intradermal tuberculin test (specifically, the caudal fold test) causes an animal to be classified as a suspect. When an animal is classified as a suspect, the herd is quarantined and a second intradermal tuberculin test (the comparative cervical test) is scheduled. The animal's response to the comparative cervical test is plotted on a scattergram. If the animal's response indicates a suspect classification, another retest is scheduled. The testing schedule for captive cervids is similar to that for cattle and bison. Consequently, cattle, bison, and captive cervids in herds of unknown tuberculosis status are classified as reactors only after at least two, and in many cases three, responses to an intradermal tuberculin test.

Under this testing schedule, an animal may remain a suspect for between 12 and 120 days until the animal tests negative for tuberculosis or a reactor classification is achieved. If a suspect is infected with tuberculosis, this period provides opportunity for the spread of the disease to healthy animals in the herd. If the suspect were destroyed immediately instead of being retested, APHIS could perform a necropsy on the suspect to determine if the animal is infected. This would allow us to diagnose tuberculosis faster and to take other appropriate actions to ensure that the disease is not spread.

Immediate slaughter and necropsy of suspects would be especially valuable in herds that we believe are at an increased risk for tuberculosis infection, such as herds in an area where tuberculosis infection is known to exist in wild animal populations or herds adjacent to an affected herd. The program to eradicate tuberculosis in U.S. cattle, bison, and captive cervids is in its final stages, and we believe total eradication is possible by the year 2002. The most critical element of the program at this point is surveillance of herds that are at an increased risk for tuberculosis infection. Rapid diagnosis of tuberculosis in such herds, made possible by the immediate slaughter of suspects, will be a critical factor in allowing us to achieve our target eradication date of 2002.

Many herd owners elect to keep suspect animals in their herd until testing reveals them to be free of tuberculosis or they are classified as reactors. This is because the regulations have not provided for the payment of indemnity for the destruction of suspect cattle, bison, and captive cervids unless they are part of a known affected herd. We believe that offering indemnity for the destruction of suspects will encourage herd owners to promptly destroy suspect animals. For this reason, we believe it is appropriate at this time to provide for the payment of Federal indemnity to owners of cattle, bison, and captive cervids that have been classified as suspects for tuberculosis and have been destroyed, when it has

been determined by APHIS that the destruction of the suspect animals will contribute to the tuberculosis eradication program in U.S. livestock. We believe that the destruction of suspects would contribute to the tuberculosis eradication program if the suspects are in a herd that we consider to be at an increased risk for tuberculosis infection, such as herds in an area where tuberculosis infection is known to exist in wild animal populations or herds adjacent to an affected herd.

We will not offer the indemnity for the destruction of suspect cattle, bison, or captive cervids in all instances where they are found because the majority of suspect animals are not infected with tuberculosis. Typically, in herds of unknown tuberculosis status, we expect that between two and three percent of cattle and bison tested with the caudal fold intradermal tuberculin test will respond to that test, and subsequently will be classified as suspects. Greater than 95 percent of these responses are false positives, and subsequent testing with more specific tests shows these suspects not to be infected with tuberculosis. The response rate for captive cervids on the single cervical test (the primary intradermal tuberculin test used in captive cervid herds) is similar to that of the caudal fold intradermal tuberculin test for cattle and bison.

In herds that we do not consider to be at an increased risk for tuberculosis, we would expect this response rate and would not usually deem it advantageous to destroy the suspect animals. However, in herds that are at an increased risk of tuberculosis infection, the likelihood of a suspect animal actually being infected with tuberculosis is higher. In such herds, rapid diagnosis would significantly improve our ability to contain the disease. When this is the case, indemnity for destruction of the suspect animals may be offered.

Therefore, we are amending the regulations to provide for the payment of Federal indemnity to owners of cattle, bison, and captive cervids that have been classified as suspects for tuberculosis and have been destroyed, when it has been determined by the Administrator of APHIS that the destruction of the suspect animals will contribute to the tuberculosis eradication program in U.S. livestock. Indemnity will not exceed $450 per animal. Further, the joint State-Federal indemnity payments, plus salvage, may not exceed the appraised value of each animal. We are adding these provisions in a new paragraph (d) to § 50.3, ''Payment to owners for animals destroyed.'' We are also adding a requirement in § 50.3(d) that payment of indemnity for suspects will be withheld until the tuberculosis status of the suspect has been determined and, if the suspect is found to be infected with tuberculosis, all cattle, bison, and captive cervids 2 years of age or over in the herd have been tested for tuberculosis under APHIS or State supervision. This requirement will help ensure that the remainder of the herd is tested for tuberculosis.

We are also adding a new paragraph (c) to § 50.4, ''Determination of existence of or exposure to tuberculosis,'' to describe how cattle, bison, and captive cervids will be classified as suspects for tuberculosis. The new paragraph (c) will state that cattle and bison are classified as suspects for tuberculosis based on a positive response to an official tuberculin test, in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (incorporated into the regulations by reference in part 77); and that captive cervids are classified as suspects for tuberculosis in the same manner as cattle and bison. Because of the addition of suspect classification, we are revising the heading for § 50.4 to read ''Classification of cattle, bison, and captive cervids as affected, exposed, or suspect.''

We are also revising § 50.8, concerning payment of expenses for transporting and disposing of affected and exposed animals, to allow the same payments for suspect cattle, bison, and captive cervids. Some slaughtering establishments refuse to take suspect animals because, if the animals are found to be infected with tuberculosis, restrictions on the use of the meat increase slaughtering costs and reduce the value of the meat. Consequently, some herd owners may have to transport suspect animals long distances in order to find a slaughtering establishment willing to take them. In such cases, the Department may pay some of the expenses for transporting and disposing of the suspect animals, so that owners do not opt to keep their suspect animals in the herd for further testing, rather than pay for long-distance shipping.

Under § 50.8, as amended, the Department may pay herd owners one-half the expenses of transporting suspect cattle, bison, and captive cervids to slaughter or to the point where disposal will take place, and disposing of the animals, provided that the Department may pay more than one-half of the expenses when the Administrator of APHIS determines that doing so will contribute to the tuberculosis eradication program. The APHIS Veterinarian in Charge for the State in which the animals reside must approve the payment in advance in writing. For reimbursement to be made, the owner of the animals must present the APHIS Veterinarian in Charge with a copy of either a receipt for expenses paid or a bill for services rendered. Any bill for services rendered by the owner may not be greater than the normal fee charged by commercial haulers or renderers for similar services. These are the same provisions that currently apply to the transport and disposal of affected and exposed cattle, bison, and captive cervids. In conjunction with this change, we are revising the heading for § 50.8 to read ''Payment of expenses for transporting and disposing of affected, exposed, and suspect animals.''

We are also revising § 50.14, ''Claims not allowed.'' Paragraph (b) of § 50.14 has provided that claims for compensation for cattle, bison, or captive cervids destroyed because of tuberculosis will not be allowed if all cattle, bison, and captive cervids 2 years of age or over in the claimant's herd have not been tested for tuberculosis under APHIS or State supervision. Paragraph (b) has further provided that cattle, bison, and captive cervids destroyed under §§ 50.3(b) and 50.3(c) are exempt from this requirement if the cattle, bison, and captive cervids are given a post-mortem examination for tuberculosis by a Federal or State veterinarian. Section 50.3(b) concerns cattle, bison, and captive cervids destroyed as part of a herd depopulation; 50.3(c) concerns cattle, bison, and captive cervids destroyed because of exposure to tuberculosis.

We are revising § 50.14(b) to also exempt cattle, bison, and captive cervids destroyed under new § 50.3(d) from the requirement that all cattle, bison, and captive cervids 2 years of age or over in the herd must be tested before indemnity may be claimed. Section 50.3(d) is added to the regulations by this document to provide indemnity for certain suspect cattle, bison, and captive cervids. The exemption is necessary in cases where all cattle, bison, and cervids in the herd have not been tested, but it is still advantageous to destroy the suspect animal. As in new § 50.3(d), revised § 50.14(b) will require that if the suspect is found to be infected with tuberculosis, the remainder of the herd must be tested for tuberculosis if indemnity is to be paid.

Miscellaneous Change

The regulations at 9 CFR part 50 provide for the payment of Federal indemnity to owners of certain cattle,

bison, cervids, and swine destroyed because of tuberculosis. On April 4, 1996, we published a proposed rule in the **Federal Register** (61 FR 14982–14999, Docket No. 92–076–1) to add interstate movement and testing requirements for cervids to 9 CFR part 77. Comments we received on the proposal for part 77 brought to our attention that the proposed regulations for interstate movement and testing of cervids could be interpreted to apply to wild cervids. While we have not published a final rule regarding part 77, we are adding the term ''captive'' before ''cervid'' each time it appears in part 50 to clarify our intent.

In § 50.1, a captive cervid is defined to mean ''All species of deer, elk, and moose raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition.'' In the final rule for part 77, based on comments received, we are considering revising the definition for captive cervid to read: ''All species of deer, elk, moose, and all other members of the family Cervidae raised or maintained in captivity for the production of meat and other agricultural products, for sport, or for exhibition. A captive cervid that escapes will continue to be considered a captive cervid as long as it bears an official eartag or other identification approved by APHIS with which to trace the animal back to its herd of origin.'' If we do add this definition of captive cervid to part 77, we propose to revise the definition of captive cervid in part 50 to be consistent with part 77.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to facilitate the prompt removal and destruction of certain suspect cattle, bison, and captive cervids from U.S. livestock herds. Further, immediate action will give the agency time to utilize funds designated for tuberculosis indemnity purposes in fiscal year 1998 to pay indemnity for suspects before the end of the fiscal year. Prompt destruction of suspect animals will help ensure continued progress toward eradicating tuberculosis in the U.S. livestock population.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

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

This interim rule amends the regulations concerning animals destroyed because of tuberculosis to provide for the payment of Federal indemnity to owners of cattle, bison, and captive cervids that have been classified as suspects for tuberculosis and have been destroyed, when it has been determined by APHIS that the destruction of the suspect animals will contribute to the tuberculosis eradication program in U.S. livestock. This rule also allows the U.S. Department of Agriculture to pay herd owners some of their expenses for transporting the suspect cattle, bison, and captive cervids to slaughter or to the point of disposal, and for disposing of the animals. Prior to this interim rule, owners of cattle, bison, and captive cervids could only receive Federal indemnity for affected and exposed animals destroyed because of tuberculosis, and for animals in an affected herd destroyed as part of a herd depopulation. Indemnity for suspects will provide incentive for owners to promptly destroy suspect animals, thereby hastening the diagnosis of tuberculosis in a herd. This interim rule is necessary to ensure continued progress toward eradicating tuberculosis in U.S. livestock.

The U.S. livestock industry relies on healthy animals for its economic well being. The well being of the overall U.S. economy depends, in turn, partly on a healthy livestock industry. The industry's role in the economy is relatively significant. For example, the total value of U.S. livestock output in 1991 was $66.6 billion, about half of the value of all agricultural production in the United States that year. The value of live animal exports and exports of meat products totaled $4.3 billion in 1991, equivalent to 10 percent of the value of all U.S. agricultural exports that year. In 1997, the value of live cattle, beef, and veal exports alone was approximately $2.6 billion.

In 1997, there were 1,167,910 U.S. operations with cattle and bison, and the inventory of cattle and bison at the end of that year stood at 101.2 million head. The value of cattle and bison in the United States in 1997 was approximately $53 billion. Additionally, there were approximately 1600 cervid producers in the United States in 1997, raising about 125,000 deer and elk valued at about $150 million. Over 97 percent of the 1,167,910 cattle and bison operations in 1997 had a gross income of less than $500,000, classifying them as small businesses. For cervid operations, holdings vary in size and degree of commercialization, with many producers relying on other sources of income. Most, if not all, U.S. cervid operations earn less than $500,000 annually and would be considered small businesses.

Recent studies on the economic impact of a tuberculosis epidemic in U.S. livestock are not available. However, an earlier study indicates that the impact would be significant. A comprehensive computer model developed by Canada in 1979 indicates that, if the tuberculosis eradication program were discontinued, annual losses in the United States would amount to over $1 billion. Another study, conducted in 1972, concluded that the benefits of the tuberculosis eradication program exceeded costs by a 3.64 to 1 margin.

Under this interim rule, owners of cattle, bison, and captive cervids that have been classified as suspects for tuberculosis and have been destroyed will be eligible to receive up to $450 in indemnity per animal, when it has been determined by APHIS that the destruction of the suspect animals will contribute to the tuberculosis eradication program in U.S. livestock.

Table 1 shows our expected indemnity payments under the tuberculosis eradication program for cattle, bison, and captive cervids for FY 1998 if we did not offer the indemnity for suspects provided by this interim rule.

TABLE 1.—FY 1998 PAYMENTS WITHOUT INDEMNITY FOR SUSPECTS

Indemnity paid for reactors (300 animals at $750 each)	$225,000
Indemnity paid for exposed animals for herd depopulation (300 animals at $450 each)	135,000
Total estimated indemnity for FY 1998 without indemnity for suspects	360,000

We estimate that the number of suspect animals that herd owners choose to slaughter as a result of being

able to receive indemnity will reduce the number of reactor animals by one half. This will result in a savings on the amount of indemnity paid for reactors. We estimate that approximately 250 suspect cattle, bison, and captive cervids will be eligible for indemnity under this interim rule in FY 1998. However, because of the reduced number of indemnity payments for destruction of reactors, we do not expect this interim rule to increase the total indemnity paid annually under the tuberculosis eradication program. Table 2 shows our expected indemnity payments in FY 1998 if we do offer the indemnity for suspects provided by this interim rule.

TABLE 2.—FY 1998 PAYMENTS WITH INDEMNITY FOR SUSPECTS

Indemnity paid for reactors (150 animals at $750 each)	$112,500
Indemnity paid for suspects (200–250 animals at $450 each)	90,000–112,500
Indemnity paid for exposed animals for herd depopulation (300 animals at $450 each)	135,000
Total estimated indemnity for FY 1998 with indemnity for suspects	337,500–360,000

These estimates are for FY 1998 only. However, we believe that costs will be even lower in succeeding years as the prevalence of tuberculosis declines in the United States.

The indemnity offered for suspects under this interim rule will be less than the indemnity currently offered for reactors (reactors qualify for $750 in indemnity; suspects will qualify for $450 in indemnity). Even so, there are other incentives that we believe will cause many herd owners to choose to slaughter their suspect animals and accept the lower indemnity. Foremost is that reactor animals are almost always condemned for public health reasons, whether or not they are found upon examination of the carcass to be infected with tuberculosis, and cannot be sold as meat. If a suspect animal is found upon examination of the carcass to be negative for tuberculosis, it can be sold as meat, so that the owner will get some value from the animal. Generally, cattle to be sold for meat are valued at about $750 per animal; bison and elk are valued at an average of $3500 per animal; good quality fallow does and bucks have an average value of $600.

Offering suspect indemnity will also reduce the amount of required testing, resulting in savings to herd owners. Normally, suspect animals are given additional testing to determine if they are reactors. This additional testing will be eliminated if owners choose to slaughter their suspect animals. Also, herds found to contain reactor animals must undergo additional testing to be released from quarantine. If owners choose to slaughter their suspect animals, the additional testing to release the herd from quarantine will be eliminated, provided that the slaughtered suspect is found negative for tuberculosis upon examination of the carcass. Herd owners incur costs for testing due to the need for extra handling for rounding up animals, and quarantines restrict owners from marketing their animals. The reduction in subsequent testing and extended quarantines will substantially reduce costs for herd owners who choose to slaughter their suspect animals and receive indemnity.

This rule also allows the U.S. Department of Agriculture to pay herd owners one-half the expenses of transporting suspect cattle, bison, and captive cervids to slaughter or to the point where disposal will take place, and disposing of the animals, provided that the Department may pay more than one-half of the expenses when the Administrator of APHIS determines that doing so will contribute to the tuberculosis eradication program. This is necessary in cases where an owner must transport a suspect animal a long distance to a slaughtering facility. The cost of transporting an animal from the quarantine site to a slaughtering facility ranges from $50 to $100 per animal, depending on the distance between the two locations. As stated previously, we estimate that approximately 250 suspect cattle, bison, and captive cervids will be eligible for indemnity under this interim rule in FY 1998. If we assume that the Department will pay one half of the expenses for the transport and disposal of every suspect animal eligible for indemnity in FY 1998, we estimate that APHIS' costs under this portion of the rule will not exceed $7,812.50 in FY 1998 (based on 75 percent of the payments at $25 per animal and 25 percent of the payments at $50 per animal). We expect the Department will rarely determine that it is necessary to pay more than one-half of transport and disposal costs. Further, we do not expect that it will be necessary to offer any transport expenses for the disposal of most suspect animals. We also expect that costs will be lower in succeeding years as the prevalence of tuberculosis in U.S. livestock declines.

Although the benefits of this interim rule (i.e., enhanced values for U.S. livestock, particularly in export markets) are difficult to quantify, those benefits should certainly exceed the cost of the program.

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

Executive Order 12372

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 50

Animal diseases, Bison, Cattle, Hogs, Indemnity payments, Reporting and recordkeeping requirements, Tuberculosis.

Accordingly, 9 CFR part 50 is amended as follows:

PART 50—ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS

1. The authority citation for part 50 continues to read as follows:

Authority: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b; 7 CFR 2.22, 2.80, and 371.2(d).

§ 50.1 [Amended]

2. In § 50.1, the defined term *Cervid* is revised to read *Captive cervid*.

3. In § 50.1, the word ''captive'' is added before the word ''cervids'' in the following places:

a. The definition of *Herd depopulation*, each time it appears.

b. The definition of *Livestock*.

c. The definition of *Permit*.

d. The defined term *Reactor cattle, bison, and cervids*.

e. The defined term *Registered cattle, bison, or cervids*, and in the text of the definition.

4. In § 50.1, in the definition of *Reactor cattle, bison, and cervids*, the last sentence, the word ''Cervids'' is removed and the words ''Captive cervids'' are added in its place.

§ 50.2 [Amended]

5. In § 50.2, the word ''captive'' is added before the word ''cervids''.

§ 50.3 [Amended]

6. In § 50.3, the word ''captive'' is added before the word ''cervids'' in the following places:

a. Paragraph (a), in the heading and in the text.

b. Paragraph (b), in the heading and in the text each time it appears.

c. Paragraph (c), in the heading and in the text each time it appears.

7. In § 50.3, paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to read as follows:

§ 50.3 Payment to owners for animals destroyed.

* * * * *

(d) *Suspect cattle, bison, and captive cervids.* The Administrator may authorize the payment of Federal indemnity to owners of cattle, bison, and captive cervids destroyed because of tuberculosis not to exceed $450 for any animal that has been classified as a suspect in accordance with § 50.4(c) when it has been determined by the Administrator that the destruction of the suspect cattle, bison, or captive cervids will contribute to the Tuberculosis Eradication Program; but the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal: *Provided, however*, that payment of indemnity for the destruction of suspect cattle, bison, and captive cervids will be withheld until the tuberculosis status of the suspect has been determined and, if the cattle, bison, or captive cervid is found to be infected with tuberculosis, all cattle, bison, and captive cervids 2 years of age or over in the claimant's herd have been tested for tuberculosis under APHIS or State supervision.

* * * * *

8. In § 50.4, the word ''captive'' is added before the word ''cervids'' in the following places:

a. Paragraph (a).

b. Paragraph (b), the introductory text, each time it appears.

c. Paragraph (b)(3).

9. In § 50.4, the heading is revised and a new paragraph (c) is added to read as follows:

§ 50.4 Classification of cattle, bison, and captive cervids as affected, exposed, or suspect.

* * * * *

(c) Cattle and bison are classified as suspects for tuberculosis based on a positive response to an official tuberculin test, in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication'' (incorporated into the regulations by reference in part 77). Captive cervids are classified as suspects for tuberculosis in the same manner as cattle and bison.

§ 50.5 [Amended]

10. In § 50.5, the word ''captive'' is added before the word ''cervid''.

§ 50.6 [Amended]

11. In § 50.6, the word ''captive'' is added before the word ''cervids'' in the following places:

a. The introductory text.

b. Paragraph (d), in the heading and in the text each time it appears.

c. Paragraph (e), in the heading and in the text each time it appears.

§ 50.7 [Amended]

12. In § 50.7, in paragraphs (a) and (b), the word ''captive'' is added before the word ''cervids''.

§ 50.8 [Amended]

13. In § 50.8, the heading is revised to read ''Payment of expenses for transporting and disposing of affected, exposed, and suspect animals.''

14. In § 50.8, the phrase ''affected or exposed cattle, bison, and cervids'' is removed both times it appears and the phrase ''affected, exposed, or suspect cattle, bison, and captive cervids'' is added in its place.

§ 50.9 [Amended]

15. In § 50.9, the word ''captive'' is added before the word ''cervids'' each time it appears.

§ 50.10 [Amended]

16. In § 50.10, the word ''captive'' is added before the word ''cervids''.

§ 50.11 [Amended]

17. In § 50.11, the word ''captive'' is added before the word ''cervids'' each time it appears.

§ 50.12 [Amended]

18. In § 50.12, the word ''captive'' is added before the word ''cervids'' each time it appears.

19. In § 50.14, the word ''captive'' is added before the word ''cervids'' in the following places:

a. The introductory text.

b. Paragraph (d), each time it appears.

c. Paragraph (e), the introductory text, each time it appears.

d. Paragraph (e)(2)(i).

e. Paragraph (e)(2)(ii).

f. Paragraph (f).

20. In § 50.14, paragraph (b) is revised to read as follows:

§ 50.14 Claims not allowed.

* * * * *

(a) * * *

(b) If all cattle, bison, and captive cervids 2 years of age or over in the claimant's herd have not been tested for tuberculosis under APHIS or State supervision: *Provided, however*, that:

(1) Cattle, bison, and captive cervids destroyed because of tuberculosis under § 50.3(b) or (c) are exempt from this requirement if the cattle, bison, or captive cervids are subjected to a post-mortem examination for tuberculosis by a Federal or State veterinarian; and

(2) Cattle, bison, and captive cervids destroyed because of tuberculosis under § 50.3(d) are exempt from this requirement if the cattle, bison, or captive cervids are subjected to a post-mortem examination for tuberculosis by a Federal or State veterinarian and found not to have tuberculosis.

* * * * *

Done in Washington, DC, this 17th day of June 1998.

Charles Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–16747 Filed 6–23–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 98–068–1]

Brucellosis in Cattle; State and Area Classifications; Louisiana

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Louisiana from Class Free to Class A. We have determined that Louisiana no longer meets the standards for Class Free status. This action imposes certain restrictions on the interstate movement of cattle from Louisiana.

DATES: Interim rule effective June 16, 1998. Consideration will be given only to comments received on or before August 24, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–068–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–068–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. R.T. Rollo, Jr., Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–7709; or e-mail: rrollo@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present, and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class B and Class A fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percent of all brucellosis reactors found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Louisiana was classified as a Class Free State because there had been no known brucellosis in cattle in Louisiana for at least 12 consecutive months. However, as of May of 1998, two cattle herds in Louisiana were identified as infected with brucellosis.

To attain and maintain Class A status, a State or area must (1) not exceed a cattle herd infection rate, due to field strain Brucella abortus, of 0.25 percent or 2.5 herds per 1,000 based on the number of reactors found within the State during any 12 consecutive months, except in States with 10,000 or fewer herds; (2) trace to the farm of origin at least 90 percent of all brucellosis reactors found in the course of MCI testing; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12 consecutive month period immediately prior to the most recent anniversary of the date the State or area was classified Class A; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating a source herd or recipient herd.

After reviewing the brucellosis program records for Louisiana, we have concluded that this State meets the standards for Class A status. Therefore, we are removing Louisiana from the list of Class Free States or areas in § 78.41(a) and adding it to the list of Class A States or areas in § 78.41(b). This action imposes certain restrictions on the interstate movement of cattle from Louisiana.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to prevent the interstate spread of brucellosis.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

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

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Louisiana from Class Free to Class A increases testing requirements governing the interstate movement of cattle. However, testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Louisiana, as well as buyers and importers of cattle from this State.

There are an estimated 18,000 cattle herds in Louisiana that will be affected by this rule. Over 95 percent of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified brucellosis-free herds must be tested for brucellosis under Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all animals affected by this rule, the change to Class A status would cost approximately $4 per head.

Therefore, we believe that changing the brucellosis status of Louisiana will not have a significant economic impact on the small entities affected by this interim rule.

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

Executive Order 12372

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

Executive Order 12988

This rule has reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subject in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 78.41 [Amended]

2. In § 78.41, paragraph (a) is amended by removing ''Louisiana,''.

3. In § 78.41, paragraph (b) is amended by adding ''Louisiana,'' immediately before ''Mississippi,''.

Done in Washington, DC, this 16th day of June 1998.

Charles Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–16749 Filed 6–23–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 98–061–1]

Validated Brucellosis-Free States; Oklahoma

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of swine by adding Oklahoma to the list of validated brucellosis-free States. We have determined that Oklahoma meets the criteria for classification as a validated brucellosis-free State. This action relieves certain restrictions on the interstate movement of breeding swine from Oklahoma.

DATES: Interim rule effective June 24, 1998. Consideration will be given only to comments received on or before August 24, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–061–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–061–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m., and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Taft, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231, (301) 734–4916.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella.* The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), prescribe conditions for the interstate movement of cattle, bison, and swine.

Under the swine brucellosis regulations, States, herds, and individual animals are classified according to their brucellosis status. Interstate movement requirements for swine are based upon the disease status of the individual animal or the herd or State from which the animal originates.

We are amending § 78.43 of the regulations, which lists validated brucellosis-free States, to include Oklahoma. A State may apply for validated brucellosis-free status when: (1) Any herd found to have swine brucellosis during the 2-year qualification period preceding the application has been depopulated. More than one finding of a swine brucellosis-infected herd during the qualification period disqualifies the State from validation as brucellosis-free; and (2) during the 2-year qualification period, the State has completed surveillance, annually, by either complete herd testing, market swine testing, or statistical analysis.

Breeding swine originating from a validated brucellosis-free State or herd may be moved interstate without having been tested with an official test for brucellosis within 30 days prior to interstate movement, which would otherwise be required.

After reviewing its brucellosis program records, we have concluded that Oklahoma meets the criteria for classification as a validated brucellosis-free State. Therefore, we are adding Oklahoma to the list of States in § 78.43. This action relieves certain restrictions on the interstate movement of breeding swine from Oklahoma.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of swine from Oklahoma.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

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

This action removes the requirement that breeding swine be tested for brucellosis prior to movement interstate from Oklahoma.

Ninety-nine percent of swine herd producers in Oklahoma are small businesses (defined by the Small Business Administration as having annual gross receipts of less than $500,000). Currently, these small producers have about 100,000 adult swine tested annually for brucellosis, at a cost to producers of approximately $5 per test. We are not able to determine exactly how many of these tests are

performed for the purpose of certifying breeding swine for movement interstate, but we estimate the number to be small.

We anticipate, therefore, that this action will have a minimal positive economic impact, if any, on swine producers in Oklahoma.

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

Executive Order 12372

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

§ 78.43 [Amended]

2. Section 78.43 is amended by adding ''Oklahoma,'' immediately after ''Ohio''.

Done in Washington, DC, this 16th day of June 1998.

Charles Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–16748 Filed 6–23–98; 8:45 am]

BILLING CODE 3410–34–P

FARM CREDIT ADMINISTRATION

12 CFR Part 607

RIN 3052–AB83

Assessment and Apportionment of Administrative Expenses; Technical Change

AGENCY: Farm Credit Administration.

ACTION: Direct final rule with opportunity for comment.

SUMMARY: The Farm Credit Administration (FCA or Agency), through the FCA Board (Board), issues a direct final rule that makes technical amendments to its assessment regulations in order to conform to the recently adopted FCA Board policy statement on its financial institution rating system. The Financial Institution Rating System (FIRS) is the rating system used by FCA examiners for evaluating and categorizing the safety and soundness of Farm Credit System (System) institutions on an ongoing, uniform, and comprehensive basis. The FIRS modified the FCA Rating System (which had been referred to as the CAMEL rating system) by adding a separate rating factor for sensitivity to market risk. In accordance with the FIRS policy statement, these technical amendments replace the reference to ''composite CAMEL rating'' (the acronym CAMEL referred to the following five rating components: capital, asset quality, management, earnings, and liquidity), with ''composite Financial Institution Rating System (FIRS) rating'' and replace references to ''CAMEL'' with ''FIRS.'' The technical amendments do not substantively change the FCA assessment process or adversely affect System institutions.

DATES: If no significant adverse comment is received on or before July 24, 1998, these regulations shall be effective upon the expiration of 30 days after publication in the **Federal Register** during which either or both Houses of Congress are in session. Notice of the effective date will be published in the **Federal Register**. If significant adverse comment is received, the FCA will publish a timely notice of withdrawal of the regulations and indicate how the Agency expects to proceed with further rulemaking.

ADDRESSES: Comments may be submitted via electronic mail to ''reg-comm@fca.gov'' or facsimile transmission to (703) 734–5784. Comments also may be mailed or delivered to Patricia W. DiMuzio, Director, Regulation and Policy Division, Office of Policy and Analysis, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Copies of all communications received will be available for review by interested parties in the Office of Policy and Analysis, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Andrew D. Jacob, Senior Financial Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4498, TDD (703) 883–4444

or

Wendy R. Laguarda, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION:

I. Background

The Board is making technical amendments to its assessment regulations to replace the reference to ''composite CAMEL rating'' with ''composite Financial Institution Rating System (FIRS) rating'' and to replace references to ''CAMEL'' with ''FIRS.'' The technical amendments reflect the Board's adoption, at its April 9, 1998 Board meeting, of a policy statement on the FIRS. The policy statement establishes six rating factor components and a composite rating that reflect the condition and overall safety and soundness of a System institution. The FIRS policy statement differs from the previous CAMEL rating system by the addition of a sixth rating component—the ''S'' component for sensitivity to market risk. Hence, the six rating factor components of the FIRS are capital, assets, management, earnings, liquidity, and sensitivity (''S'' component). The policy statement also sets forth the responsibility of the Chief Examiner to implement, maintain, and recommend to the FCA Board changes to the rating system and to establish appropriate evaluative criteria for determining FIRS composite and component ratings.

The FIRS is an internal rating system used by the FCA for evaluating the safety and soundness of System institutions on a uniform basis and for identifying those System institutions requiring special supervisory attention or concern. In addition, the FIRS also provides the Agency with valuable information for assessing risk and allocating resources based on the safety and soundness of regulated institutions. The FIRS is similar to the system known as the Uniform Financial Institutions Rating System (UFIRS), which is used by Federal and state supervisory

banking agencies for rating commerical banks and savings associations.

The FIRS policy statement was published in the **Federal Register** at 63 FR 19918, April 22, 1998. In addition, the evaluative criteria for determining FIRS composite and component ratings is set forth in the FCA Examination Manual at section EM 135. The examination manual is a public document and available for a fee upon request from the FCA or through the FCA's Internet Home Page (http://www.fca.gov).

II. Direct Final Rulemaking

The FCA is using a ''direct final'' procedure for this rulemaking. In a direct final rulemaking, an agency gives notice that a rule will become final at a specified future date unless the agency receives significant adverse comment on the rule during the comment period established in the rulemaking notice. Direct final rulemaking is justified under section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 551–59, *et seq.* (APA). Section 553(b)(B) is the APA's ''good cause'' exemption for omitting notice and comment on a rule where an agency finds ''that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' However, rather than eliminating public comment altogether, as would be permissible under section 553(b)(B), in a direct final rule, the FCA gives the public adequate opportunity to comment on or object to a rule. For a full explanation of direct final rulemaking, see 62 FR 63644 (December 3, 1997).

The FCA believes that the technical amendments to the assessment regulations fit the category of rules appropriate for direct final rulemaking. These changes merely conform the regulations to the FCA Board's policy statement on FIRS. The changes amend current regulatory references to ''composite CAMEL rating'' with an updated reference to ''composite FIRS rating.'' As such, the changes are straightforward and noncontroversial.

This rule has a 30-day comment period. If, during that period, the FCA receives a significant adverse comment on the rule, the FCA will withdraw the rule and may either issue another direct final rule or promulgate the rule in proposed form. A significant adverse comment is defined as one where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. In general, a significant adverse comment would raise an issue serious enough to warrant a substantive response from the FCA in a notice-and-comment proceeding.

If no significant adverse comment is received, the FCA will publish its customary notice of the effective date of the rule following the required Congressional waiting period under section 5.17(c)(1) of the Farm Credit Act of 1971, as amended.

List of Subjects in 12 CFR Part 607

Accounting, Agriculture, Banks, Banking, Reporting and recordkeeping requirements, Rural areas.

As stated in the preamble, part 607 of chapter VI, title 12 of the Code of Federal Regulations is amended as follows:

PART 607—ASSESSMENT AND APPORTIONMENT OF ADMINISTRATIVE EXPENSES

1. The authority citation for part 607 is revised to read as follows:

Authority: Secs. 5.15, 5.17 of the Farm Credit Act (12 U.S.C. 2250, 2252) and 12 U.S.C. 3025.

2. Section 607.2 is amended by revising paragraph (c) to read as follows:

§ 607.2 Definitions.

* * * * *

(c) *Composite Financial Institution Rating System (FIRS) rating* means the composite numerical assessment of the financial condition of an institution assigned to the institution by the FCA based on its most recent examination of the institution. The FIRS factors are generally considered to be important indicators of an institution's financial health. Institutions are rated on each of the factors during an examination. The composite FIRS rating ranges from 1 to 5, with a lower number indicating a better financial condition than a higher number.

* * * * *

§ 607.3 [Amended]

3. Section 607.3 is amended by removing the acronym ''CAMEL'' and adding in its place ''FIRS'' each place it appears in paragraph (b)(2).

Dated: June 19, 1998.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 98–16809 Filed 6–23–98; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–302–AD; Amendment 39–10621; AD 98–13–30]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G–I) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Gulfstream Aerospace Corporation Model G–159 (G–I) airplanes, that requires revising the Airplane Flight Manual (AFM) to prohibit positioning the power levers below the flight idle stop. This amendment is prompted by incidents and accidents involving airplanes equipped with turboprop engines in which the ground propeller beta range was used improperly during flight. The actions specified by this AD are intended to prevent loss of airplane controllability or engine overspeed with consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

EFFECTIVE DATE: July 29, 1998.

ADDRESSES: Information pertaining to this rulemaking action may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Wayne A. Shade, Aerospace Engineer, Airframe and Propulsion Branch, ACE–117A , FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–7337; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Gulfstream Aerospace Corporation Model G–159 (G–I) airplanes was published in the **Federal Register** on April 27, 1998 (63 FR 20556). That action proposed to require revising the Limitations Section of the Airplane Flight Manual (AFM) to prohibit the positioning of the power

levers below the flight idle stop while the airplane is in flight, and to add a statement of the consequences of positioning the power levers below the flight idle stop while the airplane is in flight.

Comments

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

The commenter supports the proposed rule.

Conclusion

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

Interim Action

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

Cost Impact

There are approximately 143 Gulfstream Model G–159 (G–I) airplanes of the affected design in the worldwide fleet. The FAA estimates that 63 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $3,780, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–13–30 Gulfstream Aerospace Corporation (Formerly Grumman): Amendment 39–10621. Docket 97–NM–302–AD.

Applicability: All Model G–159 (G–I) airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of airplane controllability or engine overspeed with consequent loss of engine power, caused by the power levers being positioned below the flight idle stop while the airplane is in flight, accomplish the following:

(a) For turbopropeller-powered Gulfstream Model G–159 (G–1) airplanes: Within 30 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statements. This action may be accomplished by inserting a copy of this AD into the AFM.

''Positioning of the propeller flight fine pitch lock selector to the ground interlock position in flight is PROHIBITED. Such positioning may lead to loss of airplane control.''

(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, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

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

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

(d) This amendment becomes effective on July 29, 1998.

Issued in Renton, Washington, on June 16, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–16493 Filed 6–23–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–304–AD; Amendment 39–10620; AD 98–13–29]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all EMBRAER Model EMB–120 series airplanes, that requires revising the Airplane Flight Manual (AFM) to prohibit positioning the power levers below the flight idle stop. This amendment is prompted by incidents and accidents involving airplanes equipped with turboprop engines in which the ground propeller beta range was used improperly during flight. The actions specified by this AD are intended to prevent loss of airplane

controllability or engine overspeed with consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight.

EFFECTIVE DATE: July 29, 1998.

ADDRESSES: Information pertaining to this rulemaking action may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Wayne A. Shade, Aerospace Engineer, Airframe and Propulsion Branch, ACE–117A , the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–7337; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all EMBRAER Model EMB–120 series airplanes was published in the **Federal Register** on April 27, 1998 (63 FR 20550). That action proposed to require revising the Limitations Section of the Airplane Flight Manual (AFM) to prohibit the positioning of the power levers below the flight idle stop while the airplane is in flight, and to add a statement of the consequences of positioning the power levers below the flight idle stop while the airplane is in flight.

Comments

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

Conclusion

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

Interim Action

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

Cost Impact

The FAA estimates that 235 EMBRAER Model EMB–120 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $14,100, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–13–29 Embraer: Amendment 39–10620. Docket 97–NM–304–AD.

Applicability: All Model EMB–120 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of airplane controllability or engine overspeed with consequent loss of engine power caused by the power levers being positioned below the flight idle stop while the airplane is in flight, accomplish the following:

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

''Positioning of power levers below the flight idle stop in flight is prohibited. Such positioning may result in an engine overspeed condition with consequent loss of engine and potential excessive asymmetric propeller drag reducing aircraft controllability.''

(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, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

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

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

(d) This amendment becomes effective on July 29, 1998.

Issued in Renton, Washington, on June 16, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–16492 Filed 6–23–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–178–AD; Amendment 39–10611; AD 98–11–52]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) T98–11–52 that was sent previously to all known U.S. owners and operators of Boeing Model 737–100, –200, –300, –400, and –500 series airplanes by individual telegrams. This AD requires removal of the fuel boost pump wiring in the conduits of the wing and center fuel tanks; an inspection to detect damage of the wiring, and corrective action, if necessary; and eventual installation of teflon sleeving over the electrical cable. This action is prompted by reports of severe wear of the fuel boost pump wiring due to chafing between the wiring and the surrounding conduit inside the fuel tank; pin-hole-sized holes in the conduit that appear to be the result of arc-through of the conduit; and exposure of the main tank boost pump wire conductor inside a conduit and signs of arcing to the wall of the conduit. The actions specified by this AD are intended to detect and correct chafing and electrical arcing between the fuel boost pump wiring and the surrounding conduit, which, if not corrected, could result in arc-through of the conduit, and consequent fire or explosion of the fuel tank.

DATES: Effective June 29, 1998, to all persons except those persons to whom it was made immediately effective by telegraphic AD T98–11–52, issued on May 14, 1998, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 29, 1998.

Comments for inclusion in the Rules Docket must be received on or before August 24, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–178–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dorr Anderson, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2684; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Issuance of Telegraphic AD T98–10–51

On May 7, 1998, the FAA issued telegraphic AD T98–10–51, applicable to all Model 737–100, –200, –300, –400, and –500 series airplanes, to require removal of the fuel boost pump wiring in the conduits of the wing fuel tanks; a one-time detailed visual inspection to detect damage of the wiring; reinstallation of the wiring with teflon sleeving, or replacement of damaged wiring with new wiring and teflon sleeving; and submission of damaged parts to Boeing. Telegraphic AD T98–10–51 was prompted by reports of severe wear of the fuel boost pump wiring due to chafing between the in-tank fuel boost pump wiring and the surrounding conduit inside the fuel tank, and pin-hole-sized holes in two sections of the fuel boost pump conduit that appeared to be the result of arc-through of the conduit. The actions required by that telegraphic AD were intended to detect and correct such chafing, which could result in arc-through of the conduit, and consequent fire or explosion of the fuel tank.

Issuance of Telegraphic AD T98–11–51

On May 10, 1998, the FAA issued telegraphic AD T98–11–51, which is applicable to all Model 737–100, –200, –300, –400, and –500 series airplanes. That AD superseded telegraphic AD T98–10–51 to continue to require removal of the fuel boost pump wiring in the conduits of the wing fuel tanks; a detailed visual inspection to detect damage of the wiring; and corrective action, if necessary. Additionally, that telegraphic AD required eventual installation of teflon sleeving over the electrical cable, which terminated the requirements of the telegraphic AD.

Telegraphic AD T98–11–51 was prompted by a report indicating that the left main tank boost pump power wire conductor was exposed at three areas inside the conduit. At least one of the areas exhibited signs of arcing to the wall of the conduit. In addition, several reports of severe chafing had been received since the issuance of telegraphic AD T98–10–51. The actions required by telegraphic AD T98–11–51 were intended to detect and correct chafing and electrical arcing between the fuel boost pump wiring and the surrounding conduit, which, if not corrected, could result in arc-through of the conduit, and consequent fire or explosion of the fuel tank.

In telegraphic AD T98–11–51, the FAA required inspection of airplanes that had accumulated between 40,000 and 50,000 total flight hours based on the significance of the problems on the high-time airplanes reported at that time, and the lack of available data for airplanes that had accumulated between 40,000 and 50,000 total flight hours. However, the FAA indicated in that telegraphic AD that it would continue to monitor inspection reports to determine whether an adjustment to the compliance time was warranted.

Issuance of Telegraphic AD T98–11–52

Since the issuance of telegraphic AD T98–11–51, the FAA has received inspection results indicating that exposed copper wire and significant chafing was found on other Model 737–200 series airplanes that had accumulated flight hours below those specified in earlier reports.

The FAA has determined that it is necessary to expand the inspection requirement to airplanes that have accumulated less than 40,000 total flight hours. This is necessary to ensure that these airplanes have not also developed a problem with chafing and electrical arcing between the fuel boost pump wiring and the surrounding conduit.

When telegraphic AD T98–11–51 superseded telegraphic AD T98–10–51, the FAA had received inspection reports indicating that the center fuel tank boost pump wiring was not showing chafing and did not present a safety of flight problem on Model 737–100 and –200 series airplanes. (It should be noted that the center fuel tank boost pump wiring

is located in the main tanks, not within the center fuel tank itself.) As a result, the requirement for inspection of the center fuel tank boost pump wiring on Model 737–100 and –200 series airplanes was removed in telegraphic AD T98–11–51. Inspection results received since the issuance of telegraphic AD T98–11–51 indicate that chafing has occurred in the center fuel tank boost pump wiring of some Model 737–100 and –200 series airplanes. Telegraphic AD T98–11–52 restores the requirement to inspect the center fuel tank boost pump wiring on all affected models.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998. The alert service bulletin describes procedures for removal of the fuel boost pump wiring in the conduits of the wing fuel tanks and center fuel tanks; an inspection to detect damage of the wiring; and corrective action, if necessary. (The corrective actions include replacing the wiring or conduit with new or serviceable parts.) This alert service bulletin also describes procedures for eventual installation of teflon sleeving over the electrical cable. The NSC's provide information concerning optional parts and procedures.

Explanation of Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued telegraphic AD T98–11–52 to detect and correct chafing and electrical arcing between the fuel boost pump wiring and the surrounding conduit, which, if not corrected, could result in arc-through of the conduit, and consequent fire or explosion of the fuel tank. This AD supersedes telegraphic AD T98–11–51 to continue to require removal of the fuel boost pump wiring in the conduits of the wing fuel tanks; a detailed visual inspection to detect damage of the wiring; and corrective action, if necessary. Additionally, this AD continues to require eventual installation of teflon sleeving over the electrical cable, which terminates the requirements of the AD.

This AD requires inspection of airplanes that have accumulated less than 40,000 total flight hours. In addition, this AD adds a requirement for inspection of the fuel boost pump wiring in the conduits of the center fuel tanks on Model 737–100 and –200 series airplanes that have accumulated 40,000 or more total flight hours.

The actions are required to be accomplished in accordance with alert service bulletin and notices of status change described previously.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on May 14, 1998, to all known U.S. owners and operators of all Boeing Model 737–100, –200, –300, –400, and –500 series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–178–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–11–52 BOEING: Amendment 39–10611. Docket 98–NM–178–AD.

Applicability: All Model 737–100, –200, –300, –400, and –500 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability

provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (l)(1) 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 chafing and electrical arcing between the fuel boost pump wiring and the surrounding conduit, which, if not corrected, could result in arc-through of the conduit, and consequent fire or explosion of the fuel tank, accomplish the following:

(a) For all airplanes that have accumulated 50,000 or more total flight hours as of the effective date of this AD: Prior to further flight, remove the fuel boost pump wiring from the in-tank conduit for the aft boost pumps in main tanks #1 and #2, and perform a detailed visual inspection to detect damage of the wiring, in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998.

(b) For all airplanes that have accumulated less than 50,000 total flight hours as of receipt of telegraphic AD T98–11–51: Prior to the accumulation of 40,000 total flight hours, or within 14 days after the effective date of this AD, whichever occurs later, remove the fuel boost pump wiring from the in-tank conduit for the aft boost pumps in main tanks #1 and #2, and perform a detailed visual inspection to detect damage of the wiring, in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998.

(c) For all airplanes: Remove the fuel boost pump wiring from the in-tank conduit for the center tank left and right boost pumps, and perform a detailed visual inspection to detect damage of the wiring, in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998. Accomplish the inspection at the earliest of the times specified in paragraphs (c)(1), (c)(2), and (c)(3).

(1) For Model 737–300, –400, and –500 series airplanes: Inspect prior to the accumulation of 40,000 total flight hours, or within 14 days after the effective date of this AD, whichever occurs later.

(2) For Model 737–100 and –200 series airplanes: Inspect prior to the accumulation of 40,000 total flight hours, or within 10 days after the effective date of this AD, whichever occurs later.

(3) For all airplanes: Inspect prior to the accumulation of 50,000 total flight hours, or within 5 days after the effective date of this AD, whichever occurs later.

(d) For all airplanes: Prior to the accumulation of 30,000 total flight hours or within 45 days after the effective date of this AD, whichever occurs later, remove the fuel boost pump wiring from the in-tank conduit for the aft boost pumps in main tanks #1 and #2, and the center tank left and right boost pumps, and perform a detailed visual inspection to detect damage of the wiring, in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998.

(e) If red, yellow, blue, or green wire insulation cannot be seen through the outer jacket of the electrical cable during any inspection required by this AD: Prior to further flight, accomplish paragraph (e)(1), (e)(2), or (e)(3) of this AD in accordance with procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998.

(1) Install teflon sleeving over the electrical cable, and reinstall the cable. Or

(2) Reinstall the electrical cable without teflon sleeving over the cable. Within 500 flight hours after accomplishment of the reinstallation, repeat the inspection described in paragraph (d) of this AD; and install teflon sleeving over the cable. Or

(3) Replace the electrical cable with new cable without teflon sleeving. Within 18 months or 6,000 flight hours, whichever occurs first, repeat the inspection specified in paragraph (d) of this AD, and install teflon sleeving over the cable.

(f) If red, yellow, blue, or green wire insulation can be seen through the outer jacket of the electrical cable during any inspection required by this ad, but no evidence of electrical arcing is found: Prior to further flight, accomplish either paragraph (f)(1) or (f)(2) of this AD in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998.

(1) Replace the damaged electrical cable with a new cable, install teflon sleeving over the cable, and reinstall the cable. Or

(2) Replace the electrical cable with a new cable without teflon sleeving. Within 18 months or 6,000 flight hours, whichever occurs first, repeat the inspection described in paragraph (d) of this AD; and install teflon sleeving over the cable.

(g) If any evidence of electrical arcing but no evidence of fuel leakage is found on the removed electrical cable during any inspection required by this AD: Prior to further flight, accomplish paragraphs (g)(1) and (g)(2) of this AD in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998.

(1) Verify the integrity of the conduit in accordance with the instructions contained in NSC 03 to the alert service bulletin. And

(2) Accomplish either paragraph (g)(2)(i) or (g)(2)(ii) of this AD in accordance with the alert service bulletin.

(i) Replace the damaged electrical cable with a new cable, install teflon sleeving over the cable, and reinstall the cable. Or

(ii) Replace the electrical cable with a new cable without teflon sleeving. Within 18 months or 6,000 flight hours, whichever occurs first, repeat the inspection described in paragraph (d) of this AD; and install teflon sleeving over the cable.

(h) If any evidence of fuel is found on the removed electrical cable during any inspection required by this AD: Prior to further flight, accomplish paragraphs (h)(1) and (h)(2) of this AD in accordance with the procedures specified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998.

(1) Replace the conduit section where electrical arcing was found. And

(2) Accomplish either paragraph (h)(2)(i) or (h)(2)(ii) of this AD.

(i) Replace the damaged electrical cable with a new cable, install teflon sleeving over the cable, and reinstall the cable. Or

(ii) Replace the electrical cable with a new cable without teflon sleeving. Within 18 months or 6,000 flight hours, whichever occurs first, repeat the inspection described in paragraph (d) of this AD; and install teflon sleeving over the cable.

(i) For Groups 1 and 2 airplanes, as identified in Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998: Concurrent with the first accomplishment of corrective action in accordance with paragraph (e), (f), (g), or (h) of this AD, as applicable, replace the case ground wire with a new wire in accordance with Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998; as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998.

(j) Installation of teflon sleeving over any electrical cable that is new or has been inspected in accordance with paragraph (a), (b), (c), or (d) of this AD, constitutes terminating action for the requirements of this AD.

(k) If any damage specified in paragraph (f), (g), or (h) of this AD is found during any inspection required by this AD, within 10 days after accomplishing the inspection required by paragraph (a), (b), (c), or (d) of this AD, as applicable, accomplish paragraphs (k)(1) and (k)(2) of this AD. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) Submit any damaged electrical cables and conduits to Boeing, in accordance with Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998,

NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998; include the serial number of the airplane, the number of total flight hours and flight cycles accumulated on the airplane, and the location of the electrical cable on the airplane.

(2) For airplanes that are inspected after the effective date of this AD, submit the serial number of the airplane, the number of total flight hours and flight cycles accumulated on the airplane, and the location of the electrical cable on the airplane to the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax (425) 227–1181.

(l)(1) 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 ACO. 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.

(l)(2) Alternative methods of compliance, approved previously in accordance with telegraphic AD T98–10–51 or telegraphic AD T98–11–51 are approved as alternative methods of compliance with this AD.

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

(m) 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.

(n) The actions shall be done in accordance with Boeing Alert Service Bulletin 737–28A1120, dated April 24, 1998, as revised by Notices of Status Change NSC 01, dated May 7, 1998, NSC 02, dated May 8, 1998, and NSC 03, dated May 9, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(o) This amendment becomes effective on June 29, 1998, to all persons except those persons to whom it was made immediately effective by telegraphic AD T98–11–52, issued on May 14, 1998, which contained the requirements of this amendment.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–16308 Filed 6–23–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–181–AD; Amendment 39–10625; AD 98–13–34]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all EMBRAER Model EMB–145 series airplanes. This action requires repetitive emergency extension (free-fall) functional tests of the nose landing gear (NLG), and lubrication of all NLG hinge points, to ensure that the NLG extends and locks down properly; and corrective action, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent failure of the NLG to extend and lock down properly, which could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing.

DATES: Effective July 9, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 9, 1998.

Comments for inclusion in the Rules Docket must be received on or before July 24, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–181–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, Aerospace Engineer, Airframe and Propulsion Branch, ACE–117A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6083; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, recently notified the FAA that an unsafe condition may exist on all EMBRAER Model EMB–145 series airplanes. The DAC advises that it has received a report indicating that the nose landing gear (NLG) on a Model EMB–145 series airplane failed to extend and lock down upon landing, even after accomplishment of the procedures for abnormal emergency landing gear extension by the override switch and free-fall mechanism. As a result, the airplane landed with the NLG not fully locked in the down position, which resulted in minor damage to the airplane structure. The exact cause of the failure of the NLG to extend and lock down properly has not been determined at this time. This condition, if not corrected, could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing.

Explanation of Relevant Service Information

EMBRAER has issued Alert Service Bulletin 145–32-A029, dated April 15, 1998, which describes procedures for performing repetitive emergency extension (free-fall) functional tests of the NLG, and lubrication of all NLG hinge points, to ensure that the NLG extends and locks down properly; and corrective action, if necessary. Corrective actions include performing a normal system functional test of the NLG for five cycles, and repeating the emergency extension functional test of the NLG.

EMBRAER Alert Service Bulletin 145–32-A029, dated April 15, 1998, references two chapters in the EMBRAER Aircraft Maintenance Manual (AMM) as additional sources of information to accomplish the functional test procedures. Chapter 32–34–00 of the AMM describes procedures for the emergency extension (free-fall) functional test, and Chapter 32–30–00 of the AMM describes procedures for the normal system functional extension test.

The DAC classified this alert service bulletin as mandatory and issued

Brazilian airworthiness directive 98–05–01, dated May 12, 1998, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of the NLG to extend and lock down properly, which could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing. This AD requires accomplishment of the actions specified in the alert service bulletin described previously, except as described below.

Differences Between the AD and the Relevant Service Information

Operators should note that, although the alert service bulletin recommends accomplishment of the emergency extension functional test of the NLG and lubrication of the NLG within 100 flight hours (after the release of the alert service bulletin), the FAA has determined that an interval of 50 flight hours after the effective date of this AD is a more appropriate compliance time for this AD. In consonance with the DAC, the FAA has determined that, because of the safety implications and consequences of possible failure of the NLG to extend and lock down properly upon landing, it is necessary to require a shorter compliance time to ensure the continued operational safety of the fleet.

Operators also should note that the Brazilian airworthiness directive and the EMBRAER alert service bulletin specify that if any discrepancy is found on an airplane, it should be reported immediately to the manufacturer to await instructions before the airplane is returned to service. However, in light of the type of corrective action required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that for this AD, corrective action approved by either the FAA or the DAC (or its delegated agent) is acceptable for compliance with this AD.

In addition, operators should note that the alert service bulletin specifies that corrective actions be accomplished if the NLG extension time exceeds by more than 10 seconds the time limit specified in EMBRAER AMM, chapter 32–34–00. However, the FAA has determined that an additional 10-second time limit is not appropriate, and that it is necessary to limit the time allowed for the functional test to a 30-second total time limit to ensure continued operational safety of the fleet.

Interim Action

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

Determination of Rule's Effective Date

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98-NM–181-AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

98–13–34 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–10625. Docket 98-NM–181-AD.

Applicability: All Model EMB–145 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the nose landing gear (NLG) to extend and lock down properly, which could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing, accomplish the following:

(a) Within 50 flight hours after the effective date of this AD, perform an emergency extension (free-fall) functional test of the NLG, to ensure that the mechanism extends and locks down properly, in accordance with EMBRAER Alert Service Bulletin 145–32-A029, dated April 15, 1998. Repeat the functional test and lubrication procedures thereafter at intervals not to exceed every ''A'' check, but no later than 400 flight cycles.

Note 2: The alert service bulletin references EMBRAER Aircraft Maintenance Manual (AMM), Chapter 32–34–00, as an additional source of service information for accomplishment of the emergency extension functional test.

(1) If the extension time of the landing gear is within 30 seconds, prior to further flight, lubricate all NLG hinge points in accordance with Figure 1 of the Accomplishment Instructions of the alert service bulletin.

(2) If the extension time of the landing gear exceeds 30 seconds, prior to further flight, accomplish the requirements of paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Lubricate all NLG hinge points in accordance with Figure 1 of the Accomplishment Instructions of the alert service bulletin. And

(ii) Perform a normal system functional test of the NLG for five cycles, and repeat the emergency extension functional test specified by paragraph (a) of this AD. If the extension and locking time still exceeds 30 seconds, prior to further flight, repair in accordance with a method approved by either the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate, or the Departmento de Aviacao Civil (DAC) (or its delegated agent).

Note 3: The alert service bulletin references EMBRAER AMM, Chapter 32–30–00, as an additional source of service information for accomplishment of the normal system functional test.

(3) If any malfunction other than that specified in paragraph (a)(2) of this AD is detected, prior to further flight, repair in accordance with a method approved by the Manager, Atlanta ACO, or the DAC (or its delegated agent).

(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, Atlanta ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

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

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

(d) The tests and lubrication shall be done in accordance with EMBRAER Alert Service Bulletin 145–32–A029, dated April 15, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in Brazilian airworthiness directive 98–05–01, dated May 12, 1998.

(e) This amendment becomes effective on July 9, 1998.

Issued in Renton, Washington, on June 16, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–16497 Filed 6–23–98; 8:45 am]

BILLING CODE 4910–13–U

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Notice of suspension of applicability of certain requirements.

SUMMARY: The Agency is temporarily suspending the application of certain requirements governing program status and on-campus and off-campus employment for J–1 students whose means of financial support, as reflected on their Form IAP–66, Certificate of Eligibility for Exchange Visitor Status, is from Indonesia, South Korea, Malaysia, Thailand, or the Philippines. This action is necessary to mitigate the adverse impact upon these students due to the sharp and sudden drop in the value of the currencies of Indonesia, South Korea, Malaysia, Thailand, and the Philippines.

DATES: This action is effective June 24, 1998 and will remain in effect until rescinded.

FOR FURTHER INFORMATION CONTACT: Sally Lawrence, Program Designation Branch Chief, Office of Exchange Visitor Program Services, United States Information Agency, 301 4th Street, SW, Washington, DC 20547; Telephone (202) 401–9823.

SUPPLEMENTARY INFORMATION: Over the past several months, the currencies of Indonesia, South Korea, Malaysia, Thailand, and the Philippines have suffered a severe drop in value relative to the United States dollar. This economic crisis in their home countries has in turn affected Exchange Visitor Program college and university students studying in the United States. These students, many of whom are dependent upon financial support originating in their home country have found themselves without funds. To ameriolate the hardship arising from this lack of financial support and facilitate these students continued studies, the Agency is suspending the application of the full course of study requirement set forth at 22 CFR 514.23(e) and the application of the requirements governing student employment set forth at 22 CFR 514.23(g) effective June 24, 1998 until rescinded.

College and university students in J–1 status whose means of financial support comes from Indonesia, South Korea, Malaysia, Thailand, or the Philippines and whose financial support has been disrupted, reduced, or eliminated due to the economic crisis in their home country may be authorized to pursue full-time or part-time on-campus or off-campus employment by their responsible officers. A reduction in course load may be necessary for some students due to employment and accordingly, such students will be

deemed to be in valid J–1 Exchange Visitor Program student status if they are (i) an undergraduate student and enrolled for not less than six semester hours of academic credit or its recognized equivalent; or (ii) a graduate student enrolled for not less than three hours of academic credit or its recognized equivalent.

Responsible officers who authorize on-campus or off-campus employment for these students should type or print on the pink copy of the Form IAP–66 ''Special Student Relief work authorization granted from (insert beginning date of employment) until (insert the earlier of the last day of the student's program or one year from the beginning date of employment),'' and sign and date such notation. If a reduced course load is also authorized due to the employment, the responsible officer should type or print on the pink copy of the Form IAP–66 ''reduced course load authorized,'' and sign and date such notation.

The Agency's suspension of the application of the requirements set forth in 22 CFR 514.23(e) and 22 CFR 514.23(g) for these identified students will continue until amended or rescinded by the Agency in a document published in the **Federal Register**.

Dated: June 16, 1998.

Joseph Duffey,

Director.

[FR Doc. 98–16588 Filed 6–23–98; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

[SPATS No. MO–034–FOR]

Missouri Abandoned Mine Land Reclamation Plan

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Missouri abandoned mine land reclamation plan (hereinafter referred to as the ''Missouri plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment is intended to revise the Missouri plan to allow the Missouri Department of Natural Resources, Land Reclamation Commission, Land Reclamation Program to assume responsibility for administering the abandoned mine land reclamation emergency program in Missouri on behalf of OSM.

EFFECTIVE DATE: June 24, 1998.

FOR FURTHER INFORMATION CONTACT: Perry Pursell, Office of Surface Mining, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463–6460.

SUPPLEMENTARY INFORMATION:

I. Background on the Missouri Plan
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Missouri Plan

On January 29, 1982, the Secretary of the Interior approved the Missouri plan. Background information on the Missouri plan, including the Secretary's findings, the disposition of comments, and the approval of the plan can be found in the January 29, 1982, **Federal Register** (47 FR 4253). Subsequent actions concerning the Missouri plan and amendments to the plan can be found at 30 CFR 925.25.

II. Submission of the Proposed Amendment

Section 410 of SMCRA authorizes the Secretary to use funds under the abandoned mine land reclamation (AMLR) program to abate or control emergency situations in which adverse effects of past coal mining pose an immediate danger to the public health, safety, or general welfare. On September 29, 1982 (47 FR 42729), OSM invited States to amend their AMLR plans for the purpose of undertaking emergency reclamation programs on behalf of OSM. States would have to demonstrate that they have the statutory authority to undertake emergencies, the technical capability to design and supervise the emergency work, and the administrative mechanisms to quickly respond to emergencies either directly or through contractors.

Under the provisions of 30 CFR 884.15, any State may submit proposed amendments to its approved AMLR plan. If the proposed amendments change the scope or major policies followed by the State in the conduct of its AMLR program, OSM must follow the procedures set out in 30 CFR 884.14 for reviewing and approving or disapproving the proposed amendments.

The proposed assumption of the AMLR emergency program on behalf of OSM is a major addition to the Missouri plan. Therefore, to assume the emergency program, Missouri must either revise its plan to include administering the AMLR emergency program, or demonstrate that its plan currently includes provisions for assuming and administering the emergency program.

By letter dated March 31, 1998 (Administrative Record No. AML–MO–103), Missouri submitted an amendment to its plan pursuant to SMCRA. Missouri submitted the amendment at its own initiative. The amendment is intended to demonstrate Missouri's capability to effectively undertake the AMLR emergency program on behalf of OSM. In its formal submittal, Missouri stated that a review of the Missouri plan indicates that the authority already exists for the Missouri Department of Natural Resources, Land Reclamation Commission, Land Reclamation Program (LRP) to assume responsibility for the AMLR emergency program. Missouri noted that the designation by the governor and the legal opinion of the State Attorney General that are included in its plan are applicable to all AML activities, including the emergency program, and that all other existing policies and procedures in its plan are adequate to cover the emergency program, with two minor exceptions. These exceptions were addressed in Missouri's technical capability to design and supervise the emergency works, and Missouri's amendment. The applicable parts of the existing Missouri plan and the revisions to the plan that would demonstrate that Missouri has the authority to undertake emergencies, Missouri's technical capacity to design and supervise the emergency work, and Missouri's administrative mechanisms to quickly respond to emergencies either directly or through contractors are discussed below.

A. The following information, taken from the approved Missouri plan, was included by reference in Missouri's formal submission to OSM in order to verify that the authority already exists for the LRP to assume AMLR emergency program responsibilities:

1. A letter from the Governor that designates the Missouri Department of Natural Resources, Land Reclamation Commission as the agency responsible for the Abandoned Mine Land Reclamation Program in Missouri.

2. A legal opinion from the Attorney General that the Missouri Department of Natural Resources, Land Reclamation Commission has the power to administer the Abandoned Mine Land Reclamation Program in Missouri.

3. A copy of sections 444.810, .825, .915, .920, .925, .930, and .940 of the Revised Statutes of Missouri (RSMo), the Missouri Land Reclamation Act.

RSMo section 444.915.1(5) authorizes the LRR to spend monies from the State Abandoned Mine Reclamation Fund for restoration, reclamation, abatement, control or prevention of adverse effects of coal mining practices when an emergency exists.

4. A copy of the Missouri Abandoned Mine Land Reclamation Program regulations (Code of State Regulations, 10 CSR 40–9.010, .020, .030, .040, .050, and .060). Missouri's regulations at 10 CFR 40–9.030(4) provide the right to enter upon any land where an emergency exists and on any other land to have access to the land where the emergency exists to restore, reclaim, abate, control or prevent the adverse effects of coal mining practices and to do all things necessary or expedient to protect the public health, safety or general welfare. Procedures are provided for this entry.

B. Missouri submitted a statement to demonstrate the LRP's technical capability to design and supervise the emergency work. The statement included references to work completed on non-emergency, high priority reclamation projects, the number of AML Section staff working on reclamation projects, and the ability of the staff members to prepare project designs and contract documents and to provide in-house resident inspection services.

C. Missouri updated its plan policy and procedures at sections 884.13(c)(6), rights of entry, and 884.13(d)(3), purchasing and procurement, to ensure that it has the administrative mechanisms to quickly respond to emergencies either directly or through contractors.

D. After assuming the emergency program, Missouri would conduct investigations of potential emergency sites and perform remedial reclamation, following OSM's concurrence that an emergency situation exists. Missouri stated in its proposal that in administering the AMLR emergency program, it would follow procedures that are in compliance with the Federal Assistance Manual, Chapter 4–30, ''Characteristics of Grantee-Administered Emergency Reclamation Activities.''

OSM announced receipt of the proposed amendment in the April 22, 1998, **Federal Register** (63 FR 19874), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on May 22, 1998.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15, are the Director's findings concerning the proposed amendment.

A. Revisions to the Missouri Plan Policy and Procedure Sections

1. Section 884.13(c)(6), Rights of Entry

Missouri proposed to revise its policy concerning right of entry fro emergency purposes by removing the language that allowed emergency entries only upon request from the Office of Surface Mining. This revised paragraph reads as follows.

> In the event of an emergency, this agency may enter onto private property and perform whatever measures are necessary to protect the public health, safety, or welfare from past coal mining practices. If written consent cannot be obtained for the purpose of emergency reclamation, and if notice cannot be given prior to entry, notice will be given to the landowner as soon after entry as is practical.

The Director finds that the requirements of the revised policy in section 884.13(c)(6) are consistent with requirements in the Missouri regulation at 10 CSR 40–9.030(4) and the Federal regulation at 30 CFR 877.14, concerning entry for emergency reclamation.

2. Section 884.13(d)(3), Purchasing and Procurement

Missouri revised the procurement thresholds for services supplies and products contracts. The procurement thresholds that requires the use of formal sealed bids was raised from $10,000 to $25,000. The procurement threshold that requires compliance with State small purchase procedures was raised from $10,000 to $25,000. The negotiated procurement threshold was lowered from $10,000 to $3,000. Procurements in excess of $25,000 are to be recorded with the specified justification information.

The Director finds that a procurement threshold of $25,000 is adequate for implementation of an AMLR Emergency Program, and the proposed revisions are consistent with the requirements of 30 CFR 884.13(d)(3).

B. AMLR Emergency Program Demonstrations

OSM's guidelines, published in the September 29, 1982, **Federal Register** (47 FR 42729), outline three requirements for State assumption of the AMLR emergency program. To be granted emergency authority by OSM, the State agency must demonstrate that it has the: (1) statutory authority to undertake emergencies, (2) technical capability to design and supervise the emergency work, and (3) administrative mechanisms to respond quickly to emergencies either directly or through contractors.

1. Statutory Authority

The LRP has had statutory authority under RSMo section 444.915.1(5) to administer an emergency response program since approval of the Missouri plan on January 21, 1982. In order to implement this authority, Missouri's regulation at 10 CSR 40–9.030(4) provides for right of entry on any land where an emergency exists. In a letter dated January 25, 1980, the Governor of Missouri designated the Missouri Department of Natural Resources, Land Reclamation Commission as the State agency responsible for the Abandoned Mine Land Reclamation Program in Missouri. The Missouri Attorney General issued an official opinion on July 24, 1981, that the Missouri Department of Natural Resources, Land Reclamation Commission is authorized under State law to establish, administer and conduct a State reclamation program in accordance with the requirements of Title IV of the Federal Surface Mining Control and Reclamation Act of 1977, the regulations promulgated thereunder, and the State Reclamation Plan. Title IV of SMCRA covers both the regular AMLR program and the emergency reclamation program.

2. Technical Capability

The LRP has demonstrated through past performance that it has the technical capability to implement an AMLR emergency program. In its March 31, 1998, submission of the amendment, Missouri submitted the following statement to demonstrate the LRP's technical capability to design and supervise the emergency work.

> Over the past four years, Missouri has successfully completed several high priority shaft closure and four subsidence reclamation projects. Although these were non-emergency projects, they were completed in a timely manner and the scope of work was similar to Missouri's past AML emergency projects. With six Land Reclamation Specialists and a registered professional engineer on the AML Section staff, the LRP has the technical capability to respond rapidly to AML emergency situations. Project designs and contract documents can be prepared in-house, avoiding the usual time delays associated with procuring and coordinating consulting engineering services agreements. The AML Section can also provide in-house resident inspection services, since emergency reclamation projects are typically of short duration.

Missouri has conducted an AMLR Program since 1982. Technical capabilities utilized for emergency reclamation projects are the same as those used for normal, high priority reclamation projects; usually, only the project schedule is different. OSM's oversight reviews for the past 10 years have confirmed that the Missouri LRP has conducted subsidence abatement project design and construction work and has filled mine voids on many occasions with a high degree of competence and success. OSM's annual oversight reports also indicate that closure of shafts and mine portals and treatment of subsidence areas have been part of Missouri's high priority AMLR program for many years. As of the end of evaluation year 1997, the Missouri LRP had closed 125 vertical openings and 43 open mine portals and stabilized 634 acres of mine subsidence. These are the same types of abandoned mine land features that are likely to be encountered in the AMLR emergency program. OSM found in its review of the Missouri plan and OSM's annual oversight reports for 1991 through 1997 that Missouri has developed and refined the in-house investigation, design, and project administration abilities necessary to administer an AMLR program and an emergency response program.

3. Administrative Mechanisms

A review of Missouri's revised purchasing and procurement procedures at section 884.13(d)(3) found that the LRP has the authority to issue contracts for emergency work in amounts up to $25,000. The $25,000 limit is similar to the small purchase threshold for Federal agencies and will allow Missouri adequate flexibility to address emergency conditions. Other administrative processes required to implement the emergency program are the same as those already in place for the Missouri AMLR program.

In accordance with section 405 of SMCRA and 30 CFR 884.15, Missouri has submitted an amendment to its AMLR plan, and the Director has determined, pursuant to 30 CFR 884.14, that:

(1) The public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

(2) Views of other Federal agencies have been solicited and considered.

(3) The State has the legal authority, policies and administrative structure necessary to implement the amendment.

(4) The proposed plan amendment meets all requirements of the Federal AMLR program regulations at 30 CFR Chapter VII, Subchapter R.

(5) The State has an approved State Regulatory Program.

(6) The amendment is in compliance with all applicable State and Federal laws and regulations.

Therefore, the Director finds that the proposed Missouri plan amendment allowing the State to assume responsibility for an emergency response reclamation program on behalf of OSM is in compliance with SMCRA and meets the requirements of the Federal regulations.

IV. Summary and Disposition of Comments

Public Comments

OSM solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to speak at a public hearing, no hearing was held.

Federal Agency Comments

Pursuant to 30 CFR 884.14(a)(2) and 884.15(a), OSM solicited comments on the proposed amendment from various other Federal agencies with an actual or potential interest in the Missouri plan (Administrative Record No. AML–MO–104). No comments were received.

V. Director's Decision

Based on the above findings, the Director approves the proposed plan amendment and Missouri's request to assume the AMLR emergency program as submitted by Missouri on March 31, 1998.

The Federal regulations at 30 CFR Part 925, codifying decisions concerning the Missouri plan, are being amended to implement this decision.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State and Tribal abandoned mine land reclamation plans and revisions thereof, since each such plan is drafted and promulgated by a specific State or Tribe, not by OSM. Decisions on proposed abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and 30 CFR Part 884.

National Environmental Policy Act

No environmental impact statement is required for this rule. Agency decision on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, Appendix 8, paragraph 8.4B(29)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: June 16, 1998.

Kathy Karpan,

Director Office of Surface Mining.

For the reasons set out in the preamble, 30 CFR Part 925 is amended as set forth below:

PART 925—MISSOURI

1. The authority citation for Part 925 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 925.25 is amended in the table by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 925.25 Approval of Missouri abandoned mine land reclamation plan amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
March 31, 1998	June 24, 1998 ..	AMLR plan sections 884.13(c)(6) and (d)(3); Emergency response reclamation program.

[FR Doc. 98–16811 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

[VA–112–FOR]

Virginia Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving an amendment to the Virginia permanent regulatory program (hereinafter) referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment revises numerous provisions of the Virginia program concerning surface coal mining and reclamation operations. The amendment is intended to revise the State program to be consistent with the Federal regulations.

EFFECTIVE DATE: June 24, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Penn, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, Virginia 24219, Telephone: (540) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background on the Virginia Program.
II. Submission of the Amendment.
III. Director's Findings.
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Virginia Program

On December 15, 1981, the Secretary of the Interior conditionally approved the Virginia program. Background information on the Virginia program including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the December 15, 1981, **Federal Register** (46 FR 61085–61115).

Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 946.11, 946.12, 946.13, 946.15, and 946.16.

II. Submission of the Amendment

By letter dated December 1, 1997 (Administrative Record No. VA–938), the Virginia Department of Mines, Minerals and Energy (DMME) submitted numerous amendments to the Virginia program. The DMME stated that the purpose of the amendments is to address issues identified by OSM in a letter dated May 30, 1997, pursuant to 30 CFR 732.17(d) (Administrative Record Number VA–955). The DMME also stated that the proposed amendments are intended to be materially consistent with the corresponding Federal standards.

The proposed amendment was published in the December 23, 1997, **Federal Register** (62 FR 67016), and in the same notice, OSM opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on January 22, 1998. No one requested to speak at a public hearing, so no hearing was held.

By electronic mail dated March 6, 1998 (Administrative Record Number VA–953), OSM provided the State with comments on the proposed amendments. The DMME responded to those comments by electronic mail dated March 20, 1998 (Administrative Record Number VA–954).

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Virginia program. Only the substantive changes will be discussed below.

1. 4 VAC 25–130–700.5 Definition of ''Other Treatment Facilities''

This definition has been amended to add ''neutralization'' as an example of chemical treatments, and to add ''precipitators'' as an example of mechanical structures. In addition, a new subsection (b) has been added to provide that '' other treatment facilities'' will have to comply with all applicable State and Federal water quality laws and regulations. The Director finds that with the proposed changes, the Virginia program definition of ''other treatment facilities'' is substantively identical to and therefore no less effective than the counterpart Federal definition at 30 CFR 701.5.

4 VAC 25–130–700.5 Definition of ''Previously mined area.'' This definition has been revised to state that '' previously mined area'' means land affected by surface coal mining operations prior to August 3, 1997, that has not been reclaimed to the standards of this Chapter. The Director finds that the proposed definition is substantively identical to and therefore no less effective than the counterpart Federal definition at 30 CFR 701.5.

2. 4 VAC 25–130–779.22 Land Use Information

This provision has been deleted. The counterpart Federal regulation at 30 CFR 779.22 was deleted on May 27, 1994 (59 FR 27932). In that final rule notice, OSM consolidated the land use information requirements of sections 30 CFR 779.22 and 30 CFR 780.23 into final 30 CFR 780.23. As discussed below in Finding 4, 4 VAC 25–130–780.23 concerning reclamation plans; land use information is being amended by the State, and is substantively identical to and therefore is less effective than the counterpart Federal regulations at 30

CFR 780.23. Therefore, the Director finds that the proposed deletion does not render the Virginia program less effective and can be approved.

3. 4 VAC 25–130–779.25 Cross Sections, Maps, and Plans

This provision is amended by deleting subsection (k) concerning slope measurements, and by revising the subsection's numbering system. The counterpart Federal provision at 30 CFR 779.25(a)(11) concerning slope measurements was deleted by May 27, 1994 (59 FR 27932). In that final rule notice, OSM explained that the provisions was deleted because it was redundant and provided no additional information beyond that already available to the regulatory authority under 30 CFR 777.14(a) and OSM's technical information processing system (TIPS). The Director notes that the Virginia program contains an approved counterpart to 30 CFR 777.14(a). Therefore, the Director finds that as amended, the deletion does not render the Virginia program less effective than the Federal regulations.

4. 4 VAC 25–130–780.23 Reclamation Plan; Land Use Information

The existing language of this subsection has been deleted and replaced in its entirety by new language. The Director finds that, as revised, the provision is substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 780.23.

5. 4 VAC 25–130–780.25 Reclamation Plan: Siltation Structures, Impoundments, Banks, Dams, and Embankments

This provision is amended by adding new subsection 780.25(a)(2) concerning impoundments that meet Class B and C criteria for dams as specified in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60, ''Earth Dams and Reservoirs.'' The Director finds that new subsection 780.25(a)(2) is substantively identical to and therefore no less effective than the Federal regulations at 30 CFR 780.25(a)(2).

The provision is also amended in various locations to add references to the new language at subsection 780.25(a)(2), and to revise the provision to be consistent with the counterpart Federal regulations. The Director finds the revised language at 780.25(a), (a)(3), (b) and (f) to be substantively identical to and therefore no less effective than the counterpart Federal regulations with one exception. The revised language at subsection 780.25(c)(3) does not specify that any engineering design standards that may be established by the State must be approved by the Director through the State program amendment approval process.

However, Virginia already has approved engineering design standards at 4 VAC 25–130–816/817.49(a)(4)(ii). In addition, the DMME has informed OSM that any other design standard that DMME may accept in lieu of the engineering standard will first be approved through the state program amendment process (Administrative Record Number VA–954). Therefore, to the extent that any design standard that DMME may accept in lieu of the engineering standard will first be approved through the state program amendment process, the Director finds the proposed provision to be no less effective than the counterpart Federal regulations at 30 CFR 780.25.

6. 4 VAC 25–130–780.35 Disposal of Excess Spoil

Subsection (b) is amended by adding the phrase ''except for the disposal of excess spoil on preexisting benches'' to the existing language. As amended, the requirements of subsection 780.35(b) do not apply to the disposal of excess spoil on preexisting benches. The Director finds that the amended language is substantively identical to and therefore no less effective than the counterpart language at 30 CFR 780.35(b).

7. 4 VAC 25–130–783.25 Cross Sections, Maps and Plans (Underground)

This provision is amended by deleting subsection (k) concerning slope measurements, and by revising the subsection's numbering system. The counterpart Federal provision at 30 CFR 783.25(a)(11) concerning slope measurements was deleted by May 27, 1994 (59 FR 27932). In that final rule notice, OSM explained that the provision was deleted because it was redundant and provided no additional information beyond that already available to the regulatory authority under 30 CFR 777.14(a) and OSM's technical information processing system (TIPS). The Director notes that the Virginia program contains an approved counterpart to 30 CFR 777.14(a). Therefore, the Director finds that as amended, the deletion does not render the Virginia program less effective the than the federal regulations. As amended, the provision is substantively identical to and therefore no less effective than the counterpart Federal regulations at the 30 CFR 783.25.

8. 4 VAC 25–130–784.15 Reclamation Plan: Land Use Information (Underground)

The existing language of this section has been deleted and replaced in its entirety by new language. The Director finds that as revised, the provision is substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 784.15.

9. 4 VAC 25–130–784.16 Reclamation Plan: Siltation Structure, Impoundments, Banks, Dams, and Embankments (Underground)

Subsections (a), (b), (c), and (f) are amended. Subsection (a) is amended by adding the requirements for detailed designed plans, and deleting and replacing the term sedimentation pond with the term siltation structure. The Director finds these changes render the Virginia language substantively identical to and therefore no less effective than the counterpart Federal provision at 30 CFR 784.16(a).

Subsection (a)(2) is amended by adding language concerning impoundments meeting the Class B or C criteria in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210–VI–TR60, Oct. 1985), ''Earth Dams and Reservoirs,'' Technical Release No. 60 (TR–60). The Director finds the added language to be substantively identical to and therefore no less effective than the counterpart Federal requirements at 30 CFR 784.16(a)(2).

Subsection (a)(3) is amended to properly reference the amended subsection (a)(2). Subsection (b) has been amended by deleting language. The Director finds that as amended, the State provisions are substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 784.16(a)(3) and (b).

New subsection (c)(3) is added to provide that the State may establish engineering design standards to ensure stability comparable to a 1.3 minimum static safety factor in lieu of engineering tests to establish compliance with the minimum static safety factor of 1.3 specified at subsection 817.49(a)(4)(ii). The director finds this new provision to be substantively identical to and therefore no less effective than the counterpart Federal provision at 30 CFR 784.16(c)(3) with one exception. The Federal provision also provides that the authorization for States to establish engineering design standards in lieu of engineering tests to establish compliance with the minimum static safety factor of 1.3 must be

accomplished within the state program amendment approval process.

However, Virginia already has approved engineering design standards at 4 VAC 25–130–816/817.49(a)(4)(ii). In addition, the DMME has informed OSM that any other design standard that DMME may accept in lieu of the engineering standard will first be approved through the state program amendment process (Administrative Record Number VA–954). Therefore, to the extent that any other design standard that DMME may accept in lieu of the engineering standard will first be approved through the state program amendment process, the Director finds the proposed provision to be no less effective than to the counterpart Federal regulations at 30 CFR 784.16(c)(3).

Subsection 784.16(f) has been amended by deleting reference to structures 20 feet or higher or that impound more than 20 acre feet. In its place, language has been added concerning structures that meet Class B or C criteria for dams in TR–60 or meets the size or criteria of 30 CFR 77.216(a). The Director finds the amended language to be substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 784.16(f).

10. 4 VAC 25–130–784.23 Operation Plan; Maps and Plans

Subsection (c) is amended by adding a reference to subsection 784.23(b)(4) in addition to the references to (b)(5), (6), (10), and (11). The Director finds the added language to be substantively identical to and therefore no less effective than the Federal counterpart provision at 30 CFR 784.23(c).

11. 4 VAC 25–130–800.40 Requirements for Release of Performance Bond

New subsection (a)(3) is added to provide that the application for bond release shall include a notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of the Act, the regulatory program, and the approved reclamation plan. Such certification shall be submitted for each application or phase of bond release. The Director finds the added language to be identical to and therefore no less effective than the counterpart Federal language at 30 CFR 800.40(a)(3).

12. 4 VAC 25–130–816/817.46 Hydrologic Balance; Siltation Structures

Subsections (a)(2) is amended by deleting the word ''permittee'' and replacing it with the word ''operator.'' The Director finds that as amended, subsections (a)(2) are identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 816/817.46(a)(2).

Subsections (b)(3) have been amended by deleting the last sentence that provided that the certification of completion of the siltation structures shall be provided to the division within 30 days after completion of construction of the structure. The Director finds that as amended, subsections (b)(3) are substantively identical to and therefore no less effective than the Federal regulations at 30 CFR 816/817.46(a)(3).

Subsection (b)(5) have been amended by deleting the words ''growing seasons'' and adding in their place the word ''years.'' The Director finds that as amended, subsections (b)(5) are identical to and therefore no less effective than the Federal regulations at 30 CFR 816/817.46(b)(5).

Subsections (c)(2) have been amended to delete most of the existing language concerning spillways. As amended, subsections (c)(2) provide that a sedimentation pond shall include either a combination of principal and emergency spillways or a single spillway configured as specified in 4 VAC 25–130–816.49(a)(9).

OSM revised the performance standards for impoundments on October 20, 1994 (59 FR 53022). For clarity, OSM moved the spillway design requirements of 30 CFR 816./817.46(c)(2)(i) through (iii) to sections 816/817.49(a)(9) and revised 816/817.46(c)(2) to reference sections 816/817.49(a)(9). The Director finds that as amended, Virginia subsection (c)(2) is substantively identical to and therefore no less effective than the revised Federal regulations at 30 CFR 816/817.46(c)(2) with one exception. 4 VAC 25–130–817.46(c)(2) concerning spillways contains an erroneous sentence fragment referencing Paragraph (c)(2)(i), a paragraph that does not exist.

In response to OSM's comment about the sentence fragment, the DMME stated that it will delete those additional words (Administrative Record Number VA–954). Therefore, to the extent that the DMME will delete the erroneous sentence fragment that references Paragraph (c)(2)(i), the Director finds the provisions to be no less effective than the counterpart Federal regulations at 30 CFR 816/817.46(c)(2).

13. 4 VAC 25–130–816/817.49 Impoundments

New subsections (a)(1) provide that impoundments meeting the Class B or C criteria in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (210–VI–TR60, Oct. 1985), ''Earth Dams and Reservoirs,'' Technical Release No. 60 (TR–60) shall comply with ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60 and the requirements of this section. The Director finds the added language to be substantively identical and therefore no less effective than tot he counterpart Federal requirements at 30 CFR 816/817.49(a)(1).

Subsections (a)(4)(i) concerning stability have been amended to delete the words ''or located where failure would be expected to cause loss of life or serious property damage.'' In addition, the word ''state'' has been added between the words ''steady'' and 'seepage.'' OSM amended the counterpart Federal regulations on October 20, 1994 (59 FR 53022). In that amendment, OSM removed the phrase ''or located where failure would be expected to cause loss of life or serious property damage'' because it is redundant with the cited TR–60 reference. The Director finds that as amended, subsections (a)(4)(i) are identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 816/817.49(a)(4)(i).

Subsections (a)(4)(ii) are amended by deleting the words ''meeting the size or other criteria of 30 CFR 772.216(a)'' and adding in their place the words ''included in Paragraph (a)(4)(i). In addition, and in the same sentence, the words ''and located where failure would not be expected to cause loss of life or serious property damage'' have been deleted. OSM made similar changes to its counterpart regulations at 30 CFR 816/817.49(a)(4)(ii) to help clarify which safety factors are related to specific types of impoundment classification. The Director finds that amended language in subsections (a)(4)(ii) to be identical to and therefore no less effective than the amended language in the counterpart Federal regulations at § 816/817.49(a)(4)(ii).

Subsections (a)(5) are amended by adding a new last sentence that provides that ''[i]mpoundments meeting the Class B or C criteria for dams in TR–60 shall comply with the freeboard hydrograph criteria in the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60. This change renders subsections (a)(5) compatible with TR–60 standards added to subsections (a)(1). The Director finds the amended language in subsections (a)(5) to be substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 816/817.49(a)(5).

Subsections (a)(6)(i) are amended by adding a reference to Class B or C criteria for dams in TR–60. The Director finds the amended language in subsections (a)(6) to be substantively identical to and therefore no less effective than the counterpart Federal language at 30 CFR 816/817.49(a)(6).

Subsections (a)(9)(ii)(A) have been amended to provide that for impoundments meeting the Class B or C criteria for dams in TR–60, the impoundments must meet the emergency spillway hydrograph criteria in the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60 or greater as specified by the Division. The Director finds the amended language in subsections (a)(9)(ii)(A) to be substantively identical to and therefore no less effective than the counterpart Federal language at 30 CFR 816/817.49(a)(9)(ii)(A).

Subsections (a)(9)(ii)(B) have been amended by adding the words ''or exceeding'' between the word ''meeting'' and the words ''the size.'' The Director finds the amended language to be substantively identical to and therefore no less effective than the counterpart Federal language at 30 CFR 816/817.49(a)(9)(ii)(B).

Subsections (a)(9)(ii)(C) have been amended by deleting the words ''meeting the size or other criteria of 30 CFR 77.216(a)'' and adding in their place the words ''included in Paragraph (a)(9)(ii) (A) and (B). The Director finds the amendment to subsections (a)(9)(ii)(C) to be substantively identical to and therefore no less effective than the Federal regulations at 30 CFR 816/817.49(a)(9)(ii)(C).

Subsections (a)(11) concerning examinations has been amended to provide that impoundments meeting the Class B or C criteria for dams in TR–60, or the size or other criteria of 30 CFR 77.216(a) must be examined in accordance with § 77.216(a). In addition, subsections (a)(11) have been amended to provide that impoundments not meeting such criteria shall be examined at least quarterly. Also, subsections (a)(11) have been amended to provide that a qualified person designated by the operator shall examine impoundments for appearance of structural weakness and other hazardous conditions. Finally, the last sentence concerning a written record has been deleted. The Director finds that as amended, subsections (a)(11) are substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 816/817.49(a)(12).

Subsections (c)(2)(i) have been amended by deleting the words ''[i]n the case of an impoundment meeting'' and adding in their place the words [i]mpoundments meeting the SCS Class B or C criteria for dams in TR–060 or.'' In addition, the words ''it is'' are deleted and replaced by the words ''shall be.'' The Director finds that as amended, subsections (c)(2)(i) are substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 816/817.49(c)(2)(i).

Subsections (c)(2)(ii) have been amended to provide that impoundments not included in Paragraphs (c)(2)(i) of these sections shall be designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the division. The Director finds that as amended, subsections (c)(2)(ii) are substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 816/817.49(c)(2)(ii).

14. 4 VAC 25–130–816/817.74 Disposal of Excess Spoil; Preexisting Benches

Subsections (a) through (g) have been amended to mirror the counterpart Federal regulations at 30 CFR 816/817.74. On December 17, 1991 (56 FR 65612) OSM revised the Federal regulations at 30 CFR 816/817.74 concerning the disposal of excess spoil on preexisting benches to conform those requirements with the backfilling and grading requirements of §§ 816/817.102. The Director finds that, as amended, 4 VAC 25–130–816/817.74 are substantively identical to and therefore no less effective than the Federal regulations at 30 CFR 816/817.74.

15. 4 VAC 25–130–816/817.81 Coal Mine Waste; General Requirements

Subsections (a) have been amended to provide that all coal mine waste disposed of in an area other the mine workings or excavations shall be placed in new or existing disposal areas within a permit area, which are approved by the division for this purpose. Coal mine waste shall be hauled or conveyed and placed for final placement in a controlled manner to comply with the identified provisions. The Federal Regulations at 30 CFR 816/817.81(a) were revised on December 17, 1991 (56 FR 65612) to provide that coal mine waste be ''hauled or conveyed'' instead of just requiring that it be ''placed.'' Additional language was also added to allow the disposal of coal mine waste in mine workings or excavations and to specify that the waste be placed in a controlled manner to promote fill stability and inhibit combustibility. The Director finds that as amended, 4 VAC 25–130–816/817.81(a) is substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 816/817.81(a). In addition, subsections (c)(3) have been deleted. This deleted subsection provided for specific numbers for thickness and compaction. There was no Federal counterpart to subsection (c)(3) and the deletion does not render the Virginia program less effective.

16. 4 VAC 25–130–816/817.89 Disposal of Noncoal Mine Wastes

These sections have been amended by deleting subsections (d). On December 17, 1991 (56 FR 65612) the Federal regulations at 30 CFR 816/817.89 were revised by deleting paragraphs (d), which required that any noncoal waste defined as hazardous under section 3001 of the Resource Conservation and Recovery Act (RCRA) be handled in accordance with subtitle C and any implementing regulations. This provision could have been interpreted as requiring OSM and State regulatory authorities to assume permitting, inspection and enforcement responsibilities that Congress assigned to the Environmental Protection Agency (EPA). Therefore, the Director finds that the deletion of subsections 4 VAC 25–130–816/817.89(d) does not render the Virginia program less effective than the counterpart Federal regulations at 30 CFR 816/817.89.

17. 4 VAC 25–130–816.104 Backfilling and Grading; Thin Overburden

The existing introductory paragraph is deleted and replaced by new language. On December 17, 1991 (56 FR 65612) OSM amended the Federal regulations at 30 CFR 816.104 concerning backfilling and grading, thin overburden. The Director finds that as amended, 4 VAC 25–130–816.104 is substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 816.104.

18. 4 VAC 25–130–816.105 Backfilling and Grading; Thick Overburden

The existing introductory paragraph is deleted and replaced by new language. On December 17, 1991 (56 FR 65612) OSM amended the Federal regulations at 30 CFR 816.105 concerning backfilling and grading, thick overburden. The Director finds that as amended, 4 VAC 25–130–816.105 is substantively identical to and therefore no less effective that the counterpart Federal regulations at 30 CFR 816/105.

19. 4 VAC 25–130–823.11 Applicability

Subsection (a) is amended by deleting the existing language and adding new language in its place. As amended, subsection (a) provides that the requirements of this Part shall not apply to coal preparation plants, support facilities, and roads of surface and underground mines that are actively used over extended periods of time and where such uses affect a minimal amount of land. Such uses shall meet the requirements of Part 816 for surface mining activities and of Part 817 for underground mining activities.

At the present time, the Federal regulation at 30 CFR 823.11(a) is suspended insofar as it relates to surface, as opposed underground, mining (February 21, 1985; 50 FR 7278). Therefore, Virginia's proposal to adopt 30 CFR 823.11(a), as applied to surface mining, is inconsistent with SMCRA, as interpreted by court decisions.

OSM informed DMME that this amendment copies language in the Federal regulations that has been suspended insofar as the language applies to surface mines. In response, the DMME stated that the proposed changes to 4 VAC 25–130–823.11(a) are hereby withdrawn (Administrative Record Number VA–954).

20. 4 VAC 25–130–840.11 Inspections by the Divisions

Subsection (f)(2) has been amended to provide that reclamation has been completed to the level established in 4 VAC 25–130–800.40 Phase II.

Subsection (g)(4) has been amended to delete the word ''or'' and add in its place the word ''and.'' As amended, subsection (g)(4) applies to a site that is, or was, permitted and bonded. Subsection (g)(4) is further amended at (g)(4)(i) to delete language pertaining to permit revocation proceedings, and to add the word ''either'' so that the provision applies to a permit that has either expired or been revoked. Subsection (g)(4)(ii) has been amended to delete the word ''the'' and replace that word with the words ''any available.'' As amended, the provision applies to any available performance bond.

Subsection (h) has been amended by deleting most of the existing language and replacing that language with new language. In addition, new language has been added concerning selecting an alternate inspection frequency, and concerning public notice.

The Federal regulations at 30 CFR 840.11(g) and (h) were amended on November 28, 1994 (59 FR 60876) to change the minimum inspection frequency for surface coal mining and reclamation operations that have been abandoned without completion of reclamation or abatement of violations. The change enables regulatory authorities to eliminate ineffective inspections to redirect resources to minesites where inspection and enforcement will achieve intended results. Before an abandoned site can qualify for a change in inspection frequency under this rule, the regulatory authority must make a written finding that a site is abandoned and that the change in inspection frequency is appropriate based on specified environmental and public health and safety criteria.

The Director finds the amendments to 4 VAC 25–130–840.11 to be substantively identical to and therefore no less effective than the counterpart Federal regulations at 30 CFR 840.11 with one exception. The amendments to subsection 4 VAC 25–130–840.11(f)(2) differ from the counterpart Federal regulations at 30 CFR 840.11. The Federal provision provides that an inactive surface coal mining and reclamation operation is one for which reclamation Phase II as defined at 30 CFR 800.40 has been completed and the liability of the permittee has been reduced by the State regulatory authority in accordance with the State program. The counterpart State provision, however, provides that an inactive surface coal mining and reclamation operation is one for which reclamation has been completed to the level established in 4 VAC 25–130–800.40 as Phase II. That is, the Virginia provision makes reference to completion of the reclamation that is equivalent to Phase II, rather than Phase II bond release. In its submittal of this amendment, Virginia stated that the change is necessary to make the rule applicable to the operations using Virginia's approved alternate bonding system, which does not include provision for a bond release at the completion of Phase II type reclamation. The Federal regulations at 30 CFR 840.11 (applicable to State regulatory authorities) and 842.11 (applicable to State regulatory authorities) and 842.11 (applicable to Federal inspections and monitoring) were amended on August 16, 1982 (57 FR 35620). Discussion of 30 CFR 840.11(f) (what is an inactive operation under a State program) was cross-referenced to the discussion of 30 CFR 842.11(c) (what is an inactive operation under a Federal program). 57 FR 35621. At the discussion to 30 CFR 842.11(c)(2)(iii)(B), OSM agreed with commenters that ''the determination of a mine's status as active or inactive should be based solely on the completion of Reclamation Phase II.'' Accordingly, OSM modified 30 CFR 842.11(c)(2)(iii)(B) to reflect this intention. Therefore, Virginia defining an inactive mine as one for which reclamation has been completed to the level established in 4 VAC 25–130–800.40 as Phase II, is consistent with OSM's intentions. The Director finds 4 VAC 25–130–840.11(f)(2) to be no less effective than the Federal regulations.

21. 4 VAC 25–130–843.12 Service of Notices of Violation, Cessation Orders, and Show Cause Orders

Subsection (a)(2) is amended by adding new language to the end of the first sentence. The added language provides that service may also be made by any means consistent with the Rules of the Supreme Court of Virginia governing service of a summons and complaint. Virginia has also added the word ''certified'' immediately before the word ''mail.'' This latter change clarifies that the reference is to certified mail. In its submittal of this amendment, Virginia stated that the added reference to the Rules of the Supreme Court of Virginia is necessary since the State agency must follow State administrative procedures for service of documents. The Federal regulation at 30 CFR 840.13(c) states that the procedural requirements for enforcement provisions ''shall be the same as or similar to those provided in'' 518 and 521 of SMCRA and consistent with the applicable Federal regulations. Federal enforcement under 30 CFR 843.14(a) allows service that is consistent with the Federal Rules of Civil Procedure. The Federal regulations were amended on June 20, 1991 (56 FR 28442), to allow for increased flexibility. Virginia is also increasing its flexibility by following its counterpart to the Federal Rules of Civil Procedure. Therefore, the Director finds that the amended language is not inconsistent with the Federal regulations.

22. 4 VAC 25–130–845.17 Procedures for Assessment of Civil Penalties

Section (b) is amended by adding a reference to the Rules of the Supreme Court of Virginia governing service of a summons and complaint. Subsection (b)(1) is amended replacing the word ''mail'' with the word ''documents.'' New subsection (b)(2) is added to provide that failure of the Division to serve any proposed assessment within 30 days shall not be grounds for dismissal of all or part of such assessment unless the person against whom the proposed penalty has been

assessed: (i) proves actual prejudice as a result of the delay; (ii) makes a timely objection to the day. An objection shall be timely only if made in the normal course of administrative review.

The Director finds that the amended language is substantively identical to and therefore no less effective than the counterpart Federal language at 30 CFR 845.17 with one exception. The amended language at subsection (b) concerning reference to the Rules of the Supreme Court of Virginia governing service of a summons and complaint differs from the Federal regulations. As previously stated, the Federal rule at 30 CFR 840.13(c) states that the procedural requirements for enforcement provisions ''shall be the same as or similar to those provided in'' 518 and 521 of SMCRA and consistent with the applicable Federal regulations. Federal enforcement under 30 CFR 845.17(b) allows service that is consistent with the Federal Rules of Civil Procedure. The Federal regulations were amended on June 20, 1991 (56 FR 28442), to allow for increased flexibility. Virginia is also increasing its flexibility by following its counterpart to the Federal Rules of Civil Procedure. Therefore, the Director finds that the amended language is not inconsistent with the Federal regulations.

23. 4 VAC 25–130–845.18 Procedures for Assessment Conference

Subsection (a) is amended to change the time limit for requests for an assessment conference from 15 days to 30 days. Subsection (b)(1) is amended to provide that the assessment conference shall be held within 60 days from the date the conference request is received or the end of the abatement period, whichever is later. Prior to this amendment, the conference was to be held within 60 days from the date of issuance of the proposed assessment or the end of the abatement period, whichever is later. New language is added to subsection (b)(1) to provide that a failure by the Division to hold such conference within 60 days shall not be grounds for dismissal of all or part of an assessment unless the person against whom the proposed penalty has been assessed proves actual prejudice as a result of the delay.

Subsection (b)(2) has been amended to delete the words ''and the Courthouse of the County is which [the mine] is located'' and replace that language with ''or field office located closest to [the mine].'' In effect notices of assessment conferences will be posted at the Division's Big Stone Gap office, and the field office located closest to the mine. Subsection (b)(3) is amended by deleting the words ''affirm, raise, lower, or vacate the penalty,'' and replace those words with the word ''either'' and the addition of new subsections (b)(3)(i) and (ii). The two new subsections provide that within 30 days after the conference is held, the conference officer shall either: (i) Settle the issue, in which case a settlement agreement shall be prepared and signed by the Division and by the person assessed; or (ii) affirm, raise, lower, or vacate the penalty.

New subsection (d) is added to provide that at (d)(1) if a settlement agreement is entered into, the person assessed will be deemed to have waived all rights to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a clause to this effect. New (d)(2) provides that if full payment of the amount specified in the settlement agreement is not received by the Division within 30 days after the date of signing, the Division may enforce the agreement or rescind it and proceed according to paragraph (b)(3)(ii) within 30 days from the date of the rescission.

The Federal regulations at 30 CFR 845.18 were revised on March 8, 1991 (56 FR 10060). The revision extended by approximately 30 days the amount of time within which OSM may complete the necessary administrative actions to hold an assessment conference and by 15 days the amount of time within which a person charged with a violation may appeal an assessment conference officer's decision to the Office of Hearings and Appeals. The director finds that as amended, 4 VAC 25–130–845.18 is substantively identical to and consistent with the counterpart Federal regulations at 30 CFR 845.18.

24. 4 VAC 25–130–845.19 Request for Hearing

Subsection (a) is amended by changing from 15 days to 30 days the number of days that a person charged with a violation may contest the proposed penalty or the fact of the violation. On March 8, 1991 (56 FR 10060) the Federal regulations at 30 CFR 845.19 were similarly amended. The Director finds that as amended, the State provision is substantively identical to and consistent with the counterpart Federal regulations.

25. 4VAC 25–130–846.17 Assessment of an Individual Civil Penalty

Subsection (b)(3) is deleted and replaced by a new subsection (c). As amended, service shall be performed on the individual to be assessed an individual civil penalty, by certified mail, or by any alternative means consistent with the rules of the Supreme Court of Virginia governing service of a summons and complaint. Service shall be complete upon tender of the notice of proposed assessment and included information or of the certified mail and shall not be deemed incomplete because of refusal to accept. On June 20, 1991 (56 FR 28442) the Federal regulations at 30 CFR 846.16(c) concerning service were amended. As amended, the Virginia provision is substantively identical to and therefore no less effective than the counterpart Federal provision with one exception. The Federal provision provides that service can be accomplished by any means consistent with the rules governing service of a summons and complaint under rule 4 of the Federal Rules of Civil Procedure. The revised Virginia provision that service can be accomplished by any means consistent with the Rules of the Supreme Court of Virginia governing service of a summons and complaint. Federal enforcement under 30 CFR 846.17(c) allows service that is consistent with the Federal Rules of Civil Procedure. The Federal regulations were amended on June 20, 1991 (56 FR 28442), to allow for increased flexibility. Virginia is also increasing its flexibility by following its counterpart to the Federal Rules of Civil Procedure. therefore, the Director finds that the amended language is not inconsistent with the Federal regulation.

IV. Summary and Disposition of Comments

Federal Agency Comments

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(11)(I), comments were solicited from various interested Federal agencies. The U.S. Fish and Wildlife Service (USFWS) responded and stated that it appears that no impacts to Federally listed or proposed species or critical habitat will occur and, therefore, USFWS had no comments on the proposed amendments. The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) responded and stated that the proposed amendments seem to conform more closely to presently practiced reclamation goals and standards, and better suits their intended use. Therefore, the NRCS stated that the amendments should be accepted. The U.S. Department of Labor, Mine Safety and Health Administration (MSHA) responded and stated that the proposed amendment does not contain any

information that would be conflicting to MSHA regulations.

Public Comments

There were no public comments submitted.

Environmental Protection Agency (EPA)

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the EPA with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

Pursuant to 732.17(h)(11)(I), OSM solicited comments on the proposed amendment from EPA. The EPA did not provide any comments.

V. Director's Decision

Based on the findings above, and except as noted below, the Director is approving Virginia's amendment as submitted by Virginia on December 1, 1997, and clarified by letter dated March 6, 1998.

4 VAC 25–130–780.25(c)(3) is approved to the extent that any other design standard that DMME may accept in lieu of the engineering standards will be first be approved through the state program amendment process.

4 VAC 25–130–784.16(c)(3) is approved to the extent that any other design standard that DMME may accept in lieu of the engineering standard will first be approved through the state program amendment process.

4 VAC 25–130–817.46(c)(2) is approved to the extent that the DMME will delete the erroneous sentence fragment that references Paragraph (c)(2)(i).

The Director notes that the amendments to 4 VAC 25–130–823.11(a) were withdrawn by the DMME.

The Federal regulations at 30 CFR Part 946 codifying decisions concerning the Virginia program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under section 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 946

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 29, 1998.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 946—VIRGINIA

1. The authority citation for Part 946 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 946.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 946.15 Approval of Virginia regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
December 1, 1997	June 24, 1998	VA Code Sections 701.5; 779.22 [deletion], .25(k) [deletion]; 780.23, .25(a), (a)(2)(a)(3), (b), (c)(3), (f), 35(b); 783.25(k) [deletion]; 784.15, .16(a), (a)(2), (a)(3), (b), (c)(3), (f), .23(c); 800.40(a)(3); 816.46(a)(2), (b)(3), (b)(5), (c)(2), .49(a)(1), (a)(4)(i) & (ii), (5), (6), (9), (11), (c)(2), .74(a) through (g), .81(a), (c)(3) [deletion], .89(d) [deletion], .104, .105; 817.46(a)(2), (b)(3), (b)(5), (c)(2) .49(a)(1), (a)(4)(i) & (ii), (5), (6), (9), (11), (c)(2), .74(a) through (g), .81(a), (c)(3) [deletion], .89(d) [deletion]; 840.11(f)(2) & (g)(4), (h); 843.14(a)(2); 845.17(b) through (b)(2)(ii), .18(a), (b) through (b)(3)(ii), (d)(1) & (2), .19(a) and 846.17(b)(3) [deletion] and (c).

[FR Doc. 98–16812 Filed 6–23–98; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–98–058]

RIN 2115–AA97

Safety Zone: Burlington Independence Day Fireworks, Burlington Bay, VT

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Burlington Independence Day fireworks program located on Burlington Bay, Lake Champlain, Vermont. The safety zone is in effect from 9 p.m. until 10:30 p.m. on Friday, July 3, 1998, with a rain date of Saturday, July 11, 1998, at the same time and place. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of Burlington Bay on Lake Champlain, Vermont.

DATES: This rule is effective from 9 p.m. until 10:30 p.m. on Friday, July 3, 1998, with a rain date of Saturday, July 11, 1998, at the same time and place.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) A. Kenneally, Waterways Oversight Branch, Coast Guard Activities New York, at (718) 354–4195.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date this updated application was received, there was insufficient time to draft and publish an NPRM. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to close a portion of the waterway and protect the maritime public from the hazards associated with this fireworks display.

Background and Purpose

On May 18, 1998, the City of Burlington, VT submitted an Application for Approval of Marine Event to hold a fireworks program on the waters of Burlington Bay on Lake Champlain, Vermont. The sponsor notified the Coast Guard they are using larger fireworks shells than the annual regulation in 33 CFR 165.166 was written for. This regulation increases the radius of the safety zone from 250 yards to 360 yards. This regulation establishes a safety zone in all waters of Burlington Bay within a 360 yard radius of the fireworks barge located in approximate position 44°28′30.5″ N 073°13′32″ W (NAD 1983), beside the Burlington Bay breakwater. The safety zone is in effect from 9 p.m until 10:30 p.m. Friday, July 3, 1998, with a rain date of Saturday, July 11, 1998, at the same time and place. The safety zone prevents vessels from transitting this portion of Burlington Bay, Lake Champlain, Vermont and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Public notification will be made prior to the event via the Local Notice to Mariners.

Regulations for a permanent Regulated Navigation Area have been published for this event in 33 CFR 165.166. If the annual regulation is enforced for this event the safety zone area will not be large enough to provide for the safety of life on navigable waters due to the larger fireworks shells being used. This final rule will close a portion of Burlington Bay for one hour less than the current regulations in 33 CFR 165.166.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the following: this is an annual marine event currently published in 33 CFR 165.166, the event's date is the same, and the location is only 75 yards from the location in 33 CFR 165.166, this final rule will close a portion of Burlington Bay for less time than the current regulation will, the limited marine traffic in the area, the minimal time that vessels will be restricted from the zone, and advance notification which will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operate and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this final rule and concluded that under Figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

Regulation

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

PART 165—[AMENDED]

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

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

2. Add temporary § 165.T01–058 to read as follows:

§ 165.T01–058 Safety Zone: Burlington Independence Day Fireworks, Burlington Bay, Vermont.

(a) *Location.* The following area is a safety zone: all waters of Burlington Bay, Lake Champlain, Vermont, within a 360 yard radius of the fireworks barge in approximate position 44°28′30.5″ N 073°13′32″ W (NAD 1983), beside the Burlington Bay breakwater.

(b) *Effective period.* This section is effective from 9 p.m. until 10:30 p.m. on Friday, July 3, 1998, with a rain date of Saturday, July 11, 1998, at the same time and place.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: June 5, 1998.

L.M. Brooks,

Captain, U.S. Coast Guard, Acting Captain of the Port, New York.

[FR Doc. 98–16782 Filed 6–23–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay; 98–010]

RIN 2115–AA98

Safety Zone; San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing a portion of the navigable waters of the Oakland Estuary, CA, surrounding the barge used as a platform to launch fireworks for Jack London Square's 4th of July Fireworks Celebration, from 8 p.m. to 11:30 p.m., PDT. The launch barge will be located approximately 1000 feet south of Jack London Square in the Oakland Estuary.

This temporary safety zone is necessary to provide for the safety of participating technicians, waterborne and shore-side spectators, vessels, and other property during the fireworks display. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or a designated representative thereof. Commercial vessels may request authorization to transit this safety zone by contacting Vessel Traffic Service on Channel 14 VHF–FM.

DATES: This safety zone will be in effect on July 4, 1998 from 8 p.m. to 11:30 p.m., PDT. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice To Mariners.

ADDRESSES: U.S. Coast Guard, Marine Safety Office, San Francisco Bay, Building 14, Coast Guard Island, Alameda, CA 94501–5100.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Lesley F. Dion-Bow, U.S. Coast Guard, Marine Safety Office, San Francisco Bay; (510) 437–3073.

SUPPLEMENTARY INFORMATION:

Regulatory Information

In accordance with 5 U.S.C. 553, a Notice of Proposed Rule (NPRM) was not published for this temporary regulation and good cause exists for making it effective prior to, or less than 30 days after, **Federal Register** publication. Publication of an NPRM and delay of its effective date would be contrary to the public interest since the precise location of the event necessitating the promulgation of this safety zone, and other logistical details surrounding the event, were not finalized until a date fewer than 30 days prior to the event date. Therefore, the event would be finished before the rulemaking process was complete if an NPRM was published, jeopardizing the safety of the lives and property of event participants and spectators.

Discussion of Regulation

The Port of Oakland/Oakland Portside Associates are sponsoring the 4th of July Fireworks Celebration at Jack London Square on the evening of July 4, 1998. These fireworks will be launched from a barge located approximately 1,000 feet south of Jack London Square in the Oakland Estuary.

The safety zone will be bounded by a 350 yard radius surrounding the launch barge, the center of which will be approximately located at the following position: 37°–47.6′ N, 122°–16.4′ W. This safety zone is necessary to protect the participating technicians, the spectators, and vessels and other property from the hazards associated with the fireworks display. Entry into, transit through, or anchoring within this zone by all vessels prohibited, unless authorized by the Captain of the Port, or a designated representative thereof. Commercial vessels may request authorization to transit the regulated area by contacting the Vessel Traffic Service on Channel 14 VHF–FM. For purposes of this temporary regulation, ''commercial vessels'' are defined as all vessels other than those used and registered/documented exclusively for recreational purposes.

Regulatory Evaluation

This temporary regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the

regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). Due to the short duration and limited scope of the implementation of the safety zone, and because commercial traffic will have an opportunity to request authorization to transit, the Coast Guard expects the economic impact of this rule to be so minimal that full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include small businesses and not-for-profit organizations that are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. For the same reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule is not expected to have a significant economic impact on any substantial number of entities, regardless of their size.

Assistance for Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Andrew B. Cheney, U.S. Coast Guard Marine Office San Francisco Bay at (510) 437–3073.

Collection of Information

This regulation 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 temporary 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 temporary regulation and concluded that under Chapter 2.B.2. of Commandant Instruction M16475.1C, Figure 2–1, paragraph (35), it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of $100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule selected.

No state, local, or tribal government entities will be effected by the rule, so this rule will not result in annual or aggregate costs of $100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

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 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.T11–079 is added to read as follows:

§ 165.T11–079 Safety Zone: San Francisco Bay, San Francisco, CA.

(a) *Location.* The area described as follows, located within the navigable waters of the Oakland Estuary, constitutes a safety zone: a circular radius of 350 yards surrounding the barge used as a platform to launch fireworks for Jack London Square's 4th of July Fireworks Celebration, the center of which is approximately located at 37°47.6′ N, 122°16.4′ W. All coordinates referred use Datum: NAD 83.

(b) *Effective Dates.* This safety zone will be in effect on July 4, 1998 from 8 p.m. to 11:30 p.m., PDT. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice To Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or a designated representative thereof. Commercial vessels may request authorization to transmit the safety zone by contacting Vessel Traffic Service on Channel 14 VHF–FM.

Dated: June 3, 1998.

H. Henderson,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco Bay.

[FR Doc. 98–16781 Filed 6–23–98; 8:45 am]

BILLING CODE 4910–15–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 96–3B]

Notice and Recordkeeping for Digital Subscription Transmissions

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim regulations.

SUMMARY: The Copyright Office of the Library of Congress is issuing interim regulations on the requirements by which copyright owners shall receive reasonable notice of the use of their works from digital subscription transmission services, and how records of such use shall be kept and made available to copyright owners. The Digital Performance Right in Sound Recordings Act of 1995 requires the Office to adopt the regulations.

EFFECTIVE DATE: The interim regulations are effective July 20, 1998.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Jennifer L. Hall, Senior Attorney, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Interim Rule in Docket No. RM 96–3B, adopted June 15, 1998. The full text of the Interim Rule is available for inspection and copying during normal business hours in the Public Information Office of the Copyright Office, Room LM–401, and in the Public Records Office of the

Licensing Division of the Copyright Office, Room LM–458, James Madison Memorial Building, First and Independence Avenue, S.E., Washington, D.C. 20559–6000. The full Interim Rule is also available via the Copyright Office homepage at http://www.loc.gov/copyright.

The regulations are issued on an interim basis due to the developing nature of the digital transmission service industry and of the technology which will be employed in accommodating the reporting requirements. In two years, the Office will provide another opportunity for comment before issuing final regulations.

Background

On November 1, 1995, Congress enacted the Digital Performance Right in Sound Recordings Act of 1995 (''the Act''). Public Law No. 104–39, 109 Stat. 336 (1995). The Act gave to sound recording copyright owners an exclusive right to perform their works publicly by means of a digital audio transmission. 17 U.S.C. 106(6). Certain digital transmissions were exempted from the scope of the right, 17 U.S.C. 114(d)(1), while nonexempt digital subscription services were given the opportunity to qualify for a statutory license. 17 U.S.C. 114(d)(2). Congress directed the Librarian of Congress to establish regulations under which copyright owners may receive reasonable notice of the use of their sound recordings under the statutory license, and under which entities performing the sound recordings shall keep and make available records of such use. 17 U.S.C. 114(f)(2).

The Sec. 114 License for Nonexempt Subscription Transmissions

A nonexempt digital subscription service transmission is subject to statutory licensing in accordance with 17 U.S.C. 114(f) if the transmission is not part of an interactive service, does not exceed the ''sound recording performance complement,'' does not give an advance program schedule or prior announcement of titles to be performed, does not automatically cause the receiving device to switch from one program channel to another, and includes information encoded by authority of the copyright owner identifying the title, the featured artist, and related information. 17 U.S.C. 114(d)(2). The ''sound recording performance complement'' is a limit on the number of selections that can be played from one phonorecord, boxed set, or featured artist within a three-hour period. See 17 U.S.C. 114(j)(7).

Digital subscription transmission services that qualify for the statutory license may reach a voluntary agreement as to rates and terms with sound recording copyright owners, or may petition the Librarian of Congress to convene a copyright arbitration royalty panel (CARP) to set rates and terms for those entities that have not reached voluntary agreement. 17 U.S.C. 114(f)(1)–(2), and (4). On June 4, 1996, no voluntary agreement having been reached, the parties petitioned the Librarian to convene such a CARP.[1] Rates and terms set by the CARP will apply to all copyright owners and subscription services not subject to voluntary agreement. 17 U.S.C. 114(f)(2)–(3). However, Congress also directed the Librarian of Congress to establish regulations by which copyright owners may receive reasonable notice of the use of their sound recordings under statutory license, and under which records of such use shall be kept and made available by the entities performing the sound recordings. 17 U.S.C. 114(f)(2). Anyone performing a sound recording publicly by means of a nonexempt subscription transmission under section 114(f) may do so without infringing the exclusive right of the sound recording copyright owner by complying with the notice requirements that the Librarian prescribes by regulation and by paying royalty fees in accordance with the law. 17 U.S.C. 114(f)(5).

Rulemaking on Notice and Recordkeeping

On May 13, 1996, the Copyright Office published a Notice of Proposed Rulemaking in the **Federal Register** requesting comments on the requirements by which copyright owners should receive reasonable notice of the use of their works from subscription digital transmission services and how records of such use should be kept and made available to copyright owners. The Office asked commentators to consider both the adequacy of notice to sound recording copyright owners and the administrative burdens placed on digital transmission services in providing notice and maintaining records of use. 61 FR 22004 (May 13, 1996).

Initial Comments and Reply Comments

The Office received a total of four comments and three reply comments, as well as one surreply and one comment to the surreply. Comments were submitted by the Recording Industry Association of America (RIAA) (representing member companies who manufacture or distribute more than 90 percent of legitimate sound recordings sold in the United States), and three digital music subscription services operating in the United States: DMX, Inc. (DMX); Muzak, Inc. (Muzak); and Digital Cable Radio Associates/Music Choice (DCR) (''commenting parties''). The Initial and Reply Comments are fully summarized in the text of this Interim Rule and Order, and were also discussed in a second Notice of Proposed Rulemaking (NPRM), published on June 24, 1997. See 62 FR 34035 (June 24, 1997). The comments addressed a wide range of proposals for notice and records of use, including: an initial notice filed with the Copyright Office to indicate commencement of transmission under statutory license; quarterly reports of use including data to indicate which sound recordings were performed and the number of times (summary frequency data); whether reports should be served on a single collective rights organization (''Collective'') such as RIAA's, rather than on individual copyright owners; data fields to identify sound recordings; and maintenance of records. The comments also addressed matters not prescribed in the Act, such as confidentiality, auditing, and statements of account.

Meetings To Facilitate Agreement on Notice and Recordkeeping Requirements; and Issues Identified in Discussions Among the Parties

On November 14, 1996, the Copyright Office met with the parties to facilitate agreement on notice and recordkeeping requirements under section 114, and to discuss the proper regulatory and recordkeeping role for the Office. In attendance were 15 individuals representing RIAA, DMX, Muzak, DCR, and the Copyright Office. The Office distributed at the meeting a list of principles it accepted: for example, Services would file with the Office an initial notice indicating transmission of sound recordings under statutory license. Following the meeting, the Office circulated a draft meeting summary, and received additional written comments in response. A

[1] On November 28, 1997, the CARP convened by the Librarian issued its report determining rates and terms for the license for the period from the effective date of the Act. Report of the Copyright Arbitration Royalty Panel, In re: Determination of Statutory License Terms and Rates for Certain Digital Subscription Transmission of Sound Recordings, No. 96–5 (Nov. 28, 1997). The Librarian issued an order accepting in part the CARP Report, and establishing additional terms. See discussion infra, The 1997 CARP Proceeding Under Section 114.

second meeting with the parties took place on January 23, 1997.[2]

In the comments and meeting discussions, the parties considered how reports of use would be kept or made available for sound recording copyright owners who were not members of a Collective, who could not be located, or who refused delivery. While Services believed the Office should designate a Collective and not permit individual copyright owners not to join, RIAA expressed concern about its Collective administering rights for non-member copyright owners, due to contractual and fiduciary duties to its members. The commenting parties addressed whether Services should provide playlist samples or error logs to verify compliance with the sound recording performance complement, and whether the Act requires Services to affirmatively report compliance with the complement. Following the meetings, however, a Service proposal to produce each quarter the entire intended playlist, instead of summary frequency data or error logs, was deemed generally acceptable, provided an agreeable definition for ''intended playlist'' were reached. The commenting parties also continued to discuss data fields to identify sound recordings performed.

The Second NPRM and Request for Further Comments

On June 24, 1997, the Copyright Office published a second Notice of Proposed Rulemaking (NPRM), presenting certain preliminary decisions and asking the parties for further comments. See Notice of Proposed Rulemaking, 62 FR 34035 (June 24, 1997). For example, the Office announced that it would accept an optional initial notice from Services; concluded that Services should keep and make available records to permit monitoring of the performance complement; asked how Services would make records of use available to unaffiliated sound recording copyright owners; concluded that copyright owners whose identity and location is known should be served directly with reports of use; inquired whether Services planned to serve quarterly intended playlists on small and individual copyright owners, or if there were an alternative reporting mechanism; inquired whether copyright owners should be permitted to waive complement information in favor of summary frequency data for their recording only; sought comment on estimated costs for providing intended playlists to different parties; stated a requirement that Services maintain records of use for three years; and announced that it would issue no regulation on audits. The Office provided a 60-day comment period.

The Further Comments

In response to the request for Further Comments in the June 24, 1997, NPRM, the Office received comments from: RIAA; DMX; DCR; the National Music Publishers' Association, Inc. (NMPA); and Creative Engineering Concepts, Inc. (CECI). CECI is the developer of an automated signal recognition technology employed nationwide and internationally by Broadcast Data Systems, LP, to identify sound recordings and advertisements using features and characteristics of the audio patterns.

1. Initial Notice

RIAA argued that the single-page initial notice filed by Services with the Copyright Office should be mandatory, not optional, so that copyright owners can identify prospectively entities that will transmit under statutory license.

2. Reports of Use

The commenting parties agreed that Services should provide quarterly reports of use consisting of their ''intended playlists'' for the quarter.

a. Definition of intended playlist. All commenting parties agreed that the intended playlist should report every sound recording ''scheduled'' to be transmitted; in addition, RIAA recommended that the intended playlist report every sound recording ''actually'' transmitted. RIAA also recommended that the intended playlist be defined to include a detailed report of any Service system failures resulting in transmission of unscheduled sound recordings. DMX suggested that the definition prescribe data fields and sound recording identifiers to be included in the playlist.

b. Reporting system failures resulting in deviations from the intended playlist. RIAA said Services should report system failures, including time and duration, and titles of substitute sound recordings transmitted in place of those scheduled. DMX said it does not automatically generate error logs in event of system failure, and that errors causing deviations from intended playlists are rare. DMX noted that logs were proposed to evaluate summary frequency data and playlist samples; providing complete intended playlists vitiates their necessity.

c. Certification of reports. RIAA said reports of use should contain a certification signed by a Service representative attesting under notary or penalty of perjury to accuracy. DMX said at most the regulation should require a statement that the report reflects information believed to be accurate and maintained in ordinary course of business.

d. Reporting compliance with the performance complement. DCR reasserted that the Act does not impose an obligation on Services affirmatively to report compliance with the performance complement.

e. Data fields and sound recording identifiers. RIAA, DCR and DMX generally agreed that the intended playlist reports should include the following eight data fields: channel, sound recording title, featured artist, album title, record label, catalog number, transmission date, and transmission time. In addition, RIAA sought four other identifiers: the CD track number, the Service name, the International Sound Recording Code (ISRC), and the ''sound recording identifier'' used by Selector (the software program Services employ to generate their intended playlists). However, CECI also described its technology to automatically identify sound recordings ''using features and characteristics of the audio patterns,'' and to monitor sound recording usage. CECI already administers a network of remote monitoring systems collecting channel number and other data; the technology is used by record companies, broadcasters and others, to verify airplay, generate statistics, control distribution and determine royalty payments. This could be adapted within about six months to automatically document use of sound recordings and other copyrighted works by Services, verify compliance with the performance complement, and generate reports of use.

f. Compilation albums and non-music and foreign programming. RIAA said the standard reporting requirements would clearly apply to retail compilation albums, such as movie soundtracks, and should also apply to non-retail but commercial compilation albums, such as disc jockey compilation albums, because in such cases Services possess and make available to their subscribers information regarding the retail album. RIAA said the regulations should not distinguish between foreign and domestic programming. In earlier comments, Services sought to limit regulation of non-stereo, retransmitted foreign-originated programming, or retransmitted programming consisting

[2] The comments, meeting summaries, and meeting handouts are available in the Public Information Office of the Copyright Office, Room LM–401, James Madison Memorial Building, Washington, D.C.

of less than one-half music, such as sports or talk radio, but in their Further Comments professed no plans for such programming.

3. Central Collective

The Further Comments urged the Office to designate a central Collective and not impose a requirement of direct service to small, independent copyright owners. Services argued severe costs and administrative burdens associated with the reporting scheme in the NPRM would cripple them, and that direct service would force them to mainstream programming. DMX said use of collectives is common practice internationally with respect to collection and distribution of royalties for performance of sound recordings.

a. Alternative reporting mechanism. Services did not wish to identify individual copyright owners and provide separate reports that would also permit complement monitoring. DCR said no alternative to the intended playlist would provide comparable information, and the only alternative was to designate an independent second Collective for copyright owners not wishing to join RIAA. CECI volunteered to be an alternative Collective for small independent copyright owners. DMX urged the Office to mandate a single Collective, but, recognizing burden and expense of providing independent copyright owners with either intended playlists or individually tailored summary reports, DMX suggested three alternative reporting methods, and five ''safeguards'' it sought if direct service were required. DMX said Services should be able to choose among the methods and vary them by agreement or according to recipient, and that unserved copyright owners should make their identity and location known to Services by registered letter.

b. RIAA Collective as central repository. In Further Comments, RIAA said it now agreed to become the central repository for all copyright owners, including non-RIAA members. RIAA said it would now agree to receive all reports of use and royalties from Services. Because it now sought to be the central Collective, it said many questions in the second NPRM were moot; for example, there is no need for an alternative to the intended playlist, and no need for separation of reports. Because the Collective now planned to identify and locate copyright owners of all sound recordings performed under the license and to distribute to all entitled copyright owners, there was no need to define copyright owners ''whose identity and location is known'' to trigger a direct service requirement. RIAA said it required complete and uniform data to operate a royalty distribution system. It rejected summary frequency data because it lacks complement information and said all copyright owners are entitled to the same notice of use. RIAA said it would deduct costs from royalties to cover administrative expenses. Royalties that could not be distributed for unlocated copyright owners would, after three years of escrow, be used to offset costs of locating non-members.

4. Details Relating to Records of Use

The Further Comments addressed a number of details relating to records of use, including formats of reports, access and confidentiality, audits, maintenance of records, costs of maintaining and providing records, and retroactivity of recordkeeping requirements.

a. Reporting and maintaining records of use; format. RIAA and DCR agreed that reports of use should be provided within 30 days of the close of each quarter; DMX preferred no later than 45 days following the end of the quarter. The commenting parties agreed that Services should be required to retain reports of use for three years, and that reports should be provided on a common machine-readable medium. DMX generally accepted the file format suggested by RIAA.

b. Confidentiality. The commenting Services agreed that provision of intended playlists may raise confidentiality concerns. One said Services should be able to elect to provide intended playlists, summary frequency data, or Internet-posted past playlists (in either a password-protected or publicly available area). RIAA said playlists are available to anyone willing to monitor programming, but suggested that instead of requiring a confidentiality agreement, the regulation should limit the information's dissemination and utilization.

c. Access and audits. While announcing that it would not promulgate audit regulations, the Office in the June 24, 1997, NPRM inquired whether some regulation on access were needed and how Services would make records available to copyright owners who had not been served. DMX suggested that audits of Services be limited to once a year, and that copyright owners be able to view information held by a Collective, subject to fees. NMPA urged the Office to expressly establish audit requirements in its forthcoming regulations on notice and recordkeeping under section 115.

d. Costs. RIAA said it would deduct costs from royalties to cover administrative expenses, while royalties that could not be distributed to unlocated copyright owners would be escrowed for three years before reverting to the general royalty account for distribution, or being used to offset costs to Collective members of trying to locate non-members. RIAA said costs of serving the Collective or copyright owners, and of retaining reports for three years, should be borne by Services. DMX said Services should bear costs of maintaining intended playlists, but the cost of preparing and delivering reports of use to a Collective or record company, including reasonable labor and computer time, should be deducted from royalty payments.

e. Effective date and transition period. DCR and DMX said reports of use should not be required from the license's creation on February 1, 1996, through adoption of regulations. DCR said retroactive recordkeeping would require millions of records. DCR and DMX said the Office should recognize a transition period of two years before full compliance with notice and recordkeeping rules is required. RIAA sought use data for periods preceding issuance of regulations, and said the regulation should not recognize a formal transition period.

The 1997 CARP Proceeding Under Section 114

As noted, following a period of voluntary negotiation concerning rates and terms for the section 114 statutory license, the parties petitioned the Librarian of Congress on June 4, 1996, to convene a copyright arbitration royalty panel (CARP). See 17 U.S.C. 114(f)(1)–(2); Initiation of Voluntary Negotiation Period, 60 FR 61655 (Dec, 1, 1995); Initiation of Arbitration, 62 FR 29742 (June 2, 1997). On November 28, 1997, the CARP convened by the Librarian issued its report determining rates and terms for the license for the period from the effective date of the Act. Report of the Copyright Arbitration Royalty Panel, In re: Determination of Statutory License Terms and Rates for Certain Digital Subscription Transmission of Sound Recordings, No. 96–5 (Nov. 28, 1997) (Report). The Report established, *inter alia*, the following terms:

(1) Collective: The CARP determined that ''any notices and payments required by the CARP 'should be submitted to a single private entity or government agency that will distribute the funds to sound recording copyright owners.' '' Because RIAA requested that it be designated as the single entity and because Services did not object, the

Panel determined ''that the RIAA Collective shall serve as that single private entity.'' Report ¶ 184. See also ¶ 205.

(2) Maintenance of certain records: The CARP said Services shall maintain accurate records on matters directly related to the payment of license fees for a period of three years. Report ¶¶ 192, 209.

(3) Audits: Interested parties may conduct a single audit of a Service during any given year. Report ¶¶ 193, 210.

(4) Confidentiality: RIAA must establish safeguards to avoid disclosure of confidential financial and business information. ¶¶ 191, 208.

On January 27, 1998, the Librarian concluded on the recommendation of the Register that he could not adopt the Report to the extent that certain of the findings and conclusions were arbitrary and contrary to law. Notice and Order, Docket No. 96–5 CARP DSTRA (Jan. 27, 1998). See 17 U.S.C. 802(f). Setting aside the Panel's final determination in part, to reject the Panel's rate and certain of the terms, the Librarian issued an Order published in the **Federal Register**, accepting each of the terms set forth above. See Determination of Reasonable Rates and Terms for the Digital Performance of Sound Recordings, 63 FR 25394 (May 8, 1998). The Librarian's Order also established the following additional terms.

(5) Audits: Interested parties may conduct one audit of the RIAA Collective during any given year. 37 CFR 260.6.

(6) Costs: The RIAA Collective may deduct, from royalties it distributes, reasonable costs incurred in administration of the distribution of royalties, so long as the reasonable costs do not exceed actual costs incurred by the collecting entity. 37 CFR 260.3(d). The Collective also may use unclaimed funds to offset the cost of administering collection and distribution of royalties. 37 CFR 260.7.

The CARP proceeding and Librarian's final determination upon review of the CARP Report therefore resolved until at least the year 2001 some of the issues that were the subject of comment in the present rulemaking, including the establishment of a single Collective, auditing, confidentiality, and deduction of costs.

Discussion and Conclusions

The Act directs the Librarian to establish regulations under which copyright owners may receive reasonable notice of use of their sound recordings under the license, and under which entities performing sound recordings shall keep and make available records of use. 17 U.S.C. 114(d)(2). Congress meant to inhibit neither the arrival of new technologies nor the operation of existing digital audio services. S. Rep. No. 128, 104th Cong., 1st Sess. 15 (1995); Cong. Rec. S950 (daily ed. Jan. 13, 1995) (statement of Sen. Feinstein). The Office has considered both adequacy of notice to copyright owners and administrative burden for Services providing notice and records. See 61 FR 22004 (May 13, 1996).

1. Initial Notice

Digital subscription services transmitting sound recordings under the statutory license will file an initial notice with the Copyright Office consisting of Service name, address, telephone number, and information on how to gain access to the online website or home page of the Service or entity, where information may be posted under these regulations concerning the use of sound recordings under statutory license. The notice will be placed in Copyright Office records where copyright owners may access the information concerning use of sound recordings under the license. The filing will be required to assist copyright owners and Collectives locate entities transmitting under the license. Services will file the initial notice any time prior to commencement of transmission under the license or within 45 days of the regulation's effective date, and update the filing within 45 days of a change in the information reported. The notices shall be accompanied by a filing fee.

2. Designation of a Single Collective

Digital subscription services will also be required to provide detailed reports of their use of sound recordings under the license, but will not be required to serve copyright owners individually. Although the Office suggested in its second NPRM that it did not have authority to designate a single Collective to serve as a central repository and might have to require Services to serve reports of use directly on copyright owners or their agents, the Services urged the Office to designate a single Collective. Services argued that the costs of direct service upon owners of the 10 million songs performed by each Service annually would cripple them and cause them to eliminate all but ''mainstream'' programming in order to limit the number of copyright owners served. One Service observed that use of collective administration for performance of sound recordings is common practice internationally.

The Office recognizes that collective administration may be preferable where a large number of works are used, no single use is of great value, and owners cannot be easily located. In such cases, a central clearinghouse creates efficiencies of scale. The Office continues to question whether it would be appropriate, as part of an isolated rulemaking on notice and recordkeeping pursuant to 17 U.S.C. 114(f)(2), to require that notice of use of sound recordings be served on a single Collective rather than on all sound recording copyright owners. However, a single Collective (the RIAA Collective) has now been designated by a CARP and confirmed by an Order of the Librarian for purposes of receiving royalty payments and statements of account. In this notice and recordkeeping proceeding, RIAA said that its Collective would serve as central repository for reports for all sound recording copyright owners, regardless of membership in RIAA; commenting Services accepted the RIAA Collective as suitable for this role. The purpose of the CARP proceeding was to determine reasonable terms and rates under the statutory license. See 17 U.S.C. 114(f). The CARP's designation of a single Collective to receive royalty payments and statements of account as a term of the license simplifies the Office's task in this notice and recordkeeping proceeding. Rates and terms determined in the CARP proceeding are binding on all Services and sound recording copyright owners. 17 U.S.C. 114(f)(2). Because Services will send royalty payments and statements of account to a single Collective rather than to individual copyright owners, records of use should be sent to the Collective, which will distribute royalties to copyright owners based on the information in the records of use.[3] As one Service noted, reports of use determine royalty payments and should logically accompany them.

The Librarian's Order of May 8, 1998, establishes rates and terms for the statutory license through December 31, 2000. See 17 U.S.C. 114(f)(1). The RIAA Collective will serve as the collective administration organization through

[3] While most copyright owners are likely to utilize the designated Collective, a copyright owner and Service may reach separate arrangements in place of requirements imposed by the CARP or Copyright Office for royalties and records of use. Section 114(f)(3) provides:

License agreements voluntarily negotiated at any time between one or more copyright owners of sound recordings and one or more entities performing sound recordings shall be given effect in lieu of any determination by a copyright arbitration royalty panel or decision by the Librarian of Congress. 17 U.S.C 114(f)(3).

that date. Negotiations on rates and terms for years 2001 through 2005 will commence in January 2000. 17 U.S.C. 114(f)(4)(B).[4]

In summary, the regulation directs Services to serve records of use upon the Collective or Collectives identified in Copyright Office records as having been designated through the CARP process or by settlement agreement. Because Services will serve records of use for all sound recording copyright owners upon the designated Collective[s], there is no need for a definition of sound recording copyright owners whose identity and location is known, or other regulations concerning a direct service requirement. As discussed below, in the event that no Collective is designated, or if all designated Collectives terminate collection and distribution operations, Services will be required to post records of use online, with appropriate safeguards to protect confidentiality. Interested parties will have an opportunity to comment on these issues before final regulations are issued in late 2000.

In order to effectuate the statutory mandate that ''copyright owners'' may receive reasonable notice of the use of their sound recordings under this section, 17 U.S.C. 114(f)(2), the Collective should make certain information publicly available. In order to receive records of use, designated collectives will file with the Copyright Office and post and make available online a notice containing the following information: the Collective name, address, and telephone number; a statement that the Collective has been designated for collection and distribution of performance royalties under statutory license for digital transmission of sound recordings; and information on how to gain access to the Collective's online website or home page, where information may be posted under these regulations concerning the use of sound recordings under statutory license. The address of the Collective website will be made available on the Copyright Office website. In addition, the Collective will post and make available online, for the duration of one year, an annual report on how the Collective operates, how royalties are collected and distributed, and what the Collective spent that fiscal year on administrative expenses.

[4] Because future negotiations or CARP proceedings may result in designation of more than one Collective, the regulations anticipate the possibility that there may be multiple Collectives. Of course, it is also possible that future negotiations or CARP proceedings result in some payment mechanism other than a Collective.

3. Reports of Use

Reports of use will be monthly, and shall consist primarily of the Service's Intended Playlists for each channel and each day of the month. Reports of use shall be due on the twentieth day after the end of each month, commencing with the month succeeding the month in which these regulations become effective. The commenting parties agreed that reports of use should consist of the Intended Playlists. Not all Services can produce an actual playlist or error log, and the proposal to provide samples to test playlist reports was not found acceptable. The Intended Playlists accomplish all of copyright owners' reporting objectives, including provision of information with which copyright owners can generally monitor compliance with the sound recording performance complement in section 114(j)(7).

The Office considered arguments of DCR and other Services that the Act imposes no obligation to affirmatively report compliance with the complement, but reaffirms its earlier judgment. The Office notes that conforming to the performance complement is a condition of the statutory license, and a Service that complies with the regulatory notice requirements and pays the statutory royalties thereby avoids infringing the copyright owners' exclusive rights. 17 U.S.C. 114(d)(2), (f)(5). The Office determines, therefore, that it is within its rulemaking authority under section 114(f)(2) to require reporting of complement information. *See Cablevision Sys. Dev.* v. *Motion Picture Ass'n*, 836 F.2d 599 (D.C. Cir. 1988)(Copyright Office had authority to issue regulations interpreting statute). The Office believes that the presence and specificity of the performance complement indicates Congress' intent that records of use include data to test compliance. While section 114(j)(7) provides that transmissions from multiple phonorecords exceeding the performance complement's numerical limitations will nonetheless conform to the complement if the programming of multiple phonorecords was not ''wilfully intended'' to avoid the numerical limitations, a pattern of regular conduct might provide evidence of the requisite intent.

The Intended Playlists shall consist of a consecutive listing of every sound recording scheduled to be performed, for each of the Service's channels and each day during the reported month. This definition reflects the true nature of the Intended Playlist, as a listing of sound recordings scheduled to be played. The regulation requires that the Intended Playlist include every recording scheduled to be transmitted, rather than those scheduled and actually transmitted, because the comments and facilitated discussions established that Services are not able to provide an actual playlist, and that Intended Playlists already include overscheduled recordings (about an extra song per hour) to assure continuity, and are therefore highly reflective of recordings actually transmitted. Services shall report system failures causing deviations from the Intended Playlists, including the date, time and duration of any such system failure, but during the interim regulatory period, will not be required to also report the titles of sound recordings transmitted in place of those scheduled on the intended playlist. The facilitated discussions indicated that not all Services can provide an error log, and that system failures causing deviations from the playlist are rare events occurring on a single channel for limited periods. Efforts during such events are likely focused more on repairing the malfunction than on recordkeeping of titles. However, if system failures appear to increase in frequency or duration, or become opportunities for wholesale complement violations, then the Office will reconsider its position.

The Reports of Use shall include the following data fields and sound recording identifiers that all commenting parties agreed to: channel, sound recording title, featured artist, album title, record label catalog number, transmission date, and transmission time. Although one Service argued that the Act creates no duty to report date and time, the Office believes that Congress intended Services to report complement information; moreover, given that Service's argument that only ''willfully intended'' transgressions will violate the complement, the Intended Playlists' scheduled dates and times would presumably help establish Service's intentions in this regard. In addition to the eight data fields, the Reports of Use will also include: Service name, because the source of the report should be clear independent of mailing labels or informal labeling of computer files; and, where feasible, the International Sound Recording Code (ISRC), because this identifier, when embedded in sound recordings, facilitates automatic identification and royalty administration worldwide. The required data fields will not include the Selector sound recording identifier, or any other identifiers relating to

particular private monitoring systems, because the Office does not wish to incorporate proprietary standards of a particular company while the transmission, reporting, and copyright management technologies are rapidly developing. There are no separate requirements for compilation albums, except that in the case of compilation albums created for commercial purposes, Services should report the name of the retail album identified by the Service for the sound recording. During the interim period, there are no separate requirements for non-music or retransmitted, foreign-originated programming, because the Services reported no current plans to transmit such programming. The Reports of Use should be provided on a common machine-readable medium, such as diskette, optical disc, or magneto-optical disc, in the ASCII delimited format set forth in the regulation, with all data for one record on a single line. Reports of Use must be accompanied by a statement by a Service representative, signed under penalty of perjury, that the Intended Playlist report reflects information believed to be accurate and maintained by the Service in its ordinary course of business.

4. Availability of Records

If no Collective is designated, or all designated Collectives have terminated collection and distribution operations, Services will be required to post their reports of use online on the 20th day after the end of each month and make them available to all sound recording copyright owners for a period of 90 days. The Office inquired whether Services consider their playlists to be confidential or trade secrets, and has given the matter considerable thought. The Office cannot state conclusively that there is no confidential trade secret interest in the programming details incorporated in an Intended Playlist but notes that past Intended Playlists are publicly performed and are historical fact. Realistically, the Office has had to weigh any confidentiality interest against the Services' own competing interests in minimizing administrative burdens and costs, as well as copyright owners' interest in receiving information concerning use of their works. The regulation requires Collectives and copyright owners not to disseminate information in the reports to persons not entitled to it, or to utilize it for any purpose other than those the Act permits, including royalty collection, distribution, and determining compliance with statutory license requirements, without express consent of the Service. Services may require use of passwords for access to electronically posted reports, and may predicate provision of a password upon information relating to identity, location and status as a sound recording copyright owner, and upon a ''click-wrap'' agreement not to use the reported information without the Service's consent for any purpose other than those contemplated under the Act; however, Services must make passwords available free of charge or of other restrictions. In the event that no Collective is designated, and in the absence of direct service to notify them of use of their copyrighted works, all sound recording copyright owners should be able to gain access online to records of use of their sound recordings under the statutory license. Services will be required to provide the Copyright Office with information on how to gain access to Services' online reports of use. That information will be made available on the Copyright Office website.

Because section 114(f)(2) mandates requirements by which ''copyright owners'' may receive reasonable notice of the use of their sound recordings, provision must be made for individual copyright owners to have access to the Reports of Use, even where there are designated Collectives. Accordingly, Collectives receiving the Reports of Use must make copies of the reports available for inspection by any sound recording copyright owner, without charge, during normal office hours upon reasonable notice. Any copyright owner exercising the right to inspect the Reports of Use must agree in writing to certain confidentiality restrictions.

Because rates and terms of payment are to be addressed through industry-wide settlement or a CARP, this notice and recordkeeping regulation will not address how copyright owners will contact Services to demand payment based on records of use in the event that all designated Collectives have terminated operations or in the event that, in a future settlement or CARP proceeding, no Collective is designated. Similarly, the regulation will not include requirements for statements of account, which are properly addressed as a license term through negotiation or a CARP. Services will be required to maintain their reports of use for three years, the statutory period of limitations for copyright infringement actions. The regulation will not address the proposal for a yearly audit of records underlying the Reports of Use, which the Office generally sees as a matter of business and legal practice to be addressed through negotiation or a CARP.

The Office inquired about the costs of providing copyright owners with records of use. RIAA said that its Collective would deduct reasonable administrative costs as a percentage of royalties. The matter of costs is a question for resolution through negotiation or a CARP. See Determination of Reasonable Rates and Terms for the Digital Performance of Sound Recordings, 63 FR 25394 (May 8, 1998). However, collectives typically deduct administrative expenses. See Recommendations of the Intergovernmental Committee of the Rome Convention, 1979 Copyright 103, 109.[5]

5. Effective Dates

These regulations will be adopted on an interim basis for a period of two years, and will become effective on July 20, 1998. The regulations will recognize a transition period through August 31, 1998, before Services are required to comply fully with the recordkeeping rules. For the period February 1, 1996, through August 31, 1998, Services must make available records of use, but will have the option of producing either summary frequency data or full Intended Playlists.

6. Regulatory Flexibility Act

Although the Copyright Office, as a department of the Library of Congress and part of the legislative branch, is not an ''agency'' subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612, the Register of Copyrights has considered the effect of these interim regulations on small businesses. The Register has determined that the interim regulations would not have a significant economic impact on a substantial number of small entities that would require provision of special relief for small entities in the regulations, and that the interim regulations are, to the extent consistent with the stated objectives of applicable statutes, designed to minimize any significant economic impact on small entities.

List of Subjects in 37 CFR Part 201

Copyright.

Interim Regulations

For the reasons set forth in the preamble, Part 201 of Title 37 of the Code of Federal Regulations is amended as follows:

[5] Arguably, the RIAA Collective's expenses would be lower than typical collectives' because it will not be negotiating licenses but will simply collect and distribute royalties.

PART 201—GENERAL PROVISIONS

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

Authority: 17 U.S.C. 702.

2. Sections 201.35 through 201.37 are added to read as follows:

§ 201.35 Initial Notice of Digital Transmission of Sound Recordings under Statutory License.

(a) *General.* This section prescribes rules under which copyright owners shall receive initial notice of use of their sound recordings under statutory license under section 114(f) of title 17 of the United States Code, as amended by Public Law 104–39, 109, Stat. 336.

(b) *Definitions.* (1) An *Initial Notice of Digital Transmission of Sound Recordings under Statutory License* is a notice to sound recording copyright owners of the use of their works under section 114(f), and required under this regulation to be filed by a Service in the Copyright Office.

(2) A *Service* is an entity engaged in the digital transmission of sound recordings, pursuant to section 114(f) of title 17 of the United States Code.

(c) *Forms.* The Copyright Office does not provide printed forms for the filing of Initial Notices.

(d) *Content.* An ''Initial Notice of Digital Transmission of Sound Recordings under Statutory License'' shall be identified as such by prominent caption or heading, and shall include the following:

(1) The full legal name of the Service commencing digital transmission of sound recordings under statutory license;

(2) The full address, including a specific number and street name or rural route, of the place of business of the Service. A post office box or similar designation will not be sufficient except where it is the only address that can be used in that geographic location;

(3) The telephone number and facsimile number of the Service; and

(4) Information on how to gain access to the online website or home page of the Service, or where information may be posted under these regulations concerning the use of sound recordings under statutory license.

(e) *Signature.* The Initial Notice shall include the signature of the appropriate officer or representative of the Service transmitting sound recordings under statutory license. The signature shall be accompanied by the printed or typewritten name and title of the person signing the Notice, and by the date of signature.

(f) *Filing.* A Service shall file the Initial Notice with the Licensing Division of the Copyright Office prior to the first transmission of sound recordings under the license, or within 45 days of the effective date of this regulation. Each Notice shall be accompanied by a filing fee of $20. Initial Notices and amendments will be placed in the public records of the Licensing Division of the Copyright Office, and posted online where they will be accessible through the Copyright Office website. The address of the Licensing Division is: Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, S.E., Washington, D.C. 20557–6400.

(g) *Amendments.* A Service shall file with the Licensing Division of the Copyright Office an amendment reporting a change in the information reported in the Initial Notice within 45 days of the change. An amendment shall be accompanied by a fee of $20, and shall:

(1) Be clearly and prominently identified as ''An Amendment to an Initial Notice of Digital Transmission of Sound Recordings under Statutory License'';

(2) Identify the specific Initial Notice intended to be amended, by Service name and filing date, so that it may be readily located in the records of the Copyright Office;

(3) Clearly specify the nature of the amendment to be made; and

(4) Be signed and dated in accordance with this section.

§ 201.36 Reports of Use of Sound Recordings under Statutory License.

(a) *General.* This section prescribes rules under which Services shall serve copyright owners with notice of use of their sound recordings, what the content of that notice should be, and under which records of such use shall be kept and made available.

(b) *Definitions.* (1) A Collective is a collection and distribution organization that is designated under the statutory license, either by settlement agreement reached under section 114(f)(1) or section 114(f)(4)(A) and adopted pursuant to 37 CFR 251.63(b), or by decision of a Copyright Arbitration Royalty Panel (CARP) under section 114(f)(2) or section 114(f)(4)(B), or by an order of the Librarian pursuant to 17 U.S.C. 802(f).

(2) A *Report of Use of Sound Recordings under Statutory License* is a report required under this regulation to be provided by the Service transmitting sound recordings under statutory license.

(3) A *Service* is an entity engaged in the digital transmission of sound recordings pursuant to section 114(f) of title 17 of the United States Code.

(c) *Service.* Reports of Use shall be served upon Collectives that are identified in the records of the Licensing Division of the Copyright Office as having been designated under the statutory license, either by settlement agreement reached under section 114(f)(1) or section 114(f)(4)(A) and adopted pursuant to 37 CFR 251.63(b), or by decision of a Copyright Arbitration Royalty Panel (CARP) under section 114(f)(2) or section 114(f)(4)(B), or by an order of the Librarian pursuant to 17 U.S.C. 802(f). Reports of use shall be served, by certified or registered mail, or by other means if agreed upon by the respective Service and Collective, on or before the twentieth day after the close of each month, commencing with the month succeeding the month in which these regulations become effective.

(d) *Posting.* In the event that no Collective is designated under the statutory license, or if all designated Collectives have terminated collection and distribution operations, a Service transmitting sound recordings under statutory license shall post and make available online its Reports of Use. Services shall post their Reports of Use online on or before the 20th day after the close of each month, and make them available to all sound recording copyright owners for a period of 90 days. Services may require use of passwords for access to posted Reports of Use, but must make passwords available in a timely manner and free of charge or other restrictions. Services may predicate provision of a password upon:

(1) Information relating to identity, location and status as a sound recording copyright owner; and

(2) A ''click-wrap'' agreement not to use information in the Report of Use for purposes other than royalty collection, royalty distribution, and determining compliance with statutory license requirements, without the express consent of the Service providing the Report of Use.

(e) *Content.* A ''Report of Use of Sound Recordings under Statutory License'' shall be identified as such by prominent caption or heading, and shall include a Service's ''Intended Playlists'' for each channel and each day of the reported month.

(1) The ''Intended Playlists'' shall include a consecutive listing of every recording scheduled to be transmitted, and shall contain the following information in the following order:

(i) The name of the service or entity;

(ii) The channel;

(iii) The sound recording title;

(iv) The featured recording artist, group, or orchestra;

(v) The retail album title (or, in the case of compilation albums created for commercial purposes, the name of the retail album identified by the Service for purchase of the sound recording);

(vi) The recording label;

(vii) The catalog number;

(viii) The International Standard Recording Code (ISRC) embedded in the sound recording, where available and feasible;

(ix) The date of transmission; and

(x) The time of transmission.

(2) The Report of Use shall include a report of any system failure resulting in a deviation from the Intended Playlists of scheduled sound recordings. Such report shall include the date, time and duration of any such system failure.

(f) *Signature.* Reports of use shall include a signed statement by the appropriate officer or representative of the Service attesting, under penalty of perjury, that the information contained in the Report is believed to be accurate and is maintained by the Service in its ordinary course of business. The signature shall be accompanied by the printed or typewritten name and title of the person signing the Report, and by the date of signature.

(g) *Format.* Reports of use should be provided on a standard machine-readable medium, such as diskette, optical disc, or magneto-optical disc, and should conform as closely as possible to the following specifications:

(1) ASCII delimited format, using pipe characters as delimiter, with no headers or footers;

(2) Carats should surround strings;

(3) No carats should surround dates and numbers;

(4) Dates should be indicated by: MM/DD/YYYY;

(5) Times should be based on a 24-hour clock: HH:MM:SS;

(6) A carriage return should be at the end of each line; and

(7) All data for one record should be on a single line.

(h) *Confidentiality.* Copyright owners, their agents and Collectives shall not disseminate information in the Reports of Use to any persons not entitled to it, nor utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the Service providing the Report of Use.

(i) *Documentation.* All compulsory licensees shall, for a period of at least three years from the date of service or posting of the Report of Use, keep and retain a copy of the Report of Use. For reporting periods from February 1, 1996, through August 31, 1998, the Service shall serve upon all designated Collectives and retain for a period of three years from the date of transmission records of use indicating which sound recordings were performed and the number of times each recording was performed, but is not required to produce full Reports of Use or Intended Playlists for those periods.

§ 201.37 Designated Collection and Distribution Organizations for Records of Use of Sound Recordings under Statutory License.

(a) *General.* This section prescribes rules under which records of use shall be collected and distributed under section 114(f) of title 17 of the United States Code, as amended by Public Law 104–39, 109 Stat. 336, and under which records of such use shall be kept and made available.

(b) *Definition.* (1) A *Collective* is a collection and distribution organization that is designated under the statutory license, either by settlement agreement reached under section 114(f)(1) or section 114(f)(4)(A) and adopted pursuant to 37 CFR 251.63(b), or by decision of a Copyright Arbitration Royalty Panel (CARP) under section 114(f)(2) or section 114(f)(4)(B), or by an order of the Librarian pursuant to 17 U.S.C. 802(f).

(2) A *Service* is an entity engaged in the digital transmission of sound recordings pursuant to section 114(f) of title 17 of the United States Code.

(c) *Notice of Designation as Collective under Statutory License.* A Collective shall file with the Licensing Division of the Copyright Office and post and make available online a ''Notice of Designation as Collective under Statutory License,'' which shall be identified as such by prominent caption or heading, and shall contain the following information:

(1) The Collective name, address, telephone number and facsimile number;

(2) A statement that the Collective has been designated for collection and distribution of performance royalties under statutory license for digital transmission of sound recordings; and

(3) Information on how to gain access to the online website or home page of the Collective, where information may be posted under these regulations concerning the use of sound recordings under statutory license. The address of the Licensing Division is: Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, S.E., Washington, D.C. 20557–6400.

(d) *Annual Report.* The Collective will post and make available online, for the duration of one year, an Annual Report on how the Collective operates, how royalties are collected and distributed, and what the Collective spent that fiscal year on administrative expenses.

(e) *Inspection of Reports of Use by Copyright Owners.* The Collective shall make copies of the Reports of Use for the preceding three years available for inspection by any sound recording copyright owner, without charge, during normal office hours upon reasonable notice. The Collective shall predicate inspection of Reports of Use upon information relating to identity, location and status as a sound recording copyright owner, and the copyright owner's written agreement not to utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the Service providing the Report of Use. The Collective shall render its best efforts to locate copyright owners in order to make available records of use, and such efforts shall include searches in Copyright Office public records and published directories of sound recording copyright owners.

(f) *Confidentiality.* Copyright owners, their agents, and Collectives shall not disseminate information in the Reports of Use to any persons not entitled to it, nor utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the Service providing the Report of Use.

(g) *Termination and dissolution.* If a Collective terminates its collection and distribution operations prior to the close of its term of designation, the Collective shall notify the Copyright Office, and all Services transmitting sound recordings under statutory license, by certified or registered mail. The dissolving Collective shall provide each such Service with information identifying the copyright owners it has served.

Dated: June 15, 1998.

Marybeth Peters,

Register of Copyrights.

Approved:

James H. Billington,

The Librarian of Congress.

[FR Doc. 98–16779 Filed 6–22–98; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI55–02–7263; FRL–6114–2]

Approval and Promulgation of State Implementation Plan; Michigan; Site-Specific SIP Revision for Leon Plastics, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking finalizes the Environmental Protection Agency's (EPA's) disapproval of the Michigan Department of Environmental Quality's site-specific State Implementation Plan (SIP) revision for Leon Plastics, Inc. A site-specific SIP revision request was made by the State of Michigan on behalf of Leon Plastics. This site-specific SIP would allow coating lines at the Leon Plastics facility in Grand Rapids, Michigan to demonstrate compliance with requirements based in the Clean Air Act through cross-line averaging over a 30-day period instead of on a line-by-line, daily basis. The EPA proposed to disapprove this request on February 3, 1998. During the comment period, comments were submitted and the EPA is responding to these comments.

DATES: This disapproval is effective July 24, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Douglas Aburano at (312) 353–6960 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Douglas Aburano, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353–6960.

SUPPLEMENTARY INFORMATION:

I. Background

On February 3, 1998, EPA proposed to disapprove the site-specific SIP revision for Leon Plastics, Inc. (63 FR 5489). This proposed disapproval was based on the fact that the submittal did not contain adequate justification for a greater than daily averaging and, thus, did not warrant approving a greater than daily averaging approach combined with cross-line averaging.

Following are the comments submitted during the public comment period and EPA's response to those comments.

II. Public Comments/Response to Comments

General Comment: EPA has policy other than that cited which supports the requested SIP revision.

This general comment is broken down into the two comments that follow.

Comment 1: EPA Policy which authorizes the requested SIP revision.

The commentor states that, ''EPA's January 20, 1984 policy memorandum entitled 'Averaging Times for Compliance with VOC Emission Limits' supports the SIP revision. This policy statement recognizes that application of RACT for each emission point taken individually may not be economically or technically feasible on a daily basis. One of the motivations for allowing more than daily averaging is 'variability or lack of predictability in a source's daily operation.' ''

Response to Comment 1: The policy memorandum referred to by the commentor might be interpreted to allow greater than daily averaging due to ''variability or lack or predictability in a source's operation,'' but a policy memorandum dated January 20, 1987 that modifies the 1984 memorandum states, ''Long term averaging should never be employed to disguise the fact that a RACT emission limitation is being relaxed. Unless recordkeeping presents an insurmountable problem, adjustments should be made in the RACT number, not in the averaging time.''

The January 20, 1987 memorandum was the basis for the proposed disapproval published in the **Federal Register** on February 3, 1998.

Comment 2: The EPA has granted monthly averaging to the very customers to whom Leon Plastics supplies flexible vinyl parts.

Response to Comment 2: EPA has not granted monthly averaging to the automotive industry. EPA believes that this comment refers the document entitled, ''Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-duty Truck Topcoat Operations'' (EPA–450/3–88–018, December 1988). First, this protocol applies to a different source category than does Rule 632. Second, while this protocol allows recordkeeping of coating usage on a monthly basis, it requires the production usage records to be kept on a daily basis. This methodology will prorate the coating usage down to a daily basis to determine compliance with a daily limit. It does not allow an extended averaging time as the commentor indicates.

Comment 3: EPA has breached its duty of good faith; detrimental reliance. Specifically, the commentor states that Leon Plastics was told that the air use permit terms and conditions were being discussed with EPA. The commentor goes further to indicate that EPA indicated that a cross-line average with extended averaging time would be approvable.

Response to Comment 3: The EPA had no discussions regarding this site-specific SIP revision request prior to its submittal in September 1996. EPA never indicated that a cross-line average with extended averaging time could be approvable for this source. If there had been prior discussions, EPA would have expressed a preference for a site-specific SIP revision request that would not have involved cross-line averaging or extended averaging but simply a request for a higher VOC limit for the line experiencing difficulty in complying with the applicable limit of 5.0 lb/gal. This type of request was mentioned in the February 3, 1998 proposed disapproval.

Comment 4: Alternatively, EPA should approve a site-specific SIP amendment for the coating. Leon Plastics requests, as an alternative to the pending SIP revision, a 6.3 pounds of VOCs per gallon of coating, as applied, minus water, limit for its flexible vinyl coatings.

Response to Comment 4: EPA mentioned this as a potential resolution to this situation in lieu of the site-specific SIP revision that is being disapproved. In the February 3, 1998 proposed disapproval, EPA stated that, ''an alternative RACT for the Finish Room seems justified.''

While an alternative RACT limit would be a variance from the 5.0 lb/gal limit found in Michigan's Rule 632, EPA would compare the subsequent SIP submittal material to information relating to EPA's suggested limit that applies to ''soft coatings.'' This limit, as found in EPA's Alternative Control Techniques (ACT) document for ''Surface Coating of Automotive/Transportation and Business Machine Plastic Parts'' Table 4–1A, is 5.9 lb/gal. Judging from background materials included as part of the site-specific submittal that is being disapproved today, EPA is led to believe that the coating being used by Leon Plastics may be considered a ''soft coating'' which is a separate coating category unto itself in EPA's ACT, but a category not found in Michigan's Rule 632.

If the appropriate justification documenting the need for a higher VOC

limit as RACT was submitted as part of a site-specific SIP revision requesting a higher limit on the Finish Room line, EPA would approve such a request. However, this comment cannot be a substitute for a formal SIP revision request and the SIP revision request that has been made is not approvable.

Comment 5: The proposed disapproval categorically states that the vinyl coating operations performed by Leon Plastics Inc. are subject to Michigan's Rule 632 and to the 5.0 lbs. VOC per gallon limit on air dried interior coatings. Leon Plastics would note, however, that no Control Techniques Guidance (CTG) document supporting the 5.0 number was cited in the proposed disallowance. Leon Plastics is now seeking a clarification that Rule 632 does not apply to the coating of flexible vinyl automotive parts.

Response to Comment 5: Under Michigan's Rule 632, that has been approved into Michigan's federally enforceable SIP, the vinyl coating operations performed by Leon Plastics are considered under the general category of ''Air-dried coating— interior parts'' and are, therefore, subject to the 5.0 lb/gal limit.

A CTG was not cited as the basis for disapproval because CTGs and ACTs are only guidance documents used in the development of regulations. As discussed above, the basis for disapproval is that the revision proposing greater than daily averaging combined with cross-line averaging is not an acceptable alternative to the approved SIP.

EPA's ACT for Surface Coating of Automotive/Transportation and Business Machine Plastic Parts does have a limit for ''soft coatings'' of 5.9 lb/gal. This limit was not adopted by the State of Michigan. If it had been, it is possible that the coating used by Leon Plastics would be considered a ''soft coating'' and would then be subject to the 5.9 lb/gal limit rather than the 5.0 lb/gal limit.

Comment 6: No consideration was given to flexible vinyl parts in adopting Rule 632; therefore there is no technical basis for Rule 632 to apply. The proposed disapproval erroneously states that Rule 632 emission levels are based upon suggested VOC limits on EPA's control techniques document. However, Table 66 of Rule 632 was effective January 1, 1993 a full 13 months before the ACT was even issued.

Response to Comment 6: It is true there is no specific category referred to as ''flexible vinyl parts'' in Michigan's Rule 632. As previously mentioned, EPA's ACT for Surface Coating of Automotive/Transportation and Business Machine Plastic Parts may address the coating of these parts under the category of ''soft coatings'' which has a higher VOC limit than the more general category of ''Air-dried coating—interior parts'' which appears in Michigan's Rule 632.

The proposed disapproval did not state that Michigan's rule was based on EPA's ACT. It stated that, ''Rule 632 limits the VOC content of air dried interior automotive plastics coatings to 5.0 lbs of VOC per gallon of coating minus water. This limit reflects the suggested VOC content found in EPA's ACT for this category.'' The fact that Michigan's Rule 632 may have been adopted prior to EPA's issuance of an ACT for this category does not change EPA's rationale for approving Rule 632. The limits found in Rule 632 are considered comparable to (i.e., at least as stringent as) those found in EPA's ACT. Michigan's decision not to adopt the higher limit for ''soft coatings'' as described in EPA's ACT, does not make the rule disapprovable. Michigan's rule simply is more stringent because, under Rule 632, ''soft coatings'' are subject to the more general ''Air-dried coating—interior parts'' with a limit of 5.0 lb/gal rather than being subject to the 5.9 lb/gal limit.

Comment 7: It is believed the current Michigan rule and RACT standard do not address VOC content of air dried interior flexible vinyl coatings, but only coatings used for air dried interior rigid plastics.

Response to Comment 7: While EPA's ACT does not recognize ''air dried interior flexible vinyl coatings'' as a category, the coatings used at Leon Plastics may be considered ''soft coatings'' which are considered specialty coatings and have a higher VOC limit than do other ''air dried interior automotive coatings.'' Michigan did not incorporate this higher limit into their Rule 632.

In any event, Leon Plastics may request a site-specific RACT limit for any coating line not meeting the general limit found in Michigan's rule. If there is adequate justification submitted with this request, a higher limit could be given to that coating line.

Comment 8: There is no definition of flexible vinyl as a plastic in Rule 632 or elsewhere. There is no definition of ''plastic automotive parts.'' There apparently is no CTG on coating plastic automotive parts which would delineate whether or not EPA or MDEQ ever considered flexible vinyl substrates to be included or excluded from ''plastic automotive parts.'' Therefore, Rule 632 should not be applied to the coating of flexible vinyl interior automotive parts with air dried coatings.

Response to Comment 8: Rule 632 states that the emission limits shall apply to the ''coating of plastic parts of automobiles and trucks.'' In Michigan Rule R 336.1103 Definitions; C, the coating of plastic parts of automobiles and trucks means the coating of any plastic part that is or shall be assembled with other parts to form an automobile or truck.

The general definition of plastic is any of various nonmetallic compounds, synthetically produced, usually from organic compounds by polymerization, of which vinyl is a subset. Rules usually do not contain definitions for words or phrases that are commonly used or have generally accepted standard definitions, such as plastic and vinyl.

Since vinyl is considered a plastic and these coated parts are assembled with other parts to form an automobile or truck, Rule 632 does apply to the process line in question.

While it is true there is no CTG on coating of plastic automotive parts, EPA's ACT, which has been mentioned previously, does contain a coating category within which flexible vinyl substrates may be included. This coating category is called ''soft coating'' and has a limit of 5.9 lb/gal. While this category is not included in Michigan's Rule 632, EPA would approve a properly promulgated and supported SIP revision to include it or a site-specific SIP revision for source that apply ''soft coatings'' at a 5.9 lb/gal limit. However, since Michigan's Rule 632 does not have this specific category, the coating operations at Leon Plastics fall under the more general category of ''air-dried coating—interior parts'' with the lower limit of 5.0 lb/gal.

III. Final Rulemaking Action

To determine the approvability of a rule, EPA must evaluate the rule for consistency with the requirements of section 110 and part D of the Act. In addition, EPA has reviewed the Michigan submittal in accordance with EPA policy guidance documents, including: EPA's policy memorandum dated January 20, 1987 from G. T. Helms, Chief of EPA's control Programs Operations Branch, entitled, ''Determination of Economic Feasibility''. Upon completing this review, the EPA is disapproving Michigan's SIP revision request because it is inconsistent with the Act and the applicable policy set forth in this document.

IV. Miscellaneous

A. Applicability to Future SIP Decisions

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

B. Executive Orders 12866 and 13045

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

The final rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under E.O. 12866.

C. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because this disapproval only affects one source, Leon Plastics, Inc. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities. Furthermore, as explained in this action, the request does not meet the requirements of the Clean Air Act and EPA cannot approve the request. EPA has no option but to disapprove the submittal.

EPA's disapproval of the State request under Section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing Federal requirements remain in place after this disapproval. Federal disapproval of the State submittal does not affect its State enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, I certify that this disapproval action does not have a significant impact on a substantial number of small entities.

D. 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 the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this disapproval action 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 disapproval action imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result.

E. Small Business Regulatory Enforcement Fairness Act

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. Section 804, however, exempts from section 891 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: June 12, 1998.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 98–16672 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA–035–2–9815a; FRL–6115–1]

Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions for a Transportation Control Measure

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Georgia State Implementation Plan (SIP) submitted by the State through the Department of Natural Resources (DNR) on August 29, 1997, requesting the incorporation of several transportation control measures (TCMs) into the SIP and the deletion of two TCMs from the existing SIP. This action only addresses the incorporation of one of the five TCMs submitted for approval into the SIP. Action was taken on the other TCMs in a separate rulemaking. The subject of this action is an alternative fuel refueling station/park and ride transportation center project located in Douglas County.

DATES: This final rule is effective August 10, 1998 unless adverse or critical comments are received by July 24, 1998. Should the Agency receive such comments, it will publish in the **Federal Register** a timely withdrawal of the direct final rule informing the public that this rule did not take effect.

ADDRESSES: Written comments on this action should be addressed to Kelly A. Sheckler at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file GA35–9807. The Region 4 office may have additional background documents not available at the other locations.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Attn: Kelly Sheckler, 404/562–9042.

Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Division, 4244 International Parkway, Suite 136, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Kelly A. Sheckler at 404/562–9042.

SUPPLEMENTARY INFORMATION:

I. Background

Section 108(e) of the Clean Air Act, as amended in 1990 (the Act), provides air quality planning guidance for the development and implementation of transportation and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards. Section 108(f)(1)(A) provides a list of transportation control measures (TCMs) with emission reduction potential. The USEPA has further provided guidance in the final report entitled Transportation Control Measures: State Implementation Plan Guidance dated September 1990; and in Transportation Control Measure Information Documents dated March 1992.

Section 108(f)(1)(A) of the Act lists sixteen TCMs for consideration by states and planning agencies to reduce emissions and maintain the national ambient air quality standards. Programs to reduce motor vehicle emissions consistent with title II of the Act are listed in section 108(f)(1)(A)(xii).

II. Evaluation of the State Submittal

On August 29, 1997, the State of Georgia through the DNR submitted to the EPA a request to approve five Atlanta TCMs into the SIP, specifically, the addition of a High Occupancy Vehicle (HOV) lane, an employer-based transit subsidy program, a university rideshare program, development of transportation management associations, and an alternative fuel refueling station/park and ride transportation center. In addition, the State requested the removal of two existing TCMs because they will not be implemented. These TCMs include five express bus routes on Cobb Community Transit and two park and ride lots on Cobb Community Transit routes. A public hearing on the proposed SIP revision was held on August 27, 1997. The SIP submission was found complete by EPA in a letter dated October 27, 1997.

The alternative fuel refueling station/park and ride transportation center TCM for the Atlanta Metropolitan Area is described below. An emissions analysis of this TCM was performed which demonstrated that an emission benefit would result from the implementation of this TCM. Although the State has requested that the TCM be approved in the SIP, no emissions credit is being claimed in the SIP for the measure. Therefore, the emissions analysis was reviewed only to determine that no further air quality degradation would result from the implementation of this TCM. EPA's review determined that the data assumptions and calculations provided reasonable assurance that an air quality benefit would occur.

Alternative Fuel Station/Multi-Modal Transportation Center. This project is referenced as DO–AR 211. A multi-modal/park and ride transportation center, which includes an alternative fuel refueling station, will offer service to the Douglas County vehicle fleets, buses and vanpools. The Douglas County Rideshare Program, that will manage the facility, currently operates 14 vanpools with 15 additional vanpools anticipated in the future. The Douglas County Board of Commissioners committed to implement the alternative fuel refueling station in conjunction with the construction of the multi-modal transportation center. An emissions analysis performed by the Atlanta Regional Commission (ARC) indicated that this project will result in reductions of emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) in the 13-county Atlanta ozone nonattainment area by reducing congestion, reducing use of single occupancy vehicles and improving traffic flow.

This project was formally endorsed by the Douglas County Board of Commissioners in letters dated April 15, 1997 and February 27, 1998. The primary funding sources for this project are congestion Mitigation and Air Quality funds and a grant from the Georgia Environmental Facilities Authority.

This project is included in the Atlanta Interim Transportation Improvement Program (ITIP) contingent upon approval in the SIP. Based upon the schedule provided for in the ITIP, the multi-modal center and alternative fuel refueling station will be implemented in a timely manner and given funding priority. The alternative fuel refueling station and park and ride lot are scheduled for completion in December 1999.

III. EPA Action

EPA is approving the aforementioned changes to the SIP. The Agency has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective August 10, 1998 without further notice unless the Agency receives relevant adverse comments by July 24, 1998.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Any parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 10, 1998 and no further action will be taken on the proposed rule.

EPA has determined that today's rule falls under the good cause exemption in section 553(d)(3) of the Administrative Procedures Act (APA) which, upon finding good cause, allows an agency to make a rule effective prior to the 30-day delayed effective date otherwise provided for in the APA. Today's rule simply approves non regulatory transportation control measures.

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

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Executive Order 13045

This final rule is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks, because it is not an ''economically significant'' action under Executive Order 12866.

C. 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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Regional Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2) and 7410(k)(3).

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to 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 approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of August 10, 1998. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

F. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 24, 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 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: June 10, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, Code of Federal Regulations, is 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.*

Subpart L—Georgia

2. Section 52.582, is amended by adding paragraph (b)(5) to read as follows:

§ 52.582 Control strategy: Ozone.

* * * * *

(b) * * *

(5) *Alternative Fuel Refueling Station/ Park and Ride Transportation Center*—This project is referred to as DO–AR–211.

[FR Doc. 98–16801 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300654A; FRL–5797–3]

RIN 2070–AB78

Peroxyacetic Acid; Exemption From the Requirement of a Tolerance; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA published in the **Federal Register** of May 6, 1998, a final rule establishing an exemption from the requirement of a tolerance for residues of the antimicrobial pesticide peroxyacetic acid up to 100 parts per million (ppm), in or on raw agricultural commodities, in processed commodities, when such residues result from the use of peroxyacetic acid as an antimicrobial agent on fruits, tree nuts, cereal grains, herbs, and spices. The word ''vegetables'' was omitted from the specific tolerance exemption language which is reproduced in five places of the final rule. This document corrects the final rule by inserting the word ''vegetables'' into each place that contains the specific tolerance exemption language.

EFFECTIVE DATE: This correction is effective June 24, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300654A], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests

filed with the Hearing Clerk identified by the docket control number, [OPP–300654A], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM ι2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300654A]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Marshall Swindell, Product Manager 33, Antimicrobials Division (7510W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 2800 Crystal Drive, 6th Floor, Arlington, VA, 22202, 703–308–6341, e-mail: swindell.marshall@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of May 6, 1998 (63 FR 24949) (FRL–5789–3), EPA, issued a final rule establishing an exemption from the requirement of a tolerance for residues of the antimicrobial pesticide peroxyacetic acid up to 100 ppm, in or on raw agricultural commodities, in processed commodities, when such residues result from the use of peroxyacetic acid as an antimicrobial agent on fruits, tree nuts, cereal grains, herbs, and spices. The word ''vegetables'' was omitted from the specific tolerance exemption language which is reproduced in five places of the final rule. This document corrects the final rule by inserting the word ''vegetables'' into each place that contains the specific tolerance exemption language.

II. Correction

In FR Doc. 98–12036 published on May 6, 1998 (63 FR 24949), the word ''vegetables, '' should be inserted after ''fruits,'' in the following places:

1. On page 24949, in the second column, in the **SUMMARY**, in the ninth line.

2. On page 24951, in the first column, the paragraph under **II. Aggregate Risk Assessment and Determination of Safety**, in the fifth line from the bottom.

3. On page 24952, in the second column, under *C. Exposures and Risks*, in the paragraph numbered 1., in the tenth line.

4. On page 24954, in the third column, the first paragraph under **IV. Conclusion**, in the eighth line.

III. Regulatory Assessment Requirements

This final rule does not impose any requirements. It only implements a technical correction to the Code of Federal Regulations (CFR). 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.*).

IV. 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, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 10, 1998

Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority; 21 U.S.C. 346a and 371.

§ 180.1196 [Corrected]

2. On page 24955, in the third column, § 180.1196 is corrected by adding ''vegetables,'' after ''fruits,'' in the eighth line.

[FR Doc. 98–16676 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300655A; FRL–5797–4]

RIN 2070–AB78

Hydrogen Peroxide; Exemption From the Requirement of a Tolerance; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA published in the **Federal Register** of May 6, 1998, a final rule establishing an exemption from the requirement of a tolerance for residues of the antimicrobial pesticide hydrogen peroxide up to 120 parts per million (ppm), in or on raw agricultural commodities, in processed commodities, when such residues result from the use of hydrogen peroxide as an antimicrobial agent on fruits, tree nuts, cereal grains, herbs, and spices. The word ''vegetables'' was omitted from the specific tolerance exemption language which is reproduced in five places of the final rule. This document corrects the final rule by inserting the word ''vegetables'' into each place that contains the specific tolerance exemption language.

EFFECTIVE DATE: This correction is effective June 24, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300655A], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300655A], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300655A]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Marshall Swindell, Product Manager 33, Antimicrobials Division (7510W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 2800 Crystal Drive, 6th Floor, Arlington, VA, 22202, 703-308-6341, e-mail: swindell.marshall@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of May 6, 1998 (63 FR 24955) (FRL–5789–4), EPA, issued a final rule establishing an exemption from the requirement of a tolerance for residues of the antimicrobial pesticide hydrogen peroxide up to 120 ppm, in or on raw agricultural commodities, in processed commodities, when such residues result from the use of hydrogen peroxide as an antimicrobial agent on fruits, tree nuts, cereal grains, herbs, and spices. The word ''vegetables'' was omitted from the specific tolerance exemption language which is reproduced in five places of the final rule. This document corrects the final rule by inserting the word ''vegetables'' into each place that contains the specific tolerance exemption language.

II. Correction

In FR Doc. 98–12037 published on May 6, 1998 (63 FR 24955), the word ''vegetables, '' should be inserted after ''fruits,'' in the following places:

1. On page 24956, in the first column, in the **SUMMARY**, in the seventh line.

2. On page 24957, in the third column, the paragraph under **II. Aggregate Risk Assessment and Determination of Safety**, in the fourth line from the bottom.

3. On page 24960, in the first column, under *C. Exposures and Risks*, in the paragraph numbered 1., in the tenth line.

4. On page 24962, in the third column, the first paragraph under **IV. Conclusion**, in the eighth line.

III. Regulatory Assessment Requirements

This final rule does not impose any requirements. It only implements a technical correction to the Code of Federal Regulations (CFR). 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.*).

IV. 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, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 10, 1998.

Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority; 21 U.S.C. 346a and 371.

§ 180.1197 [Corrected]

2. On page 24963, in the third column, § 180.1197 is corrected by adding ''vegetables,'' after ''fruits,'' in the eighth line.

[FR Doc. 98–16675 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300676; FRL–5797–5]

RIN 2070–AB78

Fludioxonil; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of fludioxonil in or on apricots, nectarines, peaches and plums. This action is in response to EPA's granting of an emergency exemption under section 18

of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on stone fruit in California, Georgia and South Carolina. This regulation establishes a maximum permissible level for residues of fludioxonil in this food commodity pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerances will expire and are revoked on December 31, 1999.

DATES: This regulation is effective June 24, 1998. Objections and requests for hearings must be received by EPA on or before August 24, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300676], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300676], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300676]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Stephen Schaible, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308-9362; e-mail: schaible.stephen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing tolerances for residues of the fungicide 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile, hereafter referred to as fludioxonil, in or on apricots, nectarines, peaches and plums at 5.0 part per million (ppm). These tolerances will expire and are revoked on December 31, 1999. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104–170) was signed into law August 3, 1996. FQPA amends both the FFDCA, 21 U.S.C. 301 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq* . The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996)(FRL–5572–9).

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerance to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.

II. Emergency Exemption for Fludioxonil on Apricots, Nectarines, Peaches and Plums and FFDCA Tolerances

The California Department of Pesticide Regulation, South Carolina Department of Pesticide Regulation, and Georgia Department of Agriculture have requested the use of fludioxonil on stone fruit to control brown rot, gray mold rot and *Rhizopus* rot. These fungal pathogens cause latent infection during the period from shuck fall through harvest. When a fruit matures its disease resistance declines and a latent fungal infection turns into a fruit lesion. Lesioned fruit become unmarketable. Harvested fruit were treated with the systemic fungicide iprodione up until 1996, when the manufacturer canceled postharvest use on stone fruit. During 1997, left over iprodione stock was used; many packing houses packed the fruit without a fungicide treatment, which resulted in significant yield and quality losses of the produce. The only other registered alternative, dicloran, does not control these fruit diseases at a commercially acceptable level. Significant economic losses to growers are expected without the proposed use. EPA has authorized under FIFRA section 18 the use of fludioxonil on stone fruit for control of brown rot, gray mold rot, and *Rhizopus* rot in California, Georgia and South Carolina.

After having reviewed the submissions, EPA concurs that emergency conditions exist for these States.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of fludioxonil in or on apricots, nectarines, peaches and plums. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the new safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment under section 408(e), as provided in section 408(l)(6). Although these tolerances will expire and are revoked on December 31, 1999, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on apricots, nectarines, peaches and plums after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these tolerances at the time of that application. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these tolerances are being approved under emergency conditions EPA has not made any decisions about whether fludioxonil meets EPA's registration requirements for use on apricots, nectarines, peaches and plums or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that these tolerances serve as a basis for registration of fludioxonil by a State for special local needs under FIFRA section 24(c). Nor do these tolerances serve as the basis for any State other than California, Georgia and South Carolina to use this pesticide on this crop under section 18 of FIFRA without following all provisions of section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for fludioxonil, contact the Agency's Registration Division at the address provided above.

III. Risk Assessment and Statutory Findings

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings.

A. Toxicity

1. *Threshold and non-threshold effects.* For many animal studies, a dose response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the ''no-observed effect level'' or ''NOEL'').

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a ''safety factor'') of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100% or less of the RfD) is generally considered acceptable by EPA. EPA generally uses the RfD to evaluate the chronic risks posed by pesticide exposure. For shorter term risks, EPA calculates a margin of exposure (MOE) by dividing the estimated human exposure into the NOEL from the appropriate animal study. Commonly, EPA finds MOEs lower than 100 to be unacceptable. This 100-fold MOE is based on the same rationale as the 100-fold uncertainty factor.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight of the evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure activity relationship. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments (e.g., linear low dose extrapolations or MOE calculation based on the appropriate NOEL) will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

2. *Differences in toxic effect due to exposure duration.* The toxicological effects of a pesticide can vary with different exposure durations. EPA considers the entire toxicity data base, and based on the effects seen for different durations and routes of exposure, determines which risk assessments should be done to assure that the public is adequately protected from any pesticide exposure scenario. Both short and long durations of exposure are always considered. Typically, risk assessments include ''acute,'' ''short-term,'' ''intermediate term,'' and ''chronic'' risks. These assessments are defined by the Agency as follows.

Acute risk, by the Agency's definition, results from 1-day consumption of food and water, and reflects toxicity which could be expressed following a single oral exposure to the pesticide residues. High end exposure to food and water residues are typically assumed.

Short-term risk results from exposure to the pesticide for a period of 1-7 days, and therefore overlaps with the acute risk assessment. Historically, this risk assessment was intended to address primarily dermal and inhalation exposure which could result, for example, from residential pesticide applications. However, since enaction of FQPA, this assessment has been expanded to include both dietary and non-dietary sources of exposure, and will typically consider exposure from food, water, and residential uses when reliable data are available. In this assessment, risks from average food and water exposure, and high-end residential exposure, are aggregated. High-end exposures from all three sources are not typically added because of the very low probability of this occurring in most cases, and because the other conservative assumptions built into the assessment assure adequate protection of public health. However, for cases in which high-end exposure can reasonably be expected from multiple sources (e.g. frequent and widespread homeowner use in a specific geographical area), multiple high-end risks will be aggregated and

presented as part of the comprehensive risk assessment/characterization. Since the toxicological endpoint considered in this assessment reflects exposure over a period of at least 7 days, an additional degree of conservatism is built into the assessment; i.e., the risk assessment nominally covers 1-7 days exposure, and the toxicological endpoint/NOEL is selected to be adequate for at least 7 days of exposure. (Toxicity results at lower levels when the dosing duration is increased.)

Intermediate-term risk results from exposure for 7 days to several months. This assessment is handled in a manner similar to the short-term risk assessment.

Chronic risk assessment describes risk which could result from several months to a lifetime of exposure. For this assessment, risks are aggregated considering average exposure from all sources for representative population subgroups including infants and children.

B. Aggregate Exposure

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, residues in groundwater or surface water that is consumed as drinking water, and other non-occupational exposures through pesticide use in gardens, lawns, or buildings (residential and other indoor uses). Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. In evaluating food exposures, EPA takes into account varying consumption patterns of major identifiable subgroups of consumers, including infants and children. The TMRC is a ''worst case'' estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

Percent of crop treated estimates are derived from federal and private market survey data. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of percent of crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. Further, regional consumption information is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups, to pesticide residues. For this pesticide, the most highly exposed population subgroup (non-nursing infants (< 1 yr. old)) was not regionally based.

IV. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action, EPA has sufficient data to assess the hazards of fludioxonil and to make a determination on aggregate exposure, consistent with section 408(b)(2), for time-limited tolerances for residues of fludioxonil on apricots, nectarines, peaches and plums at 5.0 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerances follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by fludioxonil are discussed below.

1. *Acute toxicity*. No endpoint was identified for acute dietary exposure. The EPA has concluded that the toxicology database does not suggest the need for this assessment, as no acute effects are expected to result from exposure to fludioxonil.

2. *Chronic toxicity*. EPA has established the RfD for fludioxonil at 0.03 milligrams/kilogram/day (mg/kg/day). This RfD is based on a NOEL of 3.3 mg/kg/day, taken from a chronic feeding study in dogs, and an uncertainty factor of 100. The effect observed at the LEL of 35.5 mg/kg/day was decreased body weight gain in females.

3. *Carcinogenicity*. Fludioxonil has been classified as a Group D- not classifiable as to human carcinogenicity-chemical by the Cancer Peer Review Committee.

B. Exposures and Risks

1. *From food and feed uses.* A tolerance has been established (40 CFR 180.516) for the residues of fludioxonil in or on potatoes at 0.02 ppm. Fludioxonil is currently registered for use as a seed treatment on potatoes, popcorn, field and sweet corn, and sorghum, as well as for use in greenhouses on nonfood crops. Since residues in corn and sorghum are non-quantifiable, these uses do not require tolerances. Risk assessments were conducted by EPA to assess dietary exposures and risks from fludioxonil as follows:

Chronic exposure and risk. Tolerance level residues and 100% crop treated were assumed to calculate TMRCs for the U.S. population and population subgroups from residues on potatoes and stone fruit. Chronic exposure from food uses of fludioxonil represents 6% of the RfD for the U.S. population and 52% of the RfD for non-nursing infants (<1yr), the subgroup most highly exposed.

2. *From drinking water.* In light of the use pattern, a post-harvest spray treatment for stone fruit which would occur indoors, along with the currently registered uses- seed treatments for potato and corn (field & sweet), popcorn, and sorghum, and ornamental plants grown in greenhouses, or other enclosed structures- fludioxonil is not expected to impact ground or surface waters. As a result, the likelihood of residues of fludioxonil in drinking water is negligible. Therefore, EPA concludes that a drinking water risk assessment is not required at this time. Therefore, there is no drinking water risk assessment to aggregate with the chronic dietary (food sources) risk assessment.

3. *From non-dietary exposure.* Fludioxonil is currently not registered for use on residential, non-food sites; therefore, no non-occupational, non-dietary exposure is expected. (Please remove all language in this section from this point on).

4. *Cumulative exposure to substances with common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative

effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether fludioxonil has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, fludioxonil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that fludioxonil has a common mechanism of toxicity with other substances.

C. Aggregate Risks and Determination of Safety for U.S. Population

Chronic risk. Using the TMRC exposure assumptions described above, EPA has concluded that aggregate exposure to fludioxonil from food will utilize 6% of the RfD for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is non-nursing infants (<1 yr) (discussed below). EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Given that the proposed use pattern is a postharvest spray treatment for stone fruit which would occur indoors, and that currently registered uses are for seed treatments at a low application rate and for ornamental plants grown in greenhouses or other enclosed structures, fludioxonil is not expected to impact ground or surface water; the likelihood of residues in drinking water is negligible. Currently, there are no registered residential uses of fludioxonil. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to fludioxonil residues.

D. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general.* In assessing the potential for additional sensitivity of infants and children to residues of fludioxonil, EPA considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure during gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard MOE and uncertainty factor (usually 100 for combined inter- and intra-species variability)) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies.* In the rat developmental study, the maternal (systemic) NOEL was 100 mg/kg/day, based on reduction in mean body weight gain in dams during gestation period at the lowest-observed-effect-level (LOEL) of 1,000 mg/kg/day. The developmental (fetal) NOEL was 100 mg/kg/day, based on increased fetal and litter incidence of dilated renal pelvis and dilated ureter at the LOEL of 1,000 mg/kg/day. In the rabbit developmental toxicity study, the maternal (systemic) NOEL was 10 mg/kg/day, based on decreased body weight gains and food efficiency at the LOEL of 100 mg/kg/day. The developmental (pup) NOEL was 300 mg/kg/day, the highest dose tested.

iii. *Reproductive toxicity study.* In the two-generation reproductive toxicity study in rats, the parental (systemic) NOEL was 22.13 mg/kg/day (males) and 24.24 mg/kg/day (females), based on clinical signs and decreased body weight, body weight gain and food consumption at the LOEL of 221.6 mg/kg/day (males) and 249.7 mg/kg/day (females). The reproductive/developmental (pup) NOEL was 22.13 mg/kg/day (males) and 24.24 mg/kg/day (females), based on reduced pup weights at the LOEL of 221.6 mg/kg/day (males) and 249.7 mg/kg/day (females).

iv. *Pre- and post-natal sensitivity.* The toxicological data base for evaluating pre- and post-natal toxicity for fludioxonil is complete with respect to current data requirements. There are no pre- or post-natal toxicity concerns for infants and children, based on the results of the rat and rabbit developmental toxicity studies and the two-generation rat reproductive toxicity study.

v. *Conclusion.* EPA concludes that reliable data support the removal of the additional uncertainty factor; the standard hundredfold uncertainty factor is adequate to protect the safety of infants and children.

2. *Chronic risk.* Using the conservative exposure assumptions described above, EPA has concluded that aggregate exposure to fludioxonil

from food will utilize 52% of the RfD for infants and children. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Exposure from drinking water and residential uses is not expected. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to fludioxonil residues.

V. Other Considerations

A. Metabolism In Plants and Animals

The nature of the residue in stone fruit is adequately understood based on a metabolism study submitted for seed treatment use on potatoes. The residue of concern is the parent compound, fludioxonil, only. There are no livestock feed items associated with the proposed use on stone fruit. Therefore, the nature of the residue in animals is not germane to these section 18 requests or to the establishment of these tolerances.

B. Analytical Enforcement Methodology

Adequate enforcement methodology (GC/NPD) was provided with the Applicants' submissions to enforce the tolerance expression (modifications to Methods AG-597B and AG-664).

C. Magnitude of Residues

Residues of fludioxonil are not expected to exceed 5.0 ppm in/on apricots, nectarines, peaches, and plums as a result of the proposed section 18 use. Secondary residues are not expected in animal commodities as there are no feed items associated with this section 18 use.

D. International Residue Limits

No CODEX, Canadian, or Mexican MRLs/tolerances have been established for residues of fludioxonil on stone fruit.

E. Rotational Crop Restrictions

The proposed post-harvest use does not involve application of fludioxonil to fields of growing crops. Therefore, rotational crop restrictions are not relevant to this discussion.

VI. Conclusion

Therefore, tolerances are established for residues of fludioxonil in apricots, nectarines, peaches and plums at 5.0 ppm.

VII. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 24, 1998, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VIII. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket control number [OPP–300676] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

IX. Regulatory Assessment Requirements

This final rule establishes tolerances under FFDCA section 408(l)(6) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR

58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established under FFDCA section 408 (l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

X. 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, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 8, 1998.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.516, by adding text to paragraph (b) to read as follows:

§ 180.516 Fludioxonil; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of the fungicide fludioxonil (4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile) in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerances will expire and are revoked on the dates specified in the following table:

Commodity	Parts per million	Expiration/revocation date
Apricots	5.0	12/31/99
Nectarines	5.0	12/31/99
Peaches	5.0	12/31/99
Plums	5.0	12/31/99

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[FR Doc. 98–16677 Filed 6–23–98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300675; FRL 5796–9]

RIN 2070–AB78

Tebufenozide; Benzoic Acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of tebufenozide in or on pecans and grapes, wine and a time-limited tolerance for residues of tebufenozide in or on pears. The time-limited tolerance for pears is being established to allow the use of tebufenozide on pears under an Experimental Use Permit. Rohm and Haas Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104–170).

DATES: This regulation is effective June 24, 1998. Objections and requests for hearings must be received by EPA on or before August 24, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300675], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300675], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300675]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this

rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Joseph M. Tavano, Registration Division, 7505C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305–6411, e-mail: tavano.joseph@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 28, 1998 (63 FR 4252) [FRL 5763–6]; March 6, 1998 (63 FR 11240) [FRL 5777–5] and March 27, 1998 (63 FR 14926) [5577–6]. EPA, issued notices pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) announcing the filing of pesticide petitions (PP) for tolerance by Rohm and Haas Company, 100 Independence mall west, Philadelphia, PA 19106–2399. These notices included a summary of the petitions prepared by Rohm and Haas Company, the registrant. There were no comments received in response to these notices of filing.

The petition requested that 40 CFR 180.482 be amended by establishing a tolerance for residues of the insecticide, tebufenozide, in or on pecans, grapes, wine and pears at 0.01, 0.5, and 1.0 part per million (ppm) respectively.

I. Risk Assessment and Statutory Findings

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings.

A. Toxicity

1. *Threshold and non-threshold effects.* For many animal studies, a dose response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the ''no-observed effect level'' or ''NOEL'').

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a ''safety factor'') of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100% or less of the RfD) is generally considered acceptable by EPA. EPA generally uses the RfD to evaluate the chronic risks posed by pesticide exposure. For shorter term risks, EPA calculates a margin of exposure (MOE) by dividing the estimated human exposure into the NOEL from the appropriate animal study. Commonly, EPA finds MOEs lower than 100 to be unacceptable. This 100-fold MOE is based on the same rationale as the 100-fold uncertainty factor.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight of the evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure activity relationship. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments (e.g., linear low dose extrapolations or MOE calculation based on the appropriate NOEL) will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

2. *Differences in toxic effect due to exposure duration.* The toxicological effects of a pesticide can vary with different exposure durations. EPA considers the entire toxicity data base, and based on the effects seen for different durations and routes of exposure, determines which risk assessments should be done to assure that the public is adequately protected from any pesticide exposure scenario. Both short and long durations of exposure are always considered. Typically, risk assessments include ''acute,'' ''short-term,'' ''intermediate term,'' and ''chronic'' risks. These assessments are defined by the Agency as follows.

Acute risk, by the Agency's definition, results from 1–day consumption of food and water, and reflects toxicity which could be expressed following a single oral exposure to the pesticide residues. High end exposure to food and water residues are typically assumed.

Short-term risk results from exposure to the pesticide for a period of 1–7 days, and therefore overlaps with the acute risk assessment. Historically, this risk assessment was intended to address primarily dermal and inhalation exposure which could result, for example, from residential pesticide applications. However, since enaction of FQPA, this assessment has been expanded to include both dietary and non-dietary sources of exposure, and will typically consider exposure from food, water, and residential uses when reliable data are available. In this assessment, risks from average food and water exposure, and high-end residential exposure, are aggregated. High-end exposures from all three sources are not typically added because of the very low probability of this occurring in most cases, and because the other conservative assumptions built into the assessment assure adequate protection of public health. However, for cases in which high-end exposure can reasonably be expected from multiple sources (e.g. frequent and widespread homeowner use in a specific geographical area), multiple high-end risks will be aggregated and presented as part of the comprehensive risk assessment/characterization. Since the toxicological endpoint considered in

this assessment reflects exposure over a period of at least 7 days, an additional degree of conservatism is built into the assessment; i.e., the risk assessment nominally covers 1-7 days exposure, and the toxicological endpoint/NOEL is selected to be adequate for at least 7 days of exposure. (Toxicity results at lower levels when the dosing duration is increased.)

Intermediate-term risk results from exposure for 7 days to several months. This assessment is handled in a manner similar to the short-term risk assessment.

Chronic risk assessment describes risk which could result from several months to a lifetime of exposure. For this assessment, risks are aggregated considering average exposure from all sources for representative population subgroups including infants and children.

B. Aggregate Exposure

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, residues in groundwater or surface water that is consumed as drinking water, and other non-occupational exposures through pesticide use in gardens, lawns, or buildings (residential and other indoor uses). Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. In evaluating food exposures, EPA takes into account varying consumption patterns of major identifiable subgroups of consumers, including infants and children. The TMRC is a ''worst case'' estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

Percent of crop treated estimates are derived from federal and private market survey data. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of percent of crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. Further, regional consumption information is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups, to pesticide residues. For this pesticide, the most highly exposed population subgroup was not regionally based.

II. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action, EPA has sufficient data to assess the hazards of tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of tebufenozide on pecans, grapes, wine and pears at 0.01, 0.5, and 1.0 ppm respectively. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide are discussed below.

1. Acute toxicity studies with technical grade: Oral LD_{50} in the rat is > 5 grams for males and females - Toxicity Category IV; dermal LD_{50} in the rat is = 5,000 milligram/kilogram (mg/kg) for males and females - Toxicity Category III; inhalation LC_{50} in the rat is > 4.5 mg/l - Toxicity Category III; primary eye irritation study in the rabbit is a non-irritant; primary skin irritation in the rabbit > 5mg - Toxicity Category IV. Tebufenozide is not a sentizer.

2. In a 21–day dermal toxicity study, Crl: CD rats (6/sex/dose) received repeated dermal administration of either the technical 96.1% product RH-75,992 at 1,000 mg/kg/day Limit-Dose or the formulation 23.1% a.i. product RH-755,992 2F at 0, 62.5, 250, or 1,000 mg/kg/day, 6 hours/day, 5 days/week for 21 days. Under conditions of this study, RH-75,992 Technical or RH-75,992 2F demonstrated no systemic toxicity or dermal irritation at the highest dose tested 1,000 mg/kg/ during the 21–day study. Based on these results, the NOEL for systemic toxicity and dermal irritation in both sexes is 1,000 mg/kg/day highest dose tested (HDT). A lowest-observable-effect level (LOEL) for systemic toxicity and dermal irritation was not established.

3. A 1–year dog feeding study with a (LOEL) of 250 ppm, 9 mg/kg/day for male and female dogs based on decreases in RBC, HCT, and HGB, increases in Heinz bodies, methemoglobin, MCV, MCH, reticulocytes, platelets, plasma total bilirubin, spleen weight, and spleen/body weight ratio, and liver/body weight ratio. Hematopoiesis and sinusoidal engorgement occurred in the spleen, and hyperplasia occurred in the marrow of the femur and sternum. The liver showed an increased pigment in the Kupffer cells. The no-observed effect level (NOEL) for systemic toxicity in both sexes is 50 ppm (1.9 mg/kg/day).

4. An 18–month mouse carcinogenicity study with no carcinogenicity observed at dosage levels up to and including 1,000 ppm.

5. A 2–year rat carcinogenicity with no carcinogenicity observed at dosage levels up to and including 2,000 ppm (97 mg/kg/day and 125 mg/kg/day for males and females, respectively).

6. In a prenatal developmental toxicity study in Sprague-Dawley rats 25/group Tebufenozide was administered on gestation days 6–15 by gavage in aqueous methyl cellulose at dose levels of 50, 250, or 1,000 mg/kg/day and a dose volume of 10 ml/kg. There was no evidence of maternal or developmental toxicity; the maternal and developmental toxicity NOEL was 1,000 mg/kg/day.

7. In a prenatal developmental toxicity study conducted in New Zealand white rabbits 20/group Tebufenozide was administered in 5 ml/kg of aqueous methyl cellulose at gavage doses of 50, 250, or 1,000 mg/kg/day on gestation days 7–19. No evidence of maternal or developmental toxicity was observed; the maternal and developmental toxicity NOEL was 1,000 mg/kg/day.

8. In a 1993 two-generation reproduction study in Sprague-Dawley rats tebufenozide was administered at dietary concentrations of 0, 10, 150, or 1,000 ppm (0, 0.8, 11.5, or 154.8 mg/kg/day for males and 0, 0.9, 12.8, or 171.1 mg/kg/day for females). The parental systemic NOEL was 10 ppm (0.8/0.9 mg/kg/day for males and females, respectively) and the LOEL was 150 ppm (11.5/12.8 mg/kg/day for males and females, respectively) based on decreased body weight, body weight gain, and food consumption in males, and increased incidence and/or severity of splenic pigmentation. In addition, there was an increased incidence and severity of extramedullary hematopoiesis at 2,000 ppm. The reproductive NOEL was 150 ppm. (11.5/12.8 mg/kg/day for males and females, respectively) and the LOEL was 2,000 ppm (154.8/171.1 mg/kg/day for males and females, respectively) based on an increase in the number of pregnant females with increased gestation duration and dystocia. Effects in the offspring consisted of decreased number of pups per litter on postnatal days 0 and/or 4 at 2,000 ppm (154.8/171.1 mg/kg/day for males and females, respectively) with a NOEL of 150 ppm (11.5/12.8 mg/kg/day for males and females, respectively).

9. In a 1995 two-generation reproduction study in rats Tebufenozide was administered at dietary concentrations of 0, 25, 200, or 2,000 ppm (0, 1.6, 12.6, or 126.0 mg/kg/day for males and 0, 1.8, 14.6, or 143.2 mg/kg/day for females). For parental systemic toxicity, the NOEL was 25 ppm (1.6/1.8 mg/kg/day in males and females, respectively), and the LOEL was 200 ppm (12.6/14.6 mg/kg/day in males and females), based on histopathological findings (congestion and extramedullary hematopoiesis) in the spleen. Additionally, at 2,000 ppm (126.0/143.2 mg/kg/day in M/F), treatment-related findings included reduced parental body weight gain and increased incidence of hemosiderin-laden cells in the spleen. Columnar changes in the vaginal squamous epithelium and reduced uterine and ovarian weights were also observed at 2,000 ppm, but the toxicological significance was unknown. For offspring, the systemic NOEL was 200 ppm. (12.6/14.6 mg/kg/day in males and females), and the LOEL was 2,000 ppm (126.0/143.2 mg/kg/day in M/F) based on decreased body weight on postnatal days 14 and 21.

10. Several mutagenicity tests which were all negative. These include an Ames assay with and without metabolic activation, an in vivo cytogenetic assay in rat bone marrow cells, and *in vitro* chromosome aberration assay in CHO cells, a CHO/HGPRT assay, a reverse mutation assay with *E. Coli*, and an unscheduled DNA synthesis assay (UDS) in rat hepatocytes.

11. The pharmacokinetics and metabolism of tebufenozide were studied in female Sprague-Dawley rats (3–6/sex/group) receiving a single oral dose of 3 or 250 mg/kg of RH-5992,^{14}C labeled in one of three positions (A-ring, B-ring or *N*-butylcarbon). The extent of absorption was not established. The majority of the radiolabeled material was eliminated or excreted in the feces within 48 hours within 48 hours; small amounts (1 to 7% of the administered dose) were excreted in the urine and only traces were excreted in expired air or remained in the tissues. There was no tendency for bioacculmulation. Absorption and excretion were rapid.

A total of 11 metabolites, in addition to the parent compound, were identified in the feces; the parent compound accounted for 96 to 99% of the administered radioactivity in the high dose group and 35 to 43% in the low dose group. No parent compound was found in the urine; urinary metabolites were not characterized. The identity of several fecal metabolites was confirmed by mass spectral analysis and other fecal metabolites were tentatively identified by cochromatography with synthetic standards. A pathway of metabolism was proposed based on these data. Metabolism proceeded primarily by oxidation of the three benzyl carbons, two methyl groups on the B-ring and an ethyl group on the A-ring to alcohols, aldehydes or acids. The type of metabolite produced varies depending on the position oxidized and extent of oxidation. The butyl group on the quaternary nitrogen also can be leaved (minor), but there was no fragmentation of the molecule between the benzyl rings.

No qualitative differences in metabolism were observed between sexes, when high or low dose groups were compared or when different labeled versions of the molecule were compared.

12. The absorption and metabolism of tebufenozide were studied in a group of male and female bile-duct cannulated rats. Over a 72 hour period, biliary excretion accounted for 30%[M] to 34%[F] of the administered dose while urinary excretion accounted for ≈ 5% of the administered dose and the carcass accounted for < 0.5% of the administered dose for both males and females. Thus systemic absorption (percent of dose recovered in the bile, urine and carcass] was 35%[M] to 39%[F]. The majority of the radioactivity in the bile (20% [M] to 24% [F]) of the administered dose] was excreted within the first 6 hours postdosing indicating rapid absorption. Furthermore, urinary excretion of the metabolites was essentially complete within 24 hours postdosing. A large amount [67%(F) to 70% (M)] of the administered dose was unabsorbed and excreted in the feces by 72 hours. Total recovery of radioactivity was 105% of the administered dose.

A total of 13 metabolites were identified in the bile; the parent compound was not identified i.e. unabsorbed compound nor were the primary oxidation products seen in the feces in the pharmacokinetics study. The proposed metabolic pathway proceeded primary by oxidation of the benzylic carbons to alcohols, aldehydes or acids. Bile contained most of the other highly oxidized products found in the feces. The most significant individual bile metabolites accounted for 5% to 18% of the total radioactivity (F and/or M). Bile also contained the previously undetected (in the pharmacokinetics study] ''A'' Ring ketone and the ''B'' Ring diol. The other major components were characterized as high molecular weight conjugates. No individual bile metabolite accounted for > 5% of the total administered dose. Total bile radioactivity accounted for ≈ 17% of the total administered dose.

No major qualitative differences in biliary metabolites were observed between sexes. The metabolic profile in the bile was similar to the metabolic profile in the feces and urine.

B. Toxicological Endpoints

1. *Acute toxicity*. Toxicity observed in oral toxicity studies were not attributable to a single dose (exposure). No neuro or systemic toxicity was observed in rats given a single oral administration of Tebufenozide at 0, 500, 1,000, or 2,000 mg/kg. No maternal or developmental toxicity was observed following oral administration of tebufenozide at 1,000 mg/kg/day (Limit-Dose) during gestation to pregnant rats or rabbits. Thus the risk from acute exposure is considered negligible.

2. *Short - and intermediate - term toxicity*. No dermal or systemic toxicity was seen in rats receiving 15 repeated dermal applications of the technical (97.2%) product at 1,000 mg/kg/day (Limit- Dose) as well as a formulated (23% a.i) product at 0, 62.5, 250, or 1,000 mg/kg/day over a 21–day period (MRID 42991507). The HIARC noted that in spite of the hematological effects seen in the dog study, similar effects were not seen in the rats receiving the

compound via the dermal route indicating poor dermal absorption. Also, no developmental endpoints of concern were evident due to the lack of developmental toxicity in either rat or rabbit studies. This risk is considered to be negligable.

3. *Chronic toxicity*. EPA has established the RfD for tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide at 0.018 mg/kg/day. This RfD is based on a NOEL of 1.8 mg/kg/day and an uncertainty factor (UF) of 100. The NOEL was established from the chronic toxicity study in dogs where the NOEL was 1.8 mg/kg/day based on growth retardation, alterations in hematology parameters, changes in organ weights, and histopathological lesions in the bone, spleen and liver at 8.7 mg/kg/day. EPA determined that the 10 x factor to protect children and infants as required by FQPA should be removed. Therefore, the RfD remains the same at: 0.018 mg/kg/day. An UF of 100 is supported by the following factors.

(i) Developmental toxicity studies showed no increased sensitivity in fetuses when compared to maternal animals following *in utero* exposures in rats and rabbits.

(ii) Multi-generation reproduction toxicity studies in rats showed no increased sensitivity in pups as compared to adults and offspring.

(iii) There are no data gaps.

4. *Carcinogenicity*. Tebufenozide has been classified as a Group E, ''no evidence of carcinogenicity for humans,'' chemical by EPA.

C. Exposures and Risks

1. *From food and feed uses*. Tolerances have been established (40 CFR 180.482) for the residues of tebufenozide, in or on walnuts at 0.1 ppm and apples at 1.0 ppm. Numerous section 18 tolerances have been established at levels ranging from 0.3 ppm in sugar beet roots to 5.0 ppm in turnip tops. Risk assessments were conducted by EPA to assess dietary exposures and risks from tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide as follows:

i. *Acute exposure and risk*. Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. Toxicity observed in oral toxicity studies were not attributable to a single dose (exposure). No Neuro or systemic toxicity was observed in rats given a single oral administration of tebufenozide at 0, 500, 1,000 or 2,000 mg/kg. No maternal or developmental toxicity was observed following oral administration of tebufenozide at 1,000 mg/kg/day (Limit-Dose) during gestation to pregnant rats or rabbits. This risk is considered to be negligable.

ii. *Chronic exposure and risk*. The RfD used for the chronic dietary analysis is 0.018 mg/kg/day. In conducting this exposure assessment, EPA has made very conservative assumptions 100% of pecans and wine and sherry and and pears and all other commodities having tebufenozide tolerances will contain tebufenozide residues and those residues would be at the level of the tolerance which result in an overestimate of human dietary exposure. Thus, in making a safety determination for this tolerance, HED is taking into account this conservative exposure assessment. The existing tebufenozide tolerances published, pending, and including the necessary section 18 tolerance(s) resulted in a Theoretical Maximum Residue Contribution (TMRC) that is equivalent to the following percentages of the RfD: U.S. Population (31% of RfD); Nursing Infants (<1 year old) (41% of RfD); Non-Nursing Infants (<1 year old) (80% of Rfd); Children (1–6 years old) (60% of RfD); Children (7–12 years old) (43% of Rfd); Females (13 + years old, nursing) (31% of RfD); Males (13–19 years old) (28% of RfD); Non-Hispanic Blacks (34% of RfD); Non Hispanic Others (42% of RfD) Western Region (35% of RfD). The subgroups listed above are: (1) the U.S. population (48 States); (2) those for infants and children; and, (3) the other subgroups for which the percentage of the RfD occupied is greater than that occupied by the subgroup U.S. population (48 States).

2. *From drinking water*— i. *Acute exposure and risk*. Because no acute dietary endpoint was determined, the Agency concludes that there is a reasonable certainty of no harm from acute exposure from drinking water.

ii. *Chronic exposure and risk*. Submitted environmental fate studies suggest that tebufenozide is moderately persistent to persistent and mobile.Under certain conditions tebufenozide appears to have the potential to contaminate ground and surface water through runoff and leaching; subsequently potentially contaminating drinking water.There are no established Maximum Contaminant Levels (MCL) for residues of tebufenozide in drinking water and no Health Advisories (HA) have been issued for tebufenozide therefore these could not be used as comparative values for risk assessment. Therefore, potential residue levels for drinking water exposure were calculated using GENEEC (surface water) and SCIGROW (ground water) for human health risk assessment. Because of the wide range of half-life values (66–729 days) reported for the aerobic soil metabolism input parameter a range of potential exposure values were calculated. In each case the worst case upper bound exposure limits were then compared to appropriate chronic drinking water level of concern (DWLOC). In each case the calculated exposures based on model data were below the DWLOC.

3. *From non-dietary exposure*. Tebufenozide is not currently registered for use on any residential non-food sites. Therefore there is no chronic, short- or intermediate-term exposure scenario.

4. *Cumulative exposure to substances with common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common

mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide has a common mechanism of toxicity with other substances.

D. Aggregate Risks and Determination of Safety for U.S. Population

1. *Acute risk*. Since no acute toxicological endpoints were established, no acute aggregate risk exists.

2. *Chronic risk*. Using the conservative exposure assumptions described above, and taking into account the completeness and reliability of the toxicity data, EPA has concluded that dietary (food only) exposure to tebufenozide will utilize 31% of the RfD for the U.S. population. Submitted environmental fate studies suggest that tebufenozide is moderately persistent to persistent and mobile; thus, tebufenozide could potentially leach to ground water and runoff to surface water under certain environmental conditions. The modeling data for tebufenozide indicate levels less than OPP's DWLOC. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. There are no registered residential uses of tebufenozide. Since there is no potential for exposure to tebufenozide from residential uses, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

3. *Short- and intermediate-term risk*. Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure. Since there are currently no registered indoor or outdoor residential non-dietary uses of tebufenozide and no short- or intermediate-term toxic endpoints, short- or intermediate-term aggregate risk does not exist.

E. Aggregate Cancer Risk for U.S. Population

Since, tebufenozide has been classified as a Group E, ''no evidence of carcinogenicity for humans,'' this risk does not exist.

F. Aggregate Risks and Determination of Safety for Infants and Children

1. *Safety factor for infants and children*— i. *In general*. In assessing the potential for additional sensitivity of infants and children to residues of tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide, EPA considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from maternal pesticide exposure gestation. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. EPA believes that reliable data support using the standard uncertainty factor (usually 100 for combined inter- and intra-species variability)) and not the additional tenfold MOE/uncertainty factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE/safety factor.

ii. *Developmental toxicity studies*—a. *Rats*. In a developmental toxicity study in rats, the maternal (systemic) NOEL was 250 mg/kg/day. The LOEL was 1,000 mg/kg/day, based on decreased body weight and food consumption. The developmental (pup) NOEL was ≤ 1,000 mg/kg/day (HGT)

b. *Rabbits*. In a developmental toxicity study in rabbits, the maternal and developmental NOELs were ≤ 1,000 mg/kg/day (HDT).

iii. *Reproductive toxicity study*. In a 1993 two-generation reproduction study in Sprague-Dawley rats, tebufenozide was administered at dietary concentrations of 0, 10, 150, or 1,000 ppm (0, 0.8, 11.5, or 154.8 mg/kg/day for males and 0, 0.9, 12.8, or 171.1 mg/kg/day for females). The parental systemic NOEL was 10 ppm (0.8/0.9 mg/kg/day for males and females, respectively) and the LOEL was 150 ppm (11.5/12.8 mg/kg/day for males and females, respectively) based on decreased body weight, body weight gain, and food consumption in males, and increased incidence and/or severity of splenic pigmentation. In addition, there was an increased incidence and severity of extramedullary hematopoiesis at 2,000 ppm. The reproductive NOEL was 150 ppm. (11.5/12.8 mg/kg/day for males and females, respectively) and the LOEL was 2,000 ppm (154.8/171.1 mg/kg/day for males and females, respectively) based on an increase in the number of pregnant females with increased gestation duration and dystocia. Effects in the offspring consisted of decreased number of pups per litter on postnatal days 0 and/or 4 at 2,000 ppm (154.8/171.1 mg/kg/day for males and females, respectively) with a NOEL of 150 ppm (11.5/12.8 mg/kg/day for males and females, respectively)

In a 1995 two-generation reproduction study in rats, tebufenozide was administered at dietary concentrations of 0, 25, 200, or 2,000 ppm (0, 1.6, 12.6, or 126.0 mg/kg/day for males and 0, 1.8, 14.6, or 143.2 mg/kg/day for females). For parental systemic toxicity, the NOEL was 25 ppm (1.6/1.8 mg/kg/day in males and females, respectively), and the LOEL was 200 ppm (12.6/14.6 mg/kg/day in males and females), based on histopathological findings (congestion and extramedullary hematopoiesis) in the spleen. Additionally, at 2,000 ppm (126.0/143.2 mg/kg/day in M/F), treatment-related findings included reduced parental body weight gain and increased incidence of hemosiderin-laden cells in the spleen. Columnar changes in the vaginal squamous

epithelium and reduced uterine and ovarian weights were also observed at 2,000 ppm, but the toxicological significance was unknown. For offspring, the systemic NOEL was 200 ppm. (12.6/14.6 mg/kg/day in males and females), and the LOEL was 2,000 ppm (126.0/143.2 mg/kg/day in M/F) based on decreased body weight on postnatal days 14 and 21.

iv. *Pre- and post-natal sensitivity*. The toxicology data base for tebufenozide is complete and includes acceptable developmental toxicity studies in both rats and rabbits as well as a two two-generation reproductive toxicity studies in rats.

The EPA determined that the data provided no indication of increased sensitivity of rats or rabbits to in utero and/or postnatal exposure to tebufenozide. No maternal or developmental findings were observed in the prenatal developmental toxicity studies at doses up to 1,000 mg/kg/day in rats and rabbits. In the two two-generation reproduction studies in rats, effects occurred at the same or lower treatment levels in the adults as in the offspring.

2. *Acute risk*. Since no acute toxicological endpoints were established, no acute aggregate risk exists.

3. *Chronic risk*. Using the conservative exposure assumptions described above, EPA has concluded that aggregate exposure to tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide from food will utilize from 31% of the RfD for the U.S. population to 80% of the RfD for non-nursing infants less than 1 year old. The potential for exposure to tebufenozide in drinking water does not exceed EPA's level of concern. There are currently no tebufenozide residential or non-dietary exposure scenarios. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to tebufenozide, benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide residues.

4. *Short- or intermediate-term risk*. Since no short- and intermediate-term toxicological endpoints were established by EPA, no acute aggregate risk exists.

III. Other Considerations

A. Metabolism In Plants and Animals

The nature of the residues of tebufenozide in/on plants is adequately understood. The residue of concern for both regulatory (tolerance expression) and risk assessment purposes is the parent compound, tebufenozide *per se*.

There are no animal feed items associated with pecans. According to information supplied by the petitioner, wine grapes and wine grape processing commodities are not items of animal feed in Europe. Therefore, a discussion of potential transfer of secondary residues to animal commodities is not germane to these actions.

B. Analytical Enforcement Methodology

A HPLC/UV analytical method, *Enforcement Residue Analytical Method for RH-5992 in Pecans with HPLC-MS Confirmation* is adequate for enforcement purposes in pecans. A successful Agency validation for an analytical method to detect residues of tebufenozide *per se* has been conducted by ACL/BEAD.

The method used in the analysis of the total residue of concern in the European field residue trials in wine, Method AL 013/92–0, was developed by Rohm and Haas and independently validated. In the validation of this method, at levels from 0.01 to 0.5 ppm in wine recoveries ranged from 84 to 109%; in grapes at levels of 0.02 to 1.0 ppm recoveries ranged from 77 to 128%. The limit of quantitation was given as 0.02 ppm for grapes and 0.01 ppm for wine. The method is different from those validated for domestic commodities but was determined to be adequate for data collection.

C. Magnitude of Residues

Adequate residue data were provided to support tolerances of 0.01 ppm for pecans and 0.5 ppm for grapes, wine and a time-limited tolerance for pears.

There are no pecan or pear processed comodities of regulatory concern. In those instances when treated grapes were vinified, residues of tebufenozide in the aged wine were a third to a half of those in the treated grapes. The maximum residue found in the wine treated at label rates was 0.3 ppm; therefore, a tolerance for wine grapes would suffice for the wine made from them.

Since there are no pecan or pear animal feed items and according to information supplied by the petitioner, wine grapes and wine grape processing commodities are not items of animal feed in Europe, no secondary residues in animals are expected.

D. International Residue Limits

There are currently no CODEX, Canadian, or Mexican listings for tebufenozide residues in or on pecans or pears, therefore there are no harmonization issues for these crops.

Maximum residue levels (MRL) of 0.5 ppm have been established for wine grapes in France, Italy, and Germany. The tolerance of 0.5 ppm in or on wine grapes is in harmony with these MRLs.

E. Rotational Crop Restrictions

Since pecans, grapes, and pears are not rotated to other crops, a discussion of tebufenozide accumulation in rotational crops is not germane to this action.

IV. Conclusion

Therefore, the tolerance is established for residues of tebufenozide in pecans, grapes, wine, and pears at 0.01, 0.5, and 1.0 ppm respectively.

V. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by August 24, 1998, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if

the Administrator determines that the material submitted shows the following:

There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VI. Public Record and Electronic Submissions

EPA has established a record for this rulemaking under docket control number [OPP–300675] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at: opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

VII. Regulatory Assessment Requirements

This final rule establishes tolerances under FFDCA section 408(d) in response to a petitions submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established on the basis of petitions under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950) and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

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

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated:June 12, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180 — [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In §180.482, by alphabetically adding the following commodities to the table in paragraph (b) to read as follows:

§180.482 Tebufenozide; tolerances for residues.

* * * * *

(b)* * *

Commodity	Parts per million	Expiration/Revocation Date
* * *	* * * *	
Grapes, wine [1]	0.5	NA
Pears	1.0	2001
Pecans	0.01	NA

Commodity	Parts per million	Expiration/Revocation Date
* * *	* * * *	

[1] There are no U.S. registrations on grapes as of June 24, 1998.

[FR Doc. 98–16822 Filed 6–23–98; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180, 185, and 186

[OPP–300627; FRL–5777–7]

RIN 2070–AB78

Recodification of Certain Tolerance Regulations

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is issuing this technical amendment to consolidate parts 185 and 186 pesticide tolerance regulations into part 180. This recodification is consistent with the Food Quality Protection Act which places all pesticide tolerances under section 408 of the Federal Food, Drug, and Cosmetic Act, thus eliminating the distinction between pesticide tolerances for raw and processed foods.

DATES: This regulation becomes effective June 24, 1998.

FOR FURTHER INFORMATION CONTACT: By mail, Joseph Nevola, Special Review Branch (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: 3rd Floor, Crystal Station, 2800 Crystal Drive, Arlington, VA 22202, (703) 308-8037; e-mail: nevola.joseph@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pesticide tolerance regulations promulgated under sections 408 and 409 of the Federal Food, Drug, and Costmetic Act (FFDCA), 21 U.S.C. 346a and 348, appear in parts 180, 185 and 186 of title 40 of the Code of Federal Regulations. Part 180 contains pesticide tolerance regulations for pesticide chemical residues in raw agricultural commodities. Such regulations were promulgated under FFDCA section 408. Parts 185 and 186 contain food additive regulations for pesticide chemical residues in processed food. These regulations were promulgated under FFDCA section 409.

The Food Quality Protection Act (FQPA) was signed into law in August of 1996. Under section 408(j) of the FFDCA, as amended by the FQPA, all pesticide tolerances established under FFDCA section 409 were deemed to be tolerances under FFDCA section 408. Since there is no longer a statutory reason for the separation of these tolerances into different parts of the CFR, as a part of the routine process of issuing new and revised tolerances, EPA is consolidating certain sections of the regulations in parts 185 and 186 into 40 CFR part 180. Although the tolerances are being restructured to fit into part 180, no substantive changes are being made. The tolerance regulations in parts 185 and 186 are being redesignated as follows:

Old CFR section	New CFR section
185.425	180.519
185.2900	180.520
185.3475	180.521
185.3480	180.522
185.4025	180.523
185.4200	180.524
185.5300	180.525
186.5400	185.526

This action is being taken pursuant to EPA's authority under FFDCA section 408(e)(1)(C) to issue regulations implementing the requirements of section 408. Because this regulation involves a technical change to existing regulations and has no substantive impact, EPA for good cause finds that it would be in the public interest to promulgate this regulations without issuing a notice of proposed rulemaking under section 408(e)(2).

I. Regulatory Assessment Requirements

This final rule does not impose any requirements. It only implements technical amendments to the Code of Federal Regulations (CFR), by recodifying certain tolerances that have already been established under FFDCA section 408. Basically, this notice simply consolidates the tolerances, which currently appear in two separate parts of the CFR (i.e., 40 CFR parts 185 and 186), into a single part (i.e., 40 CFR part 180). 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 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 the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

40 CFR Part 185

Environmental protection, Food additives, Pesticides and pests.

40 CFR Part 186

Environmental protection, Animal feeds, Pesticides and pests.

Dated: June 3, 1998.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR parts 180, 185 and 186 are amended as follows:

1. In part 180:

PART 180—[AMENDED]

a. The authority citation for part 180 would continue to read as follows:

Authority: 21 U.S.C. 346a and 371.

§ 185.425 [Redesignated as § 180.519]

b. Section 185.425 is redesignated as § 180.519. Newly designated § 180.519 is amended by revising the section heading, designating the introductory text as paragraph (a) introductory text, redesignating paragraphs (a), (b) and (c) as paragraphs (a)(1), (a)(2) and (a)(3) respectively, adding a heading to newly designated paragraph (a), and by adding and reserving paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.519 Bromide ion and residual bromine; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.2900 [Redesignated as § 180.520]

c. Section 185.2900 is redesignated as § 180.520. Newly designated § 180.520 is amended by revising the section heading, redesignating paragraphs (a), (b), and (c) as paragraphs (a)(1), (a)(2) and (a)(3), respectively, by designating the introductory text as paragraph (a) introductory text, adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.520 Ethyl formate; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.3475 [Redesignated as § 180.521]

d. Section 185.3475 is redesignated as § 180.521. Newly designated § 180.521 is amended by revising the section heading, redesignating paragraphs (a), (b), and (c) as paragraphs (a)(1), (a)(2) and (a)(3), respectively, by designating the introductory text as paragraph (a) introductory text, adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.521 Fumigants for grain-mill machinery; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.3480 [Redesignated as § 180.522]

e. Section 185.3480 is redesignated as § 180.522. Newly designated § 180.522 is amended by revising the section heading, redesignating paragraphs (a), (b), (c) and (d) as paragraphs (a)(1), (a)(2), (a)(3) and (a)(4), respectively, by designating the introductory text as paragraph (a) introductory text, adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.522 Fumigants for processed grains used in production of fermented malt beverages; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.4025 [Redesignated as § 180.523]

f. Section 185.4025 is redesignated as § 180.523. Newly designated § 180.523 is amended by revising the section heading, redesignating paragraphs (a), (b), (c) introductory text, (c)(1), (c)(2), and (c)(3) as paragraphs (a)(1), (a)(2), (a)(3), (a)(3)(i), (a)(3)(ii), and (a)(3)(iii), respectively, by designating the introductory text as paragraph (a) introductory text, adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.523 Metaldehyde; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.4200 [Redesignated as § 180.524]

g. Section 185.4200 is redesignated as § 180.524. Newly designated § 180.524 is amended by revising the section heading, designating the existing text as paragraph (a), adding a paragraph heading to newly designated paragraph (a), and by adding and reserving paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.524 1-Methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.5300 [Redesignated as § 180.525]

h. Section 185.5300 is redesignated as § 180.525. Newly designated § 180.525 is amended by revising the section heading, designating the text as paragraph (a), adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.525 Resmethrin; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 186.5400 [Redesignated as § 180.526]

i. Section 186.5400 is redesignated as § 180.526. Newly designated § 180.526 is amended by revising the section heading, designating the text as paragraph (a), adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.526 Synthetic isoparaffinic petroleum hydrocarbons; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 98–16674 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6113–9]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deletion of the Berlin and Farro Liquid Incineration Superfund Site From the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Berlin and Farro Liquid Incineration Site in Michigan from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action is being taken by EPA and the State of Michigan, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Michigan have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: June 24, 1998.

FOR FURTHER INFORMATION CONTACT: Gladys Beard at (312) 886–7253, Associate Remedial Project Manager, Superfund Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: The Gaines Township Hall, 9255 W. Grand Blanc Rd., Gaines, Michigan 48436. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Berlin and Farro Site located in Gaines, Michigan. A Notice of Intent to Delete for this site was published January 19, 1998 (63 FR 3061). The closing date for comments on the Notice of Intent to Delete was February 20, 1998. EPA received comments during the public comment period requesting an extension to the comment period. EPA extended the comment period to April 20, 1998.

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

List of Subjects in 40 CFR Part 300

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

Dated: June 11, 1998.

David Ullrich,

Acting Regional Administrator, Region V.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B [Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the Site ''Berlin & Farro, Swartz Creek, Michigan.''

[FR Doc. 98–16569 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 410

[HCFA–3004–IFC]

RIN 0938–AI89

Medicare Program; Medicare Coverage of and Payment for Bone Mass Measurements

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

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule with comment period provides for uniform coverage of, and payment for, bone mass measurements for certain Medicare beneficiaries for services furnished on or after July 1, 1998. It implements provisions in section 4106(a) of the Balanced Budget Act of 1997.

DATES: Effective date: These regulations are effective on July 1, 1998.

Comment date: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on August 24, 1998.

ADDRESSES: Mail an original and 3 copies of written comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–3004–IFC, P.O. Box 26585, Baltimore, MD 21207–0385.

If you prefer, you may deliver an original and 3 copies of your written comments to one of the following addresses: Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–09–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Comments may also be submitted electronically to the following e-mail address: HCFA3004ifc@hcfa.gov. For e-mail and comment procedures, see the beginning of **SUPPLEMENTARY INFORMATION**. For information on ordering copies of the **Federal Register** containing this document and on electronic access, see the beginning of **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: William Larson, (410) 786–4639. (Conditions for Coverage, and Frequency Standards) William Morse, (410) 786–4520. (Physician Fee Schedule Payments)

SUPPLEMENTARY INFORMATION: E-mail comments must include the full name and address of the sender, and must be submitted to the referenced address in

order to be considered. All comments must be incorporated in the e-mail message because we may not be able to access attachments. Electronically submitted comments will be available for public inspection at the Independence Avenue address, below. Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–3004–IFC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309–G of the Department's offices at 200 Independence Avenue, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

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I. Background

A. Current Medicare Coverage

In general, bone mass measurements, using bone mineral densitometers and bone sonometers, are considered to be the most valuable objective indicator of the risk of fracture and/or osteoporosis. The clinical use of these devices is based on the assumption that bone mass is an important determinant of osteoporotic fractures, and that bone mass measurements may help reduce the number of fractures by identifying high-risk individuals, who can then receive appropriate preventive measures. Because osteoporosis is generally considered preventable, but not reversible, we believe that early detection of at-risk individuals is a desirable health outcome.

Before the enactment of the Balanced Budget Act of 1997 (BBA), Medicare coverage of bone mass measurements and the related physician interpretation of those procedures were available for some beneficiaries under sections 1861(s)(1) and (s)(3) of the Social Security Act (the Act). Section 1861(s)(1) of the Act provides for general Medicare coverage of physician services, including a physician's interpretation of the results of tests performed. Section 1861(s)(3) of the Act provides for general Medicare coverage of diagnostic x-ray, clinical laboratory and other diagnostic tests. Furthermore, section 1862(a)(1)(A) of the Act provides that Medicare cover only services that are reasonable and necessary for the diagnosis or treatment of illness or injury. In developing the current Medicare policy on bone mass measurements, we determined, based on the advice of our medical consultants, that certain measurements were consistent with the provisions of section 1862(a)(1)(A) of the Act.

Medicare coverage policy on bone mass measurements is described in section 50–44 of the Medicare Coverage Issues Manual (CIM). Specifically, the CIM provides for coverage of single-photon absorptiometry (SPA) if it is used in assessing changes in bone density of beneficiaries with osteodystrophy or osteoporosis. In addition, a bone biopsy, a physiological test that is a surgically, invasive procedure, is covered if used for the qualitative evaluation of bone. Finally, the CIM provides for coverage of photodensitometry, a noninvasive radiological procedure that attempts to assess bone mass. The CIM also states that dual-photon absorptiometry (DPA), is a noncovered service.

In recent years, various new bone mass measurements have been developed and gained acceptance in the medical community. Since they have not been excluded from coverage under section 50–44 of the CIM, most Medicare contractors have begun to pay for the medically necessary use of these measurements, but some Medicare contractors have not. As a result, Medicare coverage of bone mass measurements has been inconsistent in its application with regard to the types of (1) beneficiaries eligible, (many Medicare contractors have considered bone mass measurements of estrogen-deficient women to be screening services and not covered under Medicare) and (2) bone mass measurements considered to be clinically effective.

B. Recent Legislation

Section 4106(a)(1) of the BBA adds section 1861(s)(15) to provide for uniform coverage of bone mass measurements under the Part B program for services furnished on or after July 1, 1998. The law defines a ''bone mass measurement'' to mean (1) a radiologic, radioisotopic, or other procedure approved by the Food and Drug Administration (FDA) for the purpose of identifying bone mass, detecting bone loss, or interpreting bone quality, and (2) it includes a physician's interpretation of the results of those bone mass measurement procedures. The law also authorizes Medicare coverage of those medically necessary approved measurements that are performed for a ''qualified individual'' that fall into at least one of five diagnostic categories. These include (1) an estrogen-deficient woman at clinical risk for osteoporosis, (2) an individual with vertebral abnormalities, (3) an individual receiving long-term glucocorticoid (steroid) therapy, (4) an individual with primary hyperparathyroidism, and (5) an individual being monitored to assess the response to, or efficacy of, an approved osteoporosis drug therapy.

Section 4106(a)(2) of the BBA also requires the Secretary to establish frequency standards governing the time period when qualified individuals will be eligible to receive covered bone mass measurements.

Section 4106(b)(2) of the BBA amended section 1848(j)(3) of the Act, which defines ''physicians' services'' to include a bone mass measurement as a physician service. Physicians' services as defined in section 1848(j)(3) are paid for under the physician fee schedule (42 CFR part 414).

II. Rationale for Coverage of Bone Mass Measurements

We have consulted with appropriate Federal government organizations and reviewed medical literature regarding (1) the clinical efficacy of the various available bone mass measurement procedures that the FDA has approved or cleared for marketing for assessing bone density, (2) the medical indications for the five categories of Medicare beneficiary eligible to receive coverage under Medicare for the procedures, and (3) the frequency standards that the Secretary is required by law to establish under the new benefit. Based on review of the law and our research, we have reached the following conclusions on the various major issues raised by the coverage of bone mass measurements.

A. Clinically Effective Bone Mass Measurements

Section 1861(rr)(1) of the Act, as added by section 4106(a) of the BBA, defines the term ''bone mass measurement'' to mean, in part, ''a radiological, radioisotopic, or other procedure approved by the Food and Drug Administration'' that is ''performed on a qualified person . . . for the purpose of identifying bone mass or detecting bone loss or determining bone quality. * * *'' In addition, section 4106(b) of the BBA amended the law to provide that payment for bone mass measurements that are covered under this new benefit must be made under the Medicare physician fee schedule, as provided in section 1848(j)(3) of the Act. We have interpreted these provisions to mean that the scope of the bone mass measurement benefit includes bone densitometry or bone sonometry procedures that are performed with devices that have been approved or cleared for marketing by the FDA. We are not including payment for biochemical markers within this benefit at the present time. Even though biochemical markers have been approved for marketing by the FDA, they are, in fact, clinical laboratory tests that may be paid for under the Medicare clinical laboratory fee schedule (sections 1833(a)(1)(D) and 1833(h) of the Act), rather than under the Medicare physician fee schedule (many Medicare contractors currently pay for biochemical markers under the Medicare clinical laboratory fee schedule). We plan to raise the issue of coverage for biochemical markers used in measuring bone mass when we implement section 4554 of the BBA concerning national coverage and administrative policies for clinical laboratory tests. That section of the statute requires the use of a negotiated rulemaking process and was announced on June 3, 1998 (63 FR 30166).

The expansion of Medicare coverage to include additional preventive benefits for bone mass measurement reflects a Congressional intent to improve the overall health of qualified individuals that is consistent with medical science. There is a well-established causal relationship between reduced bone mass and the risk of fracture, particularly in the hip and spine. Although numerous risk factors exist for the development of fractures (Heaney, Robert P., M.D., ''Bone Mass, Bone Loss, and Osteoporosis Prophylaxis,'' Annals of Internal Medicine, Volume 128, Number 4, pages 313–314 (February 15, 1998)), bone mass is the most extensively-studied fragility factor, in tandem with considerable therapeutic options for restoration of bone mass. From a public health perspective, it has been noted in the medical literature that bone loss is highly prevalent among elders (Genant, H.K., Guglielmi, G., Jergas, M., (Eds) ''Bone Densitometry and Osteoporosis'' (Epidemiology of Osteoporosis) Ross, P.D., pgs 23–25 (1998)), and that only about ten percent of women in the United States over age 65 have ''normal'' bone mass.

At present, the FDA has approved or cleared for marketing a number of different types of bone densitometry or bone sonometry devices (or techniques) that can be used to perform bone mass measurements on the human skeleton. According to the information we have reviewed, the older densitometry x-ray techniques of single photon absorptiometry (SPA) and dual photon absorptiometry (DPA), which use isotope sources, have largely been replaced by the newer x-ray techniques of single X-ray absorptiometry (SEXA) and dual-X-ray absorptiometry (DEXA), which are superior in terms of accuracy, precision, and shorter exam time. We understand that the current FDA-recognized, and generally available, bone densitometry techniques for measuring the peripheral skeleton include SEXA, peripheral dual-X-ray absorptiometry (pDEXA), radiographic absorptiometry (RA), and peripheral quantitative computed tomography (pQCT), all of which are limited to measurement of the peripheral skeleton, principally the forearm, heel, or fingers. Recently, the FDA has approved for marketing a bone sonometry device that estimates bone mass or strength of the heel using ultrasound measurements. For measurement of the central skeleton, the currently FDA-approved or cleared, and available techniques are DEXA and quantitative computed tomography (QCT), both of which can measure the spine or hip, and the DEXA can measure the peripheral skeleton or whole body as well.

Based on the medical information we have reviewed, all of the FDA-approved or cleared bone densitometry and sonometry devices are currently being used actively in clinical practice, except for the SPA and the DPA devices. With respect to the last two devices, we considered not covering bone mass measurements performed on either one of these devices because they are generally considered to be obsolete and no longer of any clinical value.

Generally, coverage of medical items or services performed with FDA-approved or cleared devices is available to Medicare beneficiaries unless the item or service is precluded from payment by the reasonable and necessary exclusion in section 1862(a)(1)(A) of the Act, or is otherwise precluded from payment by one of the other Medicare statutory exclusions.

Based on our review of the medical information, we have decided to continue with our present policy of coverage of bone mass measurements performed on SPA devices and our noncoverage of measurements performed on DPA devices. Our noncoverage of the DPA procedure was established in 1983, and was based on medical advice received from the Public Health Service, indicating that it was not demonstrated to be medically effective, and, thus, should be excluded from coverage by the statutory ''reasonable and necessary'' exclusion of section 1862(a)(1)(A) of the Act.

Our review of available Medicare claims data for 1995 and 1996 shows that the use of the SPA procedure under the Medicare program has declined significantly in recent years. However, the claims data appears to indicate that Medicare beneficiaries may still benefit from the use of this procedure in some parts of the country. In view of this evidence, however, we have decided to request comments on the possibility of withdrawing coverage of the SPA. We expect that certain remote rural areas may not have bone densitometry or bone sonometry devices available at present for use in testing Medicare beneficiaries. Therefore, we are soliciting comments on whether this is, in fact, a problem that merits the continued coverage of SPA. In assessing this issue, we request specific examples of problems, within particular localities, such as remote and rural areas, and details regarding how such a regulation

may adversely affect bone mass measurement services.

In regard to the clinical utility of peripheral versus central bone density devices, there is a consensus that measurements of the central skeletal sites is the preferred method of assessment. The American College of Radiology reports that central techniques are associated with relatively higher predictive relative risk ratios for hip fractures than peripheral techniques, and allow for more frequent evaluations because of their intrinsic ability to better assess bone metabolic activity. Although either central or peripheral techniques may be used for most bone mass measurement indications, experts representing the National Osteoporosis Foundation have suggested clinical situations in which only central studies should be performed (that is, vertebral abnormalities, glucocorticoid maintenance, and monitoring the response to osteoporosis drug treatment).

Ultimately, however, it is essential that the physician treating the beneficiary be afforded flexibility in ordering those diagnostic measurements that are best suited to the beneficiaries in their special circumstances. For example, our consultation with the FDA indicated that peripheral bone mass measurements may be used for monitoring osteoporosis drug treatment in some cases. Our interim final policy allows physicians discretion to use peripheral bone mass measurements in this manner. Given the differential access and convenience of various bone mass measurement techniques available to Medicare beneficiaries, the attending physician must be given the option to order the most appropriate bone mass measurement for a beneficiary in a particular set of circumstances. Emerging literature on both existing and new technologies shows that bone mass measurement exists within a highly dynamic clinical setting, which can only be successfully approached with flexibility. In other words, there will be a continual need to reexamine which are the most pertinent bone mass measurement techniques for generating useful diagnostic information.

In view of these uncertainties about the clinical role of the peripheral measurement, we plan to monitor the Medicare use of these measurements. Based on data on the effectiveness of these measurements, we will reconsider our coverage policy in this regard if warranted. Although peripheral bone mass measurements have some apparent advantages in terms of access and convenience, if, over time, these parameters become more relatively favorable for central bone mass measurement, then our policies will be correspondingly updated.

B. Medical Indications for Medicare Beneficiaries

As previously mentioned, section 1861(rr)(2) of the Act identifies five categories of ''qualified individuals'' who may receive Medicare coverage under the new bone mass measurement benefit. These include the following: (1) An estrogen-deficient woman at clinical risk for osteoporosis; (2) an individual with vertebral abnormalities; (3) an individual receiving long-term glucocorticoid (steroid) therapy; (4) an individual with primary hyperparathyroidism; or (5) an individual being monitored to assess the response to or efficacy of an approved osteoporosis drug therapy. (For purposes of this interim final rule, we refer to these ''qualified individuals'' as those categories of Medicare beneficiaries who may receive covered bone mass measurements.) In addition, section 1861(rr)(2) of the Act provides authority for further clarification of these categories to help ensure uniform national standards ''in accordance with regulations prescribed by the Secretary.''

We have interpreted this section of the statute, and are clarifying the five categories of Medicare beneficiaries who may receive these covered services as follows:

- An estrogen-deficient woman at clinical risk for osteoporosis means a woman who has been determined by the physician (or a qualified nonphysician practitioner) treating her to be estrogen-deficient and at clinical risk for osteoporosis, based on her medical history or other findings.
- An individual with vertebral abnormalities as demonstrated by X-ray to be indicative of osteoporosis, low bone mass (osteopenia), or vertebral fracture.
- An individual receiving glucocorticoid (steroid) therapy equivalent to 7.5 mg of prednisone, or greater, per day for more than 3 months, or if the expected duration of such therapy is more than 3 months. (Review of medical literature has indicated that doses of steroid therapy lower than 7.5 mg of prednisone per day for periods shorter than 3 months usually do not result in significant bone loss.)
- An individual with primary hyperparathyroidism.
- An individual being monitored to assess the response to or efficacy of an FDA-approved osteoporosis drug therapy.

In regard to the definition of estrogen-deficient women at clinical risk for osteoporosis, there is agreement among medical experts in the United States regarding the efficacy of the use of estrogen-replacement therapy (ERT) in preventing and treating post-menopausal bone loss and osteoporosis. According to the American Association of Clinical Endocrinologists ''Clinical Practice Guidelines for the Prevention and Treatment of Post-Menopausal Osteoporosis'' (March 1996), ERT ''is the standard of care for preventing and treating post-menopausal bone loss and should be considered for all estrogen-deficient women without contradictions.'' In addition, the guidelines provide that ''for maximal skeletal protection, therapy should begin at the time of menopause or oophorectomy, although therapy can be initiated at any time after menopause. Studies indicate that correction of estrogen deficiency at any age prevents or slows bone loss in post-menopausal women with osteoporosis.''

However, based on our review of the medical literature and other information, it appears that not every woman who has been prescribed ERT may be receiving an ''adequate'' dose of the therapy and, thus, may not be sufficiently protected against further bone loss. In view of the difficulty of trying to define the estrogen-deficient statutory category precisely, we have decided in this interim final rule to allow a woman's treating physician or other treating practitioner to determine whether she is estrogen-deficient and at clinical risk of osteoporosis, based on her medical history or other findings.

C. Frequency Standards

Section 1861(rr)(3) of the Act provides that ''the Secretary shall establish such standards regarding frequency with which a qualified individual shall be eligible to be provided benefits'' under the bone mass measurement provision. The American Association of Clinical Endocrinologists (AACE), the American College of Radiology, and National Osteoporosis Foundation appear to be generally in agreement with respect to the need to follow certain clinical guidelines for performing follow-up bone mass measurements to the initial bone mass measurement that is performed. In their 1996 clinical practice guidelines, the AACE indicated that with the use of the dual-x-ray absorptiometry, a change in bone mass ''of 5 percent is considered clinically significant and is usually not observed in less than 2 years.'' For patients taking long-term steroids, or other drug therapies that have been demonstrated

to cause a more rapid rate of bone loss, the AACE and others in the medical community have recommended that Medicare patients should have more frequent assessment (for example, baseline and after 6 months).

In determining the appropriate frequency interval for follow-up serial bone mass measurements, we also believe it is necessary to consider the clinical role that biochemical markers may play in monitoring the effectiveness of osteoporosis drug therapy. Bone mass measurement imaging provides one type of skeletal assessment, compared to assaying biochemical markers that provide a profile of bone turnover. With respect to quantifying bone loss, multiple collagen crosslink tests for pyridinoline, deoxypyridinoline, and the telopeptides can provide adjunct diagnostic information in concert with bone mass measurement (Siebel, Markus J. and Gangberg, Caren M., ''Basic Science and Clinical Utility of Biochemical Markers of Bone Turnover—A Congress Report'', Volume 107, pages 125–133, (1997)).

We have been informed by the FDA that the use of biochemical markers may be useful in assessing the effectiveness of osteoporosis treatment. Although we believe that bone mass measurement and biochemical markers have complementary roles to play in monitoring osteoporosis drug therapy, there are not yet specific, evidence-based guidelines for performing both in tandem. However, proper management of osteoporosis patients, who are on long-term therapeutic regimens, may require reliance upon such clinical laboratory testing (for example, at intervals of less than 1 year) after therapy is initiated.

We have decided to establish the following frequency standards for coverage of bone mass measurements:

- In general, coverage for follow-up bone mass measurements will be limited to only one measurement every 2 years for beneficiaries who receive coverage of bone mass measurements.
- Follow-up bone mass measurements performed more frequently than once every 2 years may be covered when medically necessary. Examples of situations where more frequent bone mass measurements procedures may be medically necessary include, but are not limited to, the following medical circumstances: (1) Monitoring beneficiaries on long-term glucocorticoid (steroid) therapy of more than 3 months; and (2) allowing for a confirmatory baseline bone mass measurement (either central or peripheral) to permit monitoring of beneficiaries in the future if the initial test was performed with a technique that is different from the proposed monitoring method, (for example, if the initial test was performed using bone sonometry and monitoring is anticipated using bone densitometry, we will allow coverage of baseline measurement using bone densitometry).

III. Provisions of the Interim Final Rule

This interim final rule will implement section 4106 of the BBA by establishing conditions for coverage and frequency standards for bone mass measurements to ensure that they are paid for uniformly throughout the Medicare program and that they are reasonable and necessary for Medicare beneficiaries who are eligible to receive these measurements.

A. Coverage Conditions and Frequency Standards

We are establishing conditions for coverage and frequency standards for medically necessary bone mass measurements for five categories of Medicare beneficiaries in § 410.31.

We are defining ''bone mass measurement'' based on the statutory definition (§ 410.31(a)). We are setting forth conditions for coverage of all of the bone mass measurements that we will cover effective July 1, 1998. Under the ''reasonable and necessary'' provisions of section 1862(a)(1)(A) of the Act, we are establishing conditions under which we will cover bone mass measurements (§ 410.31(b)). Consistent with § 410.32 (Diagnostic x-ray tests, diagnostic laboratory tests, and diagnostic tests: Conditions), we are providing that coverage be available for the bone mass measurement only if it is ordered by the physician or a qualified nonphysician practitioner treating the beneficiary following an evaluation of the beneficiary's need for the test, including a determination as to the medically appropriate procedure to be used for the beneficiary. We believe that bone mass measurements are not demonstrably reasonable and necessary unless (among other things) they are ordered by the physician treating the beneficiary following a careful evaluation of the beneficiary's medical need, and they are employed to manage the beneficiary's care.

In addition, certain nonphysician practitioners who furnish services that would be physician services if furnished by a physician, and who are operating within the scope of the statutory benefit and their authority under State law or regulations, may also order bone mass measurements for their patients. Nonphysician practitioners who meet this definition are physician assistants (section 1861(s)(2)(K)(i) of the Act), nurse practitioners (section 1861(s)(2)(K)(ii) of the Act), clinical nurse specialists (section 1861(s)(2)(K)(iii) of the Act), and nurse-midwives (section 1861(s)(2)(L) and 1861(gg) of the Act).

To ensure that the bone mass measurement is performed as accurately and consistently in accordance with appropriate quality assurance guidelines as possible, we are requiring that it be performed under the appropriate supervision of a physician as defined in § 410.32(b)(3) of these regulations. To ensure that the bone mass measurement is medically appropriate for the five categories specified in the law, we are providing that it be reasonable and necessary for diagnosing, treating, or monitoring the condition of the beneficiary who meets the coverage requirements specified in § 410.31(d).

Furthermore, in § 410.31(c), we are setting forth limitations on the frequency for covering a bone mass measurement. Generally, we will cover a bone mass measurement for a beneficiary if at least 23 months have passed since the month the last bone mass measurement was performed. However, we will allow for coverage of follow-up bone mass measurements performed more frequently than once every 23 months when medically necessary. Examples of situations where more frequent bone mass measurements procedures may be medically necessary include, but are not limited to, the following medical circumstances: (1) Monitoring beneficiaries on long-term glucocorticoid (steroid) therapy of more than 3 months; and (2) allowing for a confirmatory baseline bone mass measurement (either central or peripheral) to permit monitoring of beneficiaries in the future if the initial test was performed with a technique that is different from the proposed monitoring method.

B. Beneficiaries Who May Be Covered

In § 410.31(d), we offer coverage for a bone mass measurement to the following Medicare beneficiaries:

- A woman who has been determined by the physician or a qualified nonphysician practitioner treating her to be estrogen-deficient and at clinical risk for osteoporosis, based on her medical history and other findings.
- An individual with vertebral abnormalities as demonstrated by an x-ray to be indicative of osteoporosis, osteopenia, or vertebral fracture.
- An individual receiving (or expecting to receive) glucocorticoid (steroid) therapy equivalent to 7.5 mg of

prednisone, or greater, per day, for more than 3 months.

- An individual with primary hyperparthyroidism.
- An individual being monitored to assess the response to or efficacy of an FDA-approved osteoporosis drug therapy.

C. Waiver of Liability

Under § 410.31(e), a beneficiary who did not know and could not reasonably have been expected to know that Medicare payment would be denied for a bone mass measurement under section 1862(a)(1)(A) of the Act receives protection from financial liability in accordance with §§ 411.400 through 411.406 under the limitation on liability provision of section 1879 of the Act. Existing regulations concerning limitation on liability in §§ 411.400 through 411.406 would apply to denial of bone mass measurements under §§ 410.31(b) through (d). Medicare payment may be made for certain claims for a bone mass measurement if the measurement was excluded from coverage in accordance with § 411.15(k) as not reasonable and necessary under section 1862(a)(1)(A) of the Act. Similarly, when the beneficiary is protected and the provider or supplier also did not know and could not reasonably have been expected to know that payment would be denied, the provider or supplier also receives protection from financial liability in accordance with the limitation on liability provision. Consequently, Medicare payment may be made to the provider or supplier.

D. Payments for Bone Mass Measurements

Medicare payments for covered bone mass measurements will be paid for under the physician fee schedule (42 CFR part 414) as required by statute. We are revising the definition of ''physician services'' in § 414.2 to include bone mass measurements. When bone mass measurement procedures are furnished to hospital inpatients and outpatients, the technical components of the procedures are payable under existing payment methods for hospital services. These methods include payments under the prospective payment system, on a reasonable cost basis, or under a special provision for determining pay rates for hospital outpatient radiology services.

The codes listed below are payable under this benefit.

76075—Dual energy x-ray absorptiometry (DEXA), bone density study, one or more sites; axial skeleton (e.g., hips, pelvis, spine)

76076—Dual energy x-ray absorptiometry (DEXA), bone density study, one or more sites; appendicular skeleton (peripheral) (e.g., radius, wrist, heel)

76078—Radiographic absorptiometry (photodensitometry), one or more sites

78350—Bone density (bone mineral content) study, one or more sites; single photon absorptiometry

G0130—Single energy x-ray (SEXA) absorptiometry bone density study, one or more sites, appendicular skeleton (peripheral) (e.g., radius, wrist, heel)

G0131—Computerized tomography bone mineral density study, one or more sites; axial skeleton (e.g., hips, pelvis, spine)

G0132—Computerized tomography bone mineral density study, one or more sites; appendicular skeleton (peripheral) (e.g., radius, wrist, heel)

G0133—Ultrasound bone mineral density study, one or more sites, appendicular skeleton (peripheral) (e.g., radius, wrist, heel)

The relative value units and payment amounts for CPT codes 76075, 76076, 76078, and 78350, including their component parts (professional component (PC) identified by a -26 modifier and technical component (TC) identified by a -TC modifier), are the same as published in the Medicare physician fee schedule final rule of October 31, 1997 (62 FR 59048). The payment amounts for G0130, G0132, and G0133 and their component parts are the same as determined for CPT 78350 and its components parts under that final rule. The amounts payable for G0131 and its component parts is the same as listed for CPT 76070 and its component parts under that final rule.

We are revising § 414.50(a), regarding physician billing for purchased diagnostic tests, to clarify that section does not apply to payment for bone mass measurements.

E. Conforming Changes

To allow for appropriate placement in the CFR of the bone mass measurement coverage requirements, we are redesignating § 410.31 (Prescription drugs used in immunosuppressive therapy) as § 410.30.

F. Manual Instructions

Currently, section 50–44 of the Coverage Issues Manual sets forth instructions for Medicare carriers concerning coverage of bone mass measurements. The provisions of this interim final rule supersede the current manual instructions. We intend to revise the instructions to conform them to this final rule.

IV. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the major comments in the preamble to that document.

V. Waiver of Proposed Rulemaking and Delayed Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the proposed rule. The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms of the proposed rule or a description of the subjects and issues involved (5 U.S.C. 555(b)). This procedure can be waived, however, if an agency finds good cause that a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued. In addition, we ordinarily publish a rule not less than 30 days before the rule's effective date in order to afford persons affected a reasonable time to prepare for the effective date of the rule. The 30-day delay in the effective date can be waived for good cause found and published within the rule.

We find good cause to waive the notice and comment procedure for these rules implementing section 4106 of the BBA. This rule involves little exercise of agency discretion, but rather conforms the regulations to the revisions contained in section 4106 of the BBA. Notice-and-comment rulemaking is generally considered ''unnecessary'' so far as the public is concerned for such technical, conforming changes. Indeed, under both the Administrative Procedure Act and the Social Security Act, interpretative rules are generally exempt from notice and comment rulemaking (5 U.S.C. 553(b); 42 U.S.C. 1395hh(b)(2)(C)). While this rule interprets the statute, publication in the **Federal Register** is necessary to identify the categories of Medicare beneficiaries who may receive covered bone mass measurements under section 1861(rr)(2) of the Act and to promote uniform Medicare coverage of bone mass

measurements under section 1861(s)(15) of the Act.

We also find good cause to waive the notice and comment procedures and to waive the 30 day-delay in the effective date because those procedures would be contrary to the public interest. Section 4106 of the BBA of 1997 expands Medicare coverage to a larger group of beneficiaries, and it will enable these individuals to obtain timely treatment to prevent irreversible bone loss. The explicit provision of benefits in section 4106 that are implemented by these rules will provide a broader range of bone mass measurement procedures to a broader set of beneficiaries. The statute, however, requires the Secretary to issue regulations in order to implement this benefit. Thus, any delay in this rule's effective date to permit additional public participation in the rulemaking process would harm the intended beneficiaries of this statute. Moreover, although these rules expand Medicare coverage, the rules do not impose additional documentation requirements or alter the existing procedures for submitting Medicare claims. Because many individuals or entities affected by these rules are already familiar with these procedures, it is expected that the public would not require 30 days in order to prepare for changes necessitated by these rules. We will, of course, consider any public comments received on this interim final rule, and to the extent necessary, we will issue a final rule with additional clarifications or expansions.

We also note that in this preamble, we identify a number of interim 1998 codes for bone densitometry and bone sonometry procedures. Since technology in the bone mass measurement area is changing rapidly, as new techniques are being approved or cleared for marketing by the FDA, and as these techniques are being phased into clinical practice in the United States, there is a need to adopt new codes (or changes in existing codes) so that the new procedures performed with these techniques can be billed under Medicare.

For the above reasons, we find good cause to waive the notice of proposed rulemaking and to issue this final rule on an interim basis. We are providing a 60-day comment period for public comment. Since we have referenced existing physician fee schedule relative value units (RVUs) to establish RVUs on bone mass measurement procedures, we are inviting comments on these linkages. We will consider comments when we establish the final RVUs that will be used to compute Medicare payments for the bone mass measurement codes in 1999. These final RVUs will be established by the physician fee schedule final rule scheduled for publication later this year.

VI. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

VII. Regulatory Impact Statement

We have examined the impacts of this interim final rule under Executive Order (E.O.) 12866, the Unfunded Mandates Act of 1995, and the Regulatory Flexibility Act. E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more annually). The benefit changes in this interim final rule due to section 4106 of BBA 1997 will result in additional expenditures of $10 million and $100 million for fiscal years 1998 and 1999, respectively.

Because the expenditures resulting from this interim final rule are expected to reach $100 million in FY 1999, it is considered a major rule, and, as required by law, this final rule is subject to congressional review. Therefore, this interim final rule is being forwarded to the Congress for a 60-day review period.

The Unfunded Mandates Reform Act of 1995 also requires (in section 202) that agencies prepare an assessment of anticipated costs and benefits for any rule that may result in annual expenditures by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million. The final rule has no consequential effect on State, local, or tribal governments. We believe the private sector costs of this rule fall below these thresholds, as well.

Consistent with the provisions of the Regulatory Flexibility Act, we analyze options for regulatory relief for small businesses and other small entities. We prepare a Regulatory Flexibility Analysis (RFA) unless we certify that rule will not have a significant economic impact on a substantial number of small entities. The RFA must include a justification of why action is being taken, the kinds and number of small entities the interim final rule will affect, and an explanation of any considered meaningful options that achieve the objectives and will lesson any significant adverse economic impact on the small entities.

For purposes of the Act, all physicians are considered to be small entities. Thus, we have prepared the following analysis, which, together with the rest of this preamble, meets all three assessment requirements. It explains the rationale for the purposes of this rule, details the costs of the rule, analyzes alternatives, and presents the measures to minimize the burden on small entities.

Section 4106 of the BBA 1997 provides for uniform coverage of certain bone mass measurements, effective July 1, 1998, subject to certain frequency and payment limits. Specifically, the revised coverage will allow periodic coverage of medically necessary bone mass measurements performed with (1) all of the FDA approved or cleared devices that are currently in clinical use in the United States, and for (2) five mandated categories of eligible Medicare beneficiaries, who meet certain medical indications, including estrogen-deficient women at clinical risk for osteoporosis. Before enactment of the BBA, periodic coverage of bone mass measurements was available to certain beneficiaries in at least four of the five categories in most parts of the country, but not uniformly throughout the Medicare program. In addition, coverage of some of the bone mass measurements—particularly several of the peripheral techniques—has not been available throughout the United States for imaging Medicare beneficiaries, even though these techniques have been approved or cleared for marketing by the FDA. In the case of the fifth category (estrogen-deficient women at clinical risk of osteoporosis), coverage of bone mass measurements has not been available in many parts of the country. We estimate that these changes in the coverage of bone mass measurements will result in an increase in Medicare payments. These payments will be made to a large number of physicians, mostly medical specialists such as gynecologists, radiologists, rheumatologists, and clinical endocrinologists, but also to certain primary care physicians and hospital outpatient departments who perform these services.

PROJECTED BUDGET IMPACT OF NEW BENEFIT

[In millions]

FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
$10	$100	$140	$180	$190

We believe that the effect of this rule on beneficiaries will be a very positive one. Medical experts agree that early detection and management of disease can lead to substantial reductions in life-threatening and serious illness. The National Osteoporosis Foundation estimates that there are over 10 million people in the United States who have osteoporosis and that another 18 million are at risk for the disease. Through earlier detection of low bone mass made possible under the new benefit and the use of appropriate prevention and treatment measures, our expectation is that the ravaging effects of this disease among the Medicare population will be reduced in the future.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

VIII. Effect of the Contract With America Advancement Act of 1996 (Pub. L. 104–121)

This rule has been determined to be a major rule as defined in Title 5, United States Code, section 804(2). Ordinarily under 5 U.S.C. 801, as added by section 251 of Pub. L. 104–121, a major rule shall take effect 60 days after the later of (1) the date a report on the rule is submitted to the Congress, or (2) the date the rule is published in the **Federal Register**. However, section 808(2) of Title 5, United States Code, provides that, notwithstanding 5 U.S.C. 801, a major rule shall take effect at such time as the Federal agency determines if for good cause the agency finds that notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. As explained above, for good cause we find that it was impracticable, unnecessary, or contrary to the public interest to complete notice and comment procedures before publication of this rule. Accordingly, pursuant to 5 U.S.C. 808(2), these regulations are effective on July 1, 1998.

List of Subjects

42 CFR Part 410

Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Rural areas, X-rays.

42 CFR Part 414

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

For the reasons set out in the preamble, 42 CFR Chapter IV is amended as follows:

PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS

A. Part 410 is amended to read as follows:

1. The authority citation for part 410 continues to read as follows:

Authority: Sections 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh), unless otherwise indicated.

2. Section 410.31 is redesignated as § 410.30.

3. New § 410.31 is added to read as follows:

§ 410.31 Bone mass measurement: Conditions for coverage and frequency standards.

(a) *Definition*. As used in this section unless specified otherwise, the following definition applies:

Bone mass measurement means a radiologic, radioisotopic, or other procedure that meets the following conditions:

(1) Is performed for the purpose of identifying bone mass, detecting bone loss, or determining bone quality.

(2) Is performed with either a bone densitometer (other than dual-photon absorptiometry) or with a bone sonometer system that has been cleared for marketing for this use by the FDA under 21 CFR part 807, or approved for marketing by the FDA for this use under 21 CFR part 814.

(3) Includes a physician's interpretation of the results of the procedure.

(b) *Conditions for coverage*. Medicare covers a medically necessary bone mass measurement if the following conditions are met:

(1) Following an evaluation of the beneficiary's need for the measurement, including a determination as to the medically appropriate procedure to be used for the beneficiary, it is ordered by the physician or a qualified nonphysician practitioner (as these terms are defined in § 410.32(a)) treating the beneficiary.

(2) It is performed under the appropriate level of supervision of a physician (as set forth in § 410.32(b)).

(3) It is reasonable and necessary for diagnosing, treating, or monitoring the condition of a beneficiary who meets the conditions described in paragraph (d) of this section.

(c) *Standards on frequency of coverage*—(1) *General rule*. Except as allowed under paragraph (c)(2) of this section, Medicare may cover a bone mass measurement for a beneficiary if at least 23 months have passed since the month the last bone mass measurement was performed.

(2) *Exception*. If medically necessary, Medicare may cover a bone mass measurement for a beneficiary more frequently than allowed under paragraph (c)(1) of this section. Examples of situations where more frequent bone mass measurement procedures may be medically necessary include, but are not limited to, the following medical circumstances:

(i) Monitoring beneficiaries on long-term glucocorticoid (steroid) therapy of more than 3 months.

(ii) Allowing for a confirmatory baseline bone mass measurement (either central or peripheral) to permit monitoring of beneficiaries in the future if the initial test was performed with a technique that is different from the proposed monitoring method.

(d) *Beneficiaries who may be covered*. The following categories of beneficiaries may receive Medicare coverage for a medically necessary bone mass measurement:

(1) A woman who has been determined by the physician (or a qualified nonphysician practitioner) treating her to be estrogen-deficient and at clinical risk for osteoporosis, based on her medical history and other findings.

(2) An individual with vertebral abnormalities as demonstrated by an x-ray to be indicative of osteoporosis, osteopenia, or vertebral fracture.

(3) An individual receiving (or expecting to receive) glucocorticoid (steroid) therapy equivalent to 7.5 mg of prednisone, or greater, per day for more than 3 months.

(4) An individual with primary hyperparathyroidism.

(5) An individual being monitored to assess the response to or efficacy of an FDA-approved osteoporosis drug therapy.

(e) *Denial as not reasonable and necessary*. If HCFA determines that a bone mass measurement does not meet the conditions for coverage in paragraphs (b) or (d) of this section, or the standards on frequency of coverage in paragraph (c) of this section, it is excluded from Medicare coverage as not ''reasonable'' and ''necessary'' under section 1862(a)(1)(A) of the Act and § 411.15(k) of this chapter.

PART 414—PAYMENT FOR PART B MEDICAL AND OTHER HEALTH SERVICES

B. Part 414 is amended to read as follows:

1. The authority citation for part 414 continues to read as follows:

Authority: Sections 1102, 1871, and 1881(b)(1) of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395rr(b)(1)).

2. In § 414.2, in the definition of ''Physician services'', a new paragraph (7) is added to read as follows:

§ 414.2 Definitions.

* * * * *

Physician services * * *

(7) Bone mass measurement.

* * * * *

§ 414.50 [Amended]

3. In § 414.50(a), in the first sentence, revise ''If a'' to read ''For services covered under section 1861(s)(3) of the Act and paid for under this part 414 subpart A, if a''.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 3, 1998.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: June 9, 1998.

Donna E. Shalala,

Secretary.

[FR Doc. 98–16783 Filed 6–19–98; 3:00 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1302

RIN 0970–AB52

Head Start Program

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Final rule.

SUMMARY: The Administration on Children, Youth and Families is issuing this final rule to amend its procedures regarding replacement of Indian tribal grantees. The change would add provisions to implement a new statutory provision that allows Indian tribes which are Head Start grantees to identify an agency, and request that the agency be designated by the Department as an alternative grantee, when the grantee is terminated or denied refunding.

EFFECTIVE DATES: The effective date of this final rule is July 24, 1998.

FOR FURTHER INFORMATION CONTACT: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013; (202) 205–8572.

SUPPLEMENTARY INFORMATION:

I. Program Purpose

Head Start is authorized under the Head Start Act (42 U.S.C. 9801 *et seq.*). It is a national program providing comprehensive developmental services primarily to low-income preschool children, age three to the age of compulsory school attendance, and their families. In addition, Section 645A of the Head Start Act provides authority to fund programs for families with infants and toddlers, known as Early Head Start programs. To help enrolled children achieve their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. Additionally, Head Start programs are required to provide for the direct participation of the parents of enrolled children in the development, conduct, and direction of local programs. Parents also receive training and education to foster their understanding of and involvement in the development of their children. In fiscal year 1997, Head Start served 793,809 children through a network of over 2,000 grantees and delegate agencies.

While Head Start is intended to serve primarily children whose families have incomes at or below the poverty line, or who receive public assistance, the Head Start Act and implementing regulations permit up to 10 percent (and more for Indian tribes under certain circumstances) of the children in local programs to be from families who do not meet these low-income criteria. The Act also requires that a minimum of 10 percent of the enrollment opportunities in each program be made available to children with disabilities. Such children are expected to participate in the full range of Head Start services and activities with their non-disabled peers and to receive needed special education and related services.

II. Summary of the Final Rule

This final rule was published as a Notice of Proposed Rulemaking on December 16, 1997, in the **Federal Register** (62 FR 65778). We received no comments on the rule and therefore are issuing it as final with no changes.

The authority for this final rule is section 646 of the Head Start Act (42 U.S.C. 9841), as amended by Public Law 103–252, Title I of the Human Service Amendments of 1994. Section 646(e) directs the Secretary to specify a process by which an Indian tribe may identify an agency, and request that the agency identified be designated as the Head Start agency providing services to the tribe, if (a) financial assistance to the tribal grantee is terminated, and (b) the tribe would otherwise be precluded from providing Head Start services to its members because of the termination. The Act specifies that the regulation must prohibit the designation as Head Start grantee of an agency that includes an employee who served on the administrative or program staff of the terminated agency when that employee was responsible for a deficiency that was the basis for the termination.

The final rule:

- Adds a new definition for Indian tribe;
- Provides that an Indian tribe may identify an agency to serve as the alternative grantee at the time that it receives a notice of termination or a notice of denial of refunding;
- Allows the tribe to participate in the selection of the replacement grantee; and
- Allows the tribe a second opportunity to identify an alternative agency if the Department finds the first agency identified by the tribe is not an eligible agency capable of operating a Head Start program. If the second agency identified by the tribe is not selected as a Head Start grantee, a

replacement grantee will be designated under 45 CFR Part 1302.

III. Impact Analysis

Executive Order 12866

Executive Order 12866 requires that regulations be drafted to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this final rule is consistent with these priorities and principles. This final rule sets forth a process whereby an Indian tribe that is being terminated as a Head Start grantee may identify an alternative agency and request that the alternative agency be designated as the Head Start agency providing services to the tribe. The costs of implementing this rule are not significant.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal Government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each rule with a ''significant economic impact on a substantial number of small entities'' an analysis must be prepared describing the rule's impact on small entities. Small entities are defined by the Act to include small businesses, small non-profit organizations and small governmental entities. While these regulations would affect small entities, they would not affect a substantial number. Also, the rule will not have a significant economic impact because the only action called for is to nominate a successor grantee, which should not require more than a nominal expenditure of grant funds. For this reason, the Secretary certifies that this rule will not have a significant impact on substantial numbers of small entities.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104–13, all Departments are required to submit collections of information contained in proposed and final rules published in the **Federal Register** to the Office of Management and Budget for review and approval. This final rule does not contain collection of information as defined in the Paperwork Reduction Act and implementing regulations.

List of Subjects in 45 CFR Part 1302

Education of disadvantaged, Grant programs—social programs, Selection of grantees.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: June 2, 1998.

Olivia A. Golden,

Assistant Secretary for Children and Families.

For the reasons set forth in the Preamble, 45 CFR Part 1302 is amended as follows:

PART 1302—POLICIES AND PROCEDURES FOR SELECTION, INITIAL FUNDING, AND REFUNDING OF HEAD START GRANTEES, AND FOR SELECTION OF REPLACEMENT GRANTEES

1. The Authority citation for part 1302 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*

2. Section 1302.2 is amended by adding a definition for ''Indian Tribe'' to read as follows:

§ 1302.2 Definitions.

* * * * *

Indian tribe means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Native village described in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602 (c)) or established pursuant to such Act (43 U.S.C. 1601 *et seq.*) that is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

* * * * *

3. A new Subpart D, containing new sections 1302.30, 1302.31, and 1302.32, is added to read as follows:

Subpart D—Replacement of Indian Tribal Grantees

§ 1302.30 Procedure for identification of alternative agency.

(a) An Indian tribe whose Head Start grant has been terminated, or which has been denied refunding as a Head Start grantee, may identify an agency and request the responsible HHS official to designate such agency as an alternative agency to provide Head Start services to the tribe if:

(1) The tribe was the only agency that was receiving federal financial assistance to provide Head Start services to members of the tribe; and

(2) The tribe would be otherwise precluded from providing such services to its members because of the termination or denial of refunding.

(b)(1) The responsible HHS official, when notifying a tribal grantee of the intent to terminate financial assistance or deny its application for refunding, must notify the grantee that it may identify an agency and request that the agency serve as the alternative agency in the event that the grant is terminated or refunding denied.

(2) The tribe must identify the alternate agency to the responsible HHS official, in writing, within the time for filing an appeal under 45 CFR Part 1303.

(3) The responsible HHS official will notify the tribe, in writing, whether the alternative agency proposed by the tribe is found to be eligible for Head Start funding and capable of operating a Head Start program. If the alternative agency identified by the tribe is not an eligible agency capable of operating a Head Start program, the tribe will have 15 days from the date of the sending of the notification to that effect from the responsible HHS official to identify another agency and request that the agency be designated. The responsible HHS official will notify the tribe in writing whether the second proposed alternate agency is found to be an eligible agency capable of operating the Head Start program.

(4) If the tribe does not identify a suitable alternative agency, a replacement grantee will be designated under these regulations.

(c) If the tribe appeals a termination of financial assistance or a denial of refunding, it will, consistent with the terms of 45 CFR Part 1303, continue to be funded pending resolution of the appeal. However, the responsible HHS official and the grantee will proceed with the steps outlined in this regulation during the appeal process.

(d) If the tribe does not identify an agency and request that the agency be appointed as the alternative agency, the responsible HHS official will seek a permanent replacement grantee under these regulations.

§ 1302.31 Requirements of alternative agency.

The agency identified by the Indian tribe must establish that it meets all requirements established by the Head Start Act and these requirements for designation as a Head Start grantee and that it is capable of conducting a Head Start program. The responsible HHS official, in deciding whether to designate the proposed agency, will analyze the capacity and experience of the agency according to the criteria found in section 641(d) of the Head Start Act and §§ 1302.10 (b)(1) through (5) and 1302.11 of this part.

§ 1302.32 Alternative agency—prohibition.

(a) No agency will be designated as the alternative agency pursuant to this subpart if the agency includes an employee who:

(1) Served on the administrative or program staff of the Indian tribal grantee, and

(2) Was responsible for a deficiency that:

(i) Relates to the performance standards or financial management

standards described in the Head Start Act; and

(ii) Was the basis for the termination or denial of refunding described in § 1302.30 of this part.

(b) The responsible HHS official shall determine whether an employee was responsible for a deficiency within the meaning and context of this section.

[FR Doc. 98–16826 Filed 6–23–98; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–3968, Notice 1]

RIN 2127–AG14

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Response to petitions for reconsideration.

SUMMARY: This action denies four petitions for reconsideration of NHTSA's final rule and correcting amendments concerning air bag warning labels. The rule requires vehicles with air bags to bear three new, attention-getting warning labels. Two of the labels replace previous labels on the sun visor and the third is a new temporary (i.e., removable) label located on the vehicle dash.

SUPPLEMENTARY INFORMATION:

I. Background

NHTSA published a final rule amending Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection'', on November 27, 1996 (61 FR 60206). The rule requires vehicles with air bags to bear three new, attention-getting warning labels. Two of the labels replace previous labels on the sun visor and the third is a new removable label located on the vehicle dash. Under the final rule, the labels on the sun visors in vehicles produced after February 25, 1997, are required to state:

WARNING: DEATH or SERIOUS INJURY can occur. Children 12 and under can be killed by the air bag. The BACK SEAT is the SAFEST place for children. NEVER put a rear-facing child seat in the front (unless air bag is off)[1]. Sit back as far as possible from the air bag. ALWAYS use SEAT BELTS and CHILD RESTRAINTS.

The removable label on the dash must state:

WARNING: Children May Be KILLED or INJURED by Passenger Air Bag. The back seat is the safest place for children 12 and under. Make sure all children use seat belts or child seats.

The rule excludes vehicles with smart passenger air bags, as those devices are defined in the regulatory text made part of the final rule.[2]

Subsequent to the final rule, NHTSA published three correcting or technical amendments. On December 4, 1996, the agency published a correcting amendment allowing manufacturers of vehicles without passenger-side air bags to omit the required warning language concerning hazards to children from air bags (61 FR 64297). A second correcting amendment was issued on December 11, 1996 that allowed manufacturers of vehicles with no back seat to omit the required warning language stating that children are safest in the back seat (61 FR 57187). On January 2, 1997, NHTSA published a technical amendment correcting a typographical error by changing the word ''may'' to ''can'' in the temporary warning label (62 FR 31).

II. Summary of Petitions

NHTSA received three petitions for reconsideration of the November 27, 1996 final rule. Meyercord, a label manufacturer, petitioned for a definition of the term ''permanently affixed'' as used in the standard. The Parent's Coalition for Air Bag Warnings asked for the definition of ''smart passenger air bag'' to be refined to include air bags that do not deploy if the passenger seat is occupied by an individual weighing 130 pounds or less rather than 66 pounds or less. AAMA requested an amendment allowing the new air bag warning label and the utility vehicle rollover warning label required under 49 CFR section 575.105 to be on the same side of the sun visor.

The agency received one petition for reconsideration of the December 11, 1996 correcting amendment. AAMA asked that the required warning language regarding children and the back seat be changed from ''The BACK SEAT is the SAFEST place for children'' to ''If the vehicle has a BACK SEAT, that seat is the SAFEST place for children''. Under AAMA's petition, all vehicles, including those without a back seat, would be required to use its proposed language in the warning labels.

III. Discussion of Issues

A. Petitions for Reconsideration of the November 27, 1996 Final Rule

1. Meyercord

Meyercord petitioned the agency to ''require that the air bag warning graphics pass specifications to ensure that the important message does in fact remain ''permanently affixed.'' Meyercord maintains that there is consensus in the automotive industry that labels which are ''permanently affixed'' ''should last the life of the vehicle and that any attempt to remove it would result in the base material being cut or gouged in some way.'' According to Meyercord, only heat transfer graphics can meet this definition of ''permanently affixed''. Sticker graphics, Meyercord avers, can be peeled away. The company included in its petition a photograph of a sun visor with a peeling sticker graphic and Ford's 15-page Engineering Material Specification No. WSS–M7G7–B1, which it believes will assist the agency in defining a level of adhesiveness.

Meyercord's petition is denied. Following its practice in other NHTSA regulations where the term ''permanently affixed'' is also used, NHTSA did not define ''permanently affixed'' when it added the term to Standard No. 208. NHTSA has not found a definition necessary in those other regulations. When asked, NHTSA has issued an interpretation of the term.[3] Specifically, NHTSA has said that a label is permanent if it cannot be removed without destroying or defacing it and that the label should remain legible for the expected life of the product under normal conditions.

NHTSA does not know the context under which the label depicted in the photograph submitted by Meyercord began to peel away from the sun visor. NHTSA surmises that the vehicle was probably within its expected lifespan, given the time when such labels were first required on motor vehicles. Absent the existence of abnormal conditions in the history of the vehicle, the photograph might be an indication of a noncompliance with Standard No. 208. In such an instance, the existence of a performance test is not necessary to enforce the requirement for permanently affixing a label.

[1] Parenthetical text is only appropriate for vehicles with a factory-installed on-off switch.

[2] While the final rule includes a definition of ''smart passenger air bags'', the agency is currently working on a rulemaking which will replace this definition with a definition of ''advanced air bags''.

[3] *Cf.*, letter to Hank Thorp, Inc., August 7, 1973 (FMVSS No. 211); letter to Joseph Lucas North America, Inc., October 6, 1975 (FMVSS No. 106).

2. Parents' Coalition for Air Bag Warnings

The Parents' Coalition for Air Bag Warnings (Coalition) requested that NHTSA amend the provision which excludes a ''smart passenger air bag'' from the requirement for a warning label on the above sun visor. Currently, in order to qualify as a smart air bag, a passenger air bag must not deploy if the passenger seat is occupied by a child or child and car seat (if applicable) having a total mass of 30 kg (approximately 66 lbs) or less. The Coalition would like to revise the exclusion so that in order to qualify as a smart passenger air bag, an air bag must not deploy if the passenger seat is occupied by a child weighing 130 pounds or less. The Coalition notes that the average 12 year old boy weighs 99 pounds and the average 12 year old girl weighs 102 pounds. The Coalition also notes that 90th percentile male and female 12 year old children weigh 130 pounds and 133 pounds, respectively. The Coalition believes that amending the criteria for a smart passenger air bag is necessary to make them consistent with the warning label requirement that states all children 12 years and under should ride in the back seat.

The petition is denied. The warning label requirement and the smart passenger air bag exclusion serve two separate functions. The warning label advises parents and other adult drivers of the risks involved in allowing a child to ride in the front seat. The smart passenger air bag exclusion is intended to encourage the installation of smart passenger air bags by relieving a vehicle manufacturer from complying with some of the labeling requirements if the manufacturer installs such a passenger air bag. The criteria for a smart passenger air bag were selected to ensure that a qualifying air bag would not injure two specially at-risk groups of children (i.e., infants in rear facing child restraints or children weighing less that 30 kg). Most of the child deaths have involved children weighing less than 60 pounds and significantly younger than twelve. Smart air bag technology based on weight classifications is an absolute measure which would deactivate the air bag regardless of who is sitting in the front seat. The agency believes that the air bag should remain operable for occupants who do not fall within the narrowly prescribed risk group. An upper weight limit of 130 pounds would be overly broad since it would deactivate the air bag for a large portion of the adult population as well as most children.

Additionally, NHTSA noted in the preamble to the notice of proposed rulemaking issued in August 1996 that the definition of a smart passenger air bag was very general and would be refined in future rulemaking. In the more recent (November 1997) final rule permitting retrofit on-off switches for air bags, the agency stated that the definition would be addressed in the forthcoming proposal on advanced air bags (the current name of smart air bags).

3. AAMA

AAMA petitioned the agency to permit the new air bag warning labels and the utility vehicle rollover warning label required by 49 CFR section 595.105 to be on the same side of a utility vehicle's sun visor. As was the case prior to the publication of the final rule, the utility vehicle label is prohibited from being placed on the same side of the sun visor as the air bag warning label. The vehicle rollover warning label can be placed on the front of sun visors that have an air bag alert label with the actual air bag warning label on the back of the visor.

AAMA stated that the language proposed in the August 1996 NPRM did not include the prohibition against having the vehicle rollover warning label and the air bag warning label on the front side of the visor. This omission was corrected in the final rule. Additionally, AAMA noted that the size and number of the required air bag alert labels will lead many manufacturers to place an air bag warning label on the front of the visor only. AAMA contended that there is no good location for the utility vehicle label other than the front of the sun visor. It also maintained that the two labels, coexisting on the same side of the sun visor, will not distract people's attention from the air bag warning given ''the number and prominence of those labels''.

The petition is denied. NHTSA believes that AAMA may be correct that manufacturers will place a single warning label on the front of the visor and will discard the air bag alert label. The agency also acknowledges that the new air bag warning labels are more eye-catching than existing utility vehicle labels which only have a required text and not required size, color, or layout. However, on April 13, 1998, NHTSA proposed changes to the utility vehicle label that would make it nearly as eye catching as the air bag warning labels (63 FR 17974). That rulemaking specifically asks for comments on the location of the proposed label, including whether it should be allowed on the same side of the sun visor as the air bag label. Accordingly, NHTSA intends to address AAMA's concerns in that rulemaking.

B. Petition for Reconsideration of the December 11, 1996 Correcting Amendment

AAMA petitioned NHTSA to amend the warning label language applicable to children and a vehicle's rear seat. The current language states that ''The BACK SEAT is the SAFEST place for children.'' AAMA suggested changing the language to read: ''If the vehicle has a BACK SEAT, that seat is the SAFEST place for children.'' A corresponding change was suggested for the temporary dashboard label. AAMA also suggested that the current exclusion from the required language for vehicles with no back seat be eliminated.

AAMA maintained that the post-final rule amendments allow up to eight possible labels, a situation which it regards as confusing and expensive for manufacturers. It contended that its suggestion would eliminate the need for two separate labels (one for vehicles with a back seat and a different one for vehicles without a back seat). It also argued that absence of a labeling requirement for vehicles without a back seat may encourage adults to place children in those vehicles instead of in vehicles in which the children can be placed in the back seat, away from the passenger air bag.

The petition is denied. NHTSA finds no support for AAMA's contention that people would be more likely to transport their children in a vehicle without a back seat than in a vehicle with a back seat under the current labeling requirements. Accordingly, the agency believes that this contention is incorrect.

NHTSA notes that AAMA member companies were among the manufacturers recommending the amendments which allow for multiple labeling options, depending on vehicle type. The original warning label, without any exclusions based on vehicle type, is appropriate for any vehicle regardless of the existence of a back seat. Indeed, NHTSA is concerned that AAMA's suggested language could lead a consumer to believe that the front seat of vehicles without a back seat are somehow safer than the front seat of vehicles with a back seat. The original label clearly states that back seats are safest. Additionally, NHTSA notes that the AAMA's recommended language increases the length and wordiness of the warning label. Focus groups indicated that the messages on the label should be concise.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on: June 18, 1998.

L. Robert Shelton,

Associate Administrator for Performance Standards.

[FR Doc. 98–16824 Filed 6–23–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297–8054–02; I.D. 061898A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock inStatistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the second seasonal apportionment of pollock total allowable catch (TAC) in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), June 19, 1998, until 1200 hrs, A.l.t., September 1, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOAexclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The second seasonal apportionment of pollock TAC has been changed to 35 percent of the annual TAC (63 FR 31939, June 11, 1998) plus a proportionate amount of any unharvested first seasonal apportionment of TAC or minus a proportionate amount of TAC harvested in excess of the first seasonal apportionment (§ 679.20 (a)(5)(ii)(B)). This action was taken to limit potential impacts of pollock fishing on Stellar sea lions and their critical habitat during the fall months. The notice of Final 1998 Harvest Specifications (63 FR 12027, March 12, 1998) established a pollock TAC of 29,790 metric tons (mt) in Statistical Area 610 for the entire 1998 fishing year and apportioned 7,978 mt of that pollock TAC as the second seasonal apportionment. The Administrator, Alaska Region, NMFS (Regional Administrator), established a directed fishing allowance of 7,478 mt and set aside the remaining 500 mt as bycatch in support of other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator found that the directed fishing allowance would soon be reached and NMFS closed the directed fishery for pollock in Statistical Area 610 of the GOA on June 3, 1998 (63 FR 30644, June 5, 1998). The fishery was reopened on June 8, 1998 (63 FR 31938, June 11, 1998) to fully utilize a revised second seasonal apportionment equal to 35 percent of the annual of pollock TAC. The revised second seasonal apportionment of the pollock TAC in Statistical Area 610 is now 10,605 mt.

The Regional Administrator is establishing a directed fishing allowance of 10,105 mt and setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the second seasonal apportionment of pollock TAC in Statistical Area 610 will be reached. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 until 1200 hrs, A.l.t., September 1, 1998.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the second seasonal TAC limitations and other restrictions on the fisheries established in the Final 1998 Harvest Specifications for Groundfish for the GOA. It must be implemented immediately to prevent overharvesting the second seasonal apportionment of pollock TAC in Statistical Area 610 of the GOA. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: June 19, 1998.

Gary C. Matlock,

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

[FR Doc. 98–16833 Filed 6–19–98; 4:51 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 121
Wednesday, June 24, 1998

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 1 and 2

[Docket No. 97–018–2]

RIN 0579–AA95

Licensing Requirements for Dogs and Cats

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: We are considering several changes to the Animal Welfare regulations to ensure the humane handling, care, and treatment of dogs and cats, while concentrating our regulatory efforts on those facilities that present the greatest risk of noncompliance with the regulations. Specifically, we are considering revising the definition of ''retail pet store'' so that it includes only nonresidential, commercial retail stores, rather than any pet retailer. Retail pet stores are not required to be licensed and inspected under the Animal Welfare Act (AWA). If the definition were revised, many pet retailers now exempt from licensing and inspection requirements would have to be licensed and inspected. We are also considering regulating dealers of hunting, breeding, and security dogs in the same manner as other dealers of dogs. Because these changes could severely strain available Federal resources for carrying out inspections and other enforcement activities under the AWA, we are considering increasing the total number of breeding female dogs and/or cats that a person may maintain on his or her premises and be exempt from licensing and inspection requirements. If this number were increased, some dealers who would no longer qualify as retail pet stores under the revised definition of ''retail pet store'' would continue to be exempt from licensing and inspection requirements, and some pet wholesalers who are currently required to be licensed would no longer have to be licensed. This advance notice solicits public comment on the maximum number of breeding female dogs and/or cats that a person should be able to maintain on his or her premises and be exempt from licensing and inspection requirements under the AWA.

We are also interested in obtaining information that would help us determine the impact of the regulatory changes that we are considering. Specifically, if we amend the definition of ''retail pet store'' as described earlier, how many dealers of dogs and cats would be covered by our regulations under different scenarios for increasing the number of breeding females that a person may maintain on his or her premises and be exempt from licensing. In addition, if we begin regulating dealers of hunting, breeding, and security dogs, how many dealers of hunting, breeding, and security dogs would be covered by our regulations under different scenarios for increasing the number of breeding females that a person may maintain on his or her premises and be exempt from licensing.

DATES: Consideration will be given only to comments received on or before August 24, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–018–2, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–018–2. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room. Alternatively, comments may be submitted via the Internet on an electronic form located at http://comments.aphis.usda.gov. Comments submitted on the electronic form need only be submitted once.

FOR FURTHER INFORMATION CONTACT: Dr. Bettye Walters, Veterinary Medical Officer, AC, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234, (301) 734–7833.

SUPPLEMENTARY INFORMATION:

Background

The Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers and other regulated businesses. The Secretary of Agriculture has delegated the responsibility for enforcing the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). Regulations established under the AWA are contained in 9 CFR parts 1, 2, and 3. Part 1 contains definitions for terms used in parts 2 and 3. Part 2 sets forth the general requirements, and part 3 sets forth the standards for the humane handling, care, treatment, and transportation of covered animals by regulated entities. Subpart A of part 3 contains the standards applicable to dogs and cats.

On March 25, 1997, we published in the **Federal Register** (62 FR 14044–14047, Docket No. 97–018–1) a petition for rulemaking, sponsored by the Doris Day Animal League, that requested two changes to the regulations in parts 1 and 3. The requested changes were: (1) To redefine the term ''retail pet store'' in part 1 as ''a nonresidential business establishment used primarily for the sale of pets to the ultimate customer;'' and (2) to regulate dealers of dogs intended for hunting, security, and breeding under the provisions applicable to dealers of other types of dogs in part 3.

We solicited comments on the petition for 60 days, ending May 27, 1997. By that date, we received 35,953 comments. They were from dealers of dogs and cats, representatives of industry, members of animal protectionist organizations, members of Congress, and other interested persons. Approximately 65 percent of the commenters supported the changes requested in the petition. The remaining 35 percent had concerns about the changes requested in the petition. Most of their concerns focused on the petition's suggested revision of the definition of retail pet store. The commenters stated that the proposed revision would require that many small, ''hobby'' breeders of dogs and cats be

licensed and inspected under the regulations. They expressed concern that this not only would be unnecessary, but would severely strain Federal resources available for carrying out inspection and other enforcement activities.

We share the concern about the potential strain on Federal resources, particularly because we do not know how many pet retailers not now subject to the AWA might be affected by the revised definition of ''retail pet store.'' In addition, if we begin regulating dealers of dogs intended primarily for hunting, security, and breeding purposes under the AWA in the same manner as dealers of other types of dogs, many of these dealers would also be required to be licensed and inspected, and we do not know how many dealers of these types of dogs there are. Therefore, we are soliciting comments on an approach, discussed below, for amending the Animal Welfare regulations to ensure that only appropriate facilities are exempt from licensing as retail pet stores and to allow us to concentrate our regulatory efforts on those facilities that present the greatest risk of noncompliance with the regulations.

Definition of Retail Pet Store

In § 1.1, *retail pet store* is defined as ''any outlet where only the following animals are sold or offered for sale, at retail, for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchilla, domestic ferrets, domestic farm animals, birds, and cold-blooded species.'' The definition of ''retail pet store'' goes on to describe certain establishments that do not qualify as retail pet stores, even if they sell animals at retail. Those establishments that do not qualify as retail pet stores are: (1) Establishments or persons who deal in dogs used for hunting, security, or breeding purposes; (2) establishments or persons exhibiting, selling, or offering to exhibit or sell any wild or exotic or other nonpet species of warm-blooded animals (except birds), such as skunks, raccoons, nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.; (3) establishments or persons selling warm-blooded animals (except birds, and laboratory rats and mice) for research or exhibition purposes; (4) establishments wholesaling any animals (except birds, rats, and mice); and (5) establishments exhibiting pet animals in a room that is separate from or adjacent to the retail pet store, or in an outside area, or anywhere off the retail pet store premises.

In accordance with the AWA, retail pet stores are exempt from the licensing and inspection requirements in part 2. Other retail and wholesale pet dealers must be licensed in accordance with the regulations. The definition of retail pet store was established to ensure that the appropriate retail facilities were exempt from licensing requirements. However, that definition has prompted a regulatory interpretation of ''retail pet store'' that includes all retail outlets, regardless of volume, size, or location of business. As such, under the current definition of retail pet store, a very large number of facilities that are not traditional retail pet stores are exempt from licensing requirements.

To ensure that dogs and cats at these outlets receive humane handling, care, and treatment, we are considering amending the definition of ''retail pet store'' to limit retail pet stores to only traditional ''stores''— nonresidential, commercial, retail businesses that sell primarily pets and pet products. If this change were adopted, many retail pet dealers would no longer be considered retail pet stores, and, unless otherwise exempt under the regulations, would have to be licensed and inspected in accordance with part 2.

We are also considering regulating dealers of dogs intended primarily for hunting, security, and breeding purposes under the regulations applicable to dealers of other types of dogs. This change, if implemented, would require both retail and wholesale dealers of hunting, security, and breeding dogs to be licensed and inspected under the AWA, unless exempt from licensing requirements based on the total number of breeding females maintained on a dealer's premises, in accordance with § 2.1(a)(3)(iii) of the regulations (see ''Number of Breeding Females,'' below).

Because these changes could severely strain available Federal resources for carrying out inspections and other enforcement activities under the AWA, we are considering increasing the total number of breeding female dogs and/or cats that a person may maintain on his or her premises and be exempt from licensing and inspection requirements. If this number were increased, some dealers who would no longer qualify as retail pet stores under the revised definition of ''retail pet store'' would continue to be exempt from licensing and inspection requirements, and some pet wholesalers who are currently required to be licensed would no longer have to be licensed. We are considering these changes to the regulations to ensure the humane handling, care, and treatment of dogs and cats, while concentrating our regulatory efforts on those facilities that present the greatest risk of noncompliance with the regulations.

Number of Breeding Females

In § 2.1, paragraph (a)(3) lists those persons who are exempt from licensing requirements. In addition to retail pet stores, those who are exempt from licensing requirements include any person who maintains a total of three or fewer breeding female dogs and/or cats and who sells the offspring of these dogs or cats, which were born and raised on his or her premises, for pets or exhibition, and who is not otherwise required to obtain a license (see § 2.1(a)(3)(iii)).

The licensing exemption based on a total number of three or fewer breeding female dogs and/or cats maintained on a premises was established based on a determination that small facilities usually pose less risk to the welfare of animals than do large facilities. We still agree with that determination, but we believe that a facility does not necessarily have to maintain as few as three breeding females in order to be considered a low risk facility.

We also recognize that, if the revised definition of ''retail pet store'' discussed above were adopted, a significant number of retail pet dealers who are now exempt from the licensing requirements in part 2 would be required to be licensed and inspected. APHIS does not have unlimited resources for enforcing the Animal Welfare regulations. A reasonable increase in the number of breeding females that an exempt facility could maintain could help APHIS concentrate its regulatory resources on those facilities that present the greatest risk of noncompliance.

Therefore, we are soliciting public comment on amending § 2.1(a)(3)(iii) to increase the total number of breeding female dogs and/or cats that a person may maintain on his or her premises and continue to be exempt from licensing requirements. We believe that the total number should fall between 3 and 60 breeding females. The low end of this range of numbers is based on our current regulations. The high end of this range of numbers is based on our experience enforcing the AWA. Through that experience, we have determined that the risk of noncompliance with the regulations significantly increases if facilities care for more than 60 breeding female dogs and/or cats. At this time, however, we would like to gather more data to support the proposal of a specified number. Therefore, we are seeking information that will help us

determine the appropriate total number of breeding female dogs and/or cats that a person may maintain on his or her premises and continue to be exempt from licensing requirements. We are most interested in receiving information that is in the form of published industry standards, published reports in peer-reviewed journals, studies, and objective data. For those issues on which data or published information is not available, we ask that commenters supply detailed information on why the number they have chosen is appropriate.

We are also interested in obtaining the following information to enable APHIS to target its resources on those facilities that present the greatest risk of noncompliance:

1. If we amend the definition of ''retail pet store'' as described earlier, how many dealers of dogs and cats would be covered by our regulations under different scenarios for increasing the number of breeding females that a person may maintain on his or her premises and be exempt from licensing.

2. If we begin regulating dealers of hunting, breeding, and security dogs, how many dealers of hunting, breeding, and security dogs would be covered by our regulations under different scenarios for increasing the number of breeding females that a person may maintain on his or her premises and be exempt from licensing.

Written comments should be submitted within the 60-day comment period specified in this document (see **DATES** and **ADDRESSES**).

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.2(g).

Done in Washington, DC, this 19th day of June 1998.

Craig A. Reed,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–16807 Filed 6–23–98; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

[Docket No. PRM–71–12]

Petition From International Energy Consultants, Inc.; Extension of Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking: Extension of comment period.

SUMMARY: On February 19, 1998 (63 FR 8362), the Nuclear Regulatory Commission (NRC) published for public comment a petition for rulemaking filed by the International Energy Consultants, Inc. The petition requested that NRC amend its regulations that govern packaging and transportation of radioactive material to eliminate special requirements for plutonium. The comment period was to have expired on May 5, 1998. General Atomics submitted a comment on May 26, 1998, and requested that the comment period be extended so that their comment, and comments by other industry people, be considered. In view of this request, the NRC believes it is appropriate to extend the comment period, which now expires on July 31, 1998.

DATES: The comment period has been extended and now expires July 31, 1998. Comments received after this date will be considered if it is practical to do so but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Send comments by mail addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Attention: Rulemakings and Adjudications Staff.

Hand-deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). From the NRC home page, select ''Rulemaking'' from the tool bar. The interactive rulemaking website can then be accessed by selecting ''Rulemaking Forum.'' This site provides the availability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Certain documents related to this rulemaking, including comments received and the environmental assessment and finding of no significant impact, may be examined at the NRC Public Document Room, 2120 L Street NW., (Lower Level), Washington, DC. These same documents also may be viewed and downloaded electronically via the interactive rulemaking website established by NRC for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mark Haisfield [telephone (301) 415–6196, e-mail MFH@nrc.gov] of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Dated at Rockville, Maryland, this 17th day of June, 1998.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 98–16741 Filed 6–23–98; 8:45 am]

BILLING CODE 7590–01–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 34 and 35

Concept Release Concerning Over-the-Counter Derivatives

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period on Concept Release.

SUMMARY: The Commodity Futures Trading Commission issued a Concept Release concerning over-the-counter derivatives on May 12, 1998 (63 FR 26114) with comments due by July 13, 1998. In response to requests from the Chicago Mercantile Exchange, the Futures Industry Association, and the Managed Funds Association, the Commission has determined to extend the comment period for an additional 60 days. The extended deadline for comments on the Concept Release is September 11, 1998.

Any person interested in submitting comments on the Concept Release should submit them by the specified date to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov.

DATES: Comments must be received on or before September 11, 1998.

FOR FURTHER INFORMATION CONTACT: John C. Lawton, Associate Director, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Telephone: (202) 418–5490.

Issued in Washington, D.C., on this 18th day of June, 1998, by the Commodity Futures Trading Commission.

Catherine D. Dixon,

Assistant Secretary of the Commission.

[FR Doc. 98–16767 Filed 6–23–98; 8:45 am]

BILLING CODE 6351–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA—035—2—9815b; FRL–6115–2]

Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions for Transportation Control Measures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Georgia State Implementation Plan (SIP) submitted through the Department of Natural Resources on August 29, 1997, requesting the incorporation of five transportation control measures (TCMs). This action only addresses the incorporation of one of the five TCMs submitted for approval into the SIP. Action was taken on the other four TCMs in a separate rulemaking action. The subject of this action is an alternative fuel refueling station/park and ride transportation center project located in Douglas County.

In the final rules section of this **Federal Register**, the EPA is approving the State's State Implementation Plan (SIP) revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comment, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based upon this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by July 24, 1998.

ADDRESSES: Written comments on this action should be addressed to Kelly Sheckler at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file GA35–9807. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Attn: Kelly Sheckler, 404/562–9042.

Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Division, 4244 International Parkway, Suite 136, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler at 404/562–9042.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

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

Dated: June 10, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 98–16803 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6114–6]

RIN 2060–AH66

National Emission Standards for Hazardous Air Pollutants: Wood Furniture Manufacturing Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed amendments to final rule.

SUMMARY: This action proposes amendments to the national emission standards for hazardous air pollutants (NESHAP) promulgated in the **Federal Register** on December 7, 1995 for wood furniture manufacturing operations. This proposal offers amendments to the rule pursuant to three agreements reached in settlement of the following petitions for review: Chemical Manufacturers Association v. EPA, No. 96–1031 (D.C. Cir.); Halogenated Solvents Industry Alliance, Inc. v. EPA, No. 96–1036 (D.C. Cir.); and Society of the Plastics Industry, Inc., v. Browner, No. 96–1038 (D.C. Cir.). This proposal also offers clarifying amendments, as well as technical amendments to certain sections of the final rule.

DATES: Comments. Comments must be received on or before July 24, 1998, unless a hearing is requested by July 6, 1998. If a hearing is requested, written comments must be received by August 10, 1998.

Public Hearing. Anyone requesting a public hearing must contact the EPA no later than July 6, 1998. If a hearing is held, it will take place on July 9, 1998, beginning at 10:00 a.m.

ADDRESSES: Comments. Interested parties may submit written comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention, Docket No. A–93–10, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Comments on the proposed changes to the NESHAP may also be submitted electronically by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov.

Public Hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Mrs. Kim Teal, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541–5580.

FOR FURTHER INFORMATION CONTACT: For information concerning the standards and the proposed changes, contact Mr. Paul Almodóvar, Coatings and Consumer Products Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone (919) 541–0283. For information regarding the applicability of this action to a particular entity, contact Mr. Robert Marshall, Manufacturing Branch, Office of Compliance (2223A), U.S. EPA, 401 M Street, SW, Washington, DC 20460; telephone (202) 564–7021.

SUPPLEMENTARY INFORMATION:

Electronic Comment Submission

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments also will be accepted on diskette in WordPerfect 5.1 or ASCII file format. All comments in electronic form must be identified by the docket number A–93–10. No confidential business information should be submitted through e-mail. Electronic comments may be filed on-line at many Federal Depository Libraries.

Regulated Entities

Entities potentially regulated by this action are owners or operators of facilities that are engaged, either in part or in whole, in wood furniture manufacturing operations and that are major sources as defined in 40 CFR part 63, subpart A, section 63.2. Regulated categories include:

Category	Examples of regulated entities
Industry	Facilities which are major sources of hazardous air pollutants (HAP) and manufacture wood furniture or wood furniture components.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that the EPA is now aware potentially could be regulated by this action. Other types of entities not listed in the table also could be regulated. To determine whether your facility [company, business, organization, etc.] is regulated by this action, you should carefully examine the applicability criteria in section 63.800 of the NESHAP for wood furniture manufacturing operations that was promulgated in the **Federal Register** on December 7, 1995 (60 FR 62930) and codified at 40 CFR 63 Subpart JJ. If you have questions regarding the applicability of this action to a particular entity, consult Mr. Robert Marshall at the address listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The information presented below is organized as follows:

I. Background
II. Summary of Proposed Changes
III. Administrative Requirements
A. Docket
B. Paperwork Reduction Act
C. Executive Order 12866
D. Regulatory Flexibility Act
E. Unfunded Mandates Reform Act
F. Executive Order 13045
G. Executive Order 12875
H. National Technology Transfer and Advancement Act

I. Background

On December 7, 1995 (60 FR 62930), the EPA promulgated NESHAP for wood furniture manufacturing operations (Wood Furniture NESHAP). These standards were codified as subpart JJ in 40 CFR part 63. These standards established emission limits for, among other things, coating and gluing of wood furniture and wood furniture components. Three different parties, the Chemical Manufacturers Association (CMA), the Halogenated Solvents Industry Alliance, Inc. (HSIA), and the Society of the Plastics Industry, Inc. (SPI), petitioned for judicial review of the final rule under section 307(b) of the Clean Air Act (the Act).

The EPA executed settlement agreements with each of these petitioners on December 18, 1997. In accordance with section 113(g) of the Act, the EPA published notice of the petitions in the **Federal Register** on December 24, 1997 (62 FR 67360). The notice provided a 30-day opportunity for public comment. One comment, supporting the agreements, was submitted.

The settlement agreement between the EPA and the CMA requires the EPA to conduct notice and comment rulemaking proposing that certain glycol ethers be removed from the list of volatile hazardous air pollutants (VHAP) of potential concern in table 6 of the Wood Furniture NESHAP. The agreement also provides that the de minimis value in table 5 for 2-ethoxyethyl acetate be changed from 5.0 tons per year to 10.0 tons per year.

The settlement agreement between the EPA and the HSIA requires the EPA: (1) to conduct notice-and-comment rulemaking in accordance with section 307(d) of the Act proposing that perchloroethylene and trichloroethylene be deleted from the list of pollutants prohibited from use in cleaning and washoff solvents under § 63.803(e) of the regulations (table 4 of the Wood Furniture NESHAP); and (2) to give great weight to the recommendations of the Science Panel of the Joint Methylene Chloride Characterization Task Force regarding whether a reassessment of the cancer hazard for methylene chloride should be undertaken based on current scientific information. The settlement agreement also requires the EPA to conduct additional notice and comment rulemaking with respect to methylene chloride if methylene chloride is reassessed and certain findings are made as a result of that reassessment.

The settlement agreement between the EPA and the SPI requires the EPA to propose technical amendments to the Wood Furniture NESHAP that would remove the subheadings of ''Nonthreshold Pollutants,'' ''High-Concern Pollutants,'' and ''Unrankable Pollutants'' in table 6, and to remove footnote ''a'' to table 6 which relates to these hazard ranking classifications.

This action proposes changes to the Wood Furniture NESHAP to address the settlement agreements discussed above. This action also proposes clarifying changes and corrections which were identified after promulgation of the rule.

II. Summary of Proposed Changes

In order to affect the settlement agreement between the EPA and the CMA, and between the EPA and the SPI, the EPA is proposing to revise table 6 of the Wood Furniture NESHAP.

Table 6 lists those VHAP that are thought to pose a high concern for chronic toxicity. The regulations require affected sources to track the usage levels of these chemicals as part of their formulation assessment plans. The EPA, as a result of the negotiated rulemaking process for the final rule, included in the table 6 list only those chemicals with a toxicity composite score of 20 or higher.

The original table 6 excepted three glycol ether compounds from the list of VHAP of potential concern because of the relatively low toxicity of these compounds. In its challenge of the final rule, the CMA claimed that additional glycol ethers should be excluded from table 6, and asked that the EPA review toxicity data for other specified glycol ether compounds. The settlement agreement listed 17 other glycol ethers which the parties agreed should not, at this time, be considered VHAP of potential concern under this rule because either the EPA lacked sufficient toxicity information on the compound or subsequent data demonstrated a low toxicity for the compound. Since signing the settlement agreement, the EPA has completed a preliminary literature review of toxicity studies for all of the listed compounds to determine if any have evidence of relatively severe toxicity. As a result of this screening analysis, the EPA believes that the likely hazards posed by these compounds are probably well below the cutoff level for treating these compounds as VHAP of potential concern and for the purposes of this rule should not be listed in table 6.[1] Additional information on the EPA's toxicity review can be found in the docket listed in the preceding **ADDRESSES** section.

The original table 6 contained subheadings for ''nonthreshold'' pollutants, ''high-concern'' pollutants, and ''unrankable'' pollutants. These subheadings followed the hazard ranking classification scheme proposed in regulations to implement the offsetting provisions of section 112(g) of

[1] This review was conducted solely for this rule to confirm the reasonableness of the proposed changes based on the relative toxicity of these compounds. The EPA has conducted no peer review of these toxicity findings and has not developed a consensus position regarding the actual toxicity of these compounds.

the Act. The EPA now believes, however, that these subheadings, and footnote ''a'' which relates to these subheadings, serve no substantive function in this rule and should be removed from table 6. The definition of ''VHAP of potential concern'' is proposed to be revised to reflect this change in table 6.

Section 63.803(l)(6) is also being proposed to be revised to eliminate the reference to the 112(g) regulations. The formulation assessment plan provision in § 63.803(l)(6) requires that if, after November 1998, an affected source uses any VHAP of potential concern listed in table 6, it must keep track of the annual usage of that chemical and report to the permitting authority if the usage exceeds the relevant de minimis value for that chemical. Section 63.803(l)(6) currently references section 112(g) regulations to determine the relevant de minimis values. This cross-reference is not necessary because table 6 is proposed to be revised to include the de minimis value for each chemical. The de minimis values provided in table 6 are not changed from the current values extrapolated from the proposed section 112(g) regulations.

In order to implement the settlement agreement between the EPA and the CMA, the EPA is also proposing to revise table 5 to change the de minimis level for 2-ethoxyethyl acetate from 5.0 to 10.0 tons per year. The EPA has concluded that the toxicity for 2-ethoxyethyl acetate is relatively low and in the absence of a more quantitative assessment (i.e., an inhalation reference concentration) for this chemical, the EPA's hazard ranking guidelines provide a default de minimis value of 10.0 tons per year. The proposed change of the 2-ethoxyethyl acetate de minimis value is thus consistent with the EPA's methodology.

In order to implement the settlement agreement between the EPA and the HSIA, the EPA is proposing to revise table 4 of the Wood Furniture NESHAP by removing trichloroethylene and perchloroethylene from the list of prohibited cleaning and washoff solvents. The EPA intended to include in table 4 those pollutants classified under the EPA's hazard ranking methodology as Group A (known human carcinogen) or Group B (probable human carcinogen). The EPA currently considers both perchloroethylene and trichloroethylene as intermediately classified between a probable and possible human carcinogen(Group B/C). The EPA is in the process of revising its cancer risk assessment guidelines and is currently reassessing these pollutants. Since a definitive assessment of the carcinogenicity of these two chemicals has not been finalized by the EPA, and given the current carcinogenicity classifications of these chemicals, the EPA is proposing to remove them from table 4. Note, however, that this proposed change in Table 4 does not imply any change in the EPA's current scientific evaluation of these pollutants, nor does it carry any weight with respect to policies adopted toward these pollutants in other regulatory contexts.

The EPA is also taking this opportunity to propose additional technical and clarifying corrections to the final rule. The EPA is proposing to remove caprolactam from the list of VHAP in table 2 of the rule because this chemical has been delisted from the HAP list in section 112(b)(1) of the Act (61 FR 30816).

The EPA is proposing to revise the definition of ''organic solvent'' to reflect the EPA's intent in the final rule to regulate only those organic solvents considered HAP. Since the promulgation of the NESHAP there has been some confusion on what organic solvents are regulated by the rule. The work practice standards in § 63.803(d)of the NESHAP include requirements for each owner or operator of a wood furniture manufacturing facility to develop an organic solvent accounting system. In addition, § 63.803(f) requires that an affected source use no more than 1.0 gallon of organic solvent per booth to prepare the surface of the booth prior to applying the booth coating. The current rule defines organic solvent as ''a volatile organic liquid that is used for dissolving or dispersing constituents in a coating or contact adhesive, adjusting the viscosity of a coating or contact adhesive, or cleaning equipment. When used in a coating or contact adhesive, the organic solvent evaporates during drying and does not become a part of the dried film.'' The definition in the final rule should be limited to those organic solvents which are HAP. Therefore, the EPA is proposing to add the term ''hazardous air pollutant'' to the definition of organic solvent (e.g., organic HAP solvent). Elsewhere in the text of the rule, the EPA is proposing to replace the term ''organic solvent'' with the term ''organic HAP solvent.''

III. Administrative Requirements

A. Docket

Docket A–93–10 is an organized and complete file of all of the information submitted to, or otherwise considered by, the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public to readily identify and locate documents to enable them to participate effectively in the rulemaking process. The contents of the docket serve as the record for purposes of judicial review (except forCAA interagency review materials) (§ 307(d)(7)(A) of the Act, 42 U.S.C. 7607(d)(7)(A)).

B. Paperwork Reduction Act

There are no additional information collection requirements contained in this proposal. Therefore, approval under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, is not required.

C. Executive Order 12866

Under Executive Order 12866, the EPA is required to determine whether a regulation is ''significant,'' and therefore, subject to Office of Management and Budget (OMB) review and the requirements of this Executive Order to prepare a regulatory impact analysis. The Executive 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 of the economy, 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 entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This action is not a ''significant regulatory action'' within the meaning of the Executive Order. The proposed rule, if promulgated, is expected to reduce the regulatory burden on facilities by relaxing requirements related to specified chemical compounds and by increasing one of the de minimis levels triggering regulatory action. The EPA has concluded that these changes will not significantly impact the environment or public health or safety.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the

agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would not have a significant impact on a substantial number of small entities because the proposed amendments impose no new requirements on regulated entities. The proposed changes should actually ease the compliance burden of the Wood Furniture NESHAP. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this proposed rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in aggregate, or for the private sector in any one year. Nor does the rule significantly or uniquely impact small governments, because it contains no requirements that apply to such governments and imposes no obligations upon them. Thus, the requirements of the UMRA do not apply to this rule.

The economic impact analysis performed for the original rule showed that the economic impacts from implementation of the promulgated standards would not be ''significant'' as defined in Executive Order 12866. No changes are being made in these amendments that would increase the economic impacts.

F. Executive Order 13045

Executive Order 13045 applies to any rule that (1) has been determined to be ''economically significant'' as defined under Executive Order 12866, and (2) addresses an environmental health or safety risk that has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not involve decisions on environmental health risks or safety risks that would have a disproportionate effect on children.

G. Executive Order 12875

Executive Order 12875 requires that, to the extent feasible and permitted by law, no Federal agency shall promulgate any regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless funds necessary to pay the direct costs incurred by the State, local, or tribal government in complying with the mandate are provided by the Federal government. The EPA has determined that the requirements of Executive Order 12875 do not apply to today's rulemaking, since no mandate is created by this action.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. No. 104–113, § 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements, Wood furniture manufacturing.

Dated: June 18, 1998.

Carol M. Browner,

Administrator.

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

PART 63—[AMENDED]

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

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

Subpart JJ—National Emissions Standards for Wood Furniture Manufacturing Operations

2. Section 63.801 is proposed to be amended by revising the definitions for ''Cleaning operations'', ''Disposed offsite'', ''Equipment leak'', ''Recycled onsite'', ''Strippable spray booth material'', ''VHAP of potential concern'', and ''Washoff operations'' and by removing the definition of ''Organic solvents'', and adding a definition of ''Organic HAP solvent'' to read as follows:

§ 63.801 Definitions.

* * * * *

Cleaning operations means operations in which organic HAP solvent is used to remove coating materials or adhesives

from equipment used in wood furniture manufacturing operations.

* * * * *

Disposed offsite means sending used organic HAP solvent or coatings outside of the facility boundaries for disposal.

* * * * *

Equipment leak means emissions of VHAP from pumps, valves, flanges, or other equipment used to transfer or apply coatings, adhesives, or organic HAP solvents.

* * * * *

Organic HAP solvent means a HAP that is volatile organic liquid that is used for dissolving or dispersing constituents in a coating or contact adhesive, adjusting the viscosity of a coating or contact adhesive, or cleaning equipment. When used in a coating or contact adhesive, the organic HAP solvent evaporates during drying and does not become a part of the dried film.

* * * * *

Recycled onsite means the reuse of an organic HAP solvent in a process other than cleaning or washoff.

* * * * *

Strippable spray booth material means a coating that:

(1) Is applied to a spray booth wall to provide a protective film to receive overspray during finishing operations;

(2) That is subsequently peeled off and disposed; and

(3) By achieving (1) and (2) of this defintion reduces or eliminates the need to use organic HAP solvents to clean spray booth walls.

* * * * *

VHAP of potential concern means any VHAP from the list in table 6 of this subpart.

* * * * *

Washoff operations means those operations in which organic HAP solvent is used to remove coating from wood furniture or a wood furniture component.

* * * * *

3. Section 63.803 is proposed to be amended by revising paragraphs (c)(1), (d), (f), (i), (j), and (l)(6) to read as follows:

§ 63.803 Work practice standards.

* * * * *

(c) * * *

(1) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings, adhesives, or organic HAP solvents;

* * * * *

(d) *Cleaning and washoff solvent accounting system*. Each owner or operator of an affected source shall develop an organic HAP solvent accounting form to record:

(1) The quantity and type of organic HAP solvent used each month for washoff and cleaning, as defined in § 63.801 of this subpart;

(2) The number of pieces washed off, and the reason for the washoff; and

(3) The quantity of spent organic HAP solvent generated from each washoff and cleaning operation each month, and whether it is recycled onsite or disposed offsite.

* * * * *

(f) *Spray booth cleaning.* Each owner or operator of an affected source shall not use compounds containing more than 8.0 percent by weight of VOC for cleaning spray booth components other than conveyors, continuous coaters and their enclosures, metal filters, or plastic filters unless the spray booth is being refurbished. If the spray booth is being refurbished (that is, the spray booth coating or other protective material used to cover the booth is being replaced), the affected source shall use no more than 1.0 gallon of organic HAP solvent per booth to prepare the surface of the booth prior to applying the booth coating.

* * * * *

(i) *Line cleaning.* Each owner or operator of an affected source shall pump or drain all organic HAP solvent used for line cleaning into a normally closed container.

* * * * *

(j) *Gun cleaning.* Each owner or operator of an affected source shall collect all organic HAP solvent used to clean spray guns into a normally closed container.

* * * * *

(l) * * *

(6) If after November 1998, an affected source uses a VHAP of potential concern listed in table 6 of this subpart for which a baseline level has not been previously established, then the baseline level shall be established as the de minimis level provided in that same table for that chemical. The affected source shall track the annual usage of each VHAP of potential concern identified in this paragraph that is present in amounts subject to material safety data sheet reporting as required by the Occupational Safety and Health Administration. If usage of the VHAP of potential concern exceeds the de minimis level listed in table 6 of this subpart for that chemical, then the affected source shall provide an explanation to the permitting authority that documents the reason for the exceedance of the de minimis level. If the explanation is not one of those listed in paragraphs (l)(4)(i) through (l)(4)(iv) of this section, the affected source shall follow the procedures in paragraph (l)(5) of this section.

4. Table 2 of subpart JJ is proposed to be revised to read as follows:

TABLE 2.—LIST OF VOLATILE HAZARDOUS AIR POLLUTANTS

Chemical name	CAS No.
Acetaldehyde	75070
Acetamide	60355
Acetonitrile	75058
Acetophenone	98862
2-Acetylaminofluorine	53963
Acrolein	107028
Acrylamide	79061
Acrylic acid	79107
Acrylonitrile	107131
Allyl chloride	107051
4-Aminobiphenyl	92671
Aniline	62533
o-Anisidine	90040
Benzene	71432
Benzidine	92875
Benzotrichloride	98077
Benzyl chloride	100447
Biphenyl	92524

TABLE 2.—LIST OF VOLATILE HAZARDOUS AIR POLLUTANTS—Continued

Chemical name	CAS No.
Bis(2-ethylhexyl)phthalate (DEHP)	117817
Bis(chloromethyl)ether	542881
Bromoform	75252
1,3-Butadiene	106990
Carbon disulfide	75150
Carbon tetrachloride	56235
Carbonyl sulfide	463581
Catechol	120809
Chloroacetic acid	79118
2-Chloroacetophenone	532274
Chlorobenzene	108907
Chloroform	67663
Chloromethyl methyl ether	107302
Chloroprene	126998
Cresols (isomers and mixture)	1319773
o-Cresol	95487
m-Cresol	108394
p-Cresol	106445
Cumene	98828
2,4-D (2,4-Dichlorophenoxyacetic acid, including salts and esters)	94757
DDE (1,1-Dichloro-2,2-bis(p-chlorophenyl)ethylene)	72559
Diazomethane	334883
Dibenzofuran	132649
1,2-Dibromo-3-chloropropane	96128
Dibutylphthalate	84742
1,4-Dichlorobenzene	106467
3,3′-Dichlorobenzidine	91941
Dichloroethyl ether (Bis(2-chloroethyl)ether)	111444
1,3-Dichloropropene	542756
Diethanolamine	111422
N,N-Dimethylaniline	121697
Diethyl sulfate	64675
3,3′-Dimethoxybenzidine	119904
4-Dimethylaminoazobenzene	60117
3,3′-Dimethylbenzidine	119937
Dimethylcarbamoyl chloride	79447
N,N-Dimethylformamide	68122
1,1-Dimethylhydrazine	57147
Dimethyl phthalate	131113
Dimethyl sulfate	77781
4,6-Dinitro-o-cresol, and salts	534521
2,4-Dinitrophenol	51285
2,4-Dinitrotoluene	121142
1,4-Dioxane (1,4-Diethyleneoxide)	123911
1,2-Diphenylhydrazine	122667
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106898
1,2-Epoxybutane	106887
Ethyl acrylate	140885
Ethylbenzene	100414
Ethyl carbamate (Urethane)	51796
Ethyl chloride (Chloroethane)	75003
Ethylene dibromide (Dibromoethane)	106934
Ethylene dichloride (1,2-Dichloroethane)	107062
Ethylene glycol	107211
Ethylene oxide	75218
Ethylenethiourea	96457
Ethylidene dichloride (1,1-Dichloroethane)	75343
Formaldehyde	50000
Glycol ethers [a]	-
Hexachlorobenzene	118741
Hexachloro-1,3-butadiene	87683
Hexachloroethane	67721
Hexamethylene-1,6-diisocyanate	822060
Hexamethylphosphoramide	680319
Hexane	110543
Hydrazine	302012
Hydroquinone	123319
Isophorone	78591
Maleic anhydride	108316
Methanol	67561
Methyl bromide (Bromomethane)	74839
Methyl chloride (Chloromethane)	74873

TABLE 2.—LIST OF VOLATILE HAZARDOUS AIR POLLUTANTS—Continued

Chemical name	CAS No.
Methyl chloroform (1,1,1-Trichloroethane)	71556
Methyl ethyl ketone (2-Butanone)	78933
Methylhydrazine	60344
Methyl iodide (Iodomethane)	74884
Methyl isobutyl ketone (Hexone)	108101
Methyl isocyanate	624839
Methyl methacrylate	80626
Methyl tert-butyl ether	1634044
4,4′-Methylenebis(2-chloroaniline)	101144
Methylene chloride (Dichloromethane)	75092
4,4′-Methylenediphenyl diisocyanate (MDI)	101688
4,4′-Methylenedianiline	101779
Naphthalene	91203
Nitrobenzene	98953
4-Nitrobiphenyl	92933
4-Nitrophenol	100027
2-Nitropropane	79469
N-Nitroso-N-methylurea	684935
N-Nitrosodimethylamine	62759
N-Nitrosomorpholine	59892
Phenol	108952
p-Phenylenediamine	106503
Phosgene	75445
Phthalic anhydride	85449
Polychlorinated biphenyls (Aroclors)	1336363
Polycyclic Organic Matter[b]	-
1,3-Propane sultone	1120714
beta-Propiolactone	57578
Propionaldehyde	123386
Propoxur (Baygon)	114261
Propylene dichloride (1,2-Dichloropropane)	78875
Propylene oxide	75569
1,2-Propylenimine (2-Methyl aziridine)	75558
Quinone	106514
Styrene	100425
Styrene oxide	96093
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746016
1,1,2,2-Tetrachloroethane	79345
Tetrachloroethylene (Perchloroethylene)	127184
Toluene	108883
2,4-Toluenediamine	95807
Toluene-2,4-diisocyanate	584849
o-Toluidine	95534
1,2,4-Trichlorobenzene	120821
1,1,2-Trichloroethane	79005
Trichloroethylene	79016
2,4,5-Trichlorophenol	95954
2,4,6-Trichlorophenol	88062
Triethylamine	121448
Trifluralin	1582098
2,2,4-Trimethylpentane	540841
Vinyl acetate	108054
Vinyl bromide	593602
Vinyl chloride	75014
Vinylidene chloride (1,1-Dichloroethylene)	75354
Xylenes (isomers and mixture)	1330207
o-Xylene	95476
m-Xylene	108383
p-Xylene	106423

[a] Includes mono- and di-ethers of ethylene glycol, diethylene glycols and triethylene glycol; $R\text{-}(OCH_2CH_2)_n$ RR-OR′ where:
n = 1, 2, or 3,
R = alkyl or aryl groups
R′ = R, H, or groups which, when removed, yield glycol ethers with the structure: $R\text{-}(OCH_2CH_2)_n$—OH.
Polymers are excluded from the glycol category.
[b] Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

5. Table 4—Pollutants excluded from use in cleaning and washoff solvents is proposed to be revised to read as follows:

TABLE 4.—POLLUTANTS EXCLUDED FROM USE IN CLEANING AND WASHOFF SOLVENTS

Chemical name	CAS No.
4-Aminobiphenyl	92671
Styrene oxide	96093
Diethyl sulfate	64675
N-Nitrosomorpholine	59892
Dimethyl formamide	68122
Hexamethylphosphoramide	680319
Acetamide	60355
4,4′-Methylenedianiline	101779
o-Anisidine	90040
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746016
Beryllium salts	
Benzidine	92875
N-Nitroso-N-methylurea	684935
Bis(chloromethyl) ether	542881
Dimethyl carbamoyl chloride	79447
Chromium compounds (hexavalent)	
1,2-Propylenimine (2-Methyl aziridine)	75558
Arsenic and inorganic arsenic compounds	99999904
Hydrazine	302012
1,1-Dimethyl hydrazine	57147
Beryllium compounds	7440417
1,2-Dibromo-3-chloropropane	96128
N-Nitrosodimethylamine	62759
Cadmium compounds	
Benzo (a) pyrene	50328
Polychlorinated biphenyls (Aroclors)	1336363
Heptachlor	76448
3,3′-Dimethyl benzidine	119937
Nickel subsulfide	12035722
Acrylamide	79061
Hexachlorobenzene	118741
Chlordane	57749
1,3-Propane sultone	1120714
1,3-Butadiene	106990
Nickel refinery dust	
2-Acetylaminoflourine	53963
3,3′-Dichlorobenzidine	53963
Lindane (hexachlorcyclohexane, gamma)	58899
2,4-Toluene diamine	95807
Dichloroethyl ether (Bis(2-chloroethyl)ether)	111444
1,2-Diphenylhydrazine	122667
Toxaphene (chlorinated camphene)	8001352
2,4-Dinitrotoluene	121142
3,3′-Dimethoxybenzidine	119904
Formaldehyde	50000
4,4′-Methylene bis(2-chloroaniline)	101144
Acrylonitrile	107131
Ethylene dibromide(1,2-Dibromoethane)	106934
DDE (1,1-p-chlorophenyl 1–2 dichloroethylene)	72559
Chlorobenzilate	510156
Dichlorvos	62737
Vinyl chloride	75014
Coke Oven Emissions	
Ethylene oxide	75218
Ethylene thiourea	96457
Vinyl bromide (bromoethene)	593602
Selenium sulfide (mono and di)	7488564
Chloroform	67663
Pentachloropheno	87865
Ethyl carbamate (Urethane)	51796
Ethylene dichloride (1,2-Dichloroethane)	107062
Propylene dichloride (1,2-Dichloropropane)	78875
Carbon tetrachloride	56235
Benzene	71432
Methyl hydrazine	60344
Ethyl acrylate	140885
Propylene oxide	75569
Aniline	62533
1,4-Dichlorobenzene(p)	106467
2,4,6-Trichlorophenol	88062
Bis(2-ethylhexyl)phthalate (DEHP)	117817
o-Toluidine	95534

TABLE 4.—POLLUTANTS EXCLUDED FROM USE IN CLEANING AND WASHOFF SOLVENTS—Continued

Chemical name	CAS No.
Propoxur	114261
1,4-Dioxane (1,4-Diethyleneoxide)	123911
Acetaldehyde	75070
Bromoform	75252
Captan	133062
Epichlorohydrin	106898
Methylene chloride (Dichloromethane)	75092
Dibenz (ah) anthracene	53703
Chrysene	218019
Dimethyl aminoazobenzene	60117
Benzo (a) anthracene	56553
Benzo (b) fluoranthene	205992
Antimony trioxide	1309644
2-Nitropropane	79469
1,3-Dichloropropene	542756
7, 12-Dimethylbenz(a)anthracene	57976
Benz(c)acridine	225514
Indeno(1,2,3-cd)pyrene	193395
1,2:7,8-Dibenzopyrene	189559

6. Table 5—List of VHAP of Potential Concern Identified by Industry is proposed to be revised to read as follows:

TABLE 5.—LIST OF VHAP OF POTENTIAL CONCERN IDENTIFIED BY INDUSTRY

CAS No.	Chemical name	EPA de minimis, tons/yr
68122	Dimethyl formamide	1.0
50000	Formaldehyde	0.2
75092	Methylene chloride	4.0
79469	2-Nitropropane	1.0
78591	Isophorone	0.7
1000425	Styrene monomer	1.0
108952	Phenol	0.1
111422	Dimethanolamine	5.0
109864	2-Methoxyethanol	10.0
111159	2-Ethoxyethyl acetate	10.0

7. Table 6—VHAP of potential concern is proposed to be revised to read as follow:

TABLE 6.—VHAP OF POTENTIAL CONCERN

CAS No.	Chemical name	EPA de minimis, tons/yr *
92671	4-Aminobiphenyl	1.0
96093	Styrene oxide	1.0
64675	Diethyl sulfate	1.0
59892	N-Nitrosomorpholine	1.0
68122	Dimethyl formamide	1.0
680319	Hexamethylphosphoramide	0.01
60355	Acetamide	1.0
101779	4,4'-Methylenedianiline	1.0
90040	o-Anisidine	1.0
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin	0.00000006
92875	Benzidine	0.00003
684935	N-Nitroso-N-methylurea	0.00002
542881	Bis(chloromethyl)ether	0.00003
79447	Dimethyl carbamoyl chloride	0.002
75558	1,2-Propylenimine (2-Methyl aziridine)	0.0003
57147	1,1-Dimethyl hydrazine	0.0008
96128	1,2-Dibromo-3-chloropropane	0.001
62759	N-Nitrosodimethylamine	0.0001
50328	Benzo (a) pyrene	0.001
1336363	Polychlorinated biphenyls (Aroclors)	0.0009
76448	Heptachlor	0.002
119937	3,3'-Dimethyl benzidine	0.001
79061	Acrylamide	0.002
118741	Hexachlorobenzene	0.004

TABLE 6.—VHAP OF POTENTIAL CONCERN—Continued

CAS No.	Chemical name	EPA de minimis, tons/yr *
57749	Chlordane	0.005
1120714	1,3-Propane sultone	0.003
106990	1,3-Butadiene	0.007
53963	2-Acetylaminoflourine	0.0005
91941	3,3'-Dichlorobenzidine	0.02
58899	Lindane (hexachlorocyclohexane, gamma)	0.005
95807	2,4-Toluene diamine	0.002
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)	0.006
122667	1,2-Diphenylhydrazine	0.009
8001352	Toxaphene (chlorinated camphene)	0.006
121142	2,4-Dinitrotoluene	0.002
119904	3,3'-Dimethoxybenzidine	0.01
50000	Formaldehyde	0.2
101144	4,4'-Methylene bis(2-chloroaniline)	0.02
107131	Acrylonitrile	0.03
106934	Ethylene dibromide(1,2-Dibromoethane)	0.01
72559	DDE (1,1-p-chlorophenyl 1-2 dichloroethylene)	0.01
510156	Chlorobenzilate	0.04
62737	Dichlorvos	0.02
75014	Vinyl chloride	0.02
75218	Ethylene oxide	0.09
96457	Ethylene thiourea	0.06
593602	Vinyl bromide (bromoethene)	0.06
67663	Chloroform	0.09
87865	Pentachlorophenol	0.07
51796	Ethyl carbamate (Urethane)	0.08
107062	Ethylene dichloride (1,2-Dichloroethane)	0.08
78875	Propylene dichloride (1,2-Dichloropropane)	0.1
56235	Carbon tetrachloride	0.1
71432	Benzene	0.2
140885	Ethyl acrylate	0.1
75569	Propylene oxide	0.5
62533	Aniline	0.1
106467	1,4-Dichlorobenzene(p)	0.3
88062	2,4,6-Trichlorophenol	0.6
117817	Bis(2-ethylhexyl)phthalate (DEHP)	0.5
95534	o-Toluidine	0.4
114261	Propoxur	2.0
79016	Trichloroethylene	1.0
123911	1,4-Dioxane (1,4-Diethyleneoxide)	0.6
75070	Acetaldehyde	0.9
75252	Bromoform	2.0
133062	Captan	2.0
106898	Epichlorohydrin	2.0
75092	Methylene chloride (Dichloromethane)	4.0
127184	Tetrachloroethylene (Perchloroethylene)	4.0
53703	Dibenz (ah) anthracene	0.01
218019	Chrysene	0.01
60117	Dimethyl aminoazobenzene	1.0
56553	Benzo (a) anthracene	0.01
205992	Benzo (b) fluoranthene	0.01
79469	2-Nitropropane	1.0
542756	1,3-Dichloropropene	1.0
57976	7,12-Dimethylbenz(a)anthracene	0.01
225514	Benz(c)acridine	0.01
193395	Indeno(1,2,3-cd)pyrene	0.01
189559	1,2:7,8-Dibenzopyrene	0.01
79345	1,1,2,2-Tetrachloroethane	0.03
91225	Quinoline	0.0006
75354	Vinylidene chloride (1,1-Dichloroethylene)	0.04
87683	Hexachlorobutadiene	0.09
82688	Pentachloronitrobenzene (Quintobenzene)	0.03
78591	Isophorone	0.7
79005	1,1,2-Trichloroethane	0.1
74873	Methyl chloride (Chloromethane)	1.0
67721	Hexachloroethane	0.5
1582098	Trifluralin	0.9
1319773	Cresols/Cresylic acid (isomers and mixture)	1.0
108394	m-Cresol	1.0
75343	Ethylidene dichloride (1,1-Dichloroethane)	1.0

TABLE 6.—VHAP OF POTENTIAL CONCERN—Continued

CAS No.	Chemical name	EPA de minimis, tons/yr *
95487	o-Cresol	1.0
106445	p-Cresol	1.0
74884	Methyl iodide (Iodomethane)	1.0
100425	Styrene	1.0
107051	Allyl chloride	1.0
334883	Diazomethane	1.0
95954	2,4,5-Trichlorophenol	1.0
133904	Chloramben	1.0
106887	1,2-Epoxybutane	1.0
108054	Vinyl acetate	1.0
126998	Chloroprene	1.0
123319	Hydroquinone	1.0
92933	4-Nitrobiphenyl	1.0
56382	Parathion	0.1
13463393	Nickel Carbonyl	0.1
60344	Methyl hydrazine	0.006
151564	Ethylene imine	0.0003
77781	Dimethyl sulfate	0.1
107302	Chloromethyl methyl ether	0.1
57578	beta-Propiolactone	0.1
100447	Benzyl chloride	0.04
98077	Benzotrichloride	0.0006
107028	Acrolein	0.04
584849	2,4-Toluene diisocyanate	0.1
75741	Tetramethyl lead	0.01
78002	Tetraethyl lead	0.01
12108133	Methylcyclopentadienyl manganese	0.1
624839	Methyl isocyanate	0.1
77474	Hexachlorocyclopentadiene	0.1
62207765	Fluomine	0.1
10210681	Cobalt carbonyl	0.1
79118	Chloroacetic acid	0.1
534521	4,6-Dinitro-o-cresol, and salts	0.1
101688	Methylene diphenyl diisocyanate	0.1
108952	Phenol	0.1
62384	Mercury, (acetato-o) phenyl	0.01
98862	Acetophenone	1.0
108316	Maleic anhydride	1.0
532274	2-Chloroacetophenone	0.06
51285	2,4-Dinitrophenol	1.0
109864	2-Methyoxy ethanol	10.0
98953	Nitrobenzene	1.0
74839	Methyl bromide (Bromomethane)	10.0
75150	Carbon disulfide	1.0
121697	N,N-Dimethylaniline	1.0
106514	Quinone	5.0
123386	Propionaldehyde	5.0
120809	Catechol	5.0
85449	Phthalic anhydride	5.0
463581	Carbonyl sulfide	5.0
132649	Dibenzofurans	5.0
100027	4-Nitrophenol	5.0
540841	2,2,4-Trimethylpentane	5.0
111422	Diethanolamine	5.0
822060	Hexamethylene-1,6-diisocyanate	5.0
.....	Glycol ethers [a]	5.0
.....	Polycyclic organic matter [b]	0.01

* These values are based on the de minimis levels provided in the proposed rulemaking pursuant to section 112(g) of the Act using a 70-year lifetime exposure duration for all VHAP. Default assumptions and the de minimis values based on inhalation reference doses (RfC) are not changed by this adjustment.

[a] Except for ethylene glycol butyl ether, ethylene glycol ethyl ether (2-ethoxy ethanol), ethylene glycol hexyl ether, ethylene glycol methyl ether (2-methoxyethanol), ethylene glycol phenyl ether, ethylene glycol propyl ether, ethylene glycol mono-2-ethylhexyl ether, diethylene glycol butyl ether, diethylene glycol ethyl ether, diethylene glycol methyl ether, diethylene glycol hexyl ether, diethylene glycol phenyl ether, diethylene glycol propyl ether, triethylene glycol butyl ether, triethylene glycol ethyl ether, triethylene glycol methyl ether, triethylene glycol propyl ether, ethylene glycol butyl ether acetate, ethylene glycol ethyl ether acetate, and diethylene glycol ethyl ether acetate.

[b] Except for benzo(b)fluoranthene, benzo(a)anthracene, benzo(a)pyrene, 7,12-dimethylbenz(a)anthracene, benz(c)acridine, chrysene, dibenz(ah) anthracene, 1,2:7,8-dibenzopyrene, indeno(1,2,3-cd)pyrene, but including dioxins and furans.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL–6114–5]

RIN 2060–AG85

Quality Assurance and Waste Characterization Program Documents Applicable to Transuranic Radioactive Waste From the Idaho National Environmental and Engineering Laboratory Proposed for Disposal at the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability; opening of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of, and soliciting public comments for 30 days on, Department of Energy (DOE) documents on quality assurance and waste characterization programs applicable to transuranic (TRU) radioactive waste at the Idaho National Environmental and Engineering Laboratory (INEEL) proposed for disposal at the Waste Isolation Pilot Plant (WIPP). The documents include: ''Idaho National Environmental and Engineering Laboratory Quality Assurance Project Plan For The Transuranic Waste Characterization Program'' (dated August 31, 1997), ''Program Plan for Certification of INEEL Contact-Handled Stored Transuranic Waste'' (dated October 1997), and ''INEEL TRU Waste Characterization, Transportation, and Certification Quality Program Plan'' (dated December 1997). These documents are available for review in the public dockets listed in **ADDRESSES.** The EPA will use these documents to evaluate INEEL's quality assurance and waste characterization programs and processes for compliance with the WIPP compliance criteria. The EPA will conduct a review at DOE's Carlsbad Area Office the week of July 6, 1998, to verify the proper establishment of applicable nuclear quality assurance (QA) requirements and QA procedures of INEEL, and to review documents regarding the capability of INEEL to properly perform waste characterization. The EPA will perform an inspection at INEEL the week of July 27, 1998, for the purpose of evaluating the implementation of these programs. This notice of the inspection and comment period accords with the EPA's WIPP compliance criteria at 40 CFR Part 194.

DATES: The EPA is requesting public comment on these documents. Comments must be received by the EPA's official Air Docket on or before July 24, 1998.

ADDRESSES: Comments should be submitted to: Docket No. A–93–02, Air Docket, Room M–1500 (LE–131), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

The DOE documents, ''Idaho National Environmental and Engineering Laboratory Quality Assurance Project Plan For The Transuranic Waste Characterization Program'' (dated August 31, 1997), ''Program Plan for Certification of INEEL Contact-Handled Stored Transuranic Waste'' (dated October, 1997), and ''INEEL TRU Waste Characterization, Transportation, and Certification Quality Program Plan'' (dated December 1997), are available for review in the official EPA Air Docket in Washington, D.C., Docket No. A–93–02, Category X-B, and at the following three EPA WIPP informational docket locations in New Mexico: in Carlsbad at the Municipal Library, Hours: Monday-Thursday, 10am-9pm, Friday-Saturday, 10am-6pm, and Sunday 1pm-5pm; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: Monday-Thursday, 8am-9pm, Friday, 8am-5pm, Saturday-Sunday, 1pm-5pm; and in Santa Fe at the Fogelson Library, College of Santa Fe, Hours: Monday-Thursday, 8am-12pm, Friday, 8am-5pm, Saturday, 9am-5pm, and Sunday, 1pm-9pm.

As provided in the EPA's regulations at 40 CFR Part 2, and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Chuck Byrum, Office of Radiation and Indoor Air, (505) 665–7555, or call the EPA's 24-hour toll-free WIPP Information Line, 1–800–331–WIPP.

SUPPLEMENTARY INFORMATION:

Background

The DOE is developing the WIPP near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of TRU radioactive waste. As defined by the WIPP Land Withdrawal Act (LWA) of 1992 (Pub. L. No. 102–579), as amended (Pub. L. No. 104–201), TRU waste consists of materials containing elements having atomic numbers greater than 92 (with half-lives greater than twenty years), in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes per gram of waste. Most TRU waste consists of items contaminated during the production of nuclear weapons, such as rags, equipment, tools, and organic and inorganic sludges.

On May 13, 1998, the EPA announced its final compliance certification decision to the Secretary of Energy (published May 18, 1998, 63 FR 27354). This decision states that the WIPP will comply with the EPA's radioactive waste disposal regulations at 40 CFR Part 191, subparts B and C.

The final WIPP certification decision includes conditions that (1) prohibit shipment of TRU waste for disposal at WIPP from any site other than the Los Alamos National Laboratory (LANL) until the EPA determines that the site has established and executed a quality assurance program, in accordance with §§ 194.22(a)(2)(i), 194.24(c)(3), and 194.24(c)(5) for waste characterization activities and assumptions (condition 2 of Appendix A to 40 CFR Part 194); and (2) prohibit shipment of TRU waste for disposal at WIPP from any site other than LANL until the EPA has approved the procedures developed to comply with the waste characterization requirements of § 194.24(c)(4) (condition 3 of Appendix A to 40 CFR Part 194). The EPA's approval process for waste generator sites is described in § 194.8. As part of the EPA's decision-making process, the DOE is required to submit to the EPA appropriate documentation of quality assurance and waste characterization programs at each DOE waste generator site seeking approval for shipment of TRU radioactive waste to WIPP. In accordance with § 194.8, the EPA will place such documentation in the official Air Docket in Washington, D.C., and informational dockets in the State of New Mexico for public review and comment.

The documents submitted to the EPA for INEEL are: ''Idaho National Environmental and Engineering Laboratory Quality Assurance Project Plan For The Transuranic Waste Characterization Program'' (dated August 31, 1997), ''Program Plan for Certification of INEEL Contact-Handled Stored Transuranic Waste,'' (dated October, 1997), and ''INEEL TRU Waste Characterization, Transportation, and Certification Quality Program Plan,'' (dated December 1997). The ''Idaho National Environmental and Engineering Laboratory Quality Assurance Project Plan For The Transuranic Waste Characterization Program'' sets forth the waste characterization procedures for TRU wastes at INEEL. The ''Program Plan for Certification of INEEL Contact-Handled Stored Transuranic Waste'' sets forth the

procedures to certify contact-handled stored TRU waste. The ''INEEL TRU Waste Characterization, Transportation, and Certification Quality Program Plan'' sets forth the quality assurance program that the DOE purports to comply with the requirements of § 194.22. After the EPA reviews these documents for adequacy, the EPA will conduct an inspection of a DOE audit of the site to determine whether the requirements set out in these documents are being adequately implemented in accordance with Conditions 2 and 3 of the EPA's WIPP certification decision (Appendix A to 40 CFR Part 194). In accordance with § 194.8 of the WIPP compliance criteria, the EPA is providing the public 30 days to comment on the documents placed in the EPA's docket relevant to the site approval process.

If the EPA determines that the provisions in the documents are adequately implemented, the EPA will notify the DOE by letter and place the letter in the official Air Docket in Washington, D.C., and in the informational docket locations in New Mexico. A positive approval letter will allow the DOE to begin shipping TRU waste from INEEL. The EPA will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed.

Information on the EPA's radioactive waste disposal standards (40 CFR Part 191), the compliance criteria (40 CFR Part 194), and the EPA's certification decision is filed in the official EPA Air Docket, Dockets No. R–89–01, A–92–56, and A–93–02, respectively, and is available for review in Washington, D.C., and at the three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, D.C., plus those documents added to the official Air Docket after the October 1992 enactment of the WIPP LWA.

Dated: June 16, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 98–16798 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPPTS–62155; FRL–5762–3]

Asbestos-Containing Materials in Schools; State Request for Waiver from Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed waiver.

SUMMARY: EPA has received from the Commonwealth of Massachusetts a request for a waiver from the requirements of 40 CFR part 763, subpart E, Asbestos-Containing Materials in Schools regulations. This document announces an opportunity for public review and comment on the Massachusetts waiver request.

DATES: Comments on the waiver request must be received by July 24, 1998.

ADDRESSES: Written comments must be sent in triplicate, identified by the docket control number OPPTS–62155 to: James M. Bryson, Regional Abatement Coordinator, Environmental Protection Agency, Office of Ecosystem Protection, CPT Region 1, John F. Kennedy Federal Building, Boston, MA 02203-0001. Copies of the Massachusetts waiver request are on file and may be reviewed at the EPA Region I Office.

Comments and data may also be submitted electronically to bryson.jamesm@epamail.epa.gov. Follow the instructions under SUPPLEMENTARY INFORMATION of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this document. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: James M. Bryson at 617–565–3836.

SUPPLEMENTARY INFORMATION: This document is issued under the authority of Title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2641, *et seq*. TSCA Title II was enacted as part of the Asbestos Hazard Emergency Response Act (AHERA), Pub. L. 99-519. AHERA is the name commonly used to refer to the statutory authority for EPA's rules affecting asbestos in schools. For purposes of this document, EPA will use the AHERA designation.

In the **Federal Register** of October 30, 1987 (52 FR 41946), EPA issued a final rule as required in AHERA, the Asbestos-Containing Materials in Schools Rule (40 CFR part 763, subpart E), which requires all Local Education Agencies (LEAs) to identify Asbestos-Containing Building Materials (ACBMs) in their school buildings and to take appropriate actions to control the release of asbestos fibers. The LEAs are required to describe their asbestos control activities in management plans, which must be available to all concerned persons and submitted to the State Governor's Designee. The rule requires LEAs to use specially trained and accredited persons to conduct inspections for asbestos, develop management plans, and design and conduct actions to control asbestos. The recordkeeping and reporting burden associated with waiver requests was approved under OMB control number 2070-0091. This document merely announces the Agency's receipt of a waiver request and therefore, imposes no additional burden beyond that which was covered under existing OMB control number 2070-0091. Send any comments regarding the burden estimate or any other aspect of this collection to Chief, Information Policy Branch (2136), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, ''Attention: Desk Officer.''

Under section 203 of AHERA, EPA may, upon request of a State Governor and after notice and comment and opportunity for a public hearing in the State, waive in whole or in part the requirements of the rule promulgated under section 203, if the State has established and is implementing or intends to implement a program of asbestos inspection and management which is at least as stringent as the requirements of 40 CFR part 763, subpart E. The AHERA rule requires that specific information be included in a waiver request. The rule establishes a process for EPA to review waiver requests, and sets forth procedures for

oversight and rescission of waivers granted to the States.

The rule requires States seeking waivers to submit requests to the Regional Administrator for the EPA Region in which the State is located. EPA is hereby issuing a notice in the **Federal Register** announcing receipt of the request and soliciting written comments from the public pertaining to the Commonwealth of Massachusetts' AHERA waiver request. Comments must be submitted by August 24, 1998. If during the comment period, EPA receives a written objection to the State's request, EPA will schedule a hearing to be held in the affected State after the close of the comment period.

On September 26, 1997, Acting Governor Argeo Paul Cellucci submitted to John P. DeVillars, Regional Administrator, EPA Region I, a request for a waiver under 40 CFR 763.98. The request was received by the EPA Regional Office on September 27, 1997. The State's submittal requested a waiver from all requirements of 40 CFR part 763, subpart E.

The Massachusetts waiver request was deemed complete by EPA on October 14, 1997, in that it contained all of the following provisions which are required by the AHERA regulations.

1. A copy of the State provisions and proposed provisions relating to its program of asbestos inspection and management in schools for which the request is made.

2. The name of the State agency that is responsible for administering and enforcing the requirements for which a waiver is requested. The names and job titles of responsible officials in that agency, and telephone numbers whom the officials can be contacted.

3. Detailed reasons, supporting papers, and the rationale for concluding that the State's asbestos inspection and management program provisions, for which the request is made, are at least as stringent as the requirements of 40 CFR part 763, subpart E.

4. A discussion of any special situations, problems, and needs pertaining to the waiver request accompanied by an explanation of how the State intends to handle them.

5. A statement of the resources that the State intends to devote to the administration and enforcement of the provisions relating to the waiver request.

6. Copies of any specific or enabling State laws and regulations relating to the request, including provisions for assessing criminal and/or civil penalties.

7. Assurance from the Governor, Attorney General, or the legal counsel of the lead agency that has the legal authority necessary to carry out the requirements relating to the request.

EPA may waive some or all of the requirements of 40 CFR part 763, subpart E if:

1. The State has the legal authority necessary to carry out the provisions of asbestos inspection and management in schools relating to the waiver request. The Massachusetts Department of Labor and Workforce Development recognizes that asbestos exposure in schools (and elsewhere) is a serious concern. The Massachusetts General Assembly also recognized this, and during a 1987 legislative session a bill was passed—Mass Gen. Laws ch. 149, Sec. 6C-authorizing the Air Pollution Control Division, Massachusetts Department of Labor and Workforce Development, to implement State requirements under AHERA to establish a certification program for abatement contractors, develop and implement asbestos work practices and exposure standards, collect fees, and levy fines. Effective June 30, 1993, the revised Massachusetts asbestos regulation required the certification of all persons engaging in asbestos-related work. The requirement applies to all public and commercial buildings as well as schools. The revised regulation also contains more stringent work practices for asbestos abatement and expands the enforcement capabilities of the State in regards to false training documents submitted to obtain certification. The Massachusetts General Assembly has enacted authority for the Massachusetts Department of Labor and Work Force Development to enforce rules and regulations to minimize the risk to the public from exposure to asbestos, including requirements for asbestos management plans to be submitted and implemented by schools. All requisite legislative/legal authority to implement the AHERA waiver program has been adopted, and no problems are anticipated in meeting waiver objectives.

2. The State's program of asbestos inspection and management in schools relating to the waiver request and implementation of the program will be at least as stringent as the requirements of 40 CFR part 763, subpart E. On August 25, 1997, Massachusetts adopted the requirements of 40 CFR part 763, subpart E in their entirety, with the exception of §§ 763.97 and 763.98, into the Massachusetts Department of Labor and Workforce Development Regulation No. 453 CMR 6.00 ''The Removal, Containment or Encapsulation of Asbestos School Requirements.'' The State indicated in its August 25, 1997 letter that it intends to administer these regulations in a manner that will be at least as stringent as the requirements of 40 CFR part 763, subpart E.

3. The State has an enforcement mechanism to allow it to implement the program described in the waiver request. The State conducts routine AHERA inspections and abatement inspections. Routine AHERA inspections result in a determination of compliance regarding the creation, maintenance and implementation of an adequate, updated management plan. Abatement inspections focus on assessing compliance with the AHERA and State asbestos requirements, including such things as implementation of appropriate work practices, compliance with accreditation (State Certification) requirements and proper recordkeeping.

Abatement inspections are initiated as a result of tips or complaints, to assess compliance with any applicable State or EPA asbestos rules. In addition, the State will continue to update its existing Neutral Administrative Inspection Scheme (NAIS) in support of targeting LEAs and other persons for AHERA compliance inspections. The NAIS will include a specific method or criteria for selecting inspection targets and will comply with EPA's National Compliance Monitoring Strategies for AHERA. The State also has completed an enforcement response policy to determine the most appropriate enforcement action for each violation of the State's laws and regulations.

4. The State has qualified personnel to carry out the provisions relating to the waiver request. The State has 18 employees trained to stringently enforce, the requirements of 40 CFR part 763, subpart E. The program will be carried out by staff in the Massachusetts Department of Labor and Workforce Development. Of these, four staff work full-time under the EPA TSCA Asbestos Enforcement Grant. These staff are fully-trained and certified as Building Inspector/Management Planners and Contractor/Supervisors. Two of four staff persons are conducting full AHERA inspections. One staff person is conducting Worker Protection Rule (40 CFR part 763, subpart E) inspections and is currently training to conduct full AHERA inspections. The fourth person administers the grant with EPA and works on case development resulting from inspections.

5. The State will devote adequate resources to the administration and enforcement of the asbestos inspection and management provisions relating to the waiver request. Based upon review by the EPA Region I Office, the Agency

feels that the resources developed by the Massachusetts Department of Labor and Workforce Development are adequate to effectively implement and administer the asbestos program in Massachusetts.

6. Final approval of the program by EPA will require effective implementation and continued use of the EPA-approved NAIS, logging and tracking system, enforcement strategy and standard operating procedures, enforcement response policy, and communication strategy. EPA's final approval of the State's program will require the State to continue to provide adequate resources to support the administration of the program.

The reporting and recordkeeping provisions relating to State waivers from the requirements of the Asbestos-Containing Materials in Schools Rule at 40 CFR part 763 have been approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 and its implementing regulations at 5 CFR part 1320 and assigned OMB control number 2070–0091.

With this notice, EPA is hereby announcing receipt of the State's request and soliciting written comments from the public pertaining to the Commonwealth of Massachusetts' AHERA waiver request. Comments must be submitted by July 24, 1998. If during the comment period, EPA receives a written objection to the State's request, EPA will schedule a hearing to be held in the Commonwealth after the close of the comment period.

The official record for this document, as well as the public version, has been established for this document under docket control number ''OPPTS–62155'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

bryson.jamesm@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption, Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number ''OPPTS–62155.'' Electronic comments on this document may be filed online at many Federal Depository Libraries.

List of Subjects in Part 763

Environmental protection, Asbestos, Administrative practice and procedure, Hazardous substances, Imports, Intergovernmental relations, Labeling, Occupational safety and health, Reporting and recordkeeping requirements, Schools.

Dated: June 15, 1998.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 98–16770 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 98–3967; Notice 1]

RIN 2127–AG88

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Federal motor vehicle safety standard on lighting to relieve design restrictions that may inadvertently prevent the implementation of certain new-technology light sources in motor vehicle lamps. These are light emitting diodes (LEDs) and miniature halogen bulbs. The standard would be amended to add two paragraphs reflecting SAE specifications for measurement of photometrics in taillamps and in certain stop and turn signal lamps with more than one lighted section and for LED heat testing. The agency issued a proposal on these issues in 1994, but terminated rulemaking the following year. These issues are being revisited in response to a petition for rulemaking from Reitter & Schefenacker GmbH & Co. KG.

DATES: Comments are due on the proposal August 10, 1998. The proposed effective date is one year after publication of the final rule. However, the agency is soliciting comments on whether optional compliance should be allowed in advance of that date.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, S.W., Washington, D.C. 20590 (Docket hours are from 10:00 a.m. to 5:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Chris Flanigan, Office of Safety Performance Standards (202–366–4918).

SUPPLEMENTARY INFORMATION:

Introduction

On April 8, 1994, the agency published a notice of proposed rulemaking (NPRM) to amend Federal Motor Vehicle Safety Standard No. 108, ''Lamps, Reflective Devices, and Associated Equipment,'' to relieve design restrictions that may inadvertently prevent the implementation of certain new-technology light sources in lamps (59 FR 16788). These new lamp technologies include light-emitting diodes (LEDs), miniature halogen bulbs, and other light sources with a limited luminous flux. Luminous flux is the total light emitted from a light source, in all directions. All these light sources will be referred to as ''limited flux light sources'' hereafter. Compared with light sources with traditional filaments, non-filament light sources such as LED and miniature halogen light sources emit only a fraction of the luminous flux of filament light sources. Consequently, to achieve the same performance as a single traditional filament light source, it is necessary to use multiple non-traditional light sources, hence their identification as ''limited flux light sources.'' In the 1994 proposal, the agency asked for comment on how it might specify a means of determining the number of equivalent lighted sections for lamps equipped with these new lamp technologies. The agency wishes Standard No. 108 to be responsive to new technologies and to remove inadvertent impediments to their implementation. The notice also proposed a performance requirement to determine an LED lamp's ability to maintain photometric compliance under increased temperature conditions.

The requirements contained in Standard No. 108 for signal lamps are based on Society of Automotive Engineers (SAE) Standards and Recommended Practices that were developed to accommodate incandescent bulbs, i.e., those with filaments. These were developed many years before LEDs when incandescent bulbs were the only light sources in use at that time. New lighting source technologies have arisen that have fundamentally different characteristics than incandescent lamps. Thus, it is difficult to apply the specifications of Standard No. 108 to the new

technologies. Attempts to do so have revealed some ambiguities and inconsistencies with the design and method of performance of the new technologies. The SAE standards for taillamps, and for stop and turn signal lamps on vehicles with an overall width of less than 80 inches, treat a lamp having one bulb as a lamp with a single lighted section, a lamp having two bulbs as one with two lighted sections, and a lamp with three or more bulbs as one with three lighted sections. Thus, the standard requires that, if a lamp uses three or more light sources, it must meet the minimum photometric requirements of a three-compartment lamp. This becomes a problem when a manufacturer intends to make an LED lamp which is equal in size to a conventional incandescent lamp with one or two lighted sections. To make such an LED lamp, many more than three LEDs are needed. Typically, 15 or more are necessary. Thus, when there are three or more LEDs in one compartment, under current interpretations regarding the light output of one, two, and three-lighted section lamps, those LEDs must achieve the light intensity of a lamp with three lighted sections to comply with Standard No. 108. This results in a lamp which is overly bright in comparison with a similarly-sized single bulb/single lighted section incandescent lamp. This is because this lamp would be approximately one-third the size of a lamp with three lighted sections, and must achieve about 1.3 times the intensity of a lamp with a single lighted section. Further, it is unnecessarily expensive because a greater number of LEDs must be used to achieve the intensity of three lighted sections than would otherwise be used to achieve the intensity of a single lighted section.

In their comments on the 1994 NPRM, the American Automobile Manufacturers Association (AAMA), Ford Motor Company (Ford), and General Motors Corporation (GM) all indicated that they thought it was premature for the agency to specify unique requirements for lamps equipped with these light sources until studies could be completed to assess concerns regarding possible perceptions with respect to their brightness. AAMA wanted to gather data on intensity, brightness, and dimensional features (e.g., aspect ratio—the ratio of length to height) of signal and marker lamps of recent model vehicles. Other commenters could not reach a consensus on an appropriate specification.

Based on these comments, the agency concluded that, although the lighting industry had a solution acceptable to it, there was a great uncertainty within the vehicle industry about the best method of regulating the photometric requirements of non-traditional light sources for signal and marker lamps. In view of this uncertainty on the part of the automotive industry, the agency terminated the rulemaking on June 19, 1995 (60 FR 31939), stating that it might reinitiate it at a time when an outcome that would be more acceptable was a prospect. The termination also covered the proposed performance requirement to determine an LED lamp's ability to maintain photometric compliance under increased temperature conditions, as NHTSA anticipated that the industry, in a short time, would develop a test procedure more representative of the real world.

On February 6, 1997, Reitter & Schefenacker GmbH & Co. KG (Schefenacker), a lighting manufacturer, petitioned the agency to revisit this issue. Schefenacker stated that Standard No. 108 is design restrictive and a burden for vehicle and signal lamp manufacturers because it makes LED signal lamps unnecessarily expensive and, in certain cases, too large to fit on the vehicle. This is because, in nearly all cases, lamps which use LEDs must meet the requirements for a three-section lamp. This imposes design restrictions because the lamps must be made larger to accommodate the additional LEDs. According to Schefenacker, this can increase the cost of the lamp by 50 percent. The petitioner also stated that, due to the increased number of LEDs in the lamps, the brightness is increased and may cause discomfort glare to following drivers. Schefenacker argued that if Standard No. 108 were amended to account for the different characteristics of LEDs, the size of lamps would be comparable to conventional lamps and there would be no fundamental change in appearance. Based on these arguments, NHTSA has decided to reopen rulemaking.

The second issue addressed in the 1994 NPRM was the effect of heat on the luminous flux of LEDs. Unlike incandescent light sources, the luminous flux of LEDs drops rapidly as their temperature increases. This could be a problem if the lamps are illuminated for a long period of time, such as can occur with use of the hazard warning system or when stop lamps are applied in dense urban traffic. LEDs can also become heated if they are used in an environment with a relatively high ambient temperature. The agency's position on this issue has been that LEDs should conform at any temperature in the motoring environment. The SAE addresses this characteristic in SAE Recommended Practice J1889 JUN88 ''L.E.D. Lighting Devices.'' This specification contains tests which test the performance of LEDs at higher temperatures.

Background

Limited Flux Light Sources

The adoption of requirements for a center high-mounted stop lamp (CHMSL) has resulted in some creative solutions to the problem of integration of the lamp into the overall vehicle design. To reduce the size and obtrusiveness of the lamp, while maintaining the photometric conformance called for by Standard No. 108, manufacturers began to resort to smaller light sources. Limited flux light sources have been used in CHMSLs (because the standard contains no light source specifications for CHMSLs, any light source is permissible).

However, the application of Standard No. 108 to lamps with limited flux light sources raises the question as to how to determine compliance with photometric requirements, specifically, how to define a lighted section. SAE Standards J586 FEB84 and J588 NOV84 incorporated by reference and applying to stop lamps and turn signal lamps on vehicles whose overall width is less than 2032 mm (80 inches), and SAE Standard J585e September 1977, applying to taillamps on all vehicles, specify requirements to be met by lamps with one, two, and three lighted sections. These standards are based upon incandescent bulb technology where requirements are generally met by using one bulb for each lighted section. The specification of 32 candela per lighted section is based upon the highest output of contemporary incandescent signal lamp bulbs. When requirements are intended to be met by limited flux light sources, the light output specification cannot be provided by a single light source, but must be provided by multiple light sources. However, current interpretations of what is necessary to comply with Standard No. 108 do not contain any differentiations based upon the type of light source, only upon the number of light sources, because the SAE standards have not contained any differentiations based on type of light source. Thus, if 20 LEDs provide the same illumination as a single filament bulb, a lamp equipped with the former is considered a lamp with three lighted sections for purposes of compliance, not a single-section lamp. To meet the photometric requirements for three-

section lamps, manufacturers must use an overly bright and costly array of LEDs.

Schefenacker suggested three ways to address the problem. The first is to require lamps which use limited flux light sources to meet the photometric requirements of lamps with one lighted section regardless of the size of those lamps. The second is to use luminous flux limits by summing the luminous flux of LED's, thereby providing some method of equating the number of LEDs to the equivalent number of lighted sections: lamps with up to 32 candlepower (cp) would be considered as having one section; between 32 cp and 64 cp, as having two sections; and greater than 64 cp, as having three sections. A lamp's candlepower would be determined by summing the rated candlepowers for each individual light source in a lamp. For example, if a lamp used 40 LEDs, each with a rated candlepower of one cp, the lamp's candlepower would be 40 cp. Under this approach to the problem, the lamp would be considered to be a lamp with two lighted sections because the sum of the rated candlepower is between 32 and 64 cp. The third way is to use size-dependent criteria for determining the equivalent number of lighted sections. A lamp would be regarded as having the equivalent of one lighted section if the maximum horizontal or vertical linear dimension of the effective projected luminous lens area of the lamp is less than 150 millimeters (mm), two lighted sections if the dimension is 150–300 mm, and three lighted sections if the dimension is greater than 300 mm. This is the specification which is contained in SAE J1889 and which was also proposed in the 1994 NPRM.

Hewlett-Packard, a manufacturer of LEDs, recommended another method to deal with this issue. Under this approach, which the agency proposed in the 1994 NPRM as an alternative, lamps using LEDs or other limited flux light sources need only meet the intensity specifications for single-section lamps, provided that: (a) the maximum horizontal or vertical distance between the apparent optical centers of the closest adjacent light sources within the lighted section of the lamp are not greater than 2.0 centimeters (cm); and (b), if there were more than one lighted section, there is not more than 2.0 cm between the edge of the closest adjacent lighted sections. Measuring the distance between the optical centers would therefore provide an objective method for determining whether there is more than one lighted section.

Arguing that the LED requirements in SAE J1889 were far too limiting from standpoints of cost and styling, Hewlett-Packard explained the rationale for its recommendation as follows:

> SAE's higher intensity requirements for multiple compartment lighting devices stems from the fact that the apparent ''brightness'' of any light emitting area is not solely dependent on the intensity measured, but also the area of the emitter. Any two light sources can exhibit the same intensity measurement, while the source with the smaller light emitting area will appear brighter to the human eye. This is due to the nature of the human eye's perception of light, and is frequently taken into account in the design of ''sterance [or brightness] matched'' displays in the information display industry. This effect is also demonstrated by the response of consumers who mention that LED high mount stop lamps are very bright, when in fact they are designed to meet the same intensity requirements as incandescent high mount stop lamps. The difference is in the light emitting area. The smaller the light emitting area for a given intensity, the brighter the appearance to the human eye.
>
> With this in mind, the proposed change in [Standard No. 108] will guarantee that at least a minimum level of brightness, or sterance, will be maintained regardless of length, area, or shape of the lighting device. This will allow lighting designers to fully realize all the benefits of styling and flexibility of LED lighting and provide a conspicuous and understandable signal device whether it be in tail, stop, or turn mode.

To the agency's knowledge, the vehicle industry has not come to a consensus on how to define the number of lighted sections in a lamp since NHTSA published the 1994 NPRM. Because of the multitude of lamp designs (different shapes, sizes, lens optics, etc.) installed in on today's vehicles, it may take more time to determine the best method. However, notwithstanding the absence of a consensus, the agency believes that it should move forward with rulemaking. Unlike 1994, when the agency issued a proposal on its own initiative, this time it is issuing a proposal in response to a petition from a member of the industry.

Agency Proposal Regarding Limited Flux Light Sources

This notice outlines the advantages and disadvantages of its proposed solution, as well as those of three alternative solutions suggested above. The public is invited to submit other recommendations. However, the agency wishes to make clear that if other recommendations are made and if they are substantially different from those which are proposed, their consideration could necessitate the issuance of a supplemental proposal and thereby prolong the rulemaking process. In any event, the agency plans to proceed to a final rule to resolve this issue.

The following is a discussion of possible solutions and their advantages and disadvantages:

1. At the present, the agency tentatively concludes that the most logical solution is the one that it is proposing: the adoption of size-dependent criteria for determining the equivalent number of lighted sections. A lamp would be regarded as having the equivalent of one lighted section if the maximum horizontal or vertical linear dimension of the effective projected luminous lens area of the lamp is less than 150 millimeters (mm), two lighted sections if the dimension is 150–300 mm, and three lighted sections if the dimension is greater than 300 mm. This is essentially the same specification contained in SAE J1889 and proposed by NHTSA in 1994. Schefenacker, too, recommended this solution. This specification was developed and accepted by the lighting industry for this very purpose. Further, adopting this specification would satisfy Federal requirements (i.e., National Technology Transfer and Advancement Act of 1995 and Office of Management and Budget Circular A–119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities) concerning Federal agencies' use of industry consensus standards except where inconsistent with law or otherwise impractical . Adopting accepted industry consensus standards eases the regulatory burden on manufacturers since many of them are already meeting them. However, given that SAE J1889 was adopted in 1988, an important question is whether the parameters remain representative of lamp designs that are in use now and those that are contemplated in the foreseeable future. NHTSA invites comments on this issue.

2. Another possible solution suggested by Schefenacker is that all lamps which use limited flux light sources meet the photometric requirements of lamps with one section. This specification assumes that a cluster of these bulbs will be used to achieve the same effect as one incandescent bulb. If, however, these bulbs are grouped with the intention of achieving the same effect as a two-section lamp with two incandescent bulbs, the lamp may be too dim. If a lamp with two or more sections is intended, the number of limited flux light sources which would normally be used for a one-section lamp could be spread out over the area of the multisection lamp. Such a lamp would comply with SAE J1889 and be less costly, but it would appear to observers to be only about half as bright as lamps that use normal

incandescent bulbs. This could present a problem in fog because the already-diffuse light emitting from the lamp would be diffused further by the fog.

3. Another alternative suggested by Schefenacker would be to use the luminous flux limits to determine the number of lighted sections. Lamps with up to 32 candlepower (cp) would be considered as having one section; between 32 cp and 64 cp, as having two sections; and greater than 64 cp, as having three sections. A lamp's candlepower would be determined by summing the rated candlepower for each individual light source in a lamp. For example, if a lamp used 40 LEDs, each with a rated candlepower of one cp, the sum would be 40 cp. Under this suggested way of addressing the problem, the lamp would be considered to be a two-section lamp because the sum of the rated candlepower is between 32 and 64 cp. This is an easily enforceable specification for some light sources, typically miniature halogen bulbs, as the ratings of the bulbs could be easily determined. Thus, each lamp would be clearly defined by the bulbs it is designed to use.

However, there may be some problems with this approach for manufacturers which produce LED and neon light sources. If the summed numbers do not represent the real world, or because of a lack of standardization, it is possible that this approach would not be viable. NHTSA therefore requests comments as to the representativeness of the numbers. This approach may also cause problems in the design of lamps. For example, if the optimal design for a certain lamp calls for 33 LEDs, rated at one cp per LED, the lamp would be required to comply with the two-section specifications. This is because the sum of the candlepower of the LEDs would total 33 cp, which is between 32 and 64 cp. To comply with the two-section requirements, more LEDs may have to be added to achieve the required level of brightness. This may make the lamp overly bright and costly, the same situation that exists today. However, the agency is interested in having comments on all the suggestions made by Schefenacker as discussed above.

4. Another alternative submitted by Hewlett-Packard was also proposed in the 1994 NPRM. Under this alternative, lamps using LEDs or other limited flux light sources need only meet the intensity specifications for single-section lamps, provided that: (a) the maximum horizontal or vertical distance between the apparent optical centers of the closest adjacent light sources within the lighted section of the lamp are not greater than 2.0 centimeters (cm); and (b), if there were more than one lighted section, there is not more than 2.0 cm between the edge of the closest adjacent lighted sections.

This alternative would provide maximum flexibility for manufacturers who use LEDs because they could use many configurations. However, miniature halogen bulbs may be too large to put in some intricate configurations for lamp design, especially for manufacturers of LEDs such as Hewlett-Packard. Further, this approach may provide too much flexibility. For instance, it would allow a manufacturer to write its name in script form in lights, provided each light source was within 2.0 cm of another other, and thus have it considered a single-section lamp. A specification such as this could allow too much flexibility and result in lamps which are so unconventional in appearance that they would be likely to be misunderstood by the public. One goal of Standard No. 108 is to provide lamps which are fairly universal in appearance for assuring quick recognition of stop and turn signal lamps. This can be critical in many situations such as abrupt stops and turns. Nevertheless, the agency wishes to have informed opinion on this approach, and invites the public to comment on it.

Within the past year, the agency received a suggestion from the Chair and a member of the SAE Heavy Duty Lighting Standards Committee. Addressing the issue of LEDs and lighted sections, they recommended amending Standard No. 108's paragraph on definitions.

They would add a definition for ''composite light source:''

> Composite light source means a device consisting of two or more adjacent light sources, with or without common or individual primary reflectors, integrated and powered by one electronic module or electric circuit designed to function as a single, independent unit providing single or multiple lighting functions. The device forms an indivisible joined unit which cannot be dismantle without rendering it completely unusable.

They would also change the current definition of ''multiple compartment lamp'' to read:

> Multiple compartment lamp means a lamp which provides its lighting function using two or more lighted areas, each of which is lighted by a separate, composite, or single light source, and which are joined by one or more common parts, such as a housing or lens.

While these definitions would help solve problems for lamps using LEDs, they would not resolve issues relating to miniature halogen lamps or other miniature light sources. The last sentence of the definition suggested for ''composite light source'' specifies that the unit be indivisibly joined and not able to be dismantled without rendering it useless. Lamps that use LEDs generally incorporate a circuit board with all the LEDs permanently attached to it. However, other miniature light sources use bulbs that can be individually replaced. NHTSA believes that its rulemaking should take into account all miniature light sources. However, the agency invites comments on the approach discussed above.

A GM safety office employee has asked a staff member of the agency to consider an issue that is related to this rulemaking. Standard No. 108 requires that failure of a turn signal lamp be indicated to the vehicle operator. In many turn signal systems, when a failure occurs, the turn signal indicator light ceases to flash and begins to operate in a steady-burning mode. The question arises as to how many LEDs in a turn signal lamp using LEDs must fail in order for the failure to be indicated to the driver. Certainly, a failure of one or two LEDs out of, say, 40 ought not to create a noticeable decrease in turn signal intensity. However, a level could be reached which could significantly affect the lamp's effectiveness, when 15, 20, or more LEDs cease to function. The agency views this rulemaking as an opportune and appropriate time to solicit comment on this issue, and asks that each person wishing to comment address it specifically.

Finally, there is the possibility of regulating the luminance of the lamp itself, without reference to the number of sections or light sources. Performance standards could be adopted that would assure the lamps would have a maximum and minimum luminance. While such a change might be difficult, with no enhancement of safety, this approach could allow design flexibility that could reduce lamp and vehicle costs. The agency, therefore, is inviting comments on this possibility and how it might be developed and implemented.

In accordance with the discussion above, NHTSA is proposing the addition of a new paragraph S5.1.1.23 to read:

> S5.1.1.23 Instead of being designed to conform to photometric requirements based on the number of lighted sections specified in SAE J586 FEB84, SAE J588 NOV84, and SAE J585e September 1977, as applicable, each stop lamp, turn signal lamp, and taillamp that is equipped with light-emitting diodes or other miniature light sources, and that needs more than one light source to achieve compliance with the photometric performance required of a single lighted

section, shall be designed to conform to photometric requirements based on the dimension of the effective projected luminous lens area for the function being tested. A lamp is regarded as having one lighted section if the maximum horizontal or vertical linear dimension of the effective projected luminous lens area of the lamp is less than 150 millimeters (mm), two lighted sections if the dimension is 150–300 mm, and three lighted sections if the dimension is greater than 300 mm.

Effective Projected Luminous Area

At numerous places in Standard No. 108, there are requirements for the ''minimum effective projected luminous area'' of signal and marker lamps. This area is defined by the standard as being the area of the projection on a plane perpendicular to the lamp axis of that portion of the light-emitting surface that directs light to the photometric test pattern, and does not include mounting hole bosses, reflex reflector area, beads or rims that may glow or produce small areas of increased intensity as a result of uncontrolled light from small areas (½ degree radius around the test point). The rationale for area requirements is to ensure that the lamps' luminance is not too high, while reducing the light dispersion effect of dirt on the lens. This is especially important for larger vehicles that tend to be cleaned less often.

In the case of lamps which use LEDs or other types of miniature light sources, the individual light sources each produce a narrow beam of light. Because of this, the individual light sources illuminate very distinct areas of the entire lamp lens. For example, looking at a single, circular tail lamp which uses 25 LEDs as its light sources, the narrow beam of each LED creates an appearance of 25 small illuminated circles within the larger circular lens. The area surrounding these 25 illuminated circles appears to not be illuminated. However, based on informal conversations with a lamp manufacturer, on some lamps, if one were to cover the smaller circular areas on the lens where the LED beams are projected on the lens surface, there is a small amount of light that can be detected from the darker regions which are not covered. This small amount of light allows the lamp to comply with the minimum effective projected luminous area requirements, as the total light emitted is from the entire lamp surface.

While lamps using miniature light sources may technically comply with the minimum effective projected luminous area requirements of the standard, the agency is concerned that dirt on the lens could easily negate the light emission from these interstices such that the lamp becomes markedly smaller in lens area for emitted light. That is, the minuscule amount of light emitted from the areas outside the beams of the light sources may not be enough to be seen in some conditions, such as driving in very bright sunlight or with mildly dirty lenses.

The agency's concerns are even greater for some combination lamp designs using miniature light sources. In some lamp designs the stop, turn, and taillamp functions are incorporated into one lamp. For some of these lamps, only a fraction of the total number of light sources are illuminated for the taillamp signal. The taillamp function may utilize one-tenth of the miniature light sources that the stop or turn lamp uses. Again, industry testing of these turn signals has shown that there still is a small amount of light emitted from the entire lens surface. But, because of the smaller number of light sources being illuminated for some tail lamps, the likelihood is increased that the critical areas of the lamp could be reduced in output.

The agency would like to have comments on this issue. Specifically, NHTSA wishes to have the view of commenters on whether lamps which use miniature light sources with narrow beams are more likely to have performance degraded than those lamps where the light is more evenly distributed over the lens. NHTSA would like comments on the quantum of light emitted outside the narrow beams of light from the miniature light sources and whether it is sufficient for the lamp to retain some functionality in case it is impaired by road contaminants. In addition, commenters should address how the minimum effective projected luminous area should be measured to account for the narrow beams of LED's and similar sources, and whether there should be requirements to distribute the light more evenly over the lens surface.

Heat Performance of LEDs

In the 1994 NPRM, the agency proposed to adopt the text of SAE J1889 which specifies (paragraphs 3.1.5.2 and 3.1.5.3) a temperature condition for testing LED lamps to photometric maxima and minima. For measurements of the maximum photometrics, an unenergized test device is stabilized at the laboratory's ambient temperature, which is 23 ±5 degrees Celsius (°C). It is then energized. The maximum values within 60 seconds of the initial ''on'' time are recorded. For measurements of the minimum requirements, an energized device is also stabilized within the same temperature range until either the heat buildup saturation has occurred, or 30 minutes has elapsed, whichever first occurs. Measurements are then taken of the already-energized lamp. However, this test procedure does not cause LEDs to reach the temperatures they could experience in very hot climates. Because of this, the industry asked the agency to defer rulemaking on this issue so that it could develop a test procedure which represents real world conditions. However, the industry has not moved forward on this issue, and the agency has decided to repropose the procedure.

This procedure provides a simple method for testing the relationship between temperature and light intensity by having the lamps heat themselves. It does not replicate the environment in which lamps on motor vehicles must produce correct signals for the transmission of safety information. In the real world, lamps are heated by the environment, such as use on a hot day in Florida. It is conceivable that lamps could be placed in a heat chamber to simulate the environment and tested photometrically. However, this would not be practicable because of the expense of tests and their lack of repeatability. The SAE test represents a thoughtful and repeatable solution to this simulator. However, developing a practicable test procedure that replicated that environment would be problematic. NHTSA believes that a test procedure which represents real world conditions would be overly burdensome to the industry. Attempting to create such a procedure would require a heat chamber to heat the LEDs to a temperature that represents a very hot climate. If the lamp were to be placed in a heat chamber and heated, the lamp would have to be removed when it reached the desired temperature and mounted in the test device. During this interval, the temperature of the lamp would decrease, thus reducing the accuracy and repeatability of the test. To maintain the heat, the test device would have to be located in a large heat chamber. To create a test apparatus which could heat the LEDs, and also house the photometric equipment, would be very costly, assuming that the equipment would be accurate and reliable at such high temperatures. Also challenging is assuring that an optically correct window can be fitted to the chamber so that the lamp's beam can be projected to the intensity measuring equipment located outside the test chamber if that equipment cannot be located inside the chamber.

To the agency's knowledge, the industry has not developed a procedure for testing the effects of temperature on LED lamps that is more representative

than that which is contained in SAE J1889 and that avoids the practical testing problems described above. Therefore, NHTSA is proposing that Standard No. 108 be amended to include the test procedure contained in SAE J1889. Although it does not represent the worst case conditions of the driving environment, it is a standard which was created by the industry to test LEDs' ability to maintain their photometric compliance when heated. As stated previously, it is preferable for the agency to adopt industry standards whenever it is feasible to do so. Additionally, this procedure is presently under consideration for incorporation in European standards in Geneva.

The agency thus proposes to add a new paragraph S5.1.1.24 to read:

S5.1.1.24 Any lamp whose light is provided by light-emitting diodes shall be designed to conform to the photometric requirements appropriate for its type when the lamp is stabilized at 23±5 degrees C, energized, tested 60 seconds after being energized, and allowed to operate continuously until either the internal heat buildup has stabilized or for 30 minutes, whichever occurs first, and tested again.

Optical Combinations

Standard No. 108 contains requirements for lamps and lamp functions which are combined optically. Paragraphs S5.4(b) and (c) refer to ''combined optically,'' which is defined in SAE J387, ''Terminology—Motor Vehicle Lighting NOV87.'' This definition states in part that an optical combination is a single or two filament light source or two or more separated light sources that are operated in different ways. NHTSA asks readers for their opinion whether this definition includes LEDs. Because LEDs do not have filaments, they are not ''filament light sources'' within the meaning of the first part of the definition. However, they could be ''two or more separated light sources operated in different ways'' within the meaning of the second part of the definition. LEDs are sometimes operated at different duty cycles depending on the photometric needs of the lamp. For example, because the lamps need to be brighter for the stop lamp function, the duty cycle would have to be higher than for the taillamp function. NHTSA asks whether this would constitute the LEDs being ''two or more separated light sources that are operated in different ways'' or is it really a single light source operated in different ways? If each LED is operated in two or more ways, the definition of ''combined optically'' may not be adequate and in need of change to accommodate light sources such as LEDs that alone can operate in different ways just by changing the nature of the electric signal supplied to them, e.g. different duty cycles, a polarity reversal, or alternating current. In this event, NHTSA will adopt a revision of the SAE definition and include it in the text of Standard No. 108.

Effective Date

The agency is proposing that S5.1.1.23 and S5.1.1.24 become effective one year after issuance of the final rule. However, it does not know whether there are existing lamps using LEDs and other miniature light sources which would require redesign in order to comply. Therefore, based upon the comments, an effective date of later than one year is a possibility. Nor does NHTSA know whether there are manufacturers who wish to comply with the proposed amendments in advance of their effective date. Accordingly, based upon the comments, optional compliance with the amendments in advance of their effective date is also a possibility.

Request for Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting for the information specified in the agency's confidential business information regulation, 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too later for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available to inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Rulemaking Analyses

Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed by the Office of Management and Budget under E.O. 12866, ''Regulatory Planning and Review.'' It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. The effect of the rulemaking action would be to adopt terminology more suitable to new technologies. It might require minimal redesign of stop lamps, turn signal lamps, and taillamps on vehicles in order to substitute LEDs and other miniature light sources. However, impacts of the cost of the proposed rule are expected to be so minimal as not to warrant preparation of a full regulatory evaluation.

Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking action in relation to the Regulatory Flexibility Act (5 U.S.C. Sec. 601 *et seq.*). I certify that this rulemaking action would not have a significant economic effect upon a substantial number of small entities.

The following is NHTSA's statement providing the factual basis for the certification (5 U.S.C. Sec. 605(b)). The proposed amendment would primarily affect motor vehicle and lighting equipment manufacturers. Under 15 U.S.C. Chapter 14A ''Aid to Small Businesses,'' a small business concern is ''one which is independently owned and operated and which is not dominant in its field of operation'' (15 U.S.C. Sec. 632). Manufacturers of motor vehicles and lighting equipment are generally dominant in their fields of

operations and are not small businesses within the meaning of the Regulatory Flexibility Act. Further, small organizations and governmental jurisdictions would not be significantly affected by the proposed rule as the price of new motor vehicles should not be impacted. Accordingly, no Regulatory Flexibility Analysis has been prepared.

Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 on ''Federalism.'' It has been determined that the rulemaking action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for purposes of the National Environmental Policy Act. The rulemaking action would not have a significant effect upon the environment as it does not affect the present method of manufacturing motor vehicle lighting equipment.

Civil Justice Reform

This rule would not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 30161 sets forth a procedure for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that 49 CFR Part 571 be amended as follows:

1. The authority section would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

2. Section 571.108 would be amended by adding paragraphs S5.1.1.23 and S5.1.1.24 to read as follows:

§ 571.108 Standard No. 108; Lamps, reflective devices, and associated equipment.

* * * * *

S5.1.1.23 Instead of being designed to conform to photometric requirements based on the number of lighted sections specified in SAE J586 FEB84, SAE J588 NOV84, and SAE J585e September 1977, as applicable, each stop lamp, turn signal lamp, and taillamp that is equipped with light-emitting diodes or other miniature light sources, and that needs more than one light source to achieve compliance with the photometric performance required of a single lighted section, shall be designed to conform to photometric requirements based on the dimension of the effective projected luminous lens area for the function being tested. A lamp is regarded as having one lighted section if the maximum horizontal or vertical linear dimension of the effective projected luminous lens area of the lamp is less than 150 millimeters (mm), two lighted sections if the dimension is 150–300 mm, and three lighted sections if the dimension is greater than 300 mm.

S5.1.1.24 Any lamp whose light is provided by light-emitting diodes shall be designed to conform to the photometric requirements appropriate for its type when the lamp is stabilized at 23±5 degrees C, energized, tested 60 seconds after being energized, and allowed to operate continuously until either the internal heat buildup has stabilized or for 30 minutes, whichever occurs first, and tested again.

* * * * *

Issued: June 18, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–16808 Filed 6–23–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 980611156–8156–01; I.D. 060898A]

Pacific Halibut Fisheries; Control Date for the Halibut Charterboat Fishery

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

ACTION: Advance notice of proposed rulemaking; notice of control date for the halibut charterboat fishery.

SUMMARY: NMFS announces that anyone entering the halibut charterboat fishery in convention waters off Alaska after June 24, 1998 will not be assured of future access to that fishery if a management regime that limits the number of participants is developed and implemented under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). For purposes of this notice, a person in the halibut charterboat fishery means the owner or operator of a vessel that carries passengers for hire to engage in recreational fishing for Pacific halibut (*Hippoglossus stenolepis*) in convention waters off Alaska. This notice is intended to promote awareness of potential eligibility criteria for future access to the halibut charterboat fishery in convention waters off Alaska and to discourage new entrants into this fishery based on economic speculation while the North Pacific Fishery Management Council (Council) contemplates whether and how access to the halibut charterboat fishery in convention waters off Alaska should be controlled. The potential eligibility criteria may be based on historical participation. Therefore, current participants in the halibut charterboat fishery in convention waters off Alaska should locate and preserve records that substantiate and verify their participation in that fishery.

DATES: Comments must be received by July 24, 1998.

ADDRESSES: Comments should be addressed to Susan J. Salveson, Assistant Administrator for Sustainable Fisheries, Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Section 5 of the Halibut Act (16 U.S.C. 773c(c)) provides that the Regional Fishery Management Council having authority for the geographical area concerned may develop regulations governing Pacific halibut catch in U.S. Convention waters, including limited access regulations, that are in addition to, but not in conflict with, regulations of the International Pacific Halibut Commission (IPHC). The IPHC is the body authorized by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention) to promulgate regulations for the conservation and management of the Pacific halibut fishery. Section 5 of the

Halibut Act also provides that the Secretary of Commerce (Secretary) shall have the general responsibility for carrying out the Convention, and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the Assistant Administrator for Fisheries, NOAA.

The Council began consideration of management alternatives for the halibut charterboat fishery in September 1993 in response to a proposal from the Alaska Longline Fishermen's Association (ALFA). The proposal requested the Council to consider some type of limited access management for the halibut charterboat fishery, citing the recent and dramatic growth in that fishery and the consequential increase in halibut catch by that sector. Based on the ALFA proposal, the Council established the Halibut Charter Working Group (Work Group) to further develop management options for the halibut charterboat fishery.

The Work Group presented various management options to the Council for consideration. The Council, due to staffing priorities, deferred further action on the halibut charterboat issue until January 1995. In January 1995, the Council again reviewed the Work Group's findings, received public testimony, discussed further development of management options, and formulated a problem statement for analysis. Again, staffing priorities delayed formal analysis of the problem statement.

In June 1996, the Council revisited the halibut charterboat issue. The Council decided to narrow the alternatives for study by focusing on specific management alternatives. The specific alternatives were: (1) Status quo; (2) implement reporting requirements; (3) annually allocate the total allowable catch between guided sport and commercial fisheries; (4) a moratorium on new entries into the charterboat fishery; and (5) combine Alternatives 2, 3, and 4. In September 1996, a contract to analyze the specific alternatives was awarded to University of Alaska's Institute for Social and Economic Research.

In February 1997, a preliminary analysis was presented to the Council. The Council recommended several changes to the preliminary analysis. In April 1997, a revised analysis was presented to the Council for initial review. The Council recommended that the revised analysis be condensed prior to submission for public review. Also, the Council postponed final action on the halibut charterboat issue until September 1997.

In September 1997, the Council recommended that participants in the halibut charterboat fishery be required to complete performance reports and that guideline harvest levels (GHLs) be established for IPHC Areas 2C and 3A. Information collected by the performance reports was to include catch figures, location of catch, number of clients, residence information, ownership of vessel, and the identity of the operator. The GHLs would be based on the halibut charterboat fleet receiving 125 percent of its 1995 catch for IPHC Areas 2C and 3A.

In November 1997, NMFS informed the Council that the GHLs for the halibut charterboat fishery could not be published as a regulation until management measures, which would be employed if the GHLs were reached, were specified. In December 1997, the Council announced the formation of a Halibut GHL Committee (Committee). This Committee, made up of individuals representing the halibut charterboat fishery, the halibut non-guided sport fishery, the Council, and the Alaska Board of Fisheries, was tasked with developing management measures to employ if the halibut charterboat fishery exceeded the GHLs.

In February 1998, the Committee met and developed recommendations for management measures for the halibut charterboat fishery. The Committee presented its recommendations to the Council in April 1998. The recommendations included dropping the GHLs and developing local area management plans to resolve resource conflicts, converting the GHLs to allocations and allowing the ''banking'' of any uncaught portion of those allocations, and adopting the GHLs and employing a range of management measures to prevent the halibut charterboat fleet from exceeding the GHLs.

The Council approved the Committee's recommendations for analysis. Also, the Council requested that the analysis include a discussion on a rod permit program and further details on the proposed ''banking'' concept. Finally, the Council set a control date of April 27, 1998, or alternatively, the date of publication in the **Federal Register**. Previously, the Council had set control dates for the halibut charterboat fishery of September 23, 1993, and April 17, 1997. The Council requested that a discussion paper further describing the alternatives be presented to the Council in October 1998, and set initial review and final action for this issue for February 1999, and April 1999, respectively.

The Council intends to address whether and how to limit entry into the halibut charterboat fishery. The publication of this control date is to discourage speculative entry into the halibut charterboat fishery while potential management regimes to control access into the fishery are discussed and possibly developed by the Council. The control date will help distinguish established participants from speculative entrants into the fishery. Although participants are notified that entering the halibut charterboat fishery after the control date will not assure them of future access to the fishery based on previous participation, additional or other qualifying criteria may be applied. The Council may choose different and variably weighted methods to qualify participants based on the type and length of participation in the fishery or other methods of determining dependence on the fishery.

This notification hereby establishes June 24, 1998 for potential use in determining historical of traditional participation in the halibut charterboat fishery. This action does not commit the Council or the Secretary to develop or adopt any particular management regime or to use any specific criteria for determining entry into the fishery. The Council may choose a different control date or management program that does not make use of such a date. The Council may also choose to take no further action to control entry or access to the halibut charterboat fishery. Any action by the Council will be taken pursuant to the requirements of the Halibut Act and the Magnuson-Stevens Fishery Conservation and Management Act.

Authority: 16 U.S.C. 773–773k and 16 U.S.C. 1801 *et seq.*

Dated: June 15, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–16817 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 061698D]

New England Fishery Management Council; Public Hearings

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

ACTION: Public hearings; request for comments.

SUMMARY: The New England Fishery Management Council (Council) will hold a series of public hearings to solicit comments on proposals to be included in Amendment 9 to the Fishery Management Plan (FMP) for the Northeast Multispecies Fishery, Amendment 7 to the Atlantic Sea Scallop FMP, the Atlantic Herring FMP, and in a single amendment that brings all Council FMPs (Multispecies, Sea Scallop, Herring, Monkfish and Atlantic Salmon) into compliance with essential fish habitat (EFH) requirements of the Sustainable Fisheries Act (SFA).

DATES: Written comments will be accepted through July 15, 1998, for Amendment 9 to the Northeast Multispecies FMP, through July 31, 1998, for the EFH amendment, and through August 3, 1998, for Amendment 7 to the Atlantic Sea Scallop FMP and the Atlantic Herring FMP. The hearings will begin June 29, 1998, and end July 22, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates.

ADDRESSES: Send comments to Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1097. Hearings will be held in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut; New Jersey, Virginia, and North Carolina. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1097; telephone: (781) 231–0422. For specific locations, see **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, (781) 231–0422.

SUPPLEMENTARY INFORMATION: The Council proposes to take action to address the new and revised requirements of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the SFA of 1996. The Council will consider comments from fishermen, interested parties, and the general public on the proposals and alternatives described in four separate public hearing documents. These documents have been prepared for amendments to the Northeast Multispecies and Sea Scallop FMPs, the Herring FMP, and an amendment for compliance with EFH, which will amend the previously mentioned plans as well as the Monkfish and Atlantic Salmon FMPs. Once it has considered public comments, the Council will approve final measures and prepare submission packages for NMFS. There will be additional opportunities for public comments when the proposed rules for these actions are published in the **Federal Register**.

Amendment 9 to the Northeast Multispecies FMP

The Council is presenting the following items for public review and comment: (1) Proposed new or revised overfishing definitions for 12 species in the Northeast Multispecies Fishery Management Unit (excluding silver hake and red hake, which the Council will address in a separate amendment); (2) a revised specification of optimum yield (OY) from the fishery; (3) the inclusion of Atlantic halibut in the Multispecies FMP, with measures to stop overfishing and rebuild the halibut stocks; (4) modification of the rules allowing the use of square mesh nets by otter trawl vessels; (5) a 1–inch increase in the minimum size for winter flounder; (6) a possession limit for the Southern New England/Mid-Atlantic winter flounder fisheries; (7) adjustments to trip limit management methods; (8) postponement of the Vessel Monitoring Systems requirement beyond the scheduled implementation date of May 1, 1999; (9) a prohibition on the use of ''streetsweeper'' trawl gear; and (10) a framework adjustment process for approval of aquaculture projects in the EEZ. The Council will consider all comments received on these proposals until the end of the comment period on July 15, 1998.

Amendment 7 to the Atlantic Sea Scallop FMP

The following proposals will be discussed in the public hearing document: (1) A new overfishing definition and rebuilding targets for Atlantic sea scallops; (2) a revised specification of OY from the fishery; (3) a 10-year rebuilding schedule as the preferred alternative and a 7-year schedule as a non-preferred alternative; (4) options for increasing the minimum mesh size of the twine top portion of scallop dredges to reduce the bycatch of finfish; (5) continuation of mid-Atlantic closed areas (unless opened under specific reopening criteria adopted as part of the amendment); (6) a system for closing areas to improve yield per recruit; (7) annual monitoring and adjustment of measures to rebuild the resource; and (8) a provision to allow the following measures to be implemented through the framework adjustment process: (a) leasing of scallop DAS; (b) scallop size restrictions; and (c) aquaculture enhancement measures. Measures to end overfishing and rebuild the scallop resource will require substantial reductions in fishing in the next several years. Although the proposals are expected to have positive long-term economic impacts, they also are expected to have severely negative short-term economic, social, and fishing community impacts. These impacts are summarized in the public hearing document, which will be available at the hearings. The Council will consider all comments received until the end of the comment period on August 3, 1998.

Atlantic Herring FMP

Major elements of the proposals in the public hearing document include (1) a definition of overfishing and establishment of a total allowable catch (TAC); (2) various options to distribute the TAC; (3) options for controlling the catch, either through mandatory days out of the fishery (an open access fishery) or through a controlled access system; (4) alternatives for addressing spawning restrictions; (5) the size of vessels in the fishery; (6) allowed uses for herring (such as for roe or meal); (7) regulations for joint venture and internal waters processing operations; and (8) administrative requirements such as vessel, dealer and operator permits, vessel and dealer reporting requirements, and observer/sea sampler provisions. These are joint Council/Atlantic States Marine Fisheries Commission (ASMFC) public hearings. The ASMFC measures will be adopted in state waters, while the Council measures will apply to vessels holding Federal permits to fish in the EEZ. The Council will consider all comments received until the end of the comment period on August 3, 1998.

Essential Fish Habitat Amendment

The Council will conduct hearings to consider public comment on management proposals to address the EFH requirements of the SFA and to submit measures to the Secretary of Commerce as an amendment to all Council FMPs. The following items will be available for public review and comment: (1) The identification and

description of EFH for Atlantic herring, sea scallops, Atlantic salmon, and 15 species of groundfish; (2) the identification of proposed habitat areas of particular concern (HAPC) for Atlantic cod and Atlantic salmon; (3) an assessment of fishing-related threats and impacts to EFH; (4) consideration of management measures to mitigate the adverse impacts of fishing activities on EFH and HAPC; (5) an assessment of non-fishing related threats and impacts to EFH; (6) conservation and enhancement measures and recommendations developed to mitigate the adverse impacts of non-fishing related activities on EFH and HAPC; (7) a provision to allow the revision of the EFH designations and additional management measures for the conservation of EFH to be implemented through the framework adjustment process; and (8) research and information requirements to improve the designation of EFH and better understand the impacts of fishing and non-fishing activities on EFH. The Council will consider all comments received until the end of the comment period on July 31, 1998.

Public Hearings

The dates, times, locations and telephone numbers of the hearings are scheduled as follows:

Amendment 9 to the Northeast Multispecies FMP–

Monday, June 29, 1998, 6:00 p.m.—Seaport Inn, 110 Middle Street, Fairhaven, MA 02719; telephone (508) 997–1281;

Tuesday, June 30, 1998, 6:00 p.m.—Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone (207) 775–2311;

Wednesday, July 1, 1998, 6:00 p.m.—Holiday Inn, US Route 1 & 3, Ellsworth, ME 04605; telephone (207) 667–9341;

Monday July 6, 1998, 6:00 p.m.—St. Peter's Club, 21–23 Main Street, Gloucester, MA 01930; telephone (978) 281–3160;

Tuesday, July 7, 1998, 3:00 p.m.—Radisson Hotel, 35 Governor Winthrop Boulevard, New London, CT 06320; telephone (860) 443–7000;

Wednesday, July 8, 1998, 3:00 p.m.—Holiday Inn, 290 Highway 37 East, Tom's River, NJ 08753; telephone (732) 244–4000; and

Monday, July 13, 1998, 3:00 p.m.—Ramada Inn, 1127 Route 132, Hyannis, MA 02601; telephone (508) 775–1153.

Amendment 7 to the Atlantic Sea Scallop FMP–

Monday, June 29, 1998, 1:30 p.m.—Seaport Inn, 110 Middle Street, Fairhaven, MA 02719; telephone (508) 997–1281;

Wednesday, July 1, 1998, 1:00 p.m.—Holiday Inn, US Route 1 & 3, Ellsworth, ME 04605; telephone (207) 667–9341;

Monday, July 6, 1998, 3:00 p.m.—Department of Environment and Natural Resources, 943 Washington Square Mall, Washington, NC 27889; telephone (919) 946–6481;

Tuesday, July 7, 1998, 3:00 p.m.—Holiday Inn Executive Center, 5655 Greenwich Road, Virginia Beach, VA 23462; telephone (757) 499–4400; and

Wednesday, July 8, 1998, 1:00 p.m.—Grand Hotel, 1045 Beach Drive, Cape May, NJ 08204; telephone (609) 884–5611.

Atlantic Herring FMP–

Tuesday, June 30, 1998, 1:00 p.m.—Radisson Hotel, 2081 Post Road, Warwick, RI 03886; telephone (401) 739–3000;

Wednesday July 1, 1998, 1:00 p.m.—Sawyer Free Library, 2 Dale Avenue, Gloucester, MA 01930; telephone (978) 281–9763;

Monday, July 6, 1998, 1:00 p.m.—Maine Department of Marine Resources, 194 McKown Point Road, West Boothbay Harbor, ME 04575; telephone (207) 633–9500;

Wednesday, July 8, 1998, 6:00 p.m.—Grand Hotel, 1045 Beach Drive, Cape May, NJ 08204; telephone (609) 884–5611; and

Thursday, July 9, 1998, 2:00 p.m.—Holiday Inn Executive Center, 5655 Greenwich Road, Virginia Beach, VA.

Essential Fish Habitat Amendment–

Tuesday, July 14, 1998, 1:00 p.m.—Sawyer Free Library, 2 Dale Avenue, Gloucester, MA 01930; telephone (978) 281–9763;

Wednesday, July 15, 1998, 6:00 p.m.—Maine Department of Marine Resources, 194 McKown Point Road, West Boothbay Harbor, ME 04575; telephone (207) 633–9500;

Thursday, July 16, 1998, 1:00 p.m.—Urban Forestry Center, 45 Elwyn Road, Portsmouth, NH 03801; telephone (603) 436–9713;

Friday, July 17, 1998, 1:00 p.m.—Massachusetts Maritime Academy, 101 Academy Drive, Buzzards Bay, MA 02532; telephone (508) 830–5000;

Monday, July 20, 1998, 1:00 p.m.—Holiday Inn, 290 Highway 37 East, Tom's River, NJ 08753; telephone (732) 244–4000; and

Wednesday, July 22, 1998, 6:00 p.m.—Radisson Hotel, 2081 Post Road, Warwick, RI 02886; telephone (401) 739–3000.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

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

Dated: June 19, 1998.

Gary C. Matlock,

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

[FR Doc. 98–16785 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 63, No. 121

Wednesday, June 24, 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

Office of the Secretary

Commission on 21st Century Production Agriculture Meeting

AGENCY: Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: The U.S. Department of Agriculture (USDA) has established the Commission on 21st Century Production Agriculture. In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (FACA), notice is hereby given of the second meeting of the Commission on 21st Century Production Agriculture. The purpose of this meeting is to consider organizational matters and review of farm policy issues. This meeting will be open to the public.

PLACE, DATE, AND TIME OF MEETING: The meeting will be held in Room 221–A, Jamie L. Whitten Federal Building, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250, from 1:00—5:00 EST on July 9, 1998, and 8:00 am—12 noon EST on July 10, 1998.

FOR FURTHER INFORMATION CONTACT: Keith J. Collins (202–720–5955), Chief Economist, Room 112–A, Jamie L. Whitten Federal Building, 1400 Independence Avenue, SW, Washington, DC 20250–3810.

Dated: June 17, 1998.

Keith J. Collins,

Chief Economist.

[FR Doc. 98–16700 Filed 6–23–98; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Forms FNS–806–A, Claim for Reimbursement (National School Lunch and School Breakfast Programs), and FNS–806–B, Claim for Reimbursement (Special Milk Program for Children)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the public to comment on the proposed Food and Nutrition Service (FNS) use of Forms FNS–806–A and FNS–806–B, Claims for Reimbursement. The Forms are used to collect data to determine the amount of reimbursement school food authorities participating in the National School Lunch Program (NSLP), School Breakfast Program (SBP), and Special Milk Programs for Children (SMP) are eligible to receive.

DATES: Written comments must be submitted on or before August 24, 1998.

ADDRESSES: Send comments to Terry A. Hallberg, Chief, Program Analysis and Monitoring Branch, Child Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 1008, Alexandria, Virginia 22302.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will 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.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Terry Hallberg, (703) 305–2590.

SUPPLEMENTARY INFORMATION:

Titles: Forms FNS–806–A, Claim for Reimbursement, (National School Lunch, and School Breakfast Programs), and FNS–806–B, Claim for Reimbursement (Special Milk Program).

OMB Number: 0584–0284.

Expiration Date of Approval: May 31, 2000.

Type of Request: Revision of a currently approved collection.

Abstract: The NSLP, SBP and SMP claims for reimbursement forms, FNS–806–A and FNS–806–B, are used to collect meal and cost data from school food authorities whose participation in these programs are administered directly by FNS Regional Offices (Regional Office Administered Programs, or ROAP). In order to determine the amount of reimbursement school food authorities are entitled to receive for meals and milk served, they must complete these forms. The completed forms are submitted to FNS' Regional Offices where they are entered into a computerized payment system. The payment system computes earned reimbursement.

Earned reimbursement in the NSLP, SBP and SMP is based on performance, that is, an assigned rate per meal or half pint of milk served, with cost comparisons for free milk and severe need breakfasts. To fulfill the earned reimbursement requirements set forth in NSLP, SBP and SMP regulations issued by the Secretary of Agriculture (7 CFR 210.8, 220.11, 215.10), the meal and cost data must be collected on forms FNS–806–A and FNS–806–B. These forms are an intrinsic part of the accounting system being used currently by the subject programs to ensure proper reimbursement as well as to facilitate adequate recordkeeping.

This request is being made because FNS is implementing a new payment system for the ROAPs in the NSLP, SBP, and SMP. The current version of form FNS–806 is used to collect meal and cost data for all three (3) of these programs. In the new payment system, the data for the SMP will be collected and recorded separately from the data for the NSLP and SBP. The claims for reimbursement for the NSLP and SBP will be on the FNS–806–A and the claims for reimbursement for SMP will be on the FNS–806–B. The data elements are the same, but collection will be on two different forms.

Estimate of Burden: Public reporting burden for this collection of information

is estimated to average .5 hours per response.

Respondents: The respondents are school food authorities and facilities participating in the NSLP, SBP, and SMP under the auspices of the FNS ROAP.

Estimated Number of Respondents Form 806–A: 340.

Estimated Number of Respondents Form 806–B: 180.

Estimated Number of Responses per Respondent Form 806–A: 12.

Estimated Number of Responses per Respondent Form 806–B: 12.

Estimated Total Annual Burden on Respondents Form 806–A: 2040.

Estimated Total Annual Burden on Respondents Form 806–B: 1080.

Estimated Total Number of Respondents: 520.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 3120.

Copies of this information collection can be obtained from Cato Watson, Agency Information Collection Coordinator, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 308, Alexandria, Virginia 22302.

Dated: June 18, 1998.

George A. Braley,

Acting Administrator.

[FR Doc. 98–16750 Filed 6–23–98; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Special Provision for Frozen Concentrated Orange Juice Under the North American Free Trade Agreement Implementation Act

AGENCY: Foreign Agricultural Service.

ACTION: Notice of Determination of Existence of Price Conditions Necessary for Imposition of Temporary Duty on Frozen Concentrated Orange Juice from Mexico.

SUMMARY: Pursuant to Section 309(a) of the North American Free Trade Agreement Implementation Act of 1993 (''NAFTA Implementation Act''), this is a notification that for 5 consecutive business days the daily price for frozen concentrated orange juice was lower than the trigger price.

FOR FURTHER INFORMATION CONTACT: Joseph Somers, Horticultural and Tropical Products Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, DC 20250–1000 or telephone at (202) 720–2974.

SUPPLEMENTARY INFORMATION: The NAFTA Implementation Act authorizes the imposition of a temporary duty (snapback) for Mexican frozen concentrated orange juice when certain conditions exist. Mexican articles falling under subheading 2009.11.00 of the Harmonized Tariff Schedule of the United States (HTS) are subject to the snapback duty provision.

Under Section 309(a) of the NAFTA Implementation Act, certain price conditions must exist before the United States can apply a snapback duty on imports of Mexican frozen concentrated orange juice. In addition, such imports must exceed specified amounts before the snapback duty can be applied. The price conditions exist when for each period of 5 consecutive business days the daily price for frozen concentrated orange juice is less than the trigger price.

For the purpose of this provision, the term *daily price* means the daily closing price of the New York Cotton Exchange, or any successor as determined by the Secretary of Agriculture (the ''Exchange''), for the closest month in which contracts for frozen concentrated orange juice are being traded on the Exchange. The term ''business day'' means a day in which contracts for frozen concentrated orange juice are being traded on the Exchange.

The term *trigger price* means the average daily closing price of the Exchange for the corresponding month during the previous 5-year period, excluding the year with the highest average price for the corresponding month and the year with the lowest average price for the corresponding month.

Price conditions no longer exist when the Secretary determines that for a period of 5 consecutive business days the daily price for frozen concentrated orange juice has exceeded the trigger price. Whenever the price conditions are determined to exist or to cease to exist the Secretary is required to immediately notify the Commissioner of Customs of such determination. Whenever the determination is that the price conditions exist and the quantity of Mexican articles of frozen concentrated orange juice entered exceeds (1) 264,978,000 liter (single strength equivalent) in any of calendar years 1994 through 2002, or (2) 340,560,000 liters (single strength equivalent) in any of calendar years 2003 through 2007, the rate of duty on Mexican articles of frozen concentrated orange juice that are entered after the date on which the applicable quantity limitation is reached and before the date of publication in the **Federal Register** of the determination that the price conditions have ceased to exist shall be the lower of—(1) the column 1—General rate of duty in effect for such articles on July 1, 1991; or (2) the column 1—General rate of duty in effect on that day. For the purpose of this provision, the term ''entered'' means entered or withdrawn from warehouse for consumption in the customs territory of the United States.

In accordance with Section 309(a) of the NAFTA Implementation Act, it has been determined that for the period June 2–8, the daily for frozen concentrated orange juice was less than the trigger price.

Issued at Washington, D.C. the 12th day of June, 1998.

Lon Hatamiya,

Administrator, Foreign Agricultural Service.

[FR Doc. 98–16701 Filed 6–23–98; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Lincoln-Pipestone Rural Water; Existing System North/Lyon County Phase and Northeast Phase Expansion Project

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) will hold a public meeting at 6:00 p.m. on July 30, 1998, at Canby High School, 307 1st Street West, Canby Minnesota. In accordance with 40 CFR 1503.1, *Inviting Comments,* the purpose of the meeting will be to solicit comments from interested parties on the Draft Environmental Impact Statement (EIS) for the Lincoln-Pipestone Rural Water Existing System North/Lyon County Phase and Northeast Phase Expansion Project. The Draft EIS was published for public review and comment on February 23, 1998 (63 FR 8901).

The purpose of the EIS is to evaluate the potential environmental impacts of a project proposal located in southwestern Minnesota. The proposal to which the Agency is responding to involves providing financial assistance for the development and expansion of a public rural water system and a review of the environmental impacts from previous expansion phase activities. The applicant for this proposal is a public body named Lincoln-Pipestone Rural Water (LPRW). The LPRW's main offices are located in Lake Benton, Minnesota. Specific project activities are

and have included the development of groundwater sources and production well fields and the construction of water treatment facilities and water distribution networks. The counties in Minnesota affected by this proposal include Yellow Medicine, Lincoln, and Lyon Counties and Deuel County in South Dakota.

FOR FURTHER INFORMATION CONTACT: For further information please contact Mark S. Plank, USDA, Rural Utilities Service, Engineering and Environmental Staff, 1400 Independence Avenue, Stop 1571, Washington, DC 20250, telephone (202) 720–1649, fax (202) 720–0820, or e-mail: mplank@rus.usda.gov or Jim Maras, RUS Program Director, USDA, Rural Development, 410 AgriBank Building, 375 Jackson Street, St. Paul, MN, 55101–1853, telephone (612) 290–3842 or e-mail: jmaras@rdasun2.rurdev.usda.gov.

A copy of the Draft EIS or an Executive Summary can be obtained over the Internet at http://www.usda.gov/rus/water/ees/environ.htm. The files are in a portable document format (pdf); in order to review or print the document, users need to obtain a free copy of Acrobat Reader. The Acrobat Reader can be obtained from http://www.adobe.com/prodindex/acrobat/readstep.html

Dated: June 19, 1998.

Gary J. Morgan,

Director, Engineering and Environmental Staff.

[FR Doc. 98–16793 Filed 6–23–98; 8:45 am]

BILLING CODE 3410–15–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maine 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 Maine Advisory Committee to the U.S. Commission on Civil Rights will convene at 9 a.m. and adjourn at 12:30 p.m. on July 10, 1998, at the Fleet Bank Building, Conference Room, 21 Armory Street, Augusta, Maine 02208. The purpose of the meeting is to plan for future events and to review a draft of the Committee's report, ''Limited English Proficient Students in Maine: An Assessment of Equal Educational Opportunities.''

Persons desiring additional information, or planning a presentation to the Committee, should contact 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 five (5) 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, June 15, 1998.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 98–16755 Filed 6–23–98; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Transportation and Related Equipment Technical Advisory Committee; Notice of Closed Meeting

A meeting of the Transportation and Related Equipment Technical Advisory Committee will be held July 9, 1998, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M–2, 14th Street between Pennsylvania and Constitution Avenues, NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology. The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1996, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For further information, call (202) 482–2583.

Dated: June 18, 1998.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 98–16702 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–33–M

DEPARTMENT OF COMMERCE

International Trade Administration

International Buyer Program; Support for Domestic Trade Shows

AGENCY: International Trade Administration, Commerce.

ACTION: Notice and Call for Applications for the FY 2000 International Buyer Program (October 1, 1999 through September 30, 2000).

SUMMARY: This notice sets forth objectives, procedures and application review criteria associated with the U.S. Department of Commerce's International Buyer Program (IBP), to support domestic trade shows. Selection is for the International Buyer Program for Fiscal Year 2000.

The International Buyer Program was established to bring international buyers together with U.S. firms by promoting leading U.S. trade shows in industries with high export potential. The International Buyer Program emphasizes cooperation between the U.S. Department of Commerce (DOC) and trade show organizers to benefit U.S. firms exhibiting at selected events and provides practical, hands-on assistance such as export counseling and market analysis to U.S. companies interested in exporting. The assistance provided to show organizers includes worldwide overseas promotion of selected shows to potential international buyers, end-users, representatives and distributors. The worldwide promotion is executed through the offices of the United States and Foreign Commercial Service (hereinafter referred to as the Commercial Service) in 70 countries representing America's major trading partners, and also in U.S. Embassies in countries where the Commercial Service does not maintain offices. The Department expects to select approximately 24 shows for FY2000 from among applicants to the program. Shows selected for the International Buyer Program will provide a venue for U.S. companies interested in expanding their sales into international markets. Successful applicants will be required to enter into a Memorandum of Understanding (MOU) that sets forth the specific actions to be performed by the show organizer and the DOC. The MOU constitutes an agreement between the

DOC and the show organizer specifying which services are to be rendered by DOC as part of the IBP and, in turn, what responsibilities are agreed to be performed by the show organizer. *Anyone wishing to apply will be sent a copy of the MOU along with the application package.* The services to be rendered by DOC will be carried out by the Commercial Service.

DATES: Applications must be received on or before August 10, 1998. Contributions are for shows selected and promoted during the October 1, 1999 and September 30, 2000, period.

ADDRESSES: Export Promotion Services/International Buyer Program, Commercial Service, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230. Telephone: (202) 482–0146 (Facsimile applications will not be accepted).

FOR FURTHER INFORMATION CONTACT: Jim Boney, Product Manager, International Buyer Program, Room 2116, Export Promotion Services, U.S. and Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230. Telephone (202) 482–0146 or Fax: (202) 482–0115.

SUPPLEMENTARY INFORMATION: The Commercial Service is accepting applications for the International Buyer Program (IBP) for events taking place between October 1, 1999 and September 30, 2000. A contribution of *$6,000* for shows of five days or less, or *$8,000* for shows more than five days in duration is required for the shows selected.

Under the IBP, the Commercial Service seeks to bring international buyers together with U.S. firms by selecting and promoting in international markets domestic trade shows in industries with high export potential. Selection of a trade show is one-time, *i.e., a trade show organizer seeking selection for a recurring event must submit a new application for selection for each occurrence of the event.* If the event occurs more than once in the 12-month period covering this announcement, the trade show organizer must submit a separate application for each event.

The Commercial Service will select approximately 24 events to support during this 12-month period. The Commercial Service will select those events that, in its judgment, most clearly meet the Commercial Service's objective and selection criteria mentioned below.

Selection indicates that the Department has found the event to be a leading international trade show appropriate for participation by U.S. exporting firms and promotion in overseas markets by U.S. Embassies and Consulates. Selection does not constitute a guarantee by the U.S. Government of the show's success. Selection is not an endorsement of the show organizer except as to its international buyer activities. Non-selection should not be viewed as a finding that the event will not be successful in the promotion of U.S. exports.

Exclusions

Trade shows will not be considered that are either first-time or horizontal (non-industry specific) events. Annual trade shows will not be selected for this program more than twice in any three-year period (e.g., shows selected for fiscal years 1998 and 1999 are not eligible for inclusion in this program in fiscal year 2000, but can be considered in subsequent years.).

The Office of Management and Budget has approved the information collection requirements of the application to this program under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 2501 et seq.) (OMB control no. 0625–0151).

Public reporting burden for this collection of information is estimated to average 3 hours 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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Reports Clearance Officer, International Trade Administration, Room 4001, U.S. Department of Commerce, Washington, DC 20230 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0625–0151), Washington, DC 20503.

General Selection Criteria

Subject to Departmental budget and resource constraints, those events will be selected that, in the judgment of the Department, most clearly meet the following criteria:

(a) Export Potential

The products and services to be promoted at the trade show are from U.S. industries that have high export potential, as determined by U.S. Department of Commerce sources, i.e., best prospects lists and U.S. export statistics. (Certain industries are rated as priorities by our domestic and international commercial officers in their Country Commercial Guides.)

(b) International Interest

The trade show meets the needs of a significant number of overseas markets covered by the Commercial Services of the United States of America and corresponds to marketing opportunities as identified by the posts in their Country Commercial Guides (e.g. best prospect lists). Previous international attendance at the show may be used as an indicator.

(c) Scope of the Show

The trade show offers a broad spectrum of U.S. made products and/or services for the subject industry. Trade shows with a majority of United States businesses as defined in 15 U.S.C. 4724 will be given preference.

(d) Stature of the show

The trade show is clearly recognized by the industry it covers as a leading event for the promotion of that industry's products and services both domestically and internationally and as a showplace for the latest technology or services in that industry.

(e) Exhibitor Interest

There is demonstrated interest on the part of U.S. exhibitors in receiving international business visitors during the trade show. A significant number of these exhibitors should be new-to-export or seeking to expand sales into additional international markets.

(f) Overseas Marketing

There has been demonstrated effort made to market prior shows overseas. In addition, the applicant should describe in detail the international marketing program to be conducted for the event, explaining how efforts should increase individual and group international attendance.

(g) Logistics

The trade show site, facilities, transportation services and availability of accommodations are in the stature of an international-class trade show.

(h) Cooperation

The applicant demonstrates a willingness to cooperate with the Commercial Service of the United States of America to fulfill the program's goals and to adhere to target dates set out in the Memorandum of Understanding and the event timetable, both of which are available from the program office (see ''For Further Information on When, Where, and How to apply''). Past experience in the IBP will be taken into

account in evaluating current applications to the program.

Legal Authority

The Commercial Service has the legal authority to enter into the above-mentioned memorandum of understanding with the show organizer under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2455(f)). The statutory authority for the Commercial Service to conduct the International Buyer Program is 15 U.S.C. 4724.

John Klingelhut,

Director, Office of Public/Private Initiatives, The Commercial Service, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 98–16764 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061598C]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Standing Scientific and Statistical Committee (SSC).

DATES: The meeting will begin at 1:00 p.m. on Tuesday, July 7, 1998 and conclude by 5:00 p.m. on Thursday, July 9, 1998.

ADDRESSES: The meeting will be held at the Crowne Plaza New Orleans, 333 Poydras Street, New Orleans, LA 70130; telephone: 504–525–9444.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The Standing SSC will review the Draft Generic Essential Fish Habitat (EFH) Amendment. As mandated by the Sustainable Fisheries Act (SFA), the Council has developed a Generic EFH amendment that identifies essential fish habitat for all species currently under management by the Council. The amendment does not include any alternatives for management measures. Future management measures, if needed, will be developed through amendments to individual fishery management plans (FMPs). The SSC will also review reports of the Ad Hoc Crustacean and Finfish Stock Assessment Panels (SAP) that include alternatives for the overfishing criteria, as required by the SFA, and proxies for expressing maximum sustainable yield (MSY) and optimum yield (OY) in terms of spawning potential ratio (SPR), spawning stock biomass per recruit (SSBR), or other credible analyses as appropriate for the stocks or stock complexes of each FMP: shrimp, stone crab, and spiny lobster (Crustacean SAP Report) and for coastal migratory pelagics, reef fish, and red drum (Finfish SAP Report). Alternatives for rebuilding periods for stocks that have been classified as overfished by NMFS and modifications to the framework procedures for specifying acceptable biological catch (ABC) and total allowable catch (TAC) will be considered, where appropriate.

Although other issues not on the agenda may come before the SSC for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. The SSC's actions will be restricted to those issues specifically identified in the agenda listed as available by this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by June 29, 1998.

Bruce C. Morehead,

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

[FR Doc. 98–16786 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061198D]

Advisory Committee to the United States Section to the International Commission for the Conservation of Atlantic Tunas Bluefin Tuna Rebuilding Workshop; Correction

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

ACTION: Notice of public meeting; correction.

SUMMARY: This document corrects the Notice of public meeting (63 FR 33054, June 17, 1998) that states the second bluefin tuna rebuilding workshop of the Advisory Committee to the United States section to the International Commission for the Conservation of Atlantic tunas will be open to the public. The first session of the workshop (9 a.m. to 12:30 p.m.) will be open to the public, but the second session (1:30 p.m. to 5:30 p.m.) will be closed. Also, registration for the workshop will start at 8:30 a.m. and the workshop will start at 9 a.m.

DATES: The workshop is scheduled for Friday, June 26, 1998, 8:30 a.m. to 5:30 p.m.

ADDRESSES: The workshop will be held at the Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Jonathon Krieger,(301)713-2276.

SUPPLEMENTARY INFORMATION: After further consideration, it has been determined that the Advisory Committee will go into executive session from 1:30 p.m. to approximately 5:30 p.m. during the June 26 workshop. The Advisory Committee will be discussing information that relates to the U.S. negotiating position for the 1998 Annual Meeting of ICCAT. Technical Advisors to the Advisory Committee and other members of the public may not attend the closed executive session. The determination to close this portion of the meeting is consistent with the Atlantic Tunas Convention Act and the Advisory Committee's Statement of Operating Practices and Procedures.

Registration for the workshop will begin at 8:30 a.m., and the open session of the workshop will start at 9:00 a.m. and end at approximately 12:30 p.m.

Special Accommodations

The meeting locations are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jonathon Krieger at (301) 713–2276 at least 5 days prior to the meeting date.

Dated: June 19, 1998.

Gary C. Matlock,

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

[FR Doc. 98–16819 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061598B]

Mid-Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council and the New England Fishery Management Council will hold a Joint Dogfish Committee meeting.

DATES: The meeting will be held on Wednesday, July 8, 1998, from 9:30 a.m. until 5:00 p.m.

ADDRESSES: This meeting will be held at the Holiday Inn Logan Airport, 225 McClellan Highway, E. Boston, MA; telephone: 617–569–5250.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Acting Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 16.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to review analyses conducted by the Technical Committee concerning the stock rebuilding options, revised discard mortality estimates, and alternate minimum size limits. Management options to be included in the public hearing draft of the Spiny Dogfish Fishery Management Plan will be finalized.

Although other issues not contained in this agenda may come before the Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Bruce C. Morehead,

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

[FR Doc. 98–16816 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061698A]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a number of public meetings of its oversight committees and advisory panels in July, 1998 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between July 7 and July 29, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Meetings will be held in Saugus, Peabody and Mansfield, MA, and Warwick, RI. See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231–0422. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, Massachusetts 01906–1036; telephone: (781) 231–0422.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Tuesday, July 7, 1998, 9:30 a.m.—Aquaculture Committee Meeting

Location: New England Fishery Management Council Office conference room, 5 Broadway, Saugus, MA 01906; telephone (781) 231–0422.

Discussion of agency coordination procedures for applicants, project evaluation criteria and a review of the status of the American Norwegian Fish Farm project.

Wednesday, July 8, 1998, 9:30 a.m.—Joint Habitat Committee and Advisory Panel Meeting

Location: Holiday Inn, One Newbury Street (Route 1 North), Peabody, MA 01960; telephone: (978) 535–4600.

Discussion about presenting the essential fish habitat (EFH) information at public hearings and a briefing on NMFS recommendations concerning the Council's proposed EFH designations.

Thursday, July 9, 9:30 a.m.—Groundfish Advisory Panel Meeting

Location: Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339–2200.

Preparation of formal comments on the Northeast Multispecies Fishery Management Plan (FMP) Amendment 9 public hearing document and Environmental Assessment; discussion of alternative management strategies for Gulf of Maine cod, an action that could be implemented through the annual framework adjustment process; comments on a proposal to include cusk and wolffish in the multispecies fishery management unit; and discussion of a proposal to allow the transfer of multispecies days-at-sea between vessels.

Wednesday, July 15, 9:30 a.m. and Thursday, July, 16, 8:30 a.m—Multispecies Committee Meeting

Location: Peabody Marriott Hotel, 8A Centennial Drive, Peabody, MA 01960; telephone: (978) 977–9700.

Review of comments on the Amendment 9 public hearing document and Environmental Assessment and development of recommendations to the Council for final measures; discussion of alternatives and a management strategy for management of Gulf of Maine cod fisheries; consideration of a proposal to include cusk and wolffish in the multispecies fishery management unit; and discussion of a proposal to the allow transfer of multispecies days-at-sea between vessels.

Monday, July 27, 1998, 9:30 a.m.—Whiting Committee Meeting

Location: Peabody Marriott Hotel, 8A Centennial Drive, Peabody, MA 01960; telephone: (978) 977–9700.

Review of the Draft Supplemental Environmental Impact Statement and approval of a draft public hearing document containing measures to manage whiting under the Northeast Multispecies FMP.

Tuesday, July 28, 1998, 9:30 a.m.—Joint Habitat Committee and Advisory Panel Meeting

Location: Holiday Inn, One Newbury Street (Route 1 North), Peabody, MA 01960; telephone: (978) 535–4600.

Discussion of comments received during the public hearing process.

Tuesday, July 28, 10:00 a.m.—Scallop Advisory Panel Meeting

Location: Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401)–732–9309.

Development of recommendations concerning proposed management measures to be included in Amendment 7 of the Sea Scallop FMP for final Council action at its August 10–11 meeting.

Wednesday, July 29, 9:30 a.m.—Scallop Committee Meeting

Location: Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401)–732–9309.

Development of recommendations concerning proposed management measures to be included in Amendment 7 of the Sea Scallop FMP for final Council action at its August 10–11 meeting.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: June 18, 1998.

Bruce C. Morehead,

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

[FR Doc. 98–16788 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061998A]

Endangered Species; Permits

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

ACTION: Receipt of an application for modification 6 to incidental take permit 844.

SUMMARY: Notice is hereby given that the Idaho Department of Fish and Game at Boise, ID (IDFG) has applied in due form for a modification to a permit that would authorize an incidental take of a threatened anadromous fish species.

DATES: Written comments or requests for a public hearing on this application must be received on or before July 24, 1998.

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

Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400); and

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401).

Written comments or requests for a public hearing should be submitted to the Chief, PRD, in Portland, OR.

FOR FURTHER INFORMATION CONTACT: Robert Koch, PRD (503–230–5424).

SUPPLEMENTARY INFORMATION: IDFG requests a permit modification under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217-227).

Permit 844 authorizes IDFG an incidental take of adult and juvenile, threatened, naturally produced, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and adult, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) associated with the State of Idaho's sport-fishing programs. For modification 6, IDFG requests an additional incidental take of adult, threatened, Snake River spring/summer chinook salmon associated with a limited salmon sport fishery on the upper South Fork of the Salmon River. The fishery will target non-listed, artificially propagated, summer chinook salmon. The primary source of take would be the incidental catch, handling, and release of ESA-listed adult fish with an associated catch and release mortality. The specifics of the fishery, including season dates, duration, locations, and mitigative activities are tailored to provide the appropriate level of protection for ESA-listed fish in the watershed. The fishery is proposed to be terminated when quotas are reached or before the onset of spawning activities. The additional take of ESA-listed adult fish associated with the proposed upper South Fork Salmon River salmon fishery is requested in 1998 only. Permit 844 expires on December 31, 1998.

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

Dated: June 19, 1998.

Patricia A. Montanio,

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

[FR Doc. 98–16784 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061898C]

Marine Mammals; File No. 684–1458

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Donald B. Siniff, Ph.D., Department of Ecology, Evolution and Behavior, University of Minnesota, College of Biological Sciences, 100 Ecology Building, 1987 Upper Buford Circle, St. Paul, MN 55108, has applied in due form for a permit to take Weddell seals (*Leptonychotes weddellii*), crabeater seals (*Lobodon carcinophagus*), leopard seals (*Hydrurga leptonyx*), Ross seals (*Ommatophoca rossii*), southern elephant seals (*Mirounga leonina*), and Antarctic fur seals (*Arctocephalus gazella*) for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before July 24, 1998.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562/980–4001).

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should

set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

FOR FURTHER INFORMATION CONTACT: Sara Shapiro or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216) and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant seeks authorization to conduct research on Antarctic seals, primarily Weddell seals (*Leptonychotes weddellii*) in and around McMurdo Sound, Antarctica.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 18, 1998.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–16818 Filed 6–23–98; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Applications of Futurecom for Designations as a Contract Market in Technology Stock Index Futures and Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures and option contracts.

SUMMARY: Futurecom, an electronic commodities exchange, has applied for designations as a contract market in technology stock index futures and option contracts. Futurecom has not been approved previously by the Commission as a contract market in any commodity. In connection with its application for designation as a contract market in live cattle futures and option contracts, which are pending at the Commission, Futurecom requested approval of trading rules and rules of government that it had submitted to meet the requirements for a board of trade seeking designations as a contract market.

The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purpose of the Commodity Exchange Act.

DATES: Comments must be received on or before July 24, 1998.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov. Reference should be made to the Futurecom technology stock index futures and options.

FOR FURTHER INFORMATION CONTACT: Please contact Tom Leahy of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, 20581, telephone (202) 418–5273. Facsimile number: (202) 418–5527. Electronic mail: tleahy@cftc.gov

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5100.

Other materials submitted by Futurecom in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1997)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff to the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by Futurecom, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on June 19, 1998.

Steven Manaster,

Director.

[FR Doc. 98–16814 Filed 6–23–98; 8:45 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Thursday, July 2, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–16854 Filed 6–19–98; 4:32 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Friday, July 10, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A.Webb,

Secretary of the Commission.

[FR Doc. 98–16855 Filed 6–19–98; 4:32 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Friday, July 17, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–16856 Filed 6–19–98; 4:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Friday, July 24, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–16857 Filed 6–19–98; 4:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Friday, July 31, 1998.

PLACE: 1155 21st St., NW, Washington, DC., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–16858 Filed 6–19–98; 4:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Monday, July 6, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–16859 Filed 6–19–98; 4:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Monday, July 13, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–16860 Filed 6–19–98; 4:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Monday, July 20, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–16861 Filed 6–19–98; 4:31 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

TIME AND DATE: 2:00 p.m., Monday, July 27, 1998.

PLACE: 1155 21st St., N.W., Washington, D.C., 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicatory Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–16862 Filed 6–19–98; 4:31 pm]

BILLING CODE 6351–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Meeting

Pursuant to the provisions of the Government in the Sunshine Act (5 U.S.C. 552b), notice is hereby given of the following meeting of the Board of Directors of the Corporation for National and Community Service (Corporation).

DATE AND TIME: Sunday, June 28, 1998, from 9:00 a.m. to 11:30 a.m.

PLACE: The meeting will be held at the Hyatt Regency, Burgundy A Room, 500 Poydras Plaza, New Orleans, Louisiana.

STATUS: The meeting will be open.

MATTERS TO BE CONSIDERED: The Board of Directors of the Corporation will meet to (1) approve the minutes of the February 24, 1998, Board meeting, (2) review reports from Board Committees and Corporation staff regarding Corporation activities, (3) make decisions on applications for AmeriCorps*State Formula, Indian Tribes, and America Reads assistance, (4) discuss ongoing collaborations with the Points of Light Foundation, and (5) consider and act on other matters.

FOR FURTHER INFORMATION CONTACT: Rhonda Taylor, Associate Director, Special Projects and Initiatives, Corporation for National Service, 1201 New York Avenue NW., 8th floor, Washington, DC 20525. Telephone (202) 606–5000, ext. 282. T.D.D. (202) 565–2799.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternative formats to accommodate visual and hearing impairments. Individuals who have a disability and who need an accommodation to attend this meeting may notify Rhonda Taylor.

Dated: June 19, 1998.

Thomas L. Bryant,

Associate General Counsel.

[FR Doc. 98–16875 Filed 6–19–98; 4:38 pm]

BILLING CODE 6050–28–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC98–2000; FERC Form 2]

Proposed Information Collection and Request for Comments

June 18, 1998.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Consideration will be given to comments submitted on or before August 24, 1998.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Chief Information Officer, CI–1 888 First Street NE, Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at michael, miller@ferc.fed.us.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC Form 2 ''Annual Report of Major Natural Gas Companies'' (OMB No. 1902–0028) is used by the Commission to implement the statutory provisions of the Natural Gas Act (NGA), (15 U.S.C. 717). The NGA authorizes the Commission to prescribe rules and regulations concerning accounts, records and memoranda as necessary or appropriate for purposes of administering the NGA. The Commission may prescribe a system of accounts for jurisdictional companies and, after notice and opportunity for hearing may determine the accounts in which particular outlays and receipts will be entered, charged or credited.

The Commission's Office of Chief Accountant uses the information collected in its audit program and the continuous review of the financial condition of regulated companies. The Office of Pipeline Regulation uses the data in its various rate proceedings and supply programs, and the Offices of Economic Policy and General Counsel use the data in their programs relating to the administration of the NGA. Data on certain schedules of the FERC Form 2 is used to compute annual charges which are then assessed against natural gas companies to recover the Commission's annual costs. These annual charges are required by Section 3401 of the Budget Act.

The NGA mandates the collection of information needed by the Commission to perform it regulatory responsibilities in the setting of just and reasonable rates. The Commission could be held in violation of the NGA if the information was not collected.

The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Section 260.1, and Parts 158 and 201 and Section 385.2011.

Action: The Commission is requesting a three-year extension of the current expiration date.

Burden Statement: Public Reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
58	1	1,485	86,130

Estimated cost burden to respondents: 86,130 hours divided by 2088 hours per year times $109,889 per year equals $4,532,921. The cost per respondent is equal to $78,154.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclosure, or provide the information including: (1) reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost of respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility: (2) the accuracy of the Commission'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 e.g., permitting electronic submission of responses.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–16712 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC98–2A–000; FERC Form 2–A]

Proposed Information Collection and Request for Comments

June 18, 1998.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13), the Federal Energy Regulatory Commission (Commission) is

soliciting public comment on the specific aspects of the information collection described below.

DATES: Consideration will be given to comments submitted within 60 days of the publication of this notice.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Chief Information Officer, CI–1, 888 First Street N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 208–1415, by fax at (202) 273–0873, and by e-mail at michael.millerferc.fed.us.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC Form 2–A ''Annual Report of Nonmajor Natural Gas Companies'' (OMB No. 1902–0030) is used by the Commission to implement the statutory provisions of the Natural Gas Act (NGA), (15 U.S.C. 717). The NGA authorizes the Commission to prescribe rules and regulations concerning accounts, records and memoranda as necessary or appropriate for purposes of administering the NGA. The Commission may prescribe a system of accounts for jurisdictional companies and, after notice and opportunity for hearing may determine the accounts in which particular outlays and receipts will be entered, charged or credited. Nonmajor means having total annual gas sales or volume transactions exceeding 200,000 Mcf at 14.73 psia (60°F) in the previous calendar year and not classified as ''Major.''

The Commission's Office of Chief Accountant uses the information collected in its audit program and the continuous review of the financial condition of regulated companies. The Office of Pipeline Regulation uses the data in its various rate proceedings and supply programs, and the Office of Economic Policy and General Counsel use the data in their programs relating to the administration of the NGA. Data on certain schedules of the FERC Form 2–A is used to compute annual charges which are then assessed against natural gas companies to recover the Commission's annual costs. These annual charges are required by Section 3401 of the Budget Act.

The NGA mandates the collection of information needed by the Commission to perform its regulatory responsibilities in the setting of just and reasonable rates. The Commission could be held in violation of the NGA if the information was not collected.

The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Section 260.2, and Parts 158 and 201 ad Section 385.2011.

Action: The Commission is requesting a three-year extension of the current expiration date.

Burden Statement: Public Reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)
65	1	30	1,950

Estimated cost burden to respondents: 1,950 hours divided by 2,088 hours per year times $109,889, per year equals $102,626. The cost per respondent is equal to $1,579.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the Commission'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 e.g. permitting electronic submission of responses.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–16713 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM 98–2127–002]

Cove Point LNG Limited Partnership; Notice of compliance filing

June 18, 1998.

Take notice that on June 10, 1998, Cove Point LNG Limited Partnership (Cove Point) tendered for fling to become a part of Cove Point's FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 99, to be effective July 10, 1998.

Cove Point states that this tariff sheet is being filed in order to comply with the Commission's letter order issued in the above captioned proceedings on June 1, 1998, to correct an error in reference to a Storage Turnover Provision.

Cove Point states that copies of the filing were served upon Cove Point's customers and interested State Commissions.

Any person desiring to protest this filing should file a protests with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and

Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies if 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. 98–16721 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2494–001]

ESI Vansycle Partners, L.P.; Notice of Filing

June 18, 1998.

Take notice that on June 5, 1998, ESI Vansycle Partners, L.O., (Vansycle), in compliance with the Commission's order issued on June 2, 1998, submitted (1), a revised Code of Conduct with Respect to the Relationship between ESI Vansycle Partners, L.P., and its affiliates; and (2) an executed copy of the power purchase agreement filed with Vansycle's application for market based rate authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests should be filed on or before June 29, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–16706 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–201–001]

Gulf States Transmission Corporation; Notice of Compliance Filing

June 18, 1998.

Take notice that on June 12, 1998, Gulf States Transmission Corporation (Gulf States) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Sub First Revised Sheet No. 58G. Gulf States proposes that the foregoing tariff sheet be made effective on June 1, 1998.

Gulf States states that this filing is in compliance with the Commission's May 28, 1998 Letter Order in the above-referenced docket. Gulf States further states that the revised tariff sheet incorporates by reference the Gas Industry Standards Board Data Dictionaries for capacity release.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining 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. 98–16718 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM98–2–53–001]

K N Interstate Gas Transmission Co.; Notice of Waiver Filing

June 18, 1998.

Take notice that on June 16, 1998, K N Interstate Gas Transmission Co. (KNI) filed to request waiver of Section 15 of Third Revised Volume No. 1–B and Section 15 of first Revised Volume No. 1–D of its FERC Gas Tariff in order to continue in effect its existing fuel and loss reimbursement percentages for an additional month through July 31, 1998, and revise its fuel and loss reimbursement percentages effective August 1, 1998 consistent with the methodology proposed in Docket No. RP98–117–000.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 25, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 98–16720 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–175–008]

Mojave Pipeline Company; Notice of Compliance Filing

June 18, 1998.

Take notice that on June 15, 1998, Mojave Pipeline Company (Mojave) tendered for filing a compliance filing pursuant to the Commission's Order on Compliance. Filing and Rehearing issued June 3, 1998 in this proceeding.

Mojave states that the filing contains revised schedules that have been adjusted in accordance with the Commission's June 3 Order.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining 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. 98–16716 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–2611–000]

Powerhouse Systems, Inc.; Notice of Withdrawal

June 18, 1998.

Take notice that on June 15, 1998, Powerhouse Systems, Inc., tendered for filing a Notice of Withdrawal of its filing made on April 20, 1998, in Docket No. ER98–2611–000.

A copy of the notice is being served on Public Service Company of New Hampshire and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 216 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.216). All such motions and protests should be filed on or before June 30, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–16705 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2114–070]

Public Utility District No. 2 of Grant County, Washington; Notice Establishing Comment Period for Complaint

June 18, 1998.

On May 28, 1998, Crescent Bar, Inc., Crescent Bar Homeowners Association, Crescent Bar Resort condominium Association, and Commercial Leaseholders (complainants) filed a document entitled ''Complaint of Crescent Bar Residents.'' The complainants request, pursuant to 18 CFR 385.206 of the Commission's regulations, that the Commission find the Public Utility District No. 2 of Grant County, Washington (District) to be in violation of the Federal Power Act and the Commission's regulations and policies because the District has retained excessive lands containing private homes and businesses within the project boundary. Complainants also request that the project boundary be changed to exclude privately developed areas on the island of Crescent Bar from the project boundary.

Pursuant to Rule 213(d) of the Commission's regulations, answers to complaints are due within 30 days after filing or, if noticed, after publication of the notice in the **Federal Register**, unless otherwise ordered.[1] In general, the Commission's policy is to publish notice in the **Federal Register** of complaints against hydroelectric licensees.[2]

Any person may file an answer, comments, protests, or a motion to intervene with respect to the complaint in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.213, and 385.214. In determining the appropriate action to take with respect to the complaint, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any answers, comments, protests, or motions to intervene must be received no later than 30 days after publication of this notice in the **Federal Register.**

David P. Boergers,

Acting Secretary.

[FR Doc. 98–16714 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

[1] 18 CFR 385.213(d). See also 18 CFR 385.202.

[2] 18 CFR 2.1(a)(1)(iii)(J).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 3721–001, 4270–001, 4282–001, 4312–001, 4628–001, 4738–002, and 9231–999]

Puget Sound Power & Light Company, Mountain Rhythm Resources, Mountain Water Resources, Watersong Resources, McGrew and Associates and City of Tacoma, Washington, McGrew, McMaster and Koch and City of Tacoma, Washington, and Scott Paper Company; Notice of Motion for Declaratory Order

June 18, 1998.

Public notice is given that on May 1, 1998, Mountain Rhythm Resources (Mountain Rhythm) filed a motion for declaratory order in the above-captioned proceedings, pursuant to Section 385.207(a)(2) of the Commission's regulation, 18 CFR 385.207(a)(2). Mountain Rhythm seeks a determination from the Commission to terminate a controversy as to the status of its certification of project consistency with the Washington Coastal Zone Management Program for the proposed Boulder Creek Project No. 4270, one of six pending hydropower projects proposing development in the Nooksack River Basin in Whatcom County, Washington.[1]

Mountain Rhythm submitted to the Washington Department of Ecology (Ecology) a certification of project consistency, in accordance with the Coastal Zone Management Act (CZMA)[2] in 1992.[3] Ecology responded by letter, stating that the proposed project would affect land uses, water uses, and natural resources of the state's coastal zone, and that Ecology could not concur that the project is consistent with the Washington Coastal Zone Management Program until Mountain Rhythm provides necessary information and data, including an approved Shoreline Management Act permit.[4] Most recently, in a letter dated March 13, 1998, Ecology reiterated its requirement that a shoreline permit is a prerequisite to the agency's concurrence and added that, as part of the state's Coastal Zone Management Program, Mountain Rhythm would need to conduct an Instream Flow Incremental Methodology Study to ensure that the state's water quality standards are met.[5]

[1] Mountain Rhythm's application for license for the Boulder Creek Project was evaluated by Commission staff in a multiple project final environmental impact statement issued for the Nooksack River Basin on September 1, 1997.

[2] 16 U.S.C. 1456(c)(3)(A). Section 307(c)(3)(a) of the CZMA provides that any applicant for a Federal license proposing to conduct an activity within or affecting a state's coastal zone must furnish to the state or CZMA agency all necessary information and data and a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. No license can be issued by the Federal agency until the state or the designated CZMA agency concurs with the applicant's certification, or the agency's concurrence is conclusively presumed by its failure to act within 180 days of its receipt of the applicant's certification.

[3] *See* Certification of Consistency, attached as Exhibit A of Mountain Rhythm's Motion for Declaratory Order.

[4] *See* Letter from Washington Department of Ecology to William Devine, dated October 1, 1992, attached as Exhibit B of Mountain Rhythm's Motion for Declaratory Order.

[5] *See* Letter from Washington Department of Ecology to Bill Devine, attached to Letter from Glacier Energy Company, on behalf of Mountain Rhythm, to the Secretary of the Federal Energy Regulatory Commission, dated March 29, 1998.

Mountain Rhythm requests a Commission order establishing either that the project is not subject to the CZMA consistency requirement or that Ecology is conclusively presumed to have concurred with Mountain Rhythm's certification of project consistency based on the following grounds:

1. The Boulder Creek Project is not located within the state's ''coastal zone,'' as defined in the CZMA.[6]

2. The Project does not involve coastal zone impacts.

3. Ecology has provided no substantive objection to the content of Mountain Rhythm's certification of project consistency and is therefore conclusively presumed to have concurred with the certification.

4. A permit is not ''information or data'' and thus, Ecology's requirement that Mountain Rhythm obtain a state shoreline permit as a prerequisite to the agency's concurrence with the applicant's certification is inconsistent with the CZMA, the state regulations implementing the act, and the Commission's licensing authority under the Federal Power Act.

5. The project is consistent with the intent and purpose of the Washington Coastal Zone Management Program, and is not prohibited by the state program.

Any person desiring to be heard or to make any protest with reference to said motion should file comments, a protest, or a motion to intervene with the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.210, 385.211, 385.214). All such comments, protests, and motions should be filed by [the 30th day following publication of this notice in the **Federal Register**] In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only persons that file a motion to intervene in accordance with the Commission's rules may become a party to the proceeding. Copies of the motion for declaratory order are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–16715 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

[6] *See* 16 U.S.C. 1453(1).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–604–000]

Tennessee Gas Pipeline Company; Notice of Request Under Blanket Authorization

June 18, 1998.

Take notice that on June 11, 1998, Tennessee Gas Pipeline Company (Tennessee), a Delaware corporation, P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP98–604–000 a request pursuant to Sections 157.205, 157.212, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212, 157.216) for authorization to abandon and replace delivery facilities in Wayne County, Tennessee under Tennessee's blanket certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

In order to meet company specifications and codes, Tennessee proposes to modify existing interconnecting pipe at milepost 556–1+5.75 in Wayne County, Tennessee. To accomplish this upgrade, Tennessee proposes to remove and abandon approximately forty-five feet of existing one-inch diameter interconnecting pipe located at taps 556–101.1 and 556–101.2 and extending to the inlet of the Waynesboro Tennessee sales meter and to replace it with approximately forty-five feet of two-inch diameter interconnecting pipe. Tennessee also proposes to replace a deteriorated check valve with a new valve of the same size.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–16709 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–140–001]

Tennessee Gas Pipeline Company; Notice of Filing

June 18, 1998.

Take notice that on June 12, 1998, Tennessee Gas Pipeline Company (Tennessee), filed pro forma Tariff Sheets 405C and 405D.

Tennessee states that the pro forma tariff sheets are being filed in response to the May 5, 1998 technical conference, in response to certain issues raised by Commission Staff and the customers in attendance, Tennessee proposed additional modifications to its currently effective tariff sheet, specifically to the tariff provision that allows Tennessee to reserve available capacity for future expansion projects. Tennessee further states that it committed to file these proposed modifications, in this docket and on pro forma tariff sheets, by June 12, 1998.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining 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. 98–16717 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT98–53–000]

Texas Gas Transmission Corporation; Notice of Filing of Refund Report

June 18, 1998.

Take notice that on June 15, 1998, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a refund report detailing the pro rata refund to its eligible firm customers of a June 10, 1998. Gas Research Institute (GRI) refund of $65,084.00.

Texas Gas states that this refund report is being made to comply with Commission Order issued February 22, 1995, in Docket No. RP95–124–000 requiring each pipeline to file a refund report with the Commission within fifteen (15) days of making the refunds.

Texas Gas states that copies of the refund report were included with the refunds made on June 10, 1998, and served upon Texas Gas's jurisdictional customers receiving refunds, and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before June 25, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–16711 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT98–52–000]

Williams Gas Pipelines Central, Inc.; Notice of Filing of Refund Report

June 18, 1998.

Take notice that on June 12, 1998, Williams Gas Pipelines Central, Inc. (Williams), tendered for filing a report of GRI refunds made to customers.

Williams states that this filing is being made in compliance with Commission order issued February 22, 1997, in Docket No. GT97–31. The February 22 order directed each pipeline receiving a refund from GRI to credit such refunds pro rata to its eligible customers, and within 15 days of making these credits, file a refund report with the Commission. Williams states that the refund report reflects refunds of $385,291 made by Williams to its eligible firm customers on June 12, 1998.

Williams states that a copy of its filing was served on all of Williams' jurisdictional customers and interested states commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 25, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 98–16710 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–208–001]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

June 18, 1998.

Take notice that on June 15, 1998, Williams Gas Pipelines Central, Inc. (Williams), tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with the proposed effective date of June 1, 1998:

Substitute Second Revised Sheet No. 268 Substitute Original Sheet Nos. 271B, 271C, and 271D.

Williams states that it made a filing on May 1, 1998, in Docket Nos. RP98–208–000, et al., to establish procedures to be used in conducting a reverse auction. By order dated May 29, 1998, the Commission directed Williams to file revised tariff sheets conforming to the order within 15 days after the order issued. Williams states that the instant filing is being made to comply with the order.

Williams states that a copy of its filing was served on all participants listed on the service lists maintained by the Commission in the dockets referenced above and on all of Williams' jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining 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. 98–16719 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–3297–000]

Wisconsin Electric Power Company; Notice of Filing

June 16, 1998.

Take notice that on June 11, 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 Columbia Energy Power Marketing Corporation (Columbia). Wisconsin Electric respectfully requests an effective date of May 20, 1998 to allow for economic transactions.

Copies of the filing have been served on Columbia, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

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, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions

and protests should be filed on or before July 1, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers.

Acting Secretary.

[FR Doc. 98–16707 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG98–61–000, et al.]

Long Beach Generation LLC, et al.; Electric Rate and Corporate Regulation Filings

June 17, 1998.

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

1. Long Beach Generation LLC

[Docket No. EG98–61–000]

Take notice that on June 5, 1998, Long Beach Generation LLC, with its principal office at 1221 Nicollet Mall, Suite 700, Minneapolis, MN 55403, filed with the Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations (the Application). On April 14, 1998, Applicant amended (the Amended Application) its initial application to submit additional information. On June 5, 1998, Applicant filed an amendment to submit additional information regarding ancillary services to be provided by the Applicant.

In the Application, as amended, Applicant states that it is a limited liability company organized under the laws of the State of Delaware. Applicant will be engaged directly and exclusively in owning and operating an approximately 560 megawatt gas-fired electric generating facility located at 2665 West Seaside Boulevard, Terminal Island, Long Beach, CA 90902. Electric energy produced by the facility will be sold at wholesale into the California Power Exchange and to other wholesale customers.

Comment date: July 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. Minnesota Agri-Power, L.L.C.

[Docket No. EG98–86–000]

Take notice that on June 11, 1998, Minnesota Agri-Power, L.L.C. (Applicant), with its principal place of business at 681 Prentice Street, P.O. Box 64, Granite Falls, MN 56241, 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.

Applicant states that it will be engaged in owning and operating a biomass fired power production facility with approximately 75 MW of installed capacity located at Granite Falls, Minnesota. The facility will be an eligible facility selling electric energy solely at wholesale. All of the facility's net output will be sold at wholesale to Northern States Power Company.

Comment date: July 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. Citizens Utilities Company

[Docket No. EL98–49–000]

Take notice that on May 19, 1998, Citizens Utilities Company tendered for a petition for disclaimer of jurisdiction over corporate restructuring.

Comment date: July 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. Public Service Company of Colorado

[Docket No. ER98–498–000]

Take notice that on June 12, 1998, Public Service Company of Colorado (PS Colorado), on behalf of itself and the other jurisdictional entities in the Rocky Mountain Reserve Group (RMRG) namely Black Hills Corporation, doing business as and operating its electric utility under the name Black Hills Power and Light Company, and WestPlains Energy, a division of UtiliCorp United Inc., has filed (1) a response to the deficiency letter issued by the Division of Rate Applications on December 29, 1997, and (2) revised versions of RMRG Policies B and C, which have been clarified in response to the deficiency letter.

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

5. PECO Energy Company

[Docket No. ER98–2011–002]

Take notice that on June 11, 1998, pursuant the Order Accepting Compliance Filings, issued on May 14, 1998, by the Commission PECO Energy Company (PECO), submitted its compliance filing.

Comment date: July 1, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. Portland General Electric Co.

[Docket No. ER98–2584–000]

Take notice that on June 12, 1998, Portland General Electric Company (PGE), tendered for filing a revised Application for Order Accepting Revised Rate Schedule and Granting Waivers and Blanket Authority, to become effective April 21, 1998.

The proposed tariff revisions (FERC Electric Service Tariff First Revised Volume No. 10) provide the terms and conditions pursuant to which PGE will sell electric energy to the California Independent System Operator (ISO). In these transactions, PGE intends to charge market-based rates as determined by the auction settlement procedures prescribed by the ISO Operating Agreement and Tariff of the California Independent System Operator Corporation filed in FERC Docket No. ER96–1663.

Copies of this filing were served upon the Oregon Public Utility Commission and the California ISO.

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

7. American Electric Power Service Corporation

[Docket No. ER98–3103–000]

Take notice that on June 12, 1998, the American Electric Power Service Corporation (AEPSC), tendered for filing a request to amend the effective date for an executed service agreement under the Wholesale Market Tariff of the AEP Operating Companies (Power Sales Tariff) with FirstEnergy Corporation from May 1, 1998 to April 8, 1998. 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 as requested.

A copy of the filing was served upon FirstEnergy Corporation and the State Utility Regulatory Commissions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia.

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

8. American Electric Power Service Corporation

[Docket No. ER98–3170–000]

Take notice that on June 12, 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 Wholesale Market 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 British Columbia Power Exchange Corporation and FirstEnergy Trading & Power Marketing, Inc., on April 1, 1998 as initially requested in Docket ER98–3170–000 and has requested an effective date of May 15, 1998, for the remaining service agreements.

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

9. Wisconsin Public Service Corporation

[Docket No. ER98–3312–000]

Take notice that on June 12, 1998, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Short Term Firm Transmission Service Agreement between WPSC and Central Illinois Light Co., providing for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

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

10. PECO Energy Company

[Docket No. ER98–3313–000]

Take notice that on June 12, 1998, PECO Energy Company (PECO), filed a Service Agreement dated May 29, 1998 with Hydro Quebec (HQ), under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds HQ as a customer under the Tariff.

PECO requests an effective date of May 29, 1998, for the Service Agreement.

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

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

11. Wisconsin Electric Power Company

[Docket No. ER98–3314–000]

Take notice that on June 12, 1998, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a Transmission Service Agreement between itself and PG&E Energy Trading—Power, L.P. (PG&E). The Transmission Service Agreement allows PG&E to receive transmission service under Wisconsin Electric's FERC Electric Tariff, Volume No. 7, which is pending Commission consideration in Docket No. OA97–578.

Wisconsin Electric requests an effective date coincident with its filing and waiver of the Commission's notice requirements in order to allow for economic transactions as they appear.

Copies of the filing have been served on PG&E, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

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

12. Consumers Energy Company

[Docket No. ER98–3315–000]

Take notice that on June 12, 1998, Consumers Energy Company (Consumers), tendered for filing an executed service agreement for Non-Firm Point-to-Point Transmission Service pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996, by Consumers and The Detroit Edison Company (Detroit Edison) with the following transmission customer: Entergy Power Marketing Corporation.

Copies of the filed agreement were served upon the Michigan Public Service Commission, Detroit Edison and the transmission customer.

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

13. Entergy Services, Inc.

[Docket No. ER98–3317–000]

Take notice that on June 12, 1998, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Louisiana, Inc. (Entergy Louisiana), tendered for filing an Interconnection and Operating Agreement between Entergy Louisiana and Union Carbide Corporation.

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

14. PP&L, Inc.

[Docket No. ER98–3319–000]

Take notice that on June 12, 1998, PP&L, Inc. (formerly known as Pennsylvania Power & Light Company) (PP&L), filed a Service Agreement dated May 14, 1998, with Southern Company Energy Marketing L.P. (Southern), under PP&L's FERC Electric Tariff, Original Volume No. 5. The Service Agreement adds Southern as an eligible customer under the Tariff.

PP&L requests an effective date of June 12, 1998, for the Service Agreement.

PP&L states that copies of this filing have been supplied to Southern and to the Pennsylvania Public Utility Commission.

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

15. Western Resources, Inc.

[Docket No. ER98–3320–000]

Take notice that on June 12, 1998, Western Resources, Inc., tendered for filing an agreement between Western Resources and Central and South West Services, Inc., and Western Resources and Entergy Services, Inc. Western Resources states that the purpose of the agreements is to permit the customer to take service under Western Resources' market-based power sales tariff on file with the Commission. The agreements are proposed to become effective May 18, 1998 and May 15, 1998, respectively.

Copies of the filing were served upon Central and South West Services, Inc., Entergy Services, Inc., and the Kansas Corporation Commission.

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

16. Wisconsin Public Service Corporation

[Docket No. ER98–3321–000]

Take notice that on June 12, 1998, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and Central Illinois Light Co., provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

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

17. Southwestern Electric Power Company

[Docket No. ER98–3322–000]

Take notice that on June 12, 1998, Southwestern Electric Power Company (SWEPCO), tendered for filing the final return on common equity (Final ROE), to be used in establishing final redetermined formula rates for wholesale service in Contract Year 1997

to Northeast Texas Electric Cooperative, Inc., the City of Bentonville, Arkansas, the City of Hope, Arkansas, Rayburn Country Electric Cooperative, Inc., Cajun Electric Power Cooperative, Inc., Tex-La Electric Cooperative of Texas, Inc., and East Texas Electric Cooperative, Inc. SWEPCO provides service to these Customers under contracts which provide for periodic changes in rates and charges determined in accordance with cost-of-service formulas, including a formulaic determination of the return on common equity.

In accordance with the provisions of the formula rate contracts, SWEPCO seeks an effective date of January 1, 1997 and, accordingly, seeks waiver, to the extent necessary, of the Commission's notice requirements.

Copies of the filing were served on the affected wholesale Customers, the Public Utility Commission of Texas, the Louisiana Public Service Commission and the Arkansas Public Service Commission.

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

18. Ameren Services Company

[Docket No. ER98–3323–000]

Take notice that on June 12, 1998, Ameren Services Company (ASC), tendered for filing Service Agreements for Long-Term Firm Point-to-Point Transmission Services between ASC and the City of Columbia, MO (the City). ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to the City pursuant to Ameren's Open Access Transmission Tariff filed in Docket No. ER96–677–004.

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

19. Union Electric Company

[Docket No. ER98–3324–000]

Take notice that on June 12, 1998, Union Electric Company (UE), tendered for filing a Service Agreement for Market Based Rate Power Sales between UE and MidAmerican Energy Company (MEC). UE asserts that the purpose of the Agreement is to permit UE to make sales of capacity and energy at market based rates to MEC pursuant to UE's Market Based Rate Power Sales Tariff filed in Docket No. ER97–3664–000.

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

20. Ameren Services Company

[Docket No. ER98–3325–000]

Take notice that on June 12, 1998, Ameren Services Company (ASC), tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service between ASC and DTE Energy Trading, Inc., (DTE). ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to DTE pursuant to Ameren's Open Access Transmission Tariff filed in Docket No. ER96–677–004.

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

21. Ameren Services Company

[Docket No. ER98–3326–000]

Take notice that on June 12, 1998, Ameren Services Company (ASC), tendered for filing Service Agreements for Non-Firm Point-to-Point Transmission Services between ASC and DTE Energy Trading, Inc., and PG&E Energy Trading—Power, L.P. ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff filed in Docket No. ER96–677–004.

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

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

[Docket No. ER98–3328–000]

Take notice that on June 12, 1998, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Electric Power Company and West Texas Utilities Company (collectively, the CSW Operating Companies), tendered for filing service agreements establishing Southwestern Public Service Company (SPS), and Ameren Services (Ameren), as customers under the CSW Operating Companies' market-based rate power sales tariff. The CSW Operating Companies request an effective date of May 20, 1998, for the service agreements and, accordingly, seek waiver of the Commission's notice requirements.

The CSW Operating Companies states that a copy of the filing was served on SPS and Ameren.

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

23. Virginia Electric and Power

[Docket No. ER98–3329–000]

Take notice that on June 12, 1998, Virginia Electric and Power Company (Virginia Power), tendered for filing the Service Agreement between Virginia Electric and Power Company and Allegheny Electric Cooperative, Inc., 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 Allegheny Electric Cooperative, Inc., under the rates, terms and conditions of the applicable Service Schedules included in the Tariff. Virginia Power requests an effective date of May 20, 1998, for the Service Agreement.

Copies of the filing were served upon Allegheny Electric Cooperative, Inc., Rural Utilities Service, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

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

24. Virginia Electric and Power Company

[Docket No. ER98–3330–000]

Take notice that on June 12, 1998, Virginia Electric and Power Company (Virginia Power), tendered for filing the Service Agreement between Virginia Electric and Power Company and Tampa Electric Company 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 Tampa Electric Company under the rates, terms and conditions of the applicable Service Schedules included in the Tariff. Virginia Power requests an effective date of June 12, 1998, for the Service Agreement.

Copies of the filing were served upon Tampa Electric Company, the Florida Public Service Commission, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

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

25. Mid-Continent Area Power Pool

[Docket No. ER98–3331–000]

Take notice that on June 12, 1998, the Mid-Continent Area Power Pool (MAPP), on behalf of its members that are subject to Commission jurisdiction as public utilities under Section 201(e)

of the Federal Power Act, filed an amendment to MAPP Schedule F.

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

26. Public Service Company of Colorado

[Docket No. ER98–3347–000]

Take notice that on June 12, 1998, Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado (PS Colorado), and Southwestern Public Service Company (collectively New Century) has filed revisions to its open-access transmission tariff pending in this docket. New Century states that the primary purpose of the proposed revisions is to modify the priority of non-firm use on the PS Colorado system to accommodate PS Colorado's membership in the Rocky Mountain Reserve Group.

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

27. Indianapolis Power and Light Company

[Docket No. ES98–34–000]

Take notice that on May 29, 1998, Indianapolis Power and Light Company filed an application, under § 204 of the Federal Power Act, seeking authorization to issue unsecured short-term securities, from time to time, in an aggregate principal amount of not more than $500,000,000 outstanding at any one time, during the period of September 1, 1998 through August 31, 2000, with final maturities of one year or less from the date of issue.

Comment date: July 17, 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. 98–16704 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–546–000]

Columbia Gas Transmission Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed RIPX Project and Request for Comments on Environmental Issues

June 18, 1998.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Columbia Gas Transmission Corporation's (Columbia) proposal to abandon its Derricks Creek Storage Field in Kanawha County, West Virginia and replace it with working gas capacity and deliverability at the Ripley Storage Field in Jackson County, West Virginia.

The abandonment of the Derricks Creek Storage Field in Kanawha County, West Virginia includes 13.1 miles of pipeline. In addition, the project would require the construction and operation of 3.5 miles of various diameter storage pipeline at the Ripley Storage Field, drilling six new storage wells, improving the deliverability of nine existing wells, and increasing the capacity of the Ripley Storage Field in Jackson County, West Virginia. This EA on the RIPX Project [1] will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to abandon, construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.[2]

Summary of the Proposed Project

Columbia seeks authorization for the following:

- Abandonment in place of the Derricks Creek Storage Field in its entirety consisting of 13.1 miles of various diameter pipeline and 20 active storage wells;
- Construction of approximately 3.5 miles of various diameter storage pipeline, drilling six new storage wells, and improving the deliverability of nine existing wells at the Ripley Storage Field;
- Increase the capacity of the Ripley Storage Field by 0.8 billion cubic feet (BCF) of gas;
- Conversion of two observation wells to active injection/withdrawal wells, and conversion of three very low performance wells to observation wells; and
- Abandonment by sale of up to 5.4 BCF of base gas within the two storage fields.

The location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the proposed facilities would require about 66.2 acres of land. Following construction, about 18.8 acres would be maintained as permanent pipeline right-of-way and about 20.0 acres would be required for new well sites and aboveground facilities. The remaining 27.4 acres of land would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of

[1] Columbia Gas Transmission Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Public safety
- Land use
- Cultural resources
- Air quality and noise
- Hazardous waste

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section on pages 4 and 5 of this notice.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Columbia. This preliminary list of issues may be changed based on your comments and our analysis.

- A total of about 18.9 acres of forest would be disturbed.
- The project would cross two perennial streams, eight intermittent streams and 4 wetlands.
- Blasting may be required in some areas.
- Three private water wells are located within 150 feet of the construction work area.
- Wells may need to be plugged at Derricks Creek Storage Field.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your letter to: David P. Boergers, Acting Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.2;
- Reference Docket No. CP98–546–000; and
- Mail your comments so that they will be received in Washington, DC on or before July 20, 1998.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 4). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–16708 Filed 6–23–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6115–9]

Agency Information Collection Activities: Proposed Collection; Comment Request; Small System Survey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Small System Survey, ICR # 1863.01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 24, 1998.

ADDRESSES: U.S. Environmental Protection Agency; Office of Ground Water Drinking Water, Mail Code: 4607; 401 M Street, SW; Washington, DC 20460. Interested persons may obtain a copy of the ICR without charge by contacting Kimberly Miller at (202) 260–1891, writing to her at the above address or sending her an e-mail at Miller.KimberlyD@epa.gov.

FOR FURTHER INFORMATION CONTACT: Nancy Cunningham, (202) 260–9535/(202) 401–6135/Cunningham.Nancy @ epa.gov.

SUPPLEMENTARY INFORMATION: Affected entities: Entities potentially affected by this action are public drinking water systems that are supplied by surface water and serve fewer than 10,000 people.

Title: Small System Survey; EPA ICR No. 1863.01.

Abstract: The Environmental Protection Agency has developed three interrelated Supplemental Surveys as part of an ongoing, scientific research and information collection program

associated with the 1996 Information Collection Rule (ICR) that supports drinking water regulation development. The overall objective of this larger research and information collection program is to provide a sound scientific and technical basis for generating and evaluating strategies for reducing risks associated with microbial pathogens and disinfection byproducts in the US drinking water supply.

EPA must conduct a Regulatory Impact Analysis (RIA) for the upcoming Stage 2 Long Term Enhanced Surface Water Treatment Rule (LT2) that evaluates the potential impacts on all system sizes. This rule is scheduled for promulgation in May 2002. A major regulatory option being considered is to target treatment for protozoa as a means for controlling not only protozoa but other waterborne pathogens. Therefore, a critical element of the RIA is a characterization of the national distribution of protozoa in source waters for all size systems. Additional data are needed to better characterize these distributions because: (1) the ICR only targets systems serving 100,000 people or more, (2) the ICR protozoa method exhibits low recovery and a high detection limit, and (3) limited data are available for systems serving less than 100,000. As these protozoan concentration estimates are inputs to the Regulatory Impact Analysis for this next phase of rulemaking, the Regulatory Impact Analysis may underestimate the level of treatment required for protozoa removal along with the resulting cost impacts of these rules.

To address these remaining data needs, EPA has developed and funded the ICR Supplemental Surveys. Although the existing ICR method remains available for possible use in these surveys, a key component of the Supplemental Surveys will be reliance upon a new analytical method, Method 1622, to measure *Cryptosporidium* concentrations. Because of its anticipated higher recovery rate and lower detection limit, Method 1622 will provide a more accurate estimate of *Cryptosporidium* concentrations in source waters. The Supplemental Surveys will focus on gathering and analyzing data from a subset of large, medium and small systems. Today's notice focuses on the information collection burden associated with small systems only. The burden associated with the large and medium surveys was covered under the Information Collection Request for the 1996 ICR.

Participation in the Small System Supplemental Surveys will be voluntary. As is appropriate in survey design, the size of the initial sampling list (a simple random sample) will be large enough to allow for some expected declinations. 40 small systems will participate in the survey and will sample twice a month during a 12 month monitoring period. The first monthly analysis will include protozoa (*Cryptosporidium, Giardia*) and bacterial samples (total *coliform, E.coli*); wet chemistry samples for total organic carbon (TOC), alkalinity, calcium hardness, total hardness, UV254, bromide and ammonia; and water quality parameters including turbidity, pH and temperature. The second monthly analysis will include protozoa and bacterial samples and water quality parameters including turbidity, pH and temperature. Twenty percent of the sample events will collect an additional raw water sample for use as a matrix spike to assess how the water matrices may be affecting method performance. Additional parameters that will be measured during the matrix spike events include dissolved organic carbon (DOC), total suspended solids (TSS), total dissolved solids (TDS) and conductivity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The projected total cost for all respondents in the small system survey is $83,837. This is based on an hourly rate of $56/hr for a supervisor and $18/hr for the technician. The total reporting burden for the small system survey is 1280 hours. This figure is based on 40 utilities expending 32 hours each to respond to the survey. For each utility, the time required for all collection events is 2 hrs and 40 minutes per month. The following tasks are included in the burden estimate: reviewing sample procedures, receiving and unpacking sample equipment, sample collection including water quality parameter measurement, packing samples for shipment, completing traffic reports and completing Federal Express airbills. EPA is supplying the sample collection materials and paying the shipping costs. There is a burden of $114/month for the systems to analyze *E. coli* and total *coliform* samples. EPA is considering requesting that participating utilities analyze bacterial samples at the laboratories which they usually use, due to the short holding times for these samples. If EPA does not choose to request that participating utilities analyze bacterial samples, then the small utilities would not have the burden of $114/month to analyze E. coli and total coliform samples. There is no total capital and start-up cost component. There are no operation and maintenance costs associated with this survey. 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.

Dated: June 18, 1998.

Cynthia C. Dougherty,

Director, Office of Groundwater Drinking Water.

[FR Doc. 98–16768 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6115–6]

Air Pollution Control; Proposed Actions on Clean Air Act Grants to the Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed determination with request for comments and notice of opportunity for public hearing.

SUMMARY: The EPA has made a proposed determination under section 105(c) of the Clean Air Act (CAA) that a reduction in expenditures of non-Federal funds for the Monterey Bay Unified County Air Pollution Control District (MBUAPCD, or ''District'') in Monterey, California is the result of a non-selective reduction in expenditures. This determination, when final, will permit the MBUAPCD to keep the financial assistance awarded to it by EPA for FY–97 under section 105(c) of the CAA.

DATES: Comments and/or requests for a public hearing must be received by EPA at the address stated below by July 24, 1998.

ADDRESSES: All comments and/or requests for a public hearing should be mailed to: Sara Bartholomew, Grants and Program Integration Office (AIR–8), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901; FAX (415) 744–1076.

FOR FURTHER INFORMATION CONTACT: Sara Bartholomew, Grants and Program Integration Office (AIR–8), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105–3901 at (415) 744–1250.

SUPPLEMENTARY INFORMATION: Under the authority of Section 105 of the CAA, EPA provides financial assistance (grants) to the MBUAPCD to aid in the operation of its air pollution control programs. In FY–96 EPA awarded the MBUAPCD $272,869, which represented approximately 7% of the District's budget. In FY–97, EPA awarded the MBUAPCD $255,265, which represented approximately 8% of the District's budget.

Section 105(c)(1) of the CAA, 42 U.S.C. 7405(c)(1), provides that ''[n]o agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year. In order for [EPA] to award grants under this section in a timely manner each fiscal year, [EPA] shall compare an agency's prospective expenditure level to that of its second preceding year.'' EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, ''after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government.'' CAA § 105(c)(2). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.210(a).

In its FY–97 § 105 application, which EPA reviewed in early 1997, the MBUAPCD projected expenditures of non-Federal funds for recurrent expenditures (or its maintenance of effort (MOE)) of $2,888,803. This MOE would have been sufficient to meet the MOE requirements of the CAA because it was not lower than the FY–96 MOE of $2,701,629. In October of 1997, however, the MBUAPCD submitted to EPA documentation which shows that its actual FY–97 MOE was $2,561,303. This amount represents a shortfall of $140,326 from the MOE for FY–96. In order for the District to be eligible to keep its FY–97 grant, EPA must make a determination under § 105(c)(2).

The MBUAPCD is a single-purpose agency whose primary source of funding is permit fee revenue. Fees associated with permits issued by the MBUAPCD go directly to the district to fund its operations. It is the ''unit of Government'' for § 105(c)(2) purposes. The MBUAPCD submitted documentation to EPA which indicates that the reduction of actual expenditures is primarily composed of declining fee revenues. Due to shortfalls in revenues, the Board has directed the district to control costs and reduce the existing fund balance.

In summary, the MBUAPCD's MOE reductions resulted from budget cuts stemming from a loss of revenues due to circumstances beyond the District's control. EPA proposes to determine that the MBUAPCD's lower FY–97 MOE level meets the § 105(c)(2) criteria as resulting from a non-selective reduction of expenditures. Pursuant to 40 CFR 35.210, this determination will allow the MBUAPCD to keep the funds received from EPA for FY97.

This notice constitutes a request for public comment and an opportunity for public hearing as required by the Clean Air Act. All written comments received by July 24, 1998, on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for such is received by EPA at the address above by July 24, 1998.

If no written request for a hearing is received, EPA will proceed to the final determination. While notice of the final determination will not be published in the **Federal Register**, copies of the determination can be obtained by sending a written request to Sara Bartholomew at the above address.

Dated: June 11, 1998.

David P. Howekamp,

Director, Air Division, U.S. EPA, Region 9.

[FR Doc. 98–16769 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL–6115–3]

Industrial Combustion Coordinated Rulemaking; Federal Advisory Committee Notice of Upcoming Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Industrial Combustion Coordinated Rulemaking (ICCR); Federal Advisory Committee notice of upcoming meeting.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, section 9(c), EPA gave notice of the establishment of the ICCR Federal Advisory Committee (hereafter referred to as the ICCR Coordinating Committee) in the **Federal Register** on August 2, 1996 (61 FR 40413).

The public can follow the progress of the ICCR through attendance at meetings (which will be announced in advance) and by accessing the Technology Transfer Network (TTN), which serves as the primary means of disseminating information about the ICCR.

DATES: The next meeting of the ICCR Coordinating Committee is scheduled for July 28–29, 1998. Also, most of the ICCR Work Groups—which report to the Coordinating Committee—have meetings scheduled in July, 1998. The dates of these Work Group meetings are summarized below. Further information on the dates of the Coordinating Committee meeting and the Work Group meetings may be obtained by accessing the TTN or by calling EPA (see **FOR FURTHER INFORMATION CONTACT:**).

ADDRESSES: The Coordinating Committee meeting on July 28–29, 1998 will be held at the Renaissance Long

Beach Hotel, 111 East Ocean Boulevard, Long Beach, California. The telephone number for the Renaissance Long Beach Hotel is (562) 437–5900. The locations of the Work Group meetings are summarized below. Further information on the locations of the Coordinating Committee meeting and the Work Group meetings may be obtained by accessing the TTN or by calling EPA (see **FOR FURTHER INFORMATION CONTACT:**).

Inspection of Documents: Docket. Minutes of the meetings, as well as other relevant materials, will be available for public inspection at the U.S. EPA Air and Radiation Docket and Information Center, Docket No. A–96–17. The docket is open for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (6102), 401 M Street SW, Washington, DC 20460; telephone: (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Fred Porter or Sims Roy, U.S. Environmental Protection Agency, Emission Standards Division, Combustion Group, (MD–13), Research Triangle Park, North Carolina 27711, telephone numbers (919) 541–5251 and 541–5263, respectively.

SUPPLEMENTARY INFORMATION:

Technology Transfer Network (TTN)

The TTN is one of the EPA's electronic bulletin boards. The TTN can be accessed through the Internet at:

WWW: http://www.epa.gov/ttn/iccr

FTP: mountain.epa.gov

When accessing the WWW site, select Technical Sites which brings up the Directory of TTN Sites, then select ICCR—Industrial Combustion Coordinated Rulemaking from the Directory of TNN Sites.

Access to the TTN through FTP is a streamlined approach for downloading files, but is only useful, if the desired filenames are known.

If more information on the TTN is needed, call the help desk at (919) 541–5384.

Meetings of the ICCR Coordinating Committee and Work Groups are open to the public. All Coordinating Committee meetings will be announced in the **Federal Register** and on the TTN. Work Group meetings will be announced on the TTN and in the **Federal Register**, when possible.

The next meeting of the Coordinating Committee will be held July 28–29, 1998 at the Renaissance Long Beach Hotel, 111 East Ocean Boulevard, Long Beach, California from about 8:00 a.m. to about 6:00 p.m. The agenda for this meeting will include reports from the Work Groups on their progress, testing needs and prioritization issues, discussion of data gathering efforts to support the ICCR, and a discussion of direction and guidance from the Coordinating Committee to the Work Groups. An opportunity will be provided for the public to offer comments and address the Coordinating Committee.

The Work Groups have currently scheduled the following meetings:

Work group	Date	Location
Incinerators	July 7, 1997	Pittsburgh, PA.
IC Engines	July 30, 1998	Long Beach, CA.
	September 17, 1998	RTP, NC.
Boilers	July 30, 1998	Long Beach, CA.
	September 17, 1998	RTP, NC.
Stationary	July 30, 1998	Long Beach, CA.
Combustion Turbines	September 17, 1998	RTP, NC.
Process Heaters	July 30–31, 1998	Long Beach, CA.
	September 17, 1998	RTP, NC.
Economics Analysis	July 30, 1998	Long Beach, CA.
Testing and Monitoring Protocol	July 31, 1998	Long Beach, CA.

The agendas for these meetings include review and revision of the ICCR databases, data and information gathering efforts, possible emission testing, and potential subcategorization. An opportunity will be provided at each meeting for the public to offer comments and address the Work Group.

Individuals interested in Coordinated Committee meetings, Work Group meetings, or any aspect of the ICCR for that matter, should access the TTN on a regular basis for information.

Two copies of the ICCR Coordinating Committee charter are filed with appropriate committees of Congress and the Library of Congress and are available upon request to the Docket (ask for item #I–B–1). The purpose of the ICCR Coordinating Committee is to assist EPA in the development of regulations to control emissions of air pollutants from industrial, commercial, and institutional combustion of fuels and non-hazardous solid wastes. The Coordinating Committee will attempt to develop recommendations for national emission standards for hazardous air pollutants (NESHAP) implementing section 112 and solid waste combustion regulations implementing section 129 of the Act, and may review and make recommendations for revising and developing new source performance standards (NSPS) under section 111 of the Act. The recommendations will cover boilers, process heaters, industrial/commercial and other incinerators, stationary internal combustion engines, and stationary combustion turbines.

Lists of Coordinating Committee and Work Group members are available from the TTN for the purpose of giving the public the opportunity to contact members to discuss concerns or information they would like to bring forward during the ICCR process.

It is anticipated that the next meeting of the Coordinating Committee, following the meeting in July, will be September 15–16, 1998 in Research Triangle Park, North Carolina.

Dated: June 17, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 98–16802 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–42008D; FRL–5789–6]

Idaho Certification Plan for Certification of Restricted Use Pesticide Applicators; Amendment Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On February 11, 1998, EPA announced its intention to approve an amendment to the Idaho plan for the certification of restricted use pesticide applicators and solicited comments. The amendment adds a category for the certification of 1080 Livestock Protection Collar (1080 LPC) applicators. The amended plan also requires recertification every 2 years rather than the current 5 years, establishes a chemigation category, and combines its various classes of commercial applicators under a new classification of professional applicator. EPA announces its approval of the Idaho certification plan amendment.

DATES: This amendment is effective July 9, 1998.

ADDRESSES: Copies of the amended Idaho Certification Plan and its comments are available for viewing at the following locations during normal business hours, Monday through Friday, excluding legal holidays:

1. John R. MacDonald, Environmental Protection Agency, Office of Pesticide Programs, Crystal Mall #2, 1921 Jefferson Davis Hwy., Rm. 1121, Arlington, VA, telephone: (703) 305-7370, e-mail: macdonald.john@epamail.epa.gov.
2. Allan Welch, Environmental Protection Agency, Region X, 1200 Sixth Ave., Eighth Floor, Seattle, WA, telephone: (206) 553-1980, e-mail: welch.allan@epamail.epa.gov.
3. Beth Williams, Idaho Department of Agriculture, Division of Agricultural Resources, P.O. Box 7723, 2270 Old Penitentiary Rd., Boise, ID, telephone: (208) 332-8605, e-mail: bwilliams@agri.state.id.us.

FOR FURTHER INFORMATION CONTACT: By mail, Allan Welch, Environmental Protection Agency, Region X, 1200 Sixth Ave., Eighth Floor, Seattle, WA 98101, telephone: (206) 553-1980, e-mail: welch.allan@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of February 11, 1977 (42 FR 8692), a notice was published announcing the final approval of the Idaho plan for the certification of restricted use pesticide applicators. On February 11, 1998 (63 FR 6929) (FRL–5754–3), EPA announced its intention to approve an amendment to the Idaho plan and solicited comments. The Idaho amendment establishes a new category for the certification of 1080 LPC applicators. Idaho proposes to certify approximately 25 employees of the United States Department of Agriculture, Wildlife Services. Wildlife Services is one of the registrants of the 1080 LPC and will supply the 1080 LPC to their employees certified under this plan. Wildlife Services employees certified under this plan will only be applying 1080 LPCs in performance of their official duties. There is no provision for supervision of non-certified applicators of 1080 LPCs. Only applicators certified in 1080 LPC use will be permitted to apply the product. The amended plan will combine the license of a commercial applicator, a commercial operator, a limited applicator, and a consultant into a single license of professional applicator. The Idaho Certification Plan will under this amendment have only private and professional applicators. Chemigation will become a category under both the private- and -professional applicator license. Previously chemigation required a separate license. The recertification period is reduced to 2 years from the previous 5-year period. The training required for recertification eligibility also is reduced. This results in more frequent training with the average yearly training burden remaining relatively unchanged.

II. Discussion of Comments

Mr. Michael A. Guerry, President of the Idaho Wool Growers Association; Mr. Mark Collinge, State Director of Idaho Wildlife Services, United States Department of Agriculture; Ms. Judy Woodie, President of the Idaho Cattle Association; and Mr. Laird Noh of Noh Sheep Company were the four persons submitting comments on the amendment. All commenters confined their remarks to the predator control aspects of the amendment. All commenters expressed the opinion that 1080 LPCs were a valuable tool and supported the predator control provisions of the amendment. Mr. Collinge submitted attachments to his comments that addressed past studies and proposed future uses of predator-control measures. Some of Mr. Collinge's comments and attachments addressed programs and definitions of registration requirements that are related but not specific to this action. EPA will continue to work with Mr. Collinge and other concerned parties to clarify these questions. Comments are available for review at the addresses listed in ''ADDRESSES'' at the beginning of this document.

EPA approves the amendment to the Idaho plan for the certification of pesticide applicators.

List of Subjects

Environmental protection.

Dated: June 8, 1998.

Charles Findley,

Acting Regional Administrator, Region X.

[FR Doc. 98–16572 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34126; FRL–5796–3]

Bacillus thuringiensis; Availability of Reregistration Eligibility Document for Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This Notice announces the availability of the Reregistration Eligibility Document (RED) for the active ingredient *Bacillus thuringiensis*, and the start of a 60–day public comment period. The RED for *Bacillus thuringiensis* is the Agency's formal regulatory assessment of the health and environmental data base of the subject chemical, and presents the Agency's determination regarding which pesticidal uses of *Bacillus thuringiensis* are eligible for reregistration.

DATES: Written comments on the RED must be submitted by August 24, 1998.

ADDRESSES: Three copies of comments identified with the docket number [OPP–34126] should be submitted to: By mail: Public Response and Program Resources Branch, Field Operations Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460. In person, deliver comments to: Room 119, CM2 1921 Jefferson Davis Highway, Arlington, VA. Comments and data may also be submitted electronically by following the instructions under ''Public Record.'' No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment in response to this Notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be

disclosed except in accordance with procedures set for in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket and docket index will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Electronic comments can be sent directly to EPA at: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII File avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 file format or ASCII file format.

All comments and data in electronic form must be identified by the docket control number [OPP–34126]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

To request a copy of the above RED, or a RED Fact Sheet, contact the Public Response and Program Resources Branch, in Rm. 119 at the address given above or call (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Technical questions on the RED should be directed to the Biopesticide Review Manager, William R. Schneider, PM 90, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 9th floor CM2 2100 Jefferson Davis Highway, Arlington, VA; (703–308–8683), e-mail: schneider.william@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Agency has issued Reregistration Eligibility Documents (RED) for the pesticidal active ingredient: *Bacillus thuringiensis*. Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1988, EPA is conducting an accelerated reregistration program to reevaluate existing pesticides to make sure they meet current scientific and regulatory standards. The data base to support the reregistration of the chemical *Bacillus thuringiensis* is substantially complete. EPA has determined that all currently registered products containing *Bacillus thuringiensis* as an active ingredient are eligible for reregistration.

All registrants of products containing *Bacillus thuringiensis* have been sent the appropriate RED and must respond to the labeling requirements and the product specific data requirements (if applicable) within 8 months of receipt. These products will not be reregistered until adequate product specific data have been submitted and all necessary product label changes are implemented.

The reregistration program is being conducted under congressionally mandated time frames, and EPA recognizes both the need to make timely reregistration decisions and to involve the public. Therefore, EPA is issuing the RED as a final document with a 60–day comment period. Although the 60–day public comment period does not affect the registrant's response due date, it is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the RED. All comments will be carefully considered by the Agency and if any of those comments impact on the RED, EPA will issue an amendment to the RED and publish a **Federal Register** notice announcing its availability.

List of Subjects

Environmental protection.

Dated: June 12, 1998.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 98–16777 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–36192; FRL–5792–3]

Inert Ingredients No Longer Used in Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is removing certain chemicals from its list of pesticide product inert ingredients that are not currently used in pesticide products. Future use of these chemicals as inert ingredients in pesticide products will not be permitted unless a petitioner or registrant satisfies all data requirements as identified by the Agency, and the Agency is able to make a determination that the use of the inert ingredient will not pose unreasonable risk to human health or the environment. All tolerances or exemptions from the requirement of a tolerance for the use of these chemicals as inert ingredients in food-use pesticide formulations will be proposed for revocation at a later date in a separate **Federal Register** Notice.

DATES: This notice is effective on June 24, 1998. This notice is subject to revision if comments are received and revision is warranted. Comments must be received on or before August 24, 1998.

ADDRESSES: By mail, submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under Unit VII of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Treva Alston, Minor Use, Inerts, and Emergency Response Branch (MUIERB), Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone, and e-mail address: 2800 Crystal Drive, North Tower, Arlington, VA, (703) 308–8373, e-mail: alston.treva@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This notice announces those List 1, List 2 and List 3 inert ingredients that are no longer used in pesticide products.

I. Background

On April 22, 1987, EPA announced certain policies designed to reduce the potential for adverse effects from the use of pesticide products containing toxic inert ingredients (52 FR 13305). In developing the policy, the Agency reviewed the available data on chemicals used as inert ingredients, and concluded that some inert ingredients had potentially significant long-term health and environmental hazards

associated with their use in pesticide products.

The 1987 notice categorized all inert ingredients into four lists, according to toxicity, as follows: List 1 inert ingredients, described as ''inerts of toxicological concern,'' were so categorized on the basis of toxicological or adverse ecological effects which had been documented in studies subject to peer review. List 2 inert ingredients, ''potentially toxic inerts/high priority for testing,'' are structurally similar to chemicals known to be toxic and may have data suggesting a basis for concern. List 3 inert ingredients, ''inerts of unknown toxicity,'' do not have data supporting their inclusion on Lists 1 or 2 (or 4; see below). List 4 inert ingredinets, ''minimal hazard or risk inerts,'' consists of ingredients which are generally regarded as innocuous.

In a susubsequent **Federal Register** notice, EPA further revised List 4, creating two subcategories: (1) List 4A, ''inerts generally regarded as safe'' and (2) List 4B, ''inerts for which EPA has sufficient information to reasonably conclude that the current use pattern in pesticide products will not adversely affect public health or the environment'' (54 FR 48314, November 22, 1989). The Agency further revised List 4A in 1994 (59 FR 49400, September 28, 1994)(FRL–4872–5), and continues to evaluate the toxicity of inert ingredients. EPA's designation of inert ingredients according to list has been published as the ''List of Pesticide Product Inert Ingredients'' (May 17, 1995), and is available through the Office of Pesticide Program's Public Information and Record Integrity Branch at the address given above.

The criteria used for placement of inert ingredients on List 1 were discussed in detail in the November 22, 1989 **Federal Register** notice (54 FR 58314). In summary, the criteria for inclusion on List 1 included carcinogenicity, adverse reproductive effects, neurotoxicity or other chronic effects, developmental toxicity (birth defects), adverse ecological effects or the potential for bioaccumulation. Inert ingredients which were placed on List 2 were considered to be structurally similar to chemicals known to be toxic or there existed data which suggested a basis for concern about the toxicity of the chemical.

II. Inert Ingredients no Longer Used in Pesticide Products

The Agency has identified certain List 1, List 2, and List 3 inert ingredients that are no longer used in pesticide products. Many List 1 inert ingredients are no longer used because of data call-in notices issued pursuant to section 3(c)(2)(B) of FIFRA. In response to the issuance of data call-in notices (DCIs) for List 1 inert ingredients, most registrants of products containing List 1 inert ingredients chose to respond to the DCI by canceling the registration or reformulating the product to remove the List 1 inert ingredient.

List 1 inert ingredients which are no longer used in pesticide products are identified as follows (with chemical name and Chemical Abstracts Service (CAS) Registry Numbers:

LIST 1 INERT INGREDIENTS NO LONGER USED IN PESTICIDE PRODUCTS

CAS Reg. No.	Chemical Name
56–23–5	Carbon tetrachloride
56–35–9	Tributyltin oxide
62–53–3	Aniline
67–66–3	Chloroform
68–12–2	Dimethylformamide
74–87–3	Methyl chloride
75–09–2	Methylene chloride
75–56–9	Propylene oxide
78–87–5	1,2–Dichloropropane
79–00–5	1,1,2–Trichloroethane
79–01–6	Trichloroethylene
90–43–7	*o*–Phenylphenol
106–46–7	*p*–Dichlorobenzene
106–89–8	Epichlorohydrin
107–06–2	Ethylene dichloride
109–86–4	Ethylene glycol monomethyl ether
110–54–3	*n*–Hexane
110–80–5	Ethylene glycol monethyl ether
111–15–9	Ethanol ethoxyacetate
123–91–1	Dioxane
127–18–4	Perchloroethylene
140–88–5	Ethyl acrylate
302–01–2	Hydrazine
569–64–2	Malachite green
591–78–5	Methyl n–butyl ketone
1330–78–5	Tri–orthocresylphosphate (TOCP)
1332–21–4	Abestos fiber
1588–01–9	Sodium dichromate
26471–62–5	Toluene diisocyanate
No CAS Number	Cadmium compounds
No CAS Number	Lead compounds
No CAS Number	Pyrethrins

List 2 inert ingredients which are no longer used in pesticide products are identified as follows (with chemical name and Chemical Abstracts Service (CAS) Registry Numbers:

LIST 2 INERT INGREDIENTS NO LONGER USED IN PESTICIDE PRODUCTS

CAS Reg. No.	Chemical Name
74–83–9	Methyl bromide
76–14–2	Dichlorotetrafluoroethane
95–50–1	*o*–Dichlorobenzene
95–76–1	3,4–Dichloroaniline
95–82–9	2,5–Dichloroaniline
101–84–8	Diphenyl ether
120–32–1	2–Benzyl–4–chlorophenol
554–00–7	2,4–Dichloroaniline
608–27–5	2,3–Dichloroaniline
608–31–1	2,6–Dichloroaniline
626–43–7	3,5–Dichloroaniline
25168–06–3	Isopropyl phenols

List 3 inert ingredients which are no longer used in pesticide products are identified as follows (with chemical name and Chemical Abstracts Service (CAS) Registry Numbers:

LIST 3 INERT INGREDIENTS NO LONGER USED IN PESTICIDE PRODUCTS

CAS Reg. No.	Chemical Name
70–55–3	*p*–Toluenesulfonamide
74–82–8	Methane
75–73–0	Carbon tetrafluoride
77–85–0	Trimethylolethane
79–07–2	2–Chloroacetamide
79–43–6	Dichloroacetic acid
80–15–9	Cumene hydroperoxide
88–58–4	2,5–Di(tert–butyl)hydroquinone
90–33–5	7–Hydroxy–4–methylcoumarin
91–44–1	2*H*-1-Benzopyran-2-one, 7-(diethylamino)-4-methyl-
92–68–2	Isopropylamine salt of stearoylisopropanolamide derivative of sulfosuccinic acid
93–69–6	o–Tolyl biguanide
95–13–6	1*H*-Indene
98–73–7	4-tert-Butyl benzoic acid
101–81–5	Benzylbenzene
103–60–6	Propanoic acid, 2-methyl-, 2-phenoxyethyl ester
107–68–6	2-(Methylamino)ethanesulfonic acid
107–70–0	4-Methoxy-4-methyl-2-pentanone
107–87–9	Methyl *n*-propyl ketone
109–66–0	Pentane
110–99–6	Diglycolic acid
111–92–2	Di-*n*-butylamine
112–38–9	10-Undecenoic acid
115–19–5	2-Methyl-3-butyn-2-ol
116–02–9	3,3,5-Trimethylcyclohexanol
119–64–2	1,2,3,4-Tetrahydronaphthalene
120–80–9	1,2-Benzenediol
122–39–4	Diphenylamine
123–28–4	Dilauryl thiodipropionate
136–23–2	Dibutyldithiocarbamic acid, zinc salt
136–44–7	Glyceryl p–aminobenzoate
140–31–8	1-Piperazineethanamine
142–58–5	*N*-(2-Hydroxyethyl)tetradecanamide
143–00–0	Diethanolammonium dodecyl sulfate
420–04–2	Hydrogen cyanamide
431–03–8	2,3-Butanedione
470–82–6	2-Oxabicyclo[2.2.2]octane, 1,3,3–trimethyl-
523–80–8	4,7-Dimethoxy-5-(2-propenyl)-1,3-benzodioxole
546–68–9	Tetraisopropyl titanate
548–62–9	Methylrosaniline chloride
630–08–0	Carbon monoxide
650–51–1	Sodium trichloroacetate
683–10–3	Dodecylbetaine
693–98–1	1*H*-Imidazole, 2-methyl-
822–06–0	Hexamethylene diisocyanate
872–10–6	1,1'-Thiobispentane
921–20–0	Methoxy-2,4-dihydroxypentane
1113-38-8	Ammonium oxalate
1118–92–9	*N,N*-Dimethylcaprylamide

LIST 3 INERT INGREDIENTS NO LONGER USED IN PESTICIDE PRODUCTS—Continued

CAS Reg. No.	Chemical Name
1155–74–4	1-Tetradecylpyridinium bromide
1187–59–3	*N*-Methylacrylamide
1300–71–6	Xylenols, mixed
1313–27–5	Molybdenum trioxide
1314–23–4	Zirconium oxide
1323–47–3	(2-Heptadecenyl)-4-methyl-2-oxazolinemethanol
1332–77–0	Potassium tetraborate
1333–83–1	Sodium bifluoride
1344–08–7	Sodium sulfide
1393–03–9	Quillaja
1606–85–5	2,2'-[2-Butyne-1,4-diyl(oxy)]bisethanol
1760–24–3	*N*-[3-(Trimethoxysilyl)propyl]-1,2-ethanediamine
2050–60–4	Dibutyl oxalate
2050–99–9	Diisoamyl ketone
2156–56–1	Sodium dichloracetate
2224–49–9	Triethanolamine laurate
2386–87–0	3,4-Epoxycyclohexylmethyl 3,4-epoxycyclohexanecarboxylate
2571–88–2	*N,N*-Dimethyloctadecylamine oxide
2724–58–5	Methylheptadecanoic acid
2764–13–8	2-Hydroxyethyl dimethyl 3-octadecanamidopropyl ammonium nitrate
2991–51–7	Potassium *N*–ethyl-*N*-[(heptadecafluorooctyl)sulfonyl]glycinate
3006–13–1	*N*-Ethyl-*N,N*-dimethyl-1-dodecaminium ethyl sulfate
3287–06–7	Diphenyl decyl phosphite
3324–58–1	Picric acid, sodium salt
3380–34–5	2,4,4'-Trichloro-2-hydroxy diphenyl ether
3424–21–3	Triisopropylamine
3614–12–8	*N*-Dodecyl-*N*-tetradecyl beta-alanine
3655–00–3	3,3'-(Dodecylimino)dipropionic acid, disodium salt
3921–30–0	Monodecyl acid phosphate
2620–53–3	*p*-Chlorophenyl *N*-methyl carbamate
3942–54–9	*o*-Chlorophenyl *N*-methyl carbamate
4110–50–3	Ethyl propyl thio ether
4130–35–2	Tri-*n*–decyl trimellitate
4175–37–5	Octyldiphenylamine
4568–28–9	Triethanolamine stearate
4654–26–6	Dioctyl terephthalate
4696–57–5	Barium laurate
4891–67–2	Isophthalic anhydride
5012–62–4	2,6-Bis(1-methylheptadecyl)-*p*-cresol
5145–99–3	Ethyl isopropyl sulfide
5394–36–5	5-Ethyl-5-methylhydantoin
5434–57–1	Hexyl neopentanoate
6001–97–4	Dihexyl*ester of sodium sulfosuccinate (* hexyl is 1–methylpentyl)
6144–28–1	Dilinoleic acid
6373–07–5	Rhodamine B stearate
6642–07–5	Trichlorophene
6843–97–6	Dodecyldi(aminoethyl)glycine
7360–53–4	Aluminum formate
7376–31–0	Triethanolamine sulfate
7446–09–5	Sulfur dioxide
7585–20–8	Zirconium acetate
7702–01–4	1*H*-Imidazolium, 1-(2-(carboxymethoxy)ethyl)-1-(carboxymethyl)-2-heptyl-4,5-dihydro-, hydroxide, disodium salt
7772–98–7	Sodium thiosulfate
7775–14–6	Sodium hydrosulfite
7778–50–9	Potassium dichromate
7783–18–8	Ammonium thiosulfate
7789–00–6	Potassium chromate
7790–62–7	Potassium pyrosulfate
8002–65–1	Neem oil
8043–44–5	Sodium sulforicinoleate
10039–54–0	Hydroxylamine sulfate
10107–99–0	Abietic acid, diethylene glycol ester
10361–37–2	Barium chloride
12002–51–6	Cresylic acid, potassium salt
12007–92–0	Sodium pentaborate
12379–45–2	Isothymyl 2–chloroethyl ether
12626–51–6	Dodecyl sulfate, *N,N*-diethylcyclohexylamine salt
12645–53–3	Phosphoric acid, isooctyl ester
13470–50–3	2-Heptadecyl-1-methyl-1-(2-stearoyl(amido)ethyl-2-midazolinium methyl sulfate
13477–36–6	Calcium perchlorate
13701–59–2	Barium metaborate

LIST 3 INERT INGREDIENTS NO LONGER USED IN PESTICIDE PRODUCTS—Continued

CAS Reg. No.	Chemical Name
14408–42–5	2-(8-Heptadecenyl)-4-methyl-2-oxazoline-4-methanol
14433–76–2	*N,N*-Dimethylcapramide
16090–02–1	Disodium 4,4'-bis(4-anilino-6-morpholino-*s*-triazin-2-ylamino)stilbene-2,2-disulfonate
16455–61–1	Sodium ferric ethylene diamine di(*o*-hydroxyphenylacetate)
16940–66–2	Sodium borohydride
17123–43–2	*N,N*-Bis(2-hydroxyethyl)glycine, sodium salt
19529–38–5	Diethylenetriaminepentaacetic acid, disodium iron(III) salt
21041–93–0	Cobalt hydroxide
21129–18–0	Manganese propionate
23054–60–6	*N*-(2-Hydroxypropyl)octanamide
23054–61–7	*N*-(2-Hydroxypropyl)decanamide
25167–70–8	Diisobutylene
25307–17–9	2,2'(9-Octadecenylimino)ethanol
26628–22–8	Sodium azide
26761–64–8	1*H*-Benzimidazoledisulfonic acid, 2-heptadecyl-, disodium salt
26836–28–2	Bis(2-ethylhexyl)pyrophosphate
28855–27–8	(Dodecylmethylbenzyl) trimethyl ammonium chloride
30346–73–7	Xylenesulfonic acid, potassium salt
30399–84–9	Isooctadecanoic acid
30526–26–2	Nonylphenol dihydrogen phosphate
31711–50–9	Butylnaphthalene
31866–76–9	1-Oxyethyl-2-stearic imidazoline
35255–48–2	Cyclohexanone, cyclohexylidene–
39049–04–2	Zirconium neodecanoate
40766–31–2	1-Phenyl-1-xylylethane
53404–15–2	Aluminum hydroxybenzenesulfonate
53404–49–2	Ethylene glycol ether of pinene
53404–62–9	*N*-[alpha-(Nitroethyl)benzyl]ethylenediamine, potassium salt
54585–68–1	1*H*-Benzimidazolesulfonic acid, 2-undecyl-, monosodium salt
56797–01–4	Cerium 2-ethylhexoate
60209–82–7	Isodecyl neopentanoate
60789–80–2	Citric acid, tris(triethylamine) salt
60840–86–0	Oleic tetraester of tetra(hydroxyethyl)ethylenediamine
60874–82–0	Propylammonium nitrite
61789–32–0	Fatty acids, coco, 2-sulfoethyl esters, sodium salts
61789–52–4	Cobalt tallate
61791–32–0	*N*-(2-Cocoamidoethyl)-*N*-(2-hydroxyethyl)glycine, sodium salt
61791–33–1	*N*-(2-Aminoethyl)-*N*-(2-hydroxyethyl)glycine, *N*-coco acyl derivs
61792–08–3	Ethanol diglycine, disodium salt
64051–23–6	2-Butoxyethyl dihydrogen phosphate, diethylamine salt
64503–07–7	Benzyl dibromoacetate
64741–79–3	Coke, petroleum
67859–56–7	2,3-Dihydroxypropyl 3-(hexylthio)propionate
67859–60–3	Tris[(2-ethylhexyl)oxy]boroxin
68153–99–1	Amines, *N*–tallow alkyltrimethylenedi–, dioleates
68298–14–6	Methyl epoxystearate, reaction products with tetraethylene pentamine
68334–32–7	Polyphosphoric acids,2-ethylhexyl esters, sodium salts
68442–99–9	Manganese boron neodecanoate
68476–95–9	Shale
68526–90–9	Decyl alcohol bottoms (higher M.W. alcohols, ethers, esters; isodecyl alcohol)
68609–97–2	Alkyl(mixed $C_{12}C_{14}$) glycidyl ether
68630–89–7	6-Carboxy-4-hexyl-2-cyclohexene-1-octanoic acid, monopotassium salt
68877–34–9	*N*-(Nonyloxypropyl)-1,3-propanediamine
68917–09–9	Ocotea oil
68987–86–0	Isopropylated cresol
69867–70–5	Triethylamine nitrilotriacetate
70191–75–2	Decyl phenoxybenzenedisulfonic acid
70904–61–9	Amidosulfosuccinate
71113–21–8	[[[3-(Dimethylamino)propyl]imino]bis(methylene)] bisphosphonic acid, monohydrochloride
71487–01–9	Di(coco alkyl) dimethyl ammonium nitrite
74849–88–0	Dicyanoethyl diethylenetriamine
75212–49–6	Bis(2-ethylhexyl)pyrophosphate, disodium salt
77097–78–0	Pyrolysis gasoline
77500–13–1	Bis(2-hydroxyethyl)-3-(decyloxy)propylamine, *N*-oxide
78812–39–2	Carbamic acid, manganese salt
79660–25–6	Acetamide, 2,2-dichloro-*N*-(1,3–dioxolan-2-ylmethyl)-*N*-2-propenyl-
81099–36–7	3,4,4-Trimethyloxazolidine mixt. with 4,4-dimethyloxazolidine
85005–69–2	Oleic monoester of tetra(hydroxyethyl)ethylenediamine
85081–53–4	Dodecenylsuccinic acid, monotridecyl ester
89875–83–2	(Dodecylmethylxylyl) trimethyl ammonium chloride
92257–04–0	Amines, C_{12-14} tert-alkyl, bis-[4-[(5-chloro-2-hydroxyphenyl)azo]-2,4-dihydro-5-methyl-2-phenyl-3*H*-pyrazol-3-onato(2-)]cobaltate(1-) (1:1)

LIST 3 INERT INGREDIENTS NO LONGER USED IN PESTICIDE PRODUCTS—Continued

CAS Reg. No.	Chemical Name
103112–35–2	1*H*-1,2,4-Triazole-3-carboxylic acid, 1-(2,4-dichlorophenyl)-5-(trichloromethyl)-, ethyl ester
103213–17–8	Coke, brown coal
108746–82–3	Oleic diester of tetra(hydroxyethyl)ethylenediamine
125972–19–2	*N,N*-Dimethylisooctadecanamine, *N*-oxide
No CAS Number	Dodecyl dimethyl benzyl ammonium napthenate
No CAS Number	Butanamide, 4-hydroxy-, *N*-C_{6-16}-alkyl-
No CAS Number	Sodium *n*-nonyldiphenyl ether sulfonate
No CAS Number	Oligoester derived by condensation of adipic acid, phthalic anhydride, ethylene glycol, n–octyl alcohol and n–decyl alcohol
No CAS Number	1*H*-Benzimidazole-6,3'-disulfonic acid, 2-octadecyl-1-(phenylmethyl)–, sodium salt
No CAS Number	Naphthenic acid soap of *N*-C_{16-18}-alkyl trimethylendiamine
No CAS Number	Nickel complex of diethyl hexyl acid phosphate
No CAS Number	Isopropylamine salt of oleoylisopropanolamide derivative of sulfosuccinic acid
No CAS Number	Isodecyl phenyl acid phosphate
No CAS Number	Tetrapropyl succinic acid

According to Agency records, none of the above chemicals have been used in any registered pesticide product for over two years, and in most cases, the above chemicals have not been used as inert ingredients in registered pesticide products for over five years. If a registrant disputes the Agency's determination concerning inert ingredients that are no longer used in pesticide products and still has an active registration for a pesticide product containing one of the chemicals identified as no longer used in pesticide products, the registrant should immediately notify the Agency as detailed in the ''ADDRESSES'' section of this notice. The registrant should include the inert ingredient name, CAS Reg. No. for the inert ingredient in question and the EPA Registration Number of the pesticide product containing the inert ingredient.

III. Policy Governing Future Use of Chemicals that are No Longer Permitted for Use as Inert Ingredients

Because of the toxicological and other concerns associated with List 1 and List 2 ingredients, EPA believes that registrants will have difficulty proving to the Agency that use of products containing such ingredients would not result in unreasonable adverse effects on human health and the environment. Therefore, the Agency does not normally expect to approve future applications involving the use of any of the above List 1 or List 2 chemicals as ingredients, except in those few cases where the applicant can clearly demonstrate through the submission of data that the proposed use will not adversely affect public health or the environment. Data requirements for any such future request will be determined by the Agency on a case–by–case basis. Use of any of the above List 3 chemicals will be considered by the Agency under the same procedures that apply to new inert ingredients specified in the April 22, 1987, Inert Inrgredient Policy Statement.

IV. Revocation of Exemptions from the Requirement of a Tolerance for Chemicals No Longer Permitted for Use as Inert Ingredients

The Agency has previously revoked most of the exemptions from the requirement of a tolerance for those List 1 inert ingredients identified above as no longer used in pesticide products. The Agency will propose future revocations of any remaining exemptions from the requirement of a tolerance for all chemicals identified above as no longer used in pesticide products.

V. List 1 and 2 Inert Ingredients Currently Used in Pesticide Products

There are 8 List 1 inert ingredients and 52 List 2 inert ingredients that, according to Agency records, are still used in pesticide products. Although the Agency stated in the November 1989 **Federal Register** Notice that the List 1 inert ingredient formaldehyde was no longer used in pesticide products as an inert ingredient, the Agency has now determined that, according to its records, formaldehyde is present in some pesticide products as an inert ingredient for use as a formulation preservative or as a component of certain proprietary mixtures.

Products containing formaldehyde as an inert ingredient will be included in the reregistration process of the active ingredient, formaldehyde since the registration standard entitled ''Guidance for the Reregistration of Pesticide Products Containing Formaldehyde and Paraformaldehyde'' published on May 31, 1988, stated that formaldehyde should be categorized as an active ingredient in all products in which it is used, including products containing formaldehyde as an inert ingredient.

The remaining List 1 and List 2 inert ingredients are as follows:

LIST 1 INERT INGREDIENTS CURRENTLY USED IN PESTICIDE PRODUCTS

CAS Reg No.	Chemical Name
50–00–0	Formaldehyde
78–59–1	Isophorone
81–88–9	Rhodamine B
103–23–1	Dioctyl adipate
108–95–2	Phenol
117–81–7	Diethylhexylphthalate
123–31–9	1,4–Benzendiol
25154–52–3	Nonyl phenol

LIST 2 INERT INGREDIENTS CURRENTLY USED IN PESTICIDE PRODUCTS

CAS Reg No.	Chemical Name
71–55–6	1,1,1-Trichloroethane
75–00–3	Chloroethane
75–05–8	Acetonitrile
75–37–6	1,1-Difluoromethane
75–43–4	Dichloromonofluoromethane
75–45–6	Chlorodifluoromethane
75–52–5	Nitromethane
75–68–3	1-Chloro-1,1-difluoroethane
75–69–4	Trichlorofluoromethane
75–71–8	Dichlorodifluoromethane
76–13–1	Trichlorotrifluoromethane
79–24–3	Nitroethane
80–62–6	Methyl methacrylate
84–66–2	Diethyl phthalate
84–74–2	Dibutyl phthalate
85–68–7	Butyl benzyl phthalate
88–04–0	*p*-Chloro-*m*-xylenol
95–14–7	1,2,3-Benzotriazole
95–49–8	2-Chlorotoluene
96–29–7	Methyl ethyl ketoxime
97–23–4	Dichlorophene
97–88–1	Butyl methacrylate
100–02–7	*p*-Nitrophenol
100–41–4	Ethyl benzene
102–71–6	Triethanolamine
106–88–7	Butylene oxide
108–10–1	Methyl isobutyl ketone
108–88–3	Toluene

LIST 2 INERT INGREDIENTS CURRENTLY USED IN PESTICIDE PRODUCTS—Continued

CAS Reg No.	Chemical Name
108–90–7	Monochlorobenzene
108–94–1	Cyclohexanone
111–42–2	Diethanolamine
111–76–2	2-Butoxy-1-ethanol
111–77–3	Diethylene glycol monomethyl ether
111–90–0	Diethylene glycol monoethyl ether
112–34–5	Diethylene glycol monobutyl ether
117–84–0	Dioctyl phthalate
107–98–2	1-Methoxy-2-propanol
124–16–3	1-Butoxyethoxy-2-propanol
131–11–3	Dimethyl phthalate
141–79–7	Mesityl oxide
149–30–4	Mercaptobenzothiazole
1330–20–7 ...	Xylene
5131–66–8 ...	1-Butoxy-2-propanol
25498–49–1	Tripropylene glycol monomethyl ether
29385–43–1	Tolyl triazole
29387–86–8	Propylene glycol monobutyl ether
34590–94–8	Dipropylene glycol monomethyl ether
No CAS Number.	Petroleum hydrocarbons
No CAS Number.	Xylene–range aromatic solvents

VI. Process for Future Removal of Inert Ingredients that are No Longer Used as Inert Ingredients

As a part of its ongoing inerts strategy, the Agency will perform future reviews of List 1, List 2, and List 3 inert ingredients to identify those inert ingredients which are no longer used. The Agency will issue future **Federal Register** notices removing those chemicals from its list of inert ingredients. Any associated exemptions from the requirement of a tolerance for such chemicals when used as inert ingredients will also be revoked. The Agency will not remove any List 4A or 4B inert ingredients from its list of inert ingredients since sufficient data have been presented to establish that the use of these chemicals as inert ingredients will not present a hazard to public health or the environment.

In an effort to identify inert ingredients which are no longer used, the Agency may contact registrants of pesticide products or manufacturers/suppliers of substances which are used as inert ingredients in pesticide formulations which contain specific inert ingredients the Agency believes may not actually be in use. This action may be necessary to verify the information currently contained in the Agency's database relative to product formulation information.

The Agency considers all alternate formulations valid for purposes of registration unless a registrant provides specific written notice to the Agency that a particular formulation will no longer be used. Therefore, the Agency wants to encourage registrants as part of their pesticide product stewardship program to provide the Agency with written notice identifying specific formulations that are no longer used as part of the pesticide product registration and amendment process. This action will assist the Agency in better identifying those inert ingredients that are no longer used in pesticide products as well as improving the overall accuracy of the Agency's product formulation information.

VII. Public Record and Electronic Submissions

The official record for this notice, as well as the public version, has been established for this notice under docket control number [OPP-36192] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the Virginia address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP–36192]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 11, 1998.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 98–16571 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[PF–815; FRL–5795–9]

Pesticide Temporary Tolerance Exemption Petition; Notice of Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of a pesticide petition proposing the extension of the exemption from the requirement of a temporary tolerance for residues of Trichodex (*Trichoderma harzianum* T-39) in and on all raw agricultural commodities as granted in Pesticide Petition 6G4622, concomitant with the extension of the Experimental Use Permit 11678–EUP–1. These extensions are requested to comply with the Food Quality Protection Act of 1997. The summary of the petition in this notice was prepared by the petitioner.

DATES: Comments, identified by the docket control number PF–815, must be received on or before July 24, 1998.

ADDRESSES: By mail submit written comments to: Public Information and Records Integrity Branch (7502C), Information Resources and Services Division, Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under ''SUPPLEMENTARY INFORMATION.'' No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Shanaz Bacchus (PM-90) Biopesticides and Pollution Prevention Division,

Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington DC 20460. Office location and telephone number: 5th floor, CS #1, 2800 Crystal Drive, Arlington, VA 22202, Telephone number 703 308–8097, e-mail: bacchus.shanaz@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice of filing, as well as the public version, has been established for this notice of filing under docket control number [PF–815] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:
opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number [PF–815] and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 15, 1998.

Kathleen D. Knox,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Makhteshim-Agan of North America Inc.

PP 6G4622

EPA has received a request to extend the pesticide petition (PP 6G4622) from Makhteshim-Agan of North America Inc., 551 Fifth Avenue, Suite 1100, New York, NY 10176, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. section 346a(d), to amend 40 CFR part 180 by extending the exemption from the requirement of a temporary tolerance for residues of the biofungicide Trichodex (*Trichoderma harzianum* T-39) in and on all raw agricultural commodities. According to the proposed extension request, 8,120 pounds (3,683 kg) of the microbial pesticide are to be applied to the sites previously described in the original Experimental Use Permit which has been in progress for 2 years.

EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

As required by section 408 (d) of the FFDCA, as recently amended by the Food Quality Protection Act, Makhteshim-Agan of North America Inc. included in the petition a summary of the petition and authorization for the summary to be published in the **Federal Register** in a notice of the receipt of the petition. The summary represents the views of Makhteshim-Agan of North America Inc.; EPA as mentioned above is in the process of evaluating the petition. As required by section 408 (d)(3) EPA is including the summary as part of this notice of filing. EPA may have made minor edits to the summary for the purpose of clarity.

A. Proposed Use Practices

Recommended application method and rate(s), frequency of application, and timing of application. Trichodex may be applied with conventional spray equipment for control of Botrytis (gray mold) on fruit and vegetable crops. The rate of application is two to four pounds of Trichodex per acre in sufficient gallonage to insure adequate coverage. The frequency and timing of application vary with the crop being treated. For example, one to four applications are made to wine grapes in a rotational program with conventional chemical fungicides, while four to six applications may be applied to wine grapes when the product is used alone. Table grapes are treated with one to three applications during pre-bloom to fruit set. Treatments on strawberry may include up to eight applications (once per week) throughout the growing season from pre-bloom to harvest.

B. Product Identity/ Chemistry

1. *Identity of the pesticide and corresponding residues.* The active ingredient is *Trichoderma harzianum*, a fungus which occurs naturally in the environment worldwide, including in the U.S. The strain of *T. harzianum* used in Trichodex has been designated as ''T-39.'' This strain has been characterized by colony and structural morphology, RFLP mapping and classified by intraspecific DNA primers. The strain is typical of *T. harzianum* and does not express characteristics of plant pathogenic strains. The organism does not persist in the environment and relies on repeated application to achieve plant protection. The organism degrades in the environment to natural organic constituents.

2. *Magnitude of residue anticipated at the time of harvest and method used to determine the residue.* Makhteshim-Agan of North America has requested waivers for these data requirements. The waiver requests were based on the known low toxicity of Trichodex, the natural occurrence of *T. harzianum* in the environment, the non-toxic mode of action, the submitted data and information available in the open literature.

3. *Statement of why an analytical method for detecting and measuring the levels of the pesticide residue are not needed.* Makhteshim-Agan of North America has not proposed an analytical method, because residues of *T. harzianum* resulting from Trichodex

applications do not pose a hazard to humans, plants and animals. *T. harzianum* from naturally occurring strains is commonly found in the environment and can be reasonably expected to exist whether or not Trichodex has been applied to the growing crop.

C. Mammalian Toxicological Profile

Provide the following or rationale for waiver request.

1. *Acute toxicity*. The health effects data submitted in the Makhteshim-Agan of North America Inc. petition and all other relevant material have been fully evaluated by the EPA in their approval of an Experimental Use Permit for large scale field evaluation of Trichodex. The mammalian toxicological data considered in support of the extension of the exemption from the requirement of a temporary tolerance for Trichodex include: an acute oral toxicity study in rats, a primary eye irritation study in rabbits and an acute inhalation study in rats. All three studies were assigned Toxicity Category III. The submitted acute dermal toxicity study in rabbits, primary dermal irritation study in rabbits, and a dermal sensitization study in guinea pigs were assigned Toxicity Category IV.

The results of these studies indicated that Trichodex has an acute oral LD_{50} greater than 500 milligrams/kilograms (mg/kg) body weight in rats, an acute dermal LD_{50} greater than 1,150-1,570 mg/kg body weight in rabbits. Trichodex caused reversible eye irritation with complete clearance after 7 days. No dermal irritation in rabbits was observed, however, the product was found to be a delayed contact dermal sensitizer in guinea pigs (based on the modified Beuhler Assay). The acute pulmonary toxicity/ pathogenicity study in the rat showed no evidence of pathogenicity or Trichodex reproduction in the tissues examined. Although the study was of insufficient duration to achieve complete clearance in the lung, the study demonstrated clearance in brain, blood, lymph nodes, kidney, liver, spleen, and caecum. Toxicity Category III was assigned to pulmonary exposure mitigated by label instructions indicating personal protective equipment for applicators.

2. *Genotoxicity, reproductive and developmental toxicity, subchronic toxicity, and chronic toxicity*. The T-39 strain of *T. harzianum*, the active ingredient in Trichodex, does not produce fungal metabolites as its primary mode of action against target plant pathogens. Submitted studies using the Ames Test and Mouse Micronucleus test show no indication of genotoxic or reproductive effects.

D. Aggregate Exposure

1. *Dietary exposure*. i. *Food*. Trichodex is based on a naturally occurring organism normally found in the environment. For the purposes of assessing the potential dietary exposure under this exemption, it should be considered that *T. harzianum* may be present in all RACs. Submitted studies indicate that residues of Trichodex do not pose a hazard to humans by route of ingestion.

ii. *Drinking water*. Based on the available studies presented for use in the assessment of environmental risk, it is not anticipated that drinking water will provide a route of exposure to residues of Trichodex. The anticipated use pattern for Trichodex does not include use in or on waterways. Even though Trichodex can be washed off treated plants by rain and during processing of crops by water, it degrades in an aqueous environment into organic constituents by normal biological, physical, and chemical processes.

2. *Non-dietary exposure*. Based on label directions for use as a foliar applied biofungicide, he only non-dietary exposure is to applicators of the product. However, exposure to Trichodex resulting from its proper application according to label directions for the use of personal protective equipment is not expected to present any risk of adverse health effects.

E. Cumulative Exposure

Other than a possible allergic reaction to spores present in the product following repeated exposure, no cumulative adverse health effects are expected from long-term exposure to Trichodex. Risk of dermal sensitization is addressed on the label which specifies proper personal protective equipment to minimize exposure.

Exposure through other pesticides and substances with a common mode of toxicity with this pesticide. Consideration of a common mechanism of toxicity is not appropriate for several reasons: (1) Trichodex has a non-toxic mode of action, (2) Only a small number of pesticidal products containing *T. harzianum* as an active ingredient are currently registered, (3) The species is ubiquitous in nature, and, (4) The active ingredient has been demonstrated to be non-toxic in submitted acute studies.

F. Safety Determination

1. *U.S. population in general*. Trichodex is based on a naturally occurring organism normally found in the environment and on crop plants. The low toxicity of the subject active ingredients is demonstrated by the data summarized above. Based on this information, it has been determined that aggregate exposure to Trichodex over a lifetime will not pose appreciable risks to human health and there is a reasonable certainty that no harm will result from Trichodex residues. Since people are exposed to *T. harzianum* from natural sources, the incremental exposure from its use in pesticide products is expected to be negligible.

2. *Infants and children*. It has been determined that the toxicity and exposure data are sufficiently complete to adequately address the potential for additional sensitivity of infants and children to residues of Trichodex. It is concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to Trichodex residues.

G. Existing Tolerances

1. *Existing tolerances or tolerance exemptions*. A temporary tolerance exemption in conjunction with an Experimental Use Permit for Trichodex is currently in effect. EPA has also promulgated permanent exemptions from the requirement for a tolerance for strains of *T. harzianum* other than T-39.

2. *International tolerances or tolerance exemptions*. No maximum residue level has been established for Trichodex by the Codex Alimentarius Commission. Exemptions from the requirement of a tolerance have been granted for Trichodex in all international registrations.

[FR Doc. 98–16778 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51908; FRL–5794–2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN) and test marketing exemption (TME) application

requests received, both pending and expired. The information in this document contains notices received from May 1, 1998 to May 8, 1998.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51908]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51908]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION''.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this notice. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–531, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51908]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 30 Premanufacture Notices Received From: 05/01/98 to 05/08/98

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0768	05/04/98	08/02/98	CBI	(G) Petroleum product additive	(G) Alkyl polyoxyalkylpropanamine
P–98–0769	05/01/98	07/30/98	Ashland Chemical Company	(G) A binder component for the production of sand foundry shapes	(G) Modified isocyanic acid, polymethylenepolyphenylene ester
P–98–0770	05/01/98	07/30/98	Ashland Chemical Company	(G) A binder component for the production of sand foundry shapes	(G) Modified isocyanic acid, polymethylenepolyphenylene ester
P–98–0771	05/01/98	07/30/98	Ashland Chemical Company	(G) A binder component for the production of sand foundry shapes	(G) Modified isocyanic acid, polymethylenepolyphenylene ester
P–98–0772	05/01/98	07/30/98	Ashland Chemical Company	(G) A binder component for the production of sand foundry shapes	(G) Modified isocyanic acid, polymethylenepolyphenylene ester
P–98–0773	05/01/98	07/30/98	Ashland Chemical Company	(G) A binder component for the production of sand foundry shapes	(G) Modified isocyanic acid, polymethylenepolyphenylene ester
P–98–0774	05/01/98	07/30/98	Ciba Specialty Chemicals Corporation	(S) Chemical intermediate	(G) Benzenesulfonic acid, 2,2′-(1,2-ethenediyl)bis[(4,6-chloro-1,3,5-triazin-2-yl)amino]-disodium salt; substituted with dialkyl amines
P–98–0775	05/05/98	08/03/98	CBI	(S) Curing agent in epoxy powder coatings; curing agent in liquid epoxy adhesives	(G) Phenyl, alkyl, hydroxyalkyl substituted imidazole
P–98–0776	05/05/98	08/03/98	Applied power concepts, inc.	(S) Surfactant in hard surface cleaners or fabric softners or for mixing oil and water products	(S) Ethanaminium, 2-(hexadecyloxy)-*n,n,n,*-trimethyl-2-oxo,-chloride*
P–98–0777	05/05/98	08/03/98	Applied power concepts, inc.	(S) A detergent surfactant used for washing; application for unsecticide has also been applied for	(S) Mixture of: alpha-d-glucopyranoside, ,1-6-bis-o-(1-oxooctyl)-b-d-fructofuranosyl and alpha-d-glucopyranoside, 6-o-(1-oxooctyl)-b-d-fructofuranosyl*
P–98–0778	05/04/98	08/02/98	CBI	(G) Chemical intermediate	(G) Arylether sulfide
P–98–0779	05/06/98	08/04/98	CBI	(G) Zinc plating additive	(G) Metal carboxylic acid complex
P–98–0780	05/07/98	08/05/98	Clariant corporation	(S) Corrosion inhibitor for metal removing	(S) Hexanoic acid, 6–[(1-oxoisononyl)amino]-, cmpd. with 2,2′ 2″-nitrilotris[ethanol](1:1)*
P–98–0781	05/05/98	08/03/98	CBI	(G) Surfactant in chemical specialities highly dispersive use	(G) Fluorinated amine oxide
P–98–0782	05/05/98	08/03/98	CBI	(G) Open, non dispersive (dyestuff)	(G) Triazine azo dyestuff
P–98–0783	05/04/98	08/02/98	CBI	(G) Chemical intermediate	(G) Amine hydrochloride
P–98–0784	05/04/98	08/02/98	CBI	(G) Chemical intermediate	(G) Arylether sulfide
P–98–0785	05/04/98	08/02/98	CBI	(G) Chemical intermediate	(G) Arylether sulfide
P–98–0786	05/07/98	08/05/98	CBI	(S) Epoxy curing agent	(G) Amine fuctional epoxy curing agent
P–98–0787	05/05/98	08/03/98	CBI	(G) Lubricant	(G) Sulfited fatty amine¶
P–98–0788	05/04/98	08/02/98	CBI	(S) Intermediate	(G) Acid functional ester
P–98–0789	05/04/98	08/02/98	CBI	(G) Open, non-dispersive use	(G) Polyester oligomer
P–98–0790	05/04/98	08/02/98	CBI	(G) Open, non-dispersive use	(G) Polyester oligomer
P–98–0791	05/04/98	08/02/98	CBI	(G) Open, non-dispersive use	(G) Polyester oligomer
P–98–0792	05/04/98	08/02/98	CBI	(G) Open, non-dispersive use	(G) Polyester oligomer
P–98–0793	05/08/98	08/06/98	Bedoukian research, inc.	(G) Chemical intermediate	(G) Aliphatic-oxy-substituted, saturated pyranyl magnesium halide*
P–98–0794	05/08/98	08/06/98	Bedoukian research, inc.	(S) Chemical intermediate	(G) Mono-halo-substituted alkene¶
P–98–0795	05/08/98	08/06/98	CBI	(G) Coating components	(G) Modified petroleum distillate
P–98–0796	05/08/98	08/06/98	CBI	(S) Raw material/ reactant in the synthesis of an organic compound	(G) Methoxy substituted aliphatic amine
P–98–0797	05/08/98	08/06/98	CBI	(S) Intermediate in synthesis of another organic compound	(G) Dimethyl substituted heteromonocyclic amine

II. 12 Notices of Commencement Received From: 05/01/98 to 05/08/98

Case No.	Received Date	Commencement/Import Date	Chemical
P–92–0555	05/05/98	04/17/98	(G) Polyester/polyamide
P–95–0682	05/05/98	03/31/98	(G) Acrylic modified styrene/butadiene rubber
P–97–0685	05/05/98	04/05/98	(G) Sodium sulfonate polymer
P–97–0951	04/30/98	04/08/98	(G) Polyurethane
P–97–1023	05/01/98	04/18/98	(G) Phosphonomethylated polyamine

II. 12 Notices of Commencement Received From: 05/01/98 to 05/08/98—Continued

Case No.	Received Date	Commencement/Import Date	Chemical
P–97–1077	04/30/98	04/16/98	(G) Benzenesulfonamide, 3-[(3-substituted-4,5-dihydro-5-oxo-1-phenyl-1h-pyrazol-4-yl)azo]-*n-n*-bis[3-[[[3-(5,5-dimethyl-3-octadecyl-2-thiazolidinyl) 4-hydroxyphenyl]sulfonyl]aminopropyl]-*
P–97–1092	05/05/98	04/20/98	(G) Azo red pigment
P–98–0030	04/30/98	04/17/98	(G) 2-naphthalenesulfonamide, *n,n*-bis(3-substituted propyl)-1-hydroxy-5-[(methylsulfonyl)amino]-, sulfate (1:1)(salt)*
P–98–0263	05/05/98¶	04/16/98	(G) Mixture of unsaturated polyesters, polyethers, and polyamide salts
P–98–0273	05/05/98	04/16/98	(G) Alkylol ammonium salt of a high-molecular weight carboxylic acid
P–98–0288	05/01/98	04/24/98	(G) Polyamine polyester
P–98–0293	05/05/98	04/20/98	(G) Polyurethane/acrylic grafted copolymer

List of Subjects

Environmental protection, Premanufacture notices.

Dated: June 16, 1998.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–16771 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51907; FRL–5794–1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN) and test marketing exemption (TME) application requests received, both pending and expired. The information in this document contains notices received from April 27, 1998 to April 30, 1998.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51907]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51907]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION''.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this notice. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–531, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51907]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper

record maintained at the address in ''ADDRESSES'' at the beginning of this document.

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify PMNs received.

17 Premanufacture Notices Received From: 04/27/98 to 04/30/98

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0744	04/27/98	07/26/98	CBI	(G) Plating solution additive	(G) Substituted pyridine metal complex
P–98–0745	04/27/98	07/26/98	CBI	(G) Printed circuit board immersion additive	(G) Aminocarboxylic acid, salts
P–98–0746	04/27/98	07/26/98	CBI	(G) Printed circuit board immersion additive	(G) Aminocarboxylic acid, salts
P–98–0747	04/27/98	07/26/98	CBI	(G) Printed circuit board immersion additive	(G) Aminocarboxylic acid, salts
P–98–0748	04/27/98	07/26/98	CBI	(S) Stabilizer for electroless nickel plating	(G) Metal carboxylic acid, salt
P–98–0749	04/27/98	07/26/98	CBI	(S) Stabilizer for electroless nickel plating	(G) Metal carboxylic acid, salt
P–98–0750	04/27/98	07/26/98	CBI	(S) Additive in electroless nickel process	(G) Substituted phenol, salt
P–98–0751	04/27/98	07/26/98	CBI	(S) Additive for copper plating	(G) Substituted benzimidazole, salt
P–98–0752	04/28/98	07/27/98	CBI	(G) Destructive use	(G) Alcohol butoxylate
P–98–0753	04/28/98	07/27/98	CBI	(S) Processing aid for industrial coating	(G) Organo silane ester

List of Subjects

Environmental protection, Premanufacture notices.

Dated: June 16, 1998.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–16772 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51906; FRL–5793–9]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN) and test marketing exemption (TME) application requests received, both pending and expired. The information in this document contains notices received from April 20, 1998 to April 24, 1998.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51906]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental

Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51906]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION''.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this notice. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–531, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51906]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 27 Premanufacture Notices Received From: 04/20/98 to 04/24/98

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0710	04/21/98	07/20/98	CBI	(S) Coating	(G) Oil-modified waterborne polyurethane dispersion
P–98–0712	04/21/98	07/20/98	Ciba Specialty Chemicals Corporation North America	(S) Latent catalyst for adhesive; latent catalyst for structural composites	(G) Aromatic substituted, 1-[(2-methyl-1*H*-imidazol-1-yl)methyl]-
P–98–0713	04/21/98	07/20/98	CBI	(G) Polyurethane intermediate	(G) Mixed polyhydroxyl/ adipate polyester polyol
P–98–0714	04/22/98	07/21/98	CBI	(S) Co reactant for coatings applications	(G) Silane urea/ hydantoin
P–98–0715	04/21/98	07/20/98	CBI	(G) Chemical intermediate	(G) Phenol alcohol
P–98–0716	04/20/98	07/19/98	Ciba Specialty Chemicals Corporation	(S) Textile whitening agent	(S) Benzenesulfonic acid, 2,2′–(1,2-ethenediyl)bis [5-[[4-[bis(2-hydroxypropyl)amino]-6–[(3-sulfophenyl) amino]-1,3,5-triazin-2-yl] amino]-, disodium salt, compound with 2,2′,2′-nitrilotris[ethanol] (1:2); benzenesulfonic acid, 5-[[4-bis(2-hydroxyethyl)amino]-6–[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl] amino]-2– [2–[4–[[4-[bis(2-hydroxypropyl)amino]-6-[(3-sulfophenyl) amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]ethenyl]-, disodium salt, compound with 2,′, 2′′–nitrilotris[ethanol] (1:2)
P–98–0717	04/22/98	07/21/98	CBI	(G) Material is an intermediate which is totally consumed in the manufacture of a functionalized organic molecule	(G) Quaternary salt of a functionalized pyridine
P–98–0718	04/23/98	07/22/98	CBI	(S) Raw material used in the manufacture of photoresist	(G) Phenolic novolak resin
P–98–0719	04/23/98	07/22/98	CBI	(G) Component of manufactured consumer article - contained used	(G) 2-naphthalenesulfonamide, 4-(heteropolycycleazo)-T3N,N-bis[3-[[[3-(5,5-dimethyl-3-octadecyl-2-thiazolidinyl)-4-hydroxyphenyl]sulfonyl]amino] propyl]-1-hydroxy-5-[(methylsulfonyl)amino]-
P–98–0720	04/23/98	07/22/98	CBI	(S) Organic synthesis intermediate	(G) 2-Naphthalenesulfonamide, *N,N*-bis(3-aminopropyl)-4-(heteropolycycleazo)-1-hydroxy-5-[(methylsulfonyl)amino]-, sulfate (1:1)(salt)
P–98–0721	04/23/98	07/22/98	AKZO Nobel Resins	(S) Resin used to manufacture industrial coatings	(S) 2-propenoic acid, 2-methyl-, polymer with butyl 2-methyl-2-propenoate, dodecyl 2-methyl-2-propenoate, ethenylbenzene, 2-hydroxyethyl 2-propenoate, methyl 2-methyl-2-propenoate and alpha-(2-methyl-1-oxo-2-propenyl)-omega-methoxypoly(oxy-1,2-ethanediyl), tert-bu 3,5,5-trimethylhexaneperoxoate-initiated, compounds with 2-(dimethylamino)ethanol
P–98–0722	04/23/98	07/22/98	E. I. duPont de Nemours & Company, Inc.	(G) Molding resin	(G) Aromatic and aliphatic polyamide
P–98–0723	04/23/98	07/22/98	Henkel Corporation-Chemical Group	(G) Energy curable compounds	(G) Polyester acrylate oligomer
P–98–0724	04/24/98	07/23/98	Dow Corning	(S) Silicone textile treatment	(G) Amino-functional siloxane
P–98–0725	04/22/98	07/21/98	Champion Technologies	(S) Corrosion inhibitor for oil and gas production and pipelines	(S) Amides, tall oil fatty, *N*-(2(2-hydroxyethyl)amino)ethyl), reaction products with sulfur dioxide; fatty acids, tall oil, reaction products with 1-piperazineethanamine and sulfur dioxide; fatty acids, tall-oil reaction products with sulfur dioxide and triethylenetetramine
P–98–0726	04/24/98	07/23/98	Hoechst Celanese Corporation	(G) Structural material for the production of articles	(G) Modified polyester
P–98–0727	04/24/98	07/23/98	Hoechst Celanese Corporation	(G) Structural material for the production of articles	(G) Modified polyester
P–98–0728	04/24/98	07/23/98	Hoechst Celanese Corporation	(G) Structural material for the production of articles	(G) Modified polyester
P–98–0729	04/24/98	07/23/98	Hoechst Celanese Corporation	(G) Structural material for the production of articles	(G) Modified polyester

I. 27 Premanufacture Notices Received From: 04/20/98 to 04/24/98—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0730	04/24/98	07/23/98	Hoechst Celanese Corporation	(G) Structural material for the production of articles	(G) Modified polyester
P–98–0731	04/24/98	07/23/98	Hoechst Celanese Corporation	(G) Structural material for the production of articles	(G) Modified polyester
P–98–0732	04/24/98	07/23/98	Shell Chemical Company	(S) Chemical intermediate for manufacture of branched olefin	(S) Tetradecene
P–98–0733	04/24/98	07/23/98	Shell Chemical Company	(S) Chemical intermediate for manufacture of branched olefin	(S) Pentadecene
P–98–0734	04/24/98	07/23/98	Shell Chemical Company	(S) Chemical intermediate for manufacture of branched olefin	(S) Hexadecene
P–98–0735	04/24/98	07/23/98	Shell Chemical Company	(S) Chemical intermediate for manufacture of branched olefin	(S) Heptadecene
P–98–0736	04/24/98	07/23/98	Shell Chemical Company	(S) Chemical intermediate for manufacture of branched alcohol	(S) Pentadecene, branched
P–98–0737	04/24/98	07/23/98	Shell Chemical Company	(S) Chemical intermediate for manufacture of branched alcohol	(S) Heptadecene, branched

II. 6 Notices of Commencement Received From: 04/20/98 to 04/24/98

Case No.	Received Date	Commencement/Import Date	Chemical
P–97–0845	04/23/98	03/24/98	(G) Preurethane prepolymer
P–97–1048	04/21/98	03/30/98	(G) Amine salts of fluoroalkyl phosphate acid mixtures
P–97–1049	04/21/98	03/30/98	(G) Amine salts of fluoroalkyl phosphate acid mixtures
P–97–1089	04/23/98	04/02/98	(G) Alkenyne acetal
P–98–0184	04/20/98	04/06/98	(G) Benzene sulfonic acid 4–[[1–[[(–2–(*R*) phenyl) amino carbonyl]-2 oxopropyl] azo]-3 nitro
P–98–0250	04/20/98	03/26/98	(G) Disubstitiuted phenyl azo phenyl *N*-methyl substituted polyheterocycle ester alanine

List of Subjects

Environmental protection, Premanufacture notices.

Dated: June 16, 1998.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–16773 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51905; FRL–5793–8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN) and test marketing exemption (TME) application requests received, both pending and expired. The information in this document contains notices received from April 13, 1998 to April 17, 1998.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51905]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51905]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION''.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this notice. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention

and Toxics, Environmental Protection Agency, Rm. E–531, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51905]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:
oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 29 Premanufacture Notices Received From: 04/13/98 to 04/17/98

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0682	04/14/98	07/13/98	Bedoukian Research, Inc.	(S) Chemical intermediate for use in a pheromone synthesis. epa registration no: 52991–CT–7; chemical intermediate used in fragrance manufacture (FFDCA); chemical intermediate used in flavor manufacture (FFDCA); chemical intermediate. fragrance use (soaps, detergents, air fresheners, scented papers)	(G) Unsaturated alkyl grignard reagent
P–98–0683	04/13/98	07/12/98	CBI	(G) Open, non-dispersive	(G) Polyester resin
P–98–0684	04/14/98	07/13/98	CBI	(G) Coating component	(G) Polymer of substituted carbomonocyclic diisocyanate, substituted alkanediols, 4,4′ isopropylidenedi[cyclohexanol], polyalkyl amine, and alkylenediamine
P–98–0685	04/13/98	07/12/98	Wacker Silicones Corporation	(S) Release agent for aluminum die casting	(G) Siloxanes and silicones, alkyl arylalkyl

I. 29 Premanufacture Notices Received From: 04/13/98 to 04/17/98—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0686	04/13/98	07/12/98	CBI	(G) Fuel additive intermediate	(G) Nitrobenzoic acid, polyolefin phenol ethoxylate
P–98–0687	04/13/98	07/12/98	CBI	(G) Fuel additive intermediate	(G) Polyolefin phenol ethoxylate
P–98–0688	04/13/98	07/12/98	CBI	(G) Fuel additive intermediate	(G) Aminobenzoic acid, polyolefin phenol ethoxylate
P–98–0689	04/14/98	07/13/98	CBI	(G) Additives for coating	(G) Acrylic resin
P–98–0690	04/14/98	07/13/98	NA Industries, Inc.	(S) A binder resin for plastic coating	(G) 2-propenoic acid, 2-methyl-, polymers with 2-hydroxypropyl acrylate, ethenyl benzen, alkyl 2-methyl-2-propenoate, alkyl 2-propenoate and chlorinated polypropylene
P–98–0691	04/14/98	07/13/98	NA Industries, Inc.	(S) A binder resin for industrial coating	(G) 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester, polymer with alkyl 2-methyl-2-propenoate and alkyl 2-propenoate
P–98–0692	04/14/98	07/13/98	NA Industries, Inc.	(S) A binder resin for plastic coating	(G) 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester, polymer with alkyl 2-methyl-2-propenoate and alkyl 2-propenoate
P–98–0693	04/14/98	07/13/98	Vianova Resins	(G) Binder for paints	(G) Modified carboxyfunctional polyurethane
P–98–0694	04/15/98	07/14/98	Ashland Chemical Company	(G) Additive in foundry binders	(G) Modified isocyanic acid, polymethylenepolyphenylene ester
P–98–0695	04/16/98	07/15/98	CBI	(G) Open, non-dispersant use	(G) Hydroxy functional oligomer
P–98–0696	04/16/98	07/15/98	CBI	(G) Additive, open, non-dispersive use	(G) Polyoxyalkylene polyester urethane block copolymer
P–98–0697	04/16/98	07/15/98	CBI	(G) Additive, open, non-dispersive use	(G) Polyoxyalkylene polyester urethane block copolymer
P–98–0698	04/16/98	07/15/98	CBI	(G) Additive, open, non-dispersive use	(G) Polyoxyalkylene polyester urethane block copolymer
P–98–0699	04/16/98	07/15/98	CBI	(G) Open, non-dispersive use	(G) Amino functional polyamide
P–98–0700	04/15/98	07/14/98	CBI	(G) Stabilizers for plastics	(G) Mixed alkylmetallic mercaptoester sulfides
P–98–0701	04/15/98	07/14/98	CBI	(G) Stabilizers for plastics	(G) Mixed alkylmetallic mercaptoester sulfides
P–98–0702	04/16/98	07/15/98	Elementis Performance Polymers, Division of Harcos Chemicals	(S) Curing agent for epoxy adhesive; curing agent for electrical epoxy potting/encapsulation of electrical devices	(G) Modified acid anhydride
P–98–0703	04/16/98	07/15/98	Elementis Performance Polymers, Division of Harcos Chemicals	(S) Curing agent for epoxy adhesive; curing agent for electrical epoxy potting/encapsulation of electrical devices	(G) Modified acid anhydride
P–98–0704	04/16/98	07/15/98	Elementis Performance Polymers, Division of Harcos Chemicals	(S) Curing agent for epoxy adhesive; curing agent for electrical epoxy potting/encapsulation of electrical devices	(G) Modified acid anhydride
P–98–0705	04/16/98	07/15/98	Elementis Performance Polymers, Division of Harcos Chemicals	(S) Curing agent for epoxy adhesive; curing agent for electrical epoxy potting/encapsulation of electrical devices	(G) Modified acid anhydride
P–98–0706	04/16/98	07/15/98	Elementis Performance Polymers, Division of Harcos Chemicals	(S) Curing agent for epoxy adhesive; curing agent for electrical epoxy potting/encapsulation of electrical devices	(G) Modified acid anhydride
P–98–0707	04/16/98	07/15/98	Elementis Performance Polymers, Division of Harcos Chemicals	(S) Curing agent for epoxy adhesive; curing agent for electrical epoxy potting/encapsulation of electrical devices	(G) Modified acid anhydride
P–98–0708	04/16/98	07/15/98	Elementis Performance Polymers, Division of Harcos Chemicals	(S) Curing agent for epoxy adhesive; curing agent for electrical epoxy potting/encapsulation of electrical devices	(G) Modified acid anhydride

I. 29 Premanufacture Notices Received From: 04/13/98 to 04/17/98—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0709	04/17/98	07/16/98	Bedoukian Research, Inc.	(S) Chemical intermediate for use in a pheromone synthesis. epa registration no. 52991–CT–8; chemical intermediate for use in pheromone synthesis used for monitoring traps 40 CFR 152.10(b), (not a pesticide); chemical intermediate for use in synthesis of agricultural pheromone for use as sole active ingredient in traps to achieve pest control. 40 CFR 152.25(b)(4)	(G) Alkenyl grignard reagent
P–98–0711	04/16/98	07/15/98	CBI	(G) Ink component	(G) Isophthalic acid polymer with polyhydroxycycloalkane, aromatic acid anhydride, polyhydroxyalkanoic acid, aromatic anhydride, diethylene glycol, and alkanolamine and amine salts

II. 8 Notices of Commencement Received From: 04/13/98 to 04/17/98

Case No.	Received Date	Commencement/Import Date	Chemical
P–95–0066	04/14/98	03/31/98	(G) Polyester isocyanate polymer
P–95–1490	04/13/98	04/01/98	(G) Polyester isocyanate prepolymer
P–97–0206	04/16/98	04/01/98	(S) Polymer of:poly(oxy-1,2-ethanediyl), alpha-(carboxymethyl)-omega-hydroxy-, C_{9-11}-alkyl ethers; *NAOH*
P–97–1010	04/13/98	03/17/98	(S) 2-Propenoic acid, 2-methyl-, polymer with dodecyl 2-methyl-2-propenoate, ethenylbenzene, 2-hydroxyethyl 2-propenoate and 2-oxepanone
P–98–0106	04/13/98	04/02/98	(G) Allyl-polyalkylene oxide, acetal-capped
P–98–0110	04/16/98	03/25/98	(G) Acrylic resin
P–98–0292	04/14/98	03/31/98	(G) Polyurethane resin
P–98–0298	04/14/98	04/03/98	(G) Oil soluble barium petroleum sulfonate

List of Subjects

Environmental protection, Premanufacture notices.

Dated: June 16, 1998.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–16774 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51904; FRL–5793–7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN) and test marketing exemption (TME) application requests received, both pending and expired. The information in this document contains notices received from April 6, 1998, to April 10, 1998.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51904]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51904]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION''.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this notice. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for

each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–531, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51904]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:
oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 13 Premanufacture Notices Received From: 04/06/98 to 04/10/98

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0660	04/06/98	07/05/98	CBI	(G) Laminating adhesive	(G) Nco terminated polyurethane
P–98–0661	04/06/98	07/05/98	CBI	(G) Additive, open, non-dispersive use	(G) Polyether modifier acrylic ester with dimethylamino groups
P–98–0662	04/06/98	07/05/98	CBI	(G) Additive, open, non-dispersive use	(G) Carboxylic acid alkyl ester modified polyalkylene amine, salt with polyether phosphate
P–98–0665	04/07/98	07/06/98	CBI	(G) Open, non-dispersive	(G) Complex salt of sulfonic acid and primary alkyl ether amine
P–98–0673	04/09/98	07/08/98	CBI	(G) Lubricant additive	(G) Alkyl benzene
P–98–0674	04/09/98	07/08/98	CBI	(G) Crosslinking monomer	(G) Acrylic monomer
P–98–0675	04/09/98	07/08/98	CBI	(G) Neutralizing agent for organic pretreatment	(G) Aqueous amine salt

I. 13 Premanufacture Notices Received From: 04/06/98 to 04/10/98—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–98–0676	04/09/98	07/08/98	CBI	(S) Chemical intermediate for lubricant additives; chemical intermediate for fuel additives	(G) Tertiary alkyl primary amines
P–98–0677	04/09/98	07/08/98	CBI	(G) Neutralizing agent for organic pretreatment	(G) Aqueous amine salt
P–98–0678	04/09/98	07/08/98	CBI	(G)	()
P–98–0679	04/09/98	07/08/98	CBI	(G) Lubricant additive	(G) Alkyl benzenesulfonic acid
P–98–0680	04/09/98	07/08/98	CBI	(G) Lubricant additive	(G) Alkyl benzenesulfonic acid
P–98–0681	04/09/98	07/08/98	CBI	(G) Lubricant additive	(G) Alkyl benzenesulfonic acid

II. 6 Notices of Commencement Received From: 04/06/98 to 04/10/98

Case No.	Received Date	Commencement/Import Date	Chemical
P–97–0569	04/06/98	03/24/98	(G) Sodium salt of substituted copper phthalocyamine derivative
P–97–0795	04/10/98	03/30/98	(G) Hydroxy acrylic polymer
P–98–0092	04/07/98	03/30/98	(S) Cyclohexanemethanol 4-(methoxymethyl)-1
P–98–0236	04/08/98	03/25/98	(S) 2-Propenoic acid, (4-)hydroxymethyl)cyclohexyl) methyl ester
P–98–0245	04/07/98	03/18/98	(G) Modified acrylic resin
P–98–0246	04/07/98	03/18/98	(G) Modified acrylic resin

List of Subjects

Environmental protection, Premanufacture notices.

Dated: June 18, 1998.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–16775 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51903; FRL–5792–9]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN) and test marketing exemption (TME) application requests received, both pending and expired. The information in this document contains notices received from September 26, 1997 to September 30, 1997.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51903]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51903]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under ''SUPPLEMENTARY INFORMATION''.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this notice. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–531, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA

is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51903]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:
oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

In this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMN requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; and (II) Notices of Commencement to manufacture/import.

I. 15 Premanufacture Notices Received From: 09/26/97 to 09/30/97

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–97–1089	09/25/97	12/24/97	Bedoukian Research, Inc.	(S) Chemical intermediate	(G) Alkenyne acetal
P–97–1090	09/25/97	12/24/97	Bedoukian Research, Inc.	(S) Chemical intermediate	(G) Acetylenic-oxy-substituted, saturated pyran
P–97–1091	09/29/97	12/28/97	Bedoukian Research, Inc.	(S) Chemical intermediate	(G) Acetylenic substituted pyran
P–97–1092	09/25/97	12/24/97	Engelhard Corporation	(S) A colorant for plastics	(G) Azo red pigment
P–97–1093	09/25/97	12/24/97	Engelhard Corporation	(S) A colorant for plastics	(G) Organic yellow pigment
P–97–1094	09/25/97	12/24/97	CBI	(S) Curative for epoxy formulations	(G) Polyamide adduct
P–97–1095	09/26/97	12/25/97	CBI	(G) Processing aid	(G) Salt of a substituted polyphosphonic acid
P–97–1096	09/26/97	12/25/97	CBI	(G) Pressure sensitive adhesive	(G) Vinylpyrrolidone-acrylate copolymer
P–97–1097	09/26/97	12/25/97	Salsbury Chemicals, Inc.	(S) Used in the manufacture of a fine chemical	(S) Benzoic acid, 4-hydroxy-3-nitro-
P–97–1098	09/25/97	12/25/97	CBI	(G) Resin coating	(G) Difunctional aliphatic epoxide
P–97–1107	09/29/97	12/28/97	CBI	(G) Additive, open, non-dispersive use	(G) Ammonium salt of an acidic polymer
P–97–1108	09/29/97	12/28/97	CBI	(G) Plasticizer	(G) Polycarboxylic acid ester
P–97–1109	09/29/97	12/28/97	Engelhard Corporation	(S) A colorant for plastics	(G) Metallized azo yellow pigment
P–97–1110	09/29/97	12/28/97	Engelhard Corporation	(S) A colorant for plastics	(G) Metallized azo yellow pigment

I. 15 Premanufacture Notices Received From: 09/26/97 to 09/30/97—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–97–1111	09/29/97	12/28/97	Engelhard Corporation	(S) A colorant for plastics	(G) Metallized azo yellow pigment

II. 8 Notices of Commencement Received From: 09/26/97 to 09/30/97

Case No.	Received Date	Commencement/Import Date	Chemical
P–96–0227	09/26/97	08/22/97	(G) Metalated alkylphenol copolymers
P–97–0037	09/26/97	09/06/97	(G) C_{25} monoester
P–97–0297	09/30/97	09/08/97	(G) Alkyl benzene sulfonic acids, amine salts
P–97–0550	09/26/97	09/17/97	(G) Acrylated silicones glycol copolymer
P–97–0644	09/30/97	09/16/97	(G) Partially fluorinated aliphatic ester
P–97–0686	09/30/97	08/19/97	(G) Polyurethane adhesive
P–97–0701	09/30/97	09/17/97	(G) Polyester acrylate
P–97–0760	09/30/97	09/10/97	(G) Tetraalkoxytitanate

List of Subjects

Environmental protection, Premanufacture notices.

Dated: June 16, 1998.

Oscar Morales,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–16776 Filed 6–23–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 20, 1998

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Premier Financial Corp., Dubuque, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Premier Bank, Dubuque, Iowa.

B. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. First National Bank of Nevada Holding Company, Laughlin, Nevada; to become a bank holding company by acquiring 100 percent of the voting shares of Laughlin National Bank, Laughlin, Nevada.

Board of Governors of the Federal Reserve System, June 18, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–16687 Filed 6–23–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12 noon, Monday, June 29, 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. Proposed amendments to the Voluntary Guide to Conduct for Federal Reserve System Officials. (This item was originally announced for a closed meeting on June 22, 1998.)
2. Federal Reserve Bank and Branch director appointments.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: June 19, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–16839 Filed 6–19–98; 4:04 pm]

BILLING CODE 6210–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTION GRANTED EARLY TERMINATION

ET date	Trans No.	ET req status	Party name
27–APR–98	19982369	G	Paragon Health Network, Inc.
		G	Daniel G. Schmidt, III.
		G	Professional Rehabilitation, Inc.
		G	Professional Rehabilitation Agency, Inc.
		G	JDBK, Inc.
		G	Professional Rehabilitation of Georgia, Inc.
	19982506	G	Stronach Trust.
		G	TRIAM Automotive Inc.
		G	TRIAM Automotive Inc.
	19982558	G	Cambridge Capital Fund, L.P.
		G	Aviation Sales Company.
		G	Aviation Sales Company.
	19982559	G	Aviation Sales Company.
		G	Whitehall Corporation.
		G	Whitehall Corporation.
	19982566	G	Schottenstein Stores Corporation.
		G	Stephen I. Nacht.
		G	Shonac Corporation.
	19982568	G	Protective Life Corporation.
		G	United Dental Care, Inc.
		G	United Dental Care, Inc.
	19982569	G	ABRY Broadcast Partners III, L.P.
		G	Marshall W. Pagon.
		G	Pegasus Cable Television, Inc.
	19982573	Y	Kevin R. Burke.
		Y	Paul D. Showerman.
		Y	Showerman's Distributing Co., Inc.
	19982574	G	Code, Hennessey & Simmons II, L.P.
		G	Portec, Inc.
		G	Portec, Inc.
	19982576	G	Cintas Corporation.
		G	Edwin T. French, Jr.
		G	Mechanics Laundry & Supply, Inc. of Indiana.
	19982577	G	Century Telephone Enterprises, Inc.
		G	Ameritech Corporation.
		G	Wisconsin Bell, Inc.
	19982583	G	Compagnie Financiere de Paribas.
		G	Fruit of the Loom, Inc.
	19982583	G	Martin Mills, Inc.
	19982584	G	General Motors Corporation.
		G	Wells Fargo & Company.
		G	Wells Fargo Bank, N.A.,-Mortgage Servicing Division.
	19982585	G	Edison International.
		G	Toromont Industries Ltd.
		G	Kimmel-Motz Refrigeration Corp./ScottPolar Corporation.
	19982587	G	Time Warner Inc.
		G	Tele-Communications, Inc.
		G	TCI of Overland Park, Inc.
	19982593	G	American Industrial Partners Capital Fund II, L.P.
		G	Great Lakes Carbon Corp.
		G	Great Lakes Carbon Corp.
	19982594	G	CBT Group PLC.
		G	The ForeFront Group, Inc.
		G	The ForeFront Group, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
	19982595	G	Newport News Shipbuilding, Inc.
		G	Koninklike Van Ommeren NV.
		G	Delaware Tanker Holding I, Inc., Delaware Tanker Holding II.
	19982597	G	Richfood Holdings, Inc.
		G	Dart Group Corp.
		G	Dart Group Corp.
	19982600	G	NCS HealthCare, Inc.
		G	Walgreen Co.
		G	Walgreen Advance Care, Inc.
	19982606	G	OGE Energy Corp.
		G	Northern States Power Company.
		G	Oklahoma Loan Acquisition Corporation.
	19982611	G	Comfort Systems USA, Inc.
		G	Robert J. Seiler.
		G	Helm Corporation San Diego.
	19982613	G	Cypress Merchant Banking Partners L.P.
		G	The Clayton & Dubilier Private Equity Fund IV LP.
		G	CDW Holding Corporation.
	19982614	Y	Leggett & Platt, Incorporated.
		Y	John T. Walker.
	19982614	Y	St. Paul Metalcraft, Inc.
	19982642	G	Equilease Holding Corp.
		G	Timothy S. Reily.
		G	Reily Electrical Supply, Inc.
	19982643	G	The Clayton & Dubilier Private Equity Fund IV L.P.
		G	Equilease Holding Corp.
		G	Reily Electrical Supply, Inc.
28–APR–98	19973484	Y	Giant Cement Holding, Inc.
		Y	Solite Corporation.
		Y	Solite Corporation.
	19982359	G	Hicks, Muse, Tate & Furst Equity Fund III, L.P.
		G	Chancellor Media Corporation.
		G	Petry Media Corporation.
		G	Chancellor Media License Corporation.
	19982360	G	Chancellor Media Corporation.
		G	Hicks, Muse, Tate & Furst Equity Fund, III, L.P.
		G	Capstar Broadcasting Corporation.
	19982443	G	Commercial Union plc.
		G	United Fire & Casualty Co.
		G	United Fire & Casualty Co.
	19982444	G	Commercial Union plc.
		G	General Accident plc.
		G	General Accident plc.
	19982521	G	Applied Power Inc.
		G	John W. Wajda.
		G	Premier Industries, Inc.
	19982524	G	Guarantee Life Companies, Inc., The
		G	Ohio Farmers Insurance Company.
		G	Westfield Life Insurance Company.
	19982557	G	Safeguard Scientifics, Inc.
		G	Computer Integration Corp.
		G	Computer Integration Corp.
	19982617	G	Kao Corporation.
		G	Bausch & Lomb Incorporated.
		G	Bausch & Lomb Incorporated.
	19982619	G	Telefonaktiebolaget L M Ericsson.
		G	General Electric Company.
		G	FTM Investments, Inc.
	19982621	G	Cumulus Media LLC.
		G	James D. Ingstad.
		G	Missouri River Broadcasting, Inc.
		G	JKJ Broadcasting, Inc.
	19982622	G	Harding Lawson Associates Group, Inc.
		G	ABB A.G.
		G	ABB Environmental Services, Inc.
	19982623	G	Harding Lawson Associates Group, Inc.
		G	ABB A.B.
		G	ABB Environmental Services, Inc.
	19982631	G	Texaco Inc.
		G	British-Borneo Petroleum Syndicate, PLC.
		G	British-Borneo Exploration, Inc.
	19982636	G	Recycling Industries, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Lloyd B. and Sue Fletcher.
		G	Ferex Corporation.
29–APR–98	19982474	G	Warburg, Pincus Ventures, L.P.
		G	Coventry Health Care, Inc.
		G	Coventry Health Care, Inc.
	19982550	G	Philip F. Anschutz.
		G	LCI International, Inc.
		G	LCI International, Inc.
	19982567	G	Alltel Corporation.
		G	360 Communications Company.
		G	360 Communications Company.
	19982609	G	Mitel Corporation.
		G	Centigram Communications Corporation.
		G	Centigram Communications Corporation.
30–APR–98	19981871	G	Golder, Thoma, Cressey, Rauner Fund IV, L.P.
		G	Monroc, Inc.
		G	Monroc, Inc.
	19982507	Y	Tesoro Petroleum Corporation.
		Y	The Broken Hill Proprietary Co., Ltd. (an Australian corp.)
		Y	BHP Entities.
		Y	BHP Petroleum South Pacific Inc.
	19982599	G	The Williams Companies, Inc.
		G	British-Borneo Petroleum Syndicate, PLC.
		G	British-Borneo Exploration, Inc.
	19982618	G	NationsRent, Inc.
		G	Raymond E. Mason, Jr.
		G	The Bode-Finn Company.
01–MAY–98	19982429	G	Apollo Investment Fund III, LP.
		G	US Diagnostic Inc.
		G	Medical Diagnostics, Inc.
		G	US Diagnostic Inc.
	19982508	G	Textron Inc.
		G	Ring Screw Works.
		G	Ring Screw Works.
04–MAY–98	19928596	G	Ruben Griffin.
		G	Ultramar Diamond Shamrock Corporation.
		G	Ultramar Diamond Shamrock Corporation.
	19982633	G	Brintons Limited.
		G	Samuel H. Silver and Barbara L. Coveny.
		G	U.S. Axminster, Inc.
	19982634	G	Plains Cotton Cooperative Association.
		G	J. Lewis Partners, L.P.
		G	Mission Valley Textiles, Inc.
	19982635	G	BCE Inc.
		G	Stratos Global Corporation.
		G	Stratos Global Corporation.
	19982637	G	Koch Industries, Inc.
		G	Anglian Water plc.
		G	Fluid Systems.
	19982638	G	EBSCO Industries, Inc.
		G	Watley Family Partnership, Ltd.
		G	Modern Muzzleloading, Inc.
	19982645	G	Conseco, Inc.
		G	Green Tree Financial Corporation.
		G	Green Tree Financial Corporation.
	19982647	G	Gary Knisely.
		G	Andrew J. McKelvey.
		G	TMP Worldwide Inc.
	19982648	G	Andrew J. McKelvey.
		G	Gary Knisely.
		G	Johnson, Smith & Knisely Inc.
	19982649	G	Ontario Teachers' Pension Plan Board.
		G	Meditrust Corporation.
		G	Meditrust Corporation.
	19982650	G	Thomas M. Taylor.
		G	Meditrust Corporation.
		G	Meditrust Corporation.
	19982653	G	SYSCO Corporation.
		G	Jordan's Meats.
		G	Jordan's Meats.
	19982654	G	Steelcase Inc.
	19982654	G	Strafor Facom S.A.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Clestra Hauserman, Inc.
	19982655	G	Sunbelt Automotive Group, Inc.
		G	Alan K. Arnold.
		G	Wade Ford, Inc. and Wade Ford Buford, Inc.
	19982656	G	Everett R. Dobson Irrevocable Family Trust.
		G	Natubhai D. Patel.
		G	Santa Cruz Cellular Telephone, Inc.
	19982662	G	Sunbelt Automotive Group, Inc.
		G	Calvin Diemer.
		G	Day's Chevrolet, Inc.
	19982663	G	Sunbelt Automotive Group, Inc.
		G	Alvin Diemer.
		G	Day's Chevrolet, Inc.
	19982671	G	UNOVA, Inc.
		G	Amtech Corporation.
		G	Amtech Corporation.
	19982673	G	Guardian Life Insurance Corporation of American (The).
		G	Torchmark Corporation.
		G	Torchmark Corporation.
	19982674	G	The Cleveland Clinic Foundation.
		G	Ashtabula County Medical Center.
		G	Ashtabula County Medical Center.
	19982675	G	Dole Food Company, Inc.
		G	Novaco, Ltd.
		G	Sunburst Farms, Inc.
	19982676	G	Cinergy Corp.
		G	Apache Corporation.
		G	Producers Energy Marketing, LLC.
	19982677	G	Apache Corporation.
		G	Cinergy Corp.
		G	Cinergy Corp.
	19982680	G	Siebe plc.
		G	Simulation Sciences Inc.
		G	Simulation Sciences Inc.
	19982689	G	Claneil Enterprises, Inc.
		G	Wawa, Inc.
	19982689	G	Wawa, Inc.
	19982702	G	The News Corporation Limited.
		G	PLD Telekom Inc.
		G	PLD Telekom Inc.
05–MAY–98	19982468	G	Ultratech Stepper, Inc.
		G	Integrated Solutions, Inc.
		G	Integrated Solutions, Inc.
	19982538	G	Nedra Dee Roney.
		G	Nu Skin Asia Pacific, Inc.
		G	Nu Skin Asia Pacific, Inc.
	19982586	G	Jean-Charles Naouri.
		G	United Grocers, Inc.
		G	United Grocers, Inc.
	19982592	G	Houston Industries Incorporated.
		G	Edison International.
		G	Southern California Edison Company.
	19982607	G	Triton PCS Holdings, Inc.
		G	Vanguard Cellular Systems, Inc.
		G	Vanguard Cellular Systems of South Carolina, Inc.
	19982616	G	Everett R. Dobson Irrevocable Family Trust.
		G	Ronald W. Henriksen.
		G	American Telco, Inc.
		G	American Teleco Network Services, Inc.
	19982628	G	James P. McCready.
		G	Oglebay Norton Company.
		G	Oglebay Norton Engineered Materials, Inc.
	19982632	G	Medallion Financial Corp.
		G	Capital Dimensions, Inc.
		G	Capital Dimensions, Inc.
	19982651	G	Minnesota Power & Light Company.
		G	Edward L. Blakey.
		G	ARK LA TEX Auto Auction, Inc.
	19982658	G	Raycom Media, Inc.
		G	Malrite Communications Group, Inc.
		G	Malrite Communications Group, Inc.
	19982667	G	United States Filter Corporation.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Edwin G. O'Kelly.
		G	Fullman International, Inc.
	19982668	G	Edwin G. O'Kelly.
		G	United States Filter Corporation.
		G	United States Filter Corporation.
	19982670	G	V. Prem Watsa.
		G	Xerox Corporation.
		G	Crum & Forster Holdings, Inc.
	19982683	G	IBP, Inc.
		G	Steve Charton as Trustee of Steve Charton Trust.
		G	Don Miguel Mexican Food, Inc.
	19982687	Y	Recycling Industries, Inc.
		Y	Terry Brenner.
		Y	Cycle Systems, Inc.
	19982688	G	Willis Stein & Partners, L.P.
		G	Stanley R. Harris.
		G	Harris Publications, Inc.
	19982692	G	Applied Power Inc.
		G	Zero Corporation.
		G	Zero Corporation.
	19982694	G	Insurance Partners, L.P.
		G	Central Reserve Life Corporation.
		G	Central Reserve Life Corporation.
	19982695	G	Mr. Jay Alix.
		G	Joseph Littlejohn & Levy Fund II, L.P.
		G	Peregrine, Inc.
	19982703	G	Kenneth R. Thompson (a Canadian citizen).
		G	PRIMEDIA, Inc.
		G	Nelson Information, Inc.
	19982712	Y	Martek S.A.
		Y	Adwest Group plc.
		Y	Abbott Electronics, Inc., Conversion Devises, Inc.
	19982718	G	Ogden Newspapers, Inc., (The).
		G	Oshkosh Northwestern Company.
		G	Oshkosh Northwestern Company.
	19982725	G	Fleetwood Enterprises, Inc.
		G	Paul D. Treadwell.
		G	Factory Direct Homes, LLC.
		G	Eagle Ridge Manufactured Homes, Inc.
		G	Better Homes, LLC.
06–MAY–98	19982428	G	First Union Corporation.
		G	The Money Store Inc.
		G	The Money Store Inc.
	19982578	G	Fujisawa Pharmaceutical Co., Ltd.
		G	Patrick Soon-Shiong.
		G	VivoRx Pharmaceutical, Inc.
	19982579	G	Patrick Soon-Shiong.
		G	Fujisawa Pharmaceutical Co., Ltd.
		G	Fujisawa USA, Inc.
	19982601	G	Dean Foods Company.
		G	Garry A. Newman.
		G	Randolph Pickle Corporation.
	19982602	G	Dean Foods Company.
		G	Louis J. Schwartz.
		G	Randolph Pickle Corporation.
	19982627	G	Tele-Communications, Inc.
		G	Robert L. Johnson.
		G	BET Holdings, Inc.
	19982630	G	Derryll R. Wells.
		G	Chaswill United Corp.
		G	United Liberty Life Insurance Company.
	19982681	G	Patriot American Hospitality, Inc.
		G	S.F. Hotel Company, L.P.
		G	S.F. Hotel Company, L.P.
	19982684	G	John N. Irwin, III.
		G	Guernsey Bel, Inc.
		G	Guernsey Bel, Inc.
	19982697	G	Safeguard Scientifics, Inc.
		G	Dataflex Corporation.
		G	Dataflex Corporation.
	19982704	G	UNOVA, Inc.
		G	R&B Machine Tool Company.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	R&B Machine Tool Company.
	19982461	G	ATMI, Inc.
		G	NOW Technologies, Inc.
		G	NOW Technologies, Inc.
	19982640	G	Jack Miller.
		G	Staples, Inc.
		G	Staples, Inc.
	19982641	Y	Staples, Inc.
		Y	Jack Miller.
		Y	Quill Corporation.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–16820 Filed 6–23–98; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTION GRANTED EARLY TERMINATION

ET date	Trans No.	ET req status	Party name
11–MAY–98	19982591	G	USA Waste Services, Inc.
		G	Caramella-Ballardini, Ltd.
		G	Caramella-Ballardini, Ltd.
	19982598	G	The Geon Company.
		G	Earnest E. McClellan.
		G	Plast-O-Meric, Inc.
	19982679	G	Giant Industries, Inc.
		G	Kaibab Industries, Inc.
		G	Kaibab Industries, Inc.
	19982686	G	Smith International, Inc.
		G	Gary Dietzen.
		G	Safeguard Disposal Systems, Inc.
	19982699	G	BTR plc.
		G	Richard M. Hamlin.
		G	MB Manufacturing, Inc.
	19982701	G	Sun Company, Inc.
		G	AlliedSignal Inc.
		G	AlliedSignal Inc.
	19982714	G	Sysco Corporation.
		G	Hans Frisch.
		G	Beaver Street Fisheries, Inc.
	19982715	G	Marathon Fund Limited Partnership III.
		G	PrimeWood, Inc.
		G	PrimeWood, Inc.
	19982716	G	McCown De Leeuw & Co., III, L.P.
		G	International Data Response Corporation.
		G	International Data Response Corporation.
	19982721	G	Keane, Inc.
		G	Deborah Bricker.
		G	Bricker & Associates, Inc.
	19982722	G	Deborah A. Bricker.
		G	Keane, Inc.
		G	Keane, Inc.
	19982726	G	WSMP, Inc.
		G	Don Tyson.
		G	Hudson Foods, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
	19982728	G	Sunbelt Automotive Group, Inc.
	19982728	G	James G. Stelzenmuller, III.
		G	Jay Automotive Group, Inc.
	19982730	G	Capricorn Investors, L.P.
		G	The Cynara Company.
		G	The Cynara Company.
	19982736	G	W.C. Bradley Company.
		G	Donald W. Tendick, Sr., & Rosemary Tendick.
		G	Lamplight Farms Incorporated.
	19982737	G	Harron Communications Corp.
		G	Frederick R–L. Osborne.
		G	Auburn Cablevision, Inc.
	19982738	G	Canadian Pacific Limited.
		G	Ivarans Rederi ASA.
		G	Ivaran Lines AS.
		G	Ivaran Agencies, Inc.
	19982741	G	John M. Utley.
		G	Policy Management Systems Corporation.
		G	PMSI, LP.
	19982743	G	Grand Casinos, Inc.
		G	Lady Luck Gaming Corporation.
		G	Lady Luck Gaming Corporation.
	19982747	G	Jeffrey H. Smulyan.
		G	Barry Diller.
		G	SF Broadcasting of Honolulu, Inc.
	19982757	G	Hajoca Corporation.
		G	A.Y. McDonald Industries, Inc.
		G	A.Y. McDonald Supply Co., Inc.
	19982760	G	Brentwood Associates Buyout Fund II, L.P.
		G	Larry Clayton.
		G	City Truck and Trailer Parts, Inc.
	19982763	G	Applied Graphics Technologies, Inc.
		G	Lincolnshire Equity Fund, L.P.
		G	Color Control, Inc.
	19982765	G	George T. Lewis, Jr., and Betty Lewis (husband & wif.
		G	Bechtel Group, Inc.
		G	Palm Power Corp., Maple Power Corp. et. al.
	19982766	G	Rochester Gas & Electric Corporation.
	19982766	G	E. Philip Saunders.
		G	Sugar Creek Corporation.
	19982767	G	Barry Diller.
		G	Blackstar L.L.C.
		G	Blackstar L.L.C.
	19982772	G	Rembrandt Controlling Investments Limited.
		G	William McAlpine.
		G	Alpine Engineered Products, Inc.
	19982773	G	Golder, Thomas, Cressey, Rauner Fund V, L.P.
		G	Falconite, Inc.
		G	Falconite, Inc.
	19982774	G	Glen R. Jones.
		G	Ron Hartenbaum.
		G	Media America, Inc.
	19982775	G	Glen R. Jones.
		G	Gary Schonfeld.
		G	Media America, Inc.
	19982776	G	Nationwide Mutual Insurance Company.
		G	The Gibbens Co., Inc.
		G	The Gibbens Co., Inc.
		G	Reiser Consulting Group, Inc.
		G	W.R. Gibbens, Inc.
	19982777	G	Evangelos P.Proimos.
		G	Questor Partners Fund, LP.
		G	AP Parts Manufacturing Company.
	19982790	G	Publicker Industries Inc.
		G	Katy Industries, Inc.
		G	Katy Industries, Inc.
	19982784	G	HM/RB Partners, L.P.
		G	Home Interiors & Gifts, Inc.
		G	Home Interiors & Gifts, Inc.
	19982785	G	Specialty Teleconstructors, Inc.
		G	Arch Communications Group, Inc.
		G	Arch Communications Group, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Arch Capitol District, Inc.
		G	The Beeper Company of America, Inc.
		G	Q Media Company-Paging, Inc.
		G	Arch Connecticut Valley, Inc.
	19982785	G	Arch Southeast Communications, Inc.
		G	The Westlink Company, USA Mobile Communication Inc. II.
	19982786	G	Dover Corporation.
		G	Robert R. Corrion and Rhea B. Corrion.
		G	Koolant Koolers, Inc.
	19982790	G	Ronald S. Lauder.
		G	The Audio House, Inc., et al.
		G	Westinghouse Communications.
	19982791	G	Waterlink, Inc.
		G	Sutcliffe, Speakman PLC.
		G	Barnebey & Sutcliffe Corp.
	19982794	G	Aktiebolaget SKF.
		G	Russell T. Gilman, Sr. Family Trusts.
		G	Russell T. Gilman, Inc.
	19982802	G	GreenPoint Financial Corporation.
		G	BankAmerica Corporation.
		G	Housing Services, Inc.
	19982804	G	The Lubrizol Corporation.
		G	Carroll Scientific, Inc.
		G	Carroll Scientific, Inc.
	19982807	G	Eaton Corporation
		G	Charles Chupick.
		G	CBS Boring & Machines Company, Inc.
	19982809	G	APAC TeleServices, Inc.
		G	Golder, Thoma, Cressey, Rauner Fund IV, L.P.
		G	ITI Holdings, Inc.
	19982810	G	Roslyck Paxson.
		G	Lowell W. Paxson.
		G	Paxson Communications Corporation.
	19982812	G	BCE Inc.
		G	Avici Systems Inc.
		G	Avici Systems Inc.
	19982813	G	Enron Corp.
		G	Heartland Steel, Inc.
		G	Heartland Steel, Inc.
	19982826	G	Lucent Technologies Inc.
	19982826	G	Mr. Jeon H. Kim.
		G	Yurie Systems, Inc.
12–MAY–98	19981207	G	Dean Foods Company.
		G	Purity Dairies, Inc.
		G	Purity Dairies, Inc.
	19982696	G	Sony Corporation (a Japanese company).
		G	Peter Guber.
		G	Aqaba, Inc. and Mandalay Entertainment.
		G	Mandalay Entertainment.
		G	Oz Pictures, LLC.
	19982742	G	Republic Industries, Inc.
		G	Gary Fronrath.
		G	Gary Fronrath Jeep-Eagle, Inc.
	19982749	G	La-Van Hawkins.
		G	Tricon Global Restaurants, Inc.
		G	Pizza Hut of America, Inc./Pizza Hut of Detroit, Inc.
	19982751	G	USB AG.
		G	Advanced D.C. Motors, Inc.
		G	Advanced D.C. Motors, Inc.
	19982779	G	Monro Muffler Brake, Inc.
		G	Goldfarb Corporation (The).
		G	Bloor Automotive, Inc.
		G	Speedy Car-X, Inc.
13–MAY–98	19982571	G	InSight Health Services Corp
		G	Anthem Insurance Companies, Inc.
		G	Signal Medical Services, Inc.
	19982669	G	Ontario Teachers' Pension Plan Board.
		G	Browning-Ferris Industries, Inc.
		G	Browning-Ferris Industries, Inc.
	19982768	G	Resurrection Health Care Corporation.
		G	Westlake Health System.
		G	Westlake Health System.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
	19982787	N	Clayton Homes, Inc.
		N	Cargill, Incorporated.
		N	Access Financial Lending Corporation.
	19982805	G	American Industrial Partners Capital Fund II, L.P.
		G	SH Holdings Corp.
		G	SH Holdings Corp.
	19982816	G	Evans & Sutherland Computer Corporation.
		G	AccelGraphics, Inc.
		G	AccelGraphics, Inc.
14–MAY–98	19981139	G	American Radio Systems Corporation.
		G	American Tower Corporation.
		G	American Tower Corporation.
	19982620	G	Household International, Inc.
		G	Beneficial Corporation.
		G	Beneficial Corporation.
15–MAY–98	19981148	G	Clear Channel Communications, Inc.
		G	American Radio Systems Corporation.
		G	American Tower Systems Corporation.
	19981219	Y	The Chase Manhattan Corporation
		Y	American Radio Systems Corporation.
		Y	American Tower Systems Corporation.
	19982729	G	Sunbelt Automotive Group, Inc.
		G	Steve E. Grindstaff.
		G	Grindstaff, Inc.
	19982750	G	Dynatech Corporation.
		G	David 7 Susan Smout.
		G	Pacific Systems Corporation.
	19982758	G	Richard D. McCormick.
		G	U S WEST, Inc.
		G	U S WEST, Inc.
	19982764	G	Regal Equity Partners, L.P.
		G	KKR 1998 Fund L.P.
		G	Act Three Cinemas Inc.
	19982789	G	Piccadilly Cafeterias, Inc.
		G	Morrison Restaurants Inc.
		G	Morrison Restaurants Inc.
	19982795	G	International Comfort Products Corporation.
		G	Watsco, Inc.
		G	Watsco, Components, Inc.
		G	P.E./Del Mar, Inc.
	19982819	G	Besser Company.
		G	International Pipe Machinery Corp.
		G	International Pipe Machinery Corp.
	19982824	G	MagneTek, Inc.
		G	Abraham Bernstein.
		G	Omega Power Systems, Inc./Omega Power and Network Solutions.
	19982825	G	MagneTek, Inc.
		G	Josef Rabinovitz.
		G	Omega Power Systems, Inc./Omega Power and Network Solutions.
	19982828	G	Tech Data Corporation.
		G	Viag AG.
		G	Computer 2000, AG.
	19982829	G	Viag AG.
		G	Tech Data Corporation.
		G	Tech Data Corporation.
	19982832	G	Michael S. and Judy Ovitz.
		G	Livent Inc.
		G	Livent Inc.
	19982836	G	Simsmetal Limited.
		G	Leo Frankel.
		G	Frankel Iron & Metal Company.
		G	Ferromet, Inc.
	19982838	G	Group 1 Automotive, Inc.
		G	Richard A. Fleischman.
		G	Luby Chevrolet Co.
	19982839	G	United HealthCare Corporation.
		G	Principal Mutual Life Insurance Company.
		G	Principal Health Care of Texas, Inc.
	19982840	G	American Bureau of Shipping.
		G	Jerry B. Fussell.
		G	JBF Associates, Inc.
	19982841	G	Apartment Investment and Management Company.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Insignia Financial Group, Inc.
		G	Insignia Financial Group, Inc.
	19982844	G	Allied Waste Industries, Inc.
		G	Carmen Sepic.
		G	Waste Associates, Inc.
	19982846	G	Sentinel Capital Partners, L.P.
		G	O. Gene Bicknell.
		G	Romacorp, Inc.
	19982848	G	Maxxim Medical, Inc. a Texas Corporation.
		G	Winfield Medical, a California corporation.
		G	Winfield Medical, a California corporation.
	19982850	G	Allied Waste Industries, Inc.
		G	Warren J. Razore.
		G	Rabanco Ltd.
		G	Rabanco Intrmodal/B.C., Inc.
		G	WJR Environmental, Inc.
		G	United Waste Control Corp.
	19982850	G	Rabanco Recycling, Inc.
	19982852	G	Allied Waste Industries, Inc.
		G	Marie Schulze.
		G	MJS Associates, Inc.
	19982856	G	Brunswick Corporation.
		G	MarineMax, Inc.
		G	MarineMax, Inc.
	19982857	G	Esselte AB.
		G	CoStar Corporation.
		G	CoStar Corporation.
	19982860	G	Daisytek International Corporation.
		G	Michael Cullen.
		G	The Tape Company, Inc., an Illinois corporation.
		G	Tape Distributors of Minnesota, Inc., A Minnesota corporation.
		G	Tape Distributors, of Texas, Inc., a Texas corporation.
		G	The Tape Company, Inc. a Michigan corporation.
		G	The Tape Company, Inc. A Georgia corporation.
		G	The Tape Company, Inc. an Ohio corporation.
		G	Tape Distributors, Inc., a Pennsylvania corporation.
	19982861	G	Daisytek Internationl Corporation.
		G	Robert Daly.
		G	The Tape Company, Inc. a Michigan corporation.
		G	Tape Distributors of Minnesota, Inc., a Minnesota corporation.
		G	The Tape Company, Inc. a Georgia corporation.
		G	The Tape Company, Inc. an Ohio corporation.
		G	Tape Distributors, Inc., a Pennsylvania corporation.
		G	Tape Distributors, of Texas, Inc., a Texas corporation.
	19982863	G	Renters Choice, Inc.
		G	West Coast Private Equity Partners, L.P.
		G	Central Rents, Inc.
	19982867	G	Hicks, Muse, Tate & Furst Equity Fund III, L.P.
		G	Meyer Broadcasting Company.
		G	Meyer Broadcasting Company.
	19982885	G	James S. Frank.
		G	Charles E. Frank.
		G	Wheelco, Inc.
18–May–98	19982871	G	Mar-Ray Corporation.
		G	John A. McLendon.
		G	Nationwide Homes, Inc.
	19982875	G	Omnicare, Inc.
		G	IBAH, Inc.
		G	IBAH, Inc.
	19982911	G	Consolidation Capital Corporation.
		G	Jerald M. Taylor.
		G	Taylor Electric, Inc.
19–MAY–98	19982698	G	Prudential Private Equity Investors, III, L.P.
		G	StorMedia Incorporated.
		G	StorMedia Incorporated.
	19982778	G	Rice Partners II, L.P.
		G	Diethelm & Co. Ltd.
		G	Celestron International Inc.
	19982803	G	Laminates Acquisition Co.
		G	International Paper Company.
		G	International Paper Company.
	19982874	G	Robert F.X. Sillerman.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	David Falk.
		G	Falk Associates Management Enterprises, Inc.
	19982877	G	Eos Partners, L.P.
		G	Richard P. Hyland.
		G	Cross Con Transports, Inc.
	19982878	G	Horizon Health Corporation.
		G	Ramsay Health Care, Inc.
		G	FPM Behavioral Health, Inc.
	19982880	G	Ford Motor Company.
		G	Strawn Merchandise Company.
		G	Strawn Merchandise Company.
	19982884	G	FirstEnergy Corp.
		G	Thomas H. Lewis, Jr.
		G	Elliot-Lewis Corporation.
	19982887	G	Compagnie de Saint-Gobain.
		G	Annette Edwards.
		G	ENW, Inc.
	19982888	G	Compagnie de Saint-Gobain.
		G	Garry Wamsley.
		G	ENW, Inc.
	19982890	G	Atlantic Richfield Company.
		G	Union Texas Petroleum Holdings, Inc.
		G	Union Texas Petroleum Holdings, Inc.
	19982902	G	Elisabeth Badinter.
		G	Hal Riney & Partners, Inc.
		G	Hal Riney & Partners, Inc.
	19982908	G	Norton McNaughton, Inc.
	19982908	G	Leonard Schneider.
		G	Jeri-Jo Knitwear, Inc.
20–MAY–98	19982788	G	Eastern Environmental Services, Inc.
		G	Brambles Industries Limited.
		G	Atlantic Waste Disposal, Inc./Atlantic of New York, In.
		G	Atlantic of New York, Inc.
	19982792	G	Freedom Communications, Inc.
		G	W. Don Cornwell.
		G	Granite Broadcasting Corporation.
	19982853	G	Sun Healthcare Group, Inc.
		G	Retirement Care Associates, Inc.
		G	Retirement Care Associates, Inc.
	19982889	G	Thayer Equity Investors III, L.P.
		G	IESI Holding Corporation.
		G	IESI Holding Corporation.
21–MAY–98	19982761	G	HEALTHSOUTH Corporation.
		G	Columbia/HCA Healthcare Corporation.
		G	Columbia/HCA Healthcare Corporation.
	19982762	G	Mail-Well, Inc.
		G	Anderson Lithograph Holding Corp.
		G	Anderson Lithograph Holding Corp.
	19982820	G	Time Warner, Inc.
		G	Cablevision Systems Corporation.
		G	A–R Cable Services, Inc.
	19982821	G	Cablevision Systems Corporation.
		G	Time Warner, Inc.
		G	Time Warner Entertainment, L.P.
22–MAY–98	19982700	G	Oriental Chemical Industries.
		G	E.I. du Pont de Nemours and Company.
		G	E.I. du Pont de Nemours and Company.
	19982822	G	DLJ Merchant Banking Partners II, L.P.
		G	Insilco Corp.
		G	Insilco Corp.
	19982851	G	Louis A. Farris, Jr.
		G	Deluxe Corporation.
		G	Paper Direct, Inc. and Current, Inc.
	19982854	G	Stronach Trust.
		G	Creditanstalt AG.
		G	Steyr-Daimler-Puch Fahrzeugtechnik AG & Co. KG.
		G	AV Technology International LLC.
	19982864	G	David Falk.
		G	Robert F.X. Sillerman.
		G	SFX Entertainment, Inc.
	19982872	G	Family Golf Centers, Inc.
		G	Eagle Quest Golf Centers, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Eagle Quest Golf Centers, Inc.
	19982883	G	Telephone and Data Systems Inc. Voting Trust.
		G	Telephone and Data Systems Inc. Voting Trust.
		G	Crook County RSA Limited Partnership.
	19982898	G	Lumbermens Mutual Casualty Company.
		G	Thomas J. Stewart.
		G	Eagle Insurance Group, Inc.
	19982900	G	Racing Champions Corporation.
		G	Wheels Sports Group, Inc.
		G	Wheels Sports Group, Inc.
	19982907	G	The News Corporation Limited.
		G	TVSM, Inc.
		G	TVSM, Inc.
	19982910	G	Broughton Foods Company.
		G	LFD Holding Corp.
		G	LFD Holding Corp.
	19982915	G	Consolidation Capital Corporation.
		G	James C. Linford.
		G	G.S. Group, Inc.
	19982916	G	New England Business Service, Inc.
		G	Romo Corp.
		G	McBee Systems, Inc.
	19982919	G	National Oilwell, Inc.
		G	First Reserve Fund VI, Limited Partnership.
		G	Phoenix Energy Products Holdings, Inc.
	19982927	G	ABB A.G.
		G	Paradigm Technology, Inc.
		G	IXYS Corporation.
	19982928	G	ABB A.B.
		G	Paradigm Technology, Inc.
		G	IXYS Corporation.
	19982929	G	Thomas T. Gore, an individual.
		G	Highmark, Inc., A Pennsylvania non-profit corporation.
		G	Synertech Health System Solutions, Inc.
	19982936	G	Advance Voting Trust.
		G	Wired Ventures, Inc.
		G	Wired Ventures, Inc.
	19982940	G	Willis Stein & Partners, L.P.
		G	Gottlob Auwaerter GmbH & Co.
		G	International Automotive Products, Inc.
	19982941	G	Kamilche Company.
		G	Louisiana-Pacific Corporation.
		G	Louisiana-Pacific Corporation.
	19982957	G	Manufactures' Services Limited.
		G	International Business Machines Corporation.
		G	International Business Machines Corporation.
	19982962	G	NationsRent, Inc.
		G	Oliver H. Raymond.
		G	Raymond Equipment Company, Inc.
	19982963	G	Packerland Holdings, L.P.
		G	Paul J. Murray, Sr.
		G	Murco, Inc.
	19982968	G	Willis Stein & Partners, L.P.
		G	Larry Archibald.
		G	Stereophile, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–16876 Filed 6–23–98; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the

premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTION GRANTED EARLY TERMINATION

ET date	Trans No.	ET req status	Party name
26–MAY–98	19982739	G	Assa Abloy AB.
		G	Hillenbrand Industreis, Inc.
		G	Medeco Security Locks, Inc.
	19982746	G	Clear Channel Communications, Inc.
		G	Richard M. Fairbanks & Virginia B. Fairbanks.
		G	Fairbanks Communications, Inc.
	19982756	G	James C. Hilliard.
		G	Clear Channel Communications, Inc.
		G	Clear Channel Metroplex, Inc.
		G	Clear Channel Metroplex Licenses, Inc.
	19982770	G	Jeffrey H. Smulyan.
		G	Mari Hulman George.
		G	Wabash Valley Broadcasting Corporation.
	19982800	G	Thomas E. Baker (Dr.).
		G	Aspen Technology, Inc.
		G	Aspen Technology, Inc.
	19982801	G	Aspen Technology, Inc.
		G	Thomas E. Baker (Dr.)
		G	Chesapeake Decision Sciences, Inc.
	19982974	G	Sega Enterprises, Ltd.
		G	SGW Holding Inc.
		G	Sega GameWorks L.L.C.
	19982988	G	Kellstrom Industries, Inc.
		G	Carmel and Rosa Shashua.
		G	Aerocar Aviation Corp./Aerocar Parts, Inc.
		G	Aerocar Parts, Inc.
27–MAY–98	19982831	G	Able Telcom Holding Corp.
		G	WorldCom, Inc.
		G	MFS Network Technologeis, Inc.
	19982882	G	Journal Communications, Inc.
		G	AGM-Nevada, L.L.C.
		G	AGM-Nevada, L.L.C.
	19982891	G	Farm Family Holdings, Inc.
		G	Farm Family Life Insurance Company.
		G	Farm Family Life Insurance Company.
	19982899	G	Sidney B. DeBoer.
		G	Antonio Rodriguez.
		G	Rodway Chevrolet Co./Century Ford, Inc.
	19982921	G	AB Volvo.
		G	Samsung Heavy Industries Co., Ltd.
		G	Samsung Construction Equipment America Corp.
	19982923	G	William D. Morton.
		G	Mid Central Plastics, Inc.
		G	Mid Central Plastics, Inc.
	19982925	G	Kranson Industries, Inc.
		G	W. Braun Company.
		G	W. Braun Company.
	19982934	G	The Children's Hospital Foundation.
		G	The Children's Seashore House.
		G	The Children's Seashore House.
	19982938	G	Societe National d'Etude et de Construction.
		G	TI Group plc.
		G	Dowty Aerospace Corporation.
	19982939	G	Solectron Corporation.
		G	International Business Machines Corporation.
		G	International Business Machines Corporation.
	19982950	G	FS Equity Partners IV, L.P.
		G	Dennis C. Bearden.
		G	Century Maintenance Supply, Inc.
	19982989	G	Sisters of St. Joseph of Wichita, Kansas.
		G	Preferred Health Systems, Inc.
		G	Preferred Health Systems, Inc.
	19982990	G	Sisters of the Sorrowful Mother Generalate, Inc.
	19982990	G	Preferred Health Systems, Inc.
		G	Preferred Health Systems, Inc.
28–MAY–98	19982626	G	Windy Hill Pet Food Holdings, Inc.
		G	Gene W. Fickes and Sandra C. Fickes.
		G	Deep Run Packing Co., Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
	19982744	G	Cottingham Trust (1996).
		G	Douglas Monitto.
		G	Monitor Aerospace Corporation.
	19982914	G	Anacomp, Inc.
		G	First Data Corporation.
		G	First Financial Management Corporation.
		G	Employee Benefits Plans, Inc.
	19982944	G	Metals USA, Inc.
		G	Roger L. Krohn and Marilyn B. Krohn.
		G	Krohn Steel Service Center, Incorporated.
	19982952	Y	Denali Incorporated.
		Y	William I. Koch.
		Y	Fibercast Company.
29–MAY–98	19982894	G	Questor Partners Fund, L.P.
		G	IMPCO Technologies, Inc.
		G	IMPCO Technologies, Inc.
	19982980	G	Almanij N.V.
		G	Kredietbank N.V.
		G	Kredietbank N.V.
01–JUN–98	19982811	G	Lakshmi N. Mittal.
		G	Inland Steel Industries, Inc.
		G	Inland Steel Industries, Inc.
	19982837	G	Hafslund ASA.
		G	Chrysler Corporation.
		G	Pontook Operating Limited Partnership.
	19982895	G	Queensway Financial Holdings Limited.
		G	James G. Petcoff.
		G	North Pointe Financial Service Inc.
	19982896	G	James G. Petcoff.
		G	Queensway Financial Holdings Limited.
		G	Queensway Financial Holdings Limited.
	19982905	G	U.S. Industries, Inc.
		G	Clark Manufacturing, Inc.
		G	Clark Manufacturing, Inc.
	19982917	G	Sterling Commerce, Inc.
		G	XcelleNet, Inc.
		G	XcelleNet, Inc.
	19982918	G	Dennis M. Crumpler.
		G	Sterling Commerce, Inc.
		G	Sterling Commerce, Inc.
	19982951	G	Life Re Corporation.
		G	Delos H. Yancey, Jr.
		G	North American Financial Services, Inc.
	19982953	G	Tension Envelope Corporation.
		G	The Wolf Detroit Envelope Company.
		G	The Wolf Detroit Envelope Company.
	19982956	G	Gibraltar Steel Corporation.
		G	United Steel Products Company.
		G	United Steel Products Company.
	19982981	G	Almanij N.V.
		G	CERA Bank.
		G	CERA Bank.
	19982982	G	General Motors Corporation.
		G	Allied Signal, Inc.
		G	AlliedSignal Environmental Catalysts Inc.
	19982987	G	IMI plc (a British Company).
01–JUN–98.			
	19982987	G	Peter R. Fazzone.
		G	KIP, Inc.
	19982994	G	The Warnaco Group, Inc.
		G	Commerce Clothing Company LLC.
		G	Commerce Clothing Company LLC.
	19982997	G	Performance Food Group Company.
		G	Robert E. Keith.
		G	Affiliated Paper Companies, Inc.
	19982998	G	OEI International, Inc.
		G	W–Industries, Inc.
		G	W–Industries, Inc.
	19982999	G	Lubermens Mutual Casualty Company.
		G	Sid R. Bass.
		G	Pyramid Acquisition Corporation.
	19983002	G	Code, Hennessy & Simmons III, L.P.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Tharco Containers Colorado, Inc.
		G	Tharco Containers Colorado, Inc.
	19983005	G	FPL Group, Inc.
		G	The Douglas Compton Trust.
		G	Cannon Power Corporation.
	19983006	G	FPL Group, Inc.
		G	Gerald W. Monkhouse.
		G	Cannon Power Corporation.
	19983007	G	Fortune Brands, Inc.
		G	Aktiebolaget Electrolux.
		G	Schrock Cabinet Company Division of White.
			Consolidated.
		G	Industries, Inc.
	19983022	G	Coinmach Laundry Corporation.
		G	Thomas L. and Dorothy E. Litwin.
		G	Gordon & Thomas Companies, Inc.
	19983057	G	Wheatley Partners, L.P.
		G	USWeb Corporation.
		G	USWeb Corporation.
	19983063	G	Integrated Electrical Services, Inc.
		G	Herbert R. Allen.
		G	H.R. Allen, Inc.
	19983064	G	Herbert R. Allen.
		G	Integrated Electrical Services, Inc.
		G	Integrated Electrical Services, Inc.
02–JUN–98	19982866	G	U S West, Inc.
		G	Time Warner Telecom, Inc.
		G	Time Warner Telecom, Inc.
	19982868	G	Time Warner Inc.
		G	Time Warner Telecom, Inc.
		G	Time Warner Telecom, Inc.
	19983012	G	Desc, S.A. de C.V.
		G	Authentic Specialty Foods, Inc.
		G	Authentic Specialty Foods, Inc.
	19983016	G	The Crown Fund.
		G	ALLTEL Corporation.
		G	ALLTEL Corporation.
	19983018	G	John Rutledge Partners II, L.P.
		G	W.R. Hambrecht/QIC, Inc.
		G	Quinton Instrument Company.
	19983019	G	Real Time Data, Inc.
		G	J. Richard Estey.
		G	The Estey Corporation.
		G	Vend Products Distributing of California, Inc.
	19983030	G	National-Oilwell, Inc.
		G	Estate of William A. Monteleone.
		G	Roberds-Johnson Industries, Inc.
	19983033	G	Group Maintenance America Corp.
		G	Giles C. Upshur, III.
		G	Atlantic Industrial Constructors, Inc
		G	Atlantic Industrial Maintenance, Inc.
		G	Atlantic Industrial Leasing Corporation, Inc.
	19983035	G	Group Maintenance America Corp.
		G	T. Evan Williams.
		G	I Maintenance, Inc.; and Atlantic Industrial Leasing Corp.
	19983036	G	Ocean Group plc.
		G	Mercury Holdings plc.
		G	Mercury Holdings plc.
	19983046	G	Commerical Union plc.
		G	Farmers Union Insurance Acquisition Corporation.
		G	Farmers Union Insurance Acquisition Corporation.
	19983048	G	ICM Equipment Company, L.L.C.
		G	Williams Bros. Construction, Inc.
		G	Williams Bros. Construction, Inc.
	19983058	G	Brentwood Associates Buyout Fund II, L.P.
		G	Stone Heavy Duty, Inc.
		G	Stone Heavy Duty, Inc.
	19983071	G	The Beacon Group III—Focus Value Fund, L.P.
		G	Robert Kern.
		G	Generac Corporation.
	19983082	G	General Motors Corporation.
		G	Edward J. Morse.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G	Morse Operations, Inc.
	19983089	G	Dartford Partnership L.L.C.
		G	MBW Investors L.L.C.
		G	NEWCO.
	19983090	G	McCown DeLeeuw & Co. III, L.P.
		G	MBW Investors L.L.C.
		G	NEWCO.
	19983095	Y	NE Restaurant Company, Inc.
		Y	Bertucci's Inc.
		Y	Bertucci's Inc.
03–JUN–98	19981604	Y	Compaq Computer Corporation
		Y	Digital Equipment Corporation.
		Y	Digital Equipment Corporation.
	19982893	G	Danaher Corporation.
		G	Fluke Corporation.
		G	Fluke Corporation.
	19982930	G	Ira Leon Rennert.
		G	ASARCO Incorporated.
		G	ASARCO Incorporated.
	19982933	G	Robert F.X. Sillerman.
		G	Mugar MLWLLC.
		G	Blackstone Entertainment, LLC.
	19982992	G	NGC Corporation.
		G	Dominion Resources, Inc.
		G	Dominion Energy, Inc.
		G	Dominon Cogen CA, Inc.
	19983001	G	Ford Motor Company.
		G	Big 4 Rents, Inc.
		G	Big 4 Rents, Inc.
	19983037	G	Gordon Gray, Jr. Trust.
		G	Roy P. Disney.
		G	The Apogee Companies, Inc.
	19983041	G	Navix Radiology Systems, Inc.
		G	Fresenius AG.
		G	Fresenius Medical Care Holdings, Inc.
	19983077	G	Gerald W. Schwartz.
		G	Silicon Graphics, Inc.
		G	Cray Research, Inc.
	19983091	G	McCown De Leeuw & Co. IV, L.P.
		G	MBW Investors L.L.C.
		G	NEWCO
		G	Aurora Foods, Inc.
	19983092	G	Fenway Partners Capital Fund, L.P.
		G	MBW Investors L.L.C.
		G	NEWCO
04–JUN–98	19982945	G	Partners HealthCare System, Inc.
		G	Newton-Wellesley Health Care System, Inc.
		G	Newton-Wellesley Health Care System, Inc.
	19983017	G	Henry Crown and Company (Not Incorporated).
		G	ALLTEL Corporation.
		G	ALLTEL Corporation.
	19983079	G	Northland Cranberries, Inc.
		G	Michael A. Morello.
		G	Minot Food Packers, Inc.
05–JUN–98	19982912	G	Larry Addington.
		G	Cyprus Amax Minerals Company.
		G	Cyprus Cumberland Coal Corporation.
		G	Cyprus Mountain Coals Corporation.
		G	Cyprus Southern Realty Corporation.
		G	Cyprus Kanawha Corporation.
		G	Amax Coal Company.
		G	Amax Coal Sales Company.
		G	Ayrshire Land Company.
		G	Beech Coal Company.
		G	Meadowlark, Inc.
		G	Cannelton, Inc.
		G	Roaring Creek Coal Company.
		G	Grassy Cove Coal Mining Company.
	19982993	G	General Electric Company.
		G	Kaynar Technologies, Inc.
		G	Kaynar Technologies, Inc.
	19983014	G	Engineered Support Systems, Inc.

TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
		G G	George W. Andrews and Mary Ann Andrews. KECO Industries, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–16877 Filed 6–23–98; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 941–0095]

M.D. Physicians of Southwest Louisiana, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before August 24, 1998.

ADDRESSES: Comment should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: William Baer, FTC/H–374., Washington, D.C. 20580. (202) 326–2932.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 19, 1998), on the World Wide Web, at ''http://www.ftc.gov/os/actions97.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from M.D. Physicians of Southwest Louisiana (''MDP''). The agreement settles charges by the Federal Trade Commission (''Commission'') that MDP has violated Section 5 of the Federal Trade Commission Act by: (1) Fixing the prices and other terms on which its members would deal with third-party payers; (2) collectively refusing to deal with third-party payers; and (3) conspiring to obstruct the entry of managed care into Calcasieu Parish, Louisiana.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The purpose of this analysis is to facilitate public comment on the proposed order. The analysis is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms. Further, the proposed consent order has been entered into for settlement purposes only and does not constitute an admission by MDP that the law has been violated as alleged in the complaint.

The Complaint

Under the terms of the agreement, a proposed complaint would be issued by the Commission along with the proposed consent order. The allegations in the Commission's complaint are summarized below.

MDP is a physician organization based in Lake Charles, Louisiana. All of the members of MDP are physicians practicing in and around Calcasieu Parish, Louisiana, the parish in which Lake Charles is located. During the time period addressed by the allegations of the complaint, MDP members constituted a majority of all physicians practicing in Calcasieu Parish, Louisiana. In certain physician specialties, MDP members constituted all or most of the physician specialists practicing in Calcasieu Parish.

MDP was formed in 1987 as a vehicle for its members to deal concertedly with the impending entry into Calcasieu Parish of managed care. Beginning in 1987, and continuing until at least 1994, when MDP first learned that it was under investigation by the staff of the Commission, MDP conspired to fix the prices and other terms under which its members dealt with third-party payers. MDP also conspired to prevent or delay the entry into Calcasieu Parish of managed care.

Until 1994, MDP members refused to participate, either individually or collectively, in health care plans offered by Blue Cross and Blue Shield of Louisiana, the Louisiana State Employees Group Benefits Program, Aetna Insurance Company, Healthcare Advantage, Inc., and other third-party payers attempting to do business in Calcasieu Parish.

The members of MDP agreed that MDP would represent them in negotiations with third-party payers. MDP functioned as the exclusive representative of its members. Until 1994, the members of MDP dealt with third-party payers only though MDP.

MDP's members have not integrated their medical practices in any economically significant way, nor have they created any efficiencies that might justify this conduct.

MDP's actions have harmed consumers in Calcasieu Parish by, among other things, restraining competition among physicians,

depriving consumers of the benefits of competition among physicians, increasing the prices that consumers pay for physician services and medical insurance coverage, and depriving consumers of the benefits of managed care.

The Proposed Consent Order

The proposed consent order is designed to prevent the illegal concerted action alleged in the complaint, while allowing MDP to engage in legitimate joint conduct. Section II of the proposed order contains the core operative provisions. It prohibits MDP from: (1) Engaging in collective negotiations on behalf of its members; (2) orchestrating concerted refusals to deal; (3) fixing prices, or any other terms, on which its members deal; and (4) encouraging or pressuring others to engage in any activities prohibited by the order.

Section II includes a proviso allowing MDP to engage in conduct (including collectively determining reimbursement and other terms of contracts with payers) that is reasonably necessary to operate (a) any ''qualified risk-sharing joint arrangement,'' or (b) provided MDP complies with the order's prior notification requirements, any ''qualified clinically integrated joint arrangement.'' The proviso addresses the arrangements that MDP may enter into, rather than the overall nature of the group, because a physician group may enter into legitimate arrangements with some third-party payers but engage in illegal conduct with respect to others. For the purposes of the order, a ''qualified risk-sharing joint arrangement'' must satisfy two conditions. First, it must be one in which participating physicians share substantial financial risk. The order lists ways in which physicians might share financial risk. These track the four types of financial risk sharing set forth in the *Statements of Antitrust Enforcement Policy in Health Care,* issued jointly by the FTC and the Department of Justice.[1]

Second, to be a ''qualified'' risk sharing arrangement, the arrangement must also be non-exclusive, both in name and in fact. An arrangement that either restricts the ability of participating physicians to contract outside the arrangement (individually or through other networks) with third-party payers, or facilitates refusals to deal outside the arrangement by participating physicians, does not fall within the proviso. Although exclusive physician joint arrangements are not necessarily anticompetitive, they can impair competition, particularly when they include a large portion of the physicians in a market. In light of MDP's large share of the physician market, this definition does not permit MDP to form exclusive arrangements.

A ''qualified clinically integrated joint arrangement'' includes arrangements in which the physicians undertake cooperative activities to achieve efficiencies in the delivery of clinical services, without necessarily sharing substantial financial risk. For purposes of the order, such arrangements are ones in which the participating physicians have a high degree of interdependence and cooperation through their use of programs to evaluate and modify their clinical practice patterns, in order to control costs and assure the quality of physician services provided through the arrangement. As with risk-sharing arrangements, the definition of clinically integrated arrangement reflects the analysis contained in the 1996 FTC/DOJ *Statements of Antitrust Enforcement Policy in Health Care.* In addition, as with risk-sharing arrangements, the arrangement must be non-exclusive in light of MDP's large share of the market. In drafting the definition of clinically integrated arrangements, the Agencies sought to be flexible due to the wide range of providers who may participate, types of clinical integration possible, and efficiencies available. Consequently, the definition of a clinically integrated arrangements is by necessity less precise than that of a risk sharing arrangement.

In order for a qualified clinically integrated joint arrangement to fall within the proviso, MDP must comply with the order's requirements for prior notification. The prior notification mechanism will allow the Commission to evaluate a specific proposed arrangement and assess its likely competitive impact, in order to help guard against the recurrence of acts and practices that have restrained competition and consumer choice.

Section III requires that MDP notify its members and certain third-parties about the order. In addition, MDP must, for the next five years, distribute copies of the complaint and order to new members and annually publish the complaint and order in any annual report or newsletter sent to MDP members.

Sections IV, V, and VI consist of various reporting procedures, consistent with those found in other Commission consent orders, that are designed to assist the Commission in monitoring compliance with the order.

Finally, section VII terminates the order twenty years after the date it is issued, in accordance with Commission policy.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–16821 Filed 6–23–98; 8:45 am]

BILLING CODE 6750–01–M

[1] *Statements of Antitrust Enforcement Policy in Health Care,* issued August 28, 1996, 4 Trade Reg. Rep. (CCH) ¶ 13,153.

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0197]

Submission for OMB Review; Comment Request Entitled Service Contracting

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for public comments regarding reinstatement to a previously approved OMB clearance (3090–0197).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning Service Contracting. A request for public comments was published at 63 FR 19920, April 22, 1998. No comments were received.

DATES: Comment Due Date: July 24, 1998.

FOR FURTHER INFORMATION CONTACT: Al Matera, Office of GSA Acquisition Policy (202) 501–1224.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW., Washington, DC 20405.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to reinstate information collection 3090–0197, Service Contracting. This information collection is necessary to determine whether a prospective contractor is responsible by obtaining information regarding financial and other capabilities of the prospective contractor.

B. Annual Reporting Burden

Respondents: 2,200; annual responses: 2,200; average hours per response: 1; burden hours: 2,200.

Copy of proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW., Washington, DC 20405, or by telephoning (202) 501–3822, or by faxing your request to (202) 501–3341.

Dated: June 16, 1998.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 98–16724 Filed 6–23–98; 8:45 am]

BILLING CODE 6820–61–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0200]

Submission for OMB Review; Comment Request Entitled Sealed Bidding

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for public comments regarding reinstatement to a previously approved OMB clearance (3090–0200).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning Sealed Bidding. A request for public comments was published at 63 FR 19921, April 22, 1998. No comments were received.

DATES: Comment Due Date: July 24, 1998.

FOR FURTHER INFORMATION CONTACT: Al Matera, Office of GSA Acquisition Policy (202) 501–1224.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW, Washington, DC 20405.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to reinstate information collection, 3099–0200, Sealed Bidding. The information requested regarding an offeror's monthly production capability is needed to make progressive awards to ensure coverage of stock items.

B. Annual Reporting Burden

Respondents: 20; annual responses: 20; average hours per response: .10; burden hours: 3.3.

Copy of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW, Washington, DC 20405, or by telephoning (202) 501–3822, or by faxing your request to (202) 501–3342.

Dated: June 16, 1998.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 98–16727 Filed 6–23–98; 8:45 am]

BILLING CODE 6820–61–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0227]

Submission for OMB Review; Comment Request Entitled Termination Liability Schedule

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for public comments regarding reinstatement to a previously approved OMB clearance (3090–0227).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning Termination Liability Schedule. A request for public comments was published at 63 FR 19920, April 22, 1998. No comments were received.

DATES: Comment Due Date: July 24, 1998.

FOR FURTHER INFORMATION CONTACT: Al Matera, Office of GSA Acquisition Policy (202) 501–1224.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW., Washington, DC 20405.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to reinstate information collection 3090–0227, Termination Liability Schedule. This information would permit offers on contracts for the Information Technology Fund to submit a schedule of cancellation charges. Use of Termination Liability provisions, a standard industry practice, equalizes the interconnects competitive position relative to the carriers, saving money and increasing competition.

B. Annual Reporting Burden

Respondents: 60; annual responses: 60; average hours per response: 2.5; burden hours: 150.

Copy of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW., Washington, DC 20405, or by telephoning (202) 501–3822, or by faxing your request to (202) 501–3341.

Dated: June 16, 1998.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 98–16722 Filed 6–23–98; 8:45 am]

BILLING CODE 6820–61–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0250]

Submission for OMB Review; Comment Request Entitled Zero Burden Information Collection Reports

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for public comments regarding reinstatement to a previously approved OMB Clearance 3090–0250, Zero Burden Information Collection Reports.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning Zero Burden Information Collection Reports. GSA proposed to use a single, general control

number for information collections that impose no burden upon the public. A request for public comments was published at 63 FR 19264, April 17, 1998. No comments were received.

DATES: Comment Due Date: July 24, 1998.

ADDRESSES: Comments regarding this collection of information should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503 and to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW, Washington, DC, 20405.

FOR FURTHER INFORMATION CONTACT: Al Matera, Office of GSA Acquisition Policy (202) 501–1224.

SUPPLEMENTARY INFORMATION: The GSA is requesting the Office of Management and Budget (OMB) to reinstate information collection, 3090–0250, Zero Burden Information Collection Reports. This information collection consists of reports that do not impose collection burdens upon the public. These collections require information which is already available to the public at large or that is routinely exchanged by firms during the normal course of business. A general control number for these collections decreases the amount of paperwork generated by the approval process. Since May 1992, GSA has published two rules that fall under Information Collection 3090–0250: ''Implementation of Public Law 99–506'' published at 56 FR 29442, June 27, 1991, and ''Industrial Funding Fee'' published at 62 FR 38475, July 18, 1997.

Copy of Proposal

A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street, NW, Washington, DC, 20405 or by telephoning (202) 501–3822, or by faxing your request to (202) 501–3341.

Dated: June 16, 1998.

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

[FR Doc. 98–16728 Filed 6–23–98; 8:45 am]

BILLING CODE 6820–61–M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service; Notice of Availability of Record of Decision; Construction of the New Federal Courthouse, Seattle, WA

Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, as implemented by the Council of Environment Quality, the General Services Administration (GSA) has filed with the U.S. Environmental Protection Agency and made available to other government and interest private parties, the Record of Decision concerning the construction of the new Federal Courthouse, Seattle, Washington.

The Record of Decision is available for review at the following location: Seattle Public Library, 1000 Fourth Avenue, Seattle, WA (Documents Desk). Additional copies are available by contacting Michael D. Levine, 400 15th St., SW., Auburn, WA 98001 or call 253/931–7263. The document is also available at the following Internet address: www.northwest,gsa.gov/pbs/eis.htm.

L. Jay Pearson,

Regional Administrator.

[FR Doc. 98–16737 Filed 6–23–98; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRAITON

Public Buildings Service; Notice of Availability of Draft Environmental Impact Statement Disposition of Governors Island, Upper New York Bay, NY

Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, as implemented by the Council on Environmental Quality (40 CFR Parts 1500–1508), the General Services Administration (GSA) has filed with the U.S. Environmental Protection Agency and made available to other government and interested private parties, the Draft Environmental Impact Statement (DEIS) for the disposition of surplus federal real property known as Governors Island, Upper New York Bay, New York.

The Draft EIS is on file at New York City Hall, Manhattan Community District #6, Brooklyn Community District #6, Andrew Heiskell Library for the Blind and Physically Handicapped, Mid-Manhattan Library, NY Public Library—New Amsterdam Branch, NY Public Library—Carroll Gardens Branch, NY Public Library—Red Hook Branch and General Services Administration.

Copies of the Executive Summary of the Draft EIS are available upon request. Additional information may be obtained from General Services Administration, Region 2, Attention: Peter A. Sneed, 26 Federal Plaza, New York, New York, 10278, (212) 264–3581.

Written comments regarding the DEIS may be submitted until July 27, 1998 and should be addressed to General Services Administration in care of the above noted individual. A public hearing is scheduled for June 24, 1998 at the U.S. Customs House, 1 Bowling Green, Lower Manhattan, New York; and for June 25, 1998 at the US District Court, 225 Cadman Plaza East, 1st Floor, Brooklyn, New York. Both hearings will be held from 6:00 pm to 8:00 pm.

Dated: June 1, 1998.

Robert Martin,

Acting Regional Administrator (2A).

[FR Doc. 98–16725 Filed 6–23–98; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Fiscal Year 1998 Program Announcement; Availability of Funds and Notice Regarding Applications: Extension of Application Deadline Date

AGENCY: Administration on Aging, HHS.

ACTION: Notice of extension of deadline date for applications to carry out research on Alzheimer's Disease Caregiving Options.

SUMMARY: This notice extends the deadline date for the submission of applications under Program Announcement AoA 98–6, Research on Alzheimer's Disease Caregiving Options, through July 17, 1998.

Dated: June 15, 1998.

Jeanette C. Takamura,

Assistant Secretary for Aging.

[FR Doc. 98–16763 Filed 6–23–98; 8:45 am]

BILLING CODE 4150–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 98085]

Young People in Alternative Education Settings: Preventing HIV and Other Sexually Transmitted Diseases Notice of Availability of Fiscal Year 1998 Funds

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1998 funds for cooperative agreements for the prevention of human immunodeficiency virus (HIV), and other sexually transmitted diseases (STDs) among young people in alternative educational

settings. Applied research programs that implement and evaluate promising, multicomponent interventions to reduce unprotected sexual intercourse among young people in alternative educational settings will be supported under this cooperative agreement.

Young people in high-risk situations for HIV and other STDs are served in alternative educational settings, which include: alternative schools, and school-based or school-linked dropout prevention programs, and dropout recovery programs. Alternative schools, dropout prevention programs, and dropout recovery programs serve students primarily who are at high risk of not progressing in regular high schools (or who have previously stopped attending school), and as a result, not graduating, as well as students who have already gotten into disciplinary trouble, usually related to illegal drug use or violence. Of particular interest are alternative educational settings targeting adjudicated young people (that is, young people in contact with the juvenile justice system), although interventions may target other young people in high risk situations served within alternative educational settings. (See Attachment 1 for the CDC's definition of young people in high risk situations.)

The CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and death and improve the quality of life. This announcement is related to priority areas of Family Planning, HIV Infection, and Sexually Transmitted Diseases. (To order a copy of ''Healthy People 2000,'' see the section ''Where To Obtain Additional Information.'')

Authority

This program is authorized under sections 301(a) and 317(k)(2) [42 U.S.C. 241(a) and 247b(k)(2)] of the Public Health Service Act, as amended. Regulations are set forth in 42 CFR Part 51b.

Smoke-free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which educational, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Eligible applicants are the official educational, juvenile corrections, public health, family planning, and substance abuse agencies of the State; the District of Columbia and Puerto Rico, as well as local governments, nonprofit organizations, academic institutions, and other nonprofit health, family planning, substance abuse, or social service providers. All applicants must provide evidence that demonstrates a successful history of working in partnership with interdisciplinary groups of health researchers and local racial and ethnic minority communities on applied social and behavioral science projects.

Residential programs in which participants receive interventions while institutionalized both weekdays and weekends are not eligible to avoid duplication of current CDC initiatives targeting incarcerated young people.

Note: Effective January 1, 1996, Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities will not be eligible for the receipt of Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

Availability of Funds

Approximately $600,000 is available in FY 1998 to fund up to two awards. It is expected that awards will begin on or about September 30, 1998, and will be made for a 12-month budget period within a project period of up to 4 years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory performance and the availability of funds.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of HHS funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1998 Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act (Public Law 105–78) states in Section 503 (a) and (b) that no part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relations, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself. No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

CDC has prioritized programs reducing sexual risk behavior among young people in high risk situations, particularly among young men having sex with men, injection drug using young people, and adjudicated young people. High rates of HIV, STDs, and unintended pregnancies among young people point to a need for interventions that effectively address adolescent sexual and drug use behavior. Several ''Healthy People 2000'' objectives call for effective interventions in these areas. The 1992 National Health Interview Survey Youth Risk Behavior supplement revealed that sexual risk and drug-use behaviors among out-of-school young people are more common than among their in-school counterparts. Programs designed to reach students at risk for school dropout are an important strategy to provide health education and activities to prevent behavior that may put them at risk for HIV and STDs. Evaluating the effectiveness of prevention programs within these settings is important and has been rarely undertaken.

Alternative schools are one important avenue for reaching young people who have dropped out or who are at risk of dropping out of regular school programs. Within the United States there are over 1300 free-standing alternative schools that serve 280,000 young peoples in grades 8 or higher. The number of students enrolled in such programs is even greater when alternative school programs within regular schools, and after-school diploma and GED programs are included. Such educational services are

needed given the number of young people dropping out of schools: in 1994, 11.4 percent of young people aged 16–24 dropped out of school without obtaining a high school diploma or GED.

Studies of alternative school students in Texas, Montana, Minnesota, and Florida demonstrate high rates of sexual risk behaviors strongly correlated with HIV, STDs, and unintended pregnancy. Young people in drop-out prevention programs and alternative schools exhibit higher rates of sexual risk behavior than their counterparts in regular schools including higher prevalence of sexual activity (between 83 percent and 97 percent), lower prevalence of condom use at last intercourse (between 40 percent and 60 percent), and higher prevalence of sex with multiple partners (between 31 percent and 43 percent). Young people in drop-out prevention programs and alternative school settings are also more likely to report a prior pregnancy (between 25 percent and 40 percent) than their regular school counterparts. Further, alternative school students report a high prevalence of drug use, including alcohol, marijuana, and cocaine.

Low academic and occupational expectations, academic failure, and school dropout are strongly and persistently associated with contact with the juvenile justice system. Federal Bureau of Investigation arrest statistics reveal that criminal offenses for males and females increase in early adolescence, peak in late adolescence, and decrease thereafter, bringing a higher proportion of young people into contact with the justice system than other age groups. Alternative school and dropout prevention programs that serve adjudicated young people, are detailed in ''Reaching Out to Youth Out of the Education Mainstream.'' (To order a copy of ''Reaching Out to Youth Out of the Education Mainstream,'' see the section ''Where To Obtain Additional Information.'') Community-based follow-up programs for young people that reinforce risk reduction behaviors have been shown to be promising strategies, and could be implemented in alternative educational settings. Such programs vary in the timing with which they intervene as young people progress through the juvenile justice system. Some alternative educational programs are preventive and implemented at the time of first offense, some provide model school experiences for incarcerated young people, and some are implemented after juveniles are released from incarceration to reintegrate them with the mainstream educational system.

Although there is a clear need for interventions to reduce sexual risk behaviors among young people at risk for school dropout, little research has been conducted to determine intervention efficacy for this population. While alternative and dropout prevention program students have been exposed to mainstream school HIV and STD prevention programs at relatively high rates, these programs may not adequately meet the needs of young people at high risk. One study of students in a dropout recovery program in Illinois found that a lack of tailored interventions has resulted in low basic knowledge regarding sexual risk, as well as high levels of risk behavior.

Purpose

These awards will support evaluation of promising interventions to decrease sexual risk behaviors among young people in alternative educational settings. This cooperative agreement will support applied research that meets the following criteria:

1. Identifies a promising group-level intervention based on a sound theoretical foundation. Promising programs are those with demonstrated effectiveness based on preliminary evaluation data, expert appraisal, or favorable response by participants. A rationale should be provided that justifies use of the intervention in the current population and setting. Programs may be revised, improved, or updated for purposes of the current research.

2. Implements and evaluates intervention strategies among young people in alternative educational settings to reduce sexual risk behavior.

3. Collaborates with academic, program, and community partners in conducting, and evaluating the proposed intervention, and proposes to work with partners throughout the project period to sustain successful interventions beyond the project's duration.

Program Requirements

Studies will be quasi-experimental or experimental in design and should measure knowledge, attitudes, and behavior related to HIV and other STDs. Measures of behavior should include, but are not limited to, abstinence, correct and consistent condom use among sexually active young people, past sexual experience including victimization, measures of number of partners, and frequency of sexual intercourse. While the major focus of the cooperative agreement is to decrease HIV and STD related risk behaviors, interventions may include as a secondary focus reducing the prevalence of alcohol and drug use, or sexual behaviors related to unintended pregnancy, including increasing effective contraceptive use among sexually active young people.

Studies should include at least two sites in which the intervention will be implemented, and sites or individual participants (or some other justified sampling unit) should be randomized to the control or comparison condition or the experimental condition. Studies should be designed to follow-up participants at least 12 months after the end of the intervention. Extensive strategies to maintain an adequate response rate throughout the follow-up will be of critical importance. The overall evaluation of these programs will include both process and outcome evaluation components.

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for conducting activities under B. (CDC Activities).

A. Recipient Activities

1. Establish and maintain staff positions allocated to specific responsibilities, with at least a 50 percent time research director and a 100 percent time project director with training, experience, and authority sufficient to achieve the objectives of this program announcement.

2. Identify and implement a promising intervention designed to reduce sexual risk behavior among young people in alternative educational settings. Examples include, but are not limited to, the following:

(a) Increasing knowledge about HIV and other STDs, and promoting attitudes and behavioral intentions that support reductions in sexual risk behavior.

(b) Providing skill-based training that increases, through modeling and practice, decision-making and communication skills that support reduction of sexual risk behaviors.

(c) Identifying, creating, or mobilizing school, family, peer, and other social networks to support and reinforce sexual risk reduction through activities including, but not limited to, mentoring, peer-influence, familial involvement, increased communication with sexual partners, community involvement, or social diffusion.

(d) Promoting resiliency, social skills, and youth assets through a youth development approach.

(e) If alcohol and drug-related behavior is a secondary focus, then promoting knowledge, attitudes,

behavioral intentions, and behavior to reduce alcohol and illegal drug use, or to reduce harm associated with use.

(f) If pregnancy prevention is a secondary focus, then increasing knowledge, attitudes, and behavioral intentions and behavior to increase effective contraceptive use (which may include multiple methods of contraception) to prevent HIV, STD, and unintended pregnancy among sexually active young people.

3. Measure the success of interventions with targeted populations in comparison to a control/comparison group. Self-reported outcome measures may include, but are not limited to:

(a) Past sexual experience, including sexual victimization;

(b) Sexual initiation;

(c) Correct and consistent condom use among sexually active young people;

(d) Knowledge, attitudes, and behavioral intentions to reduce sexual risk behavior;

(e) Number of sexual partners and frequency of sexual intercourse;

(f) Number of STDs diagnosed;

(g) HIV testing reported by participants;

(h) Social assets, communication skills, perception of peer norms, increased integration in familial and community networks;

(i) If alcohol and drug-related behavior is a secondary focus, then knowledge, attitudes, behavioral intentions, and alcohol and drug use behavior, and the impact of alcohol and drug-use on sexual risk behaviors; and

(j) If pregnancy prevention is a secondary focus, then knowledge, attitudes, behavioral intentions, and behavior. Measures may include, but are not limited to, number of pregnancies in the sample, and effective contraception use (including multiple methods) among sexually active young people.

4. Develop and refine research questions and methods, conceptual frameworks, measurement and analysis strategies, and intervention protocols so that findings can be used to facilitate national efforts to prevent HIV and STDs among young people in alternative educational settings. This may require modifying conceptual frameworks, sampling plans, data collection instruments, intervention activities, and other elements of the applicant's proposal to meet the program goals.

5. Develop, revise, and submit a written justification package and other documentation necessary for obtaining Office of Management and Budget (OMB) clearance.

6. Collaborate and coordinate efforts with appropriate educational, corrections, health, substance abuse, youth-serving, community-based, and minority organizations who deliver services or interventions to the targeted populations. Include members of the targeted population in planning, developing, and revising the research and intervention activities whenever appropriate and feasible. Collaborate with service providers to sustain successful interventions beyond the duration of the project.

7. Develop a plan for disseminating results of the research to members of the scientific, programmatic, and targeted communities.

8. Disseminates evaluation findings through peer-reviewed publications and presentations.

B. CDC Activities:

1. Provide scientific and technical assistance in the design and development of the research, and evaluation protocols, selection of measures and instruments, operational plans and objectives, and data analysis strategies.

2. Provide scientific and technical coordination of the general operation of the research project, including data management support.

3. Participate in the analysis of data gathered from program activities and the reporting of results.

4. Conduct site visits to assess program progress.

5. Assist in the development of a research protocol for Institutional Review Board (IRB) review by all cooperating institutions participating in the research project. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

Technical Reporting Requirements

An original and two copies of the progress report and financial status report must be submitted on an annual basis and are due 90 days after the end of the budget period. The progress report must include the following for each program, function, or activity involved: (1) a brief program description; (2) a comparison of actual accomplishments to goals and objectives established for the 12-month period; (3) explanations for all goals or objectives either delayed or not accomplished and a plan of corrective action; (4) data on participation in intervention and research activities, including numbers of completed baseline and follow-up interviews, and recruitment and retention rates (5) other pertinent information including, when appropriate, analysis and explanation of unexpectedly high costs for performance. All manuscripts supported in part or whole by the cooperative agreement will be required to go through CDC clearance before submission for publication.

A final financial report is required no later than 90 days after the end of the project period. All reports are submitted to the Grants Management Office, CDC.

Application Content

Applications must be developed in accordance with PHS Form 5161–1 (OMB Number 0937–0189), information contained in the program announcement, and the instructions and format provided below.

Applications should describe:

1. The identification of a promising program to reduce sexual risk behavior among young people in alternative educational settings, including a theoretical basis, rationale, and explanation of previous use.

2. Implementation and evaluation of an intervention to reduce unprotected sexual intercourse among young people in alternative educational settings, including the evaluation design, sampling plan, and analysis strategy.

3. A feasible and timely strategy for disseminating findings from this research to scientific, public health, and community partners, and efforts to be made throughout the project to ensure that the intervention will be sustained once Federal funding ends.

The application should include a general introduction, followed by one narrative subsection per application content element (A–H) in the order in which the elements appear below. Each narrative subsection should be labeled with the element title and contain all of the information needed to evaluate that element of the application (except for curriculum vitae, references, intervention descriptions and materials, and letters of support that are appropriate for the appendixes).

A. Intervention Plan

1. Provide a review of the relevant literature to provide a theoretical, empirical, and programmatic justification for the proposed research, and clearly describe how the proposed intervention will advance efforts to prevent HIV and STDs among young people in alternative educational settings.

Specifically, the application should include explicit models (with schematic drawings) that illustrate factors to be modified through the intervention and to explain the mechanisms by which outcome effects are produced.

2. Discuss why the intervention is promising, to include a discussion of

the settings and populations in which the intervention was previously implemented. Intervention descriptions and materials should be provided if possible. Discuss feasibility and acceptability of the intervention in the selected setting.

B. Research Plan

1. Specify a set of clear and testable research questions and hypotheses that are responsive to the intended purposes of the research sought under this cooperative agreement.

2. Describe all aspects of the study design and methods including the evaluation design (both process and outcome) and how threats to validity will be handled; a detailed description of the targeted population, including but not limited to age, grade, sex, race, socioeconomic status, HIV and STD risk factors, and how the population will be accessed; instrumentation; the sampling strategy (including a justification for the sampling unit), sample size, and power analysis justifying the sample size and including an indication of expected effect sizes, the randomization strategy; training plans for individuals collecting data, and data collection plans, including but not limited to, linking participants' responses between measurement periods.

3. Describe expected sample attrition. Describe how study participants will be tracked and what strategies will be used to increase retention.

4. Describe how the intervention implementation process will be measured and how the findings will be used to monitor implementation and provide feedback to staff, and to explicate other findings. Include plans to maintain detailed records of the costs involved in implementation such that cost-effectiveness estimates can be derived.

5. Describe the plans and quality assurance monitoring for data management, analysis, and interpretation.

6. Describe key dissemination products including peer-reviewed publications and presentations that can be used by program planners, policy makers, and other interested parties.

7. Describe the potential limitations of the results given the complexity of the research focus, the targeted population, and the applied nature of the evaluation; to whom the findings will be generalizable; and how they can be used to develop national recommendations for reducing unprotected sexual intercourse among young people in alternative educational settings.

8. As appropriate and necessary, provide for the inclusion of women and racial and ethnic minority groups as required by CDC/ATSDR policy, or, where inclusion is inappropriate or not feasible, provide an explanation for the exclusion of women and racial and ethnic minority groups from the research design. (See ''Other Requirements'' section of this announcement for details.)

C. Research and Intervention Capacity

1. Demonstrate the feasibility of the proposed research by providing a detailed timeline, with specific products, specifying which staff person will be responsible for which task.

2. Describe the research team and show that the proposed research staff for the project represent an interdisciplinary team of behavioral and social scientists with the scientific training and the previous scientific and practical experience needed to conduct and complete high quality research within the specified timeline, as evidenced by the successful completion of past research in the areas proposed in this application. Describe previous service or research conducted with this population.

3. Demonstrate the adequacy of the proposed staff, through curriculum vitae and position descriptions that detail responsibilities, to carry out all proposed activities (i.e., sufficient in number, percentage of time commitments, behavioral or social scientists in key project positions, and qualifications).

4. Describe the facilities, data processing and analysis capacity, and systems for management of data security and participant confidentiality.

D. Collaboration and Sustainability

1. Describe how academic, program, and community partners will participate in developing, conducting, and evaluating the proposed research. Specifically, describe the involvement of appropriate key organizations and members of the targeted population and discuss previous work of the proposed collaborators. Include letters of support from proposed collaborating organizations indicating willingness to participate in the proposed research, including but not limited to, evidence of past successful collaboration, willingness to be randomized to a control/comparison or experimental condition, and containing information on the number and demographic characteristics of young people served.

2. Define the responsibilities of collaborating partners.

3. Discuss efforts to be made throughout the project period to ensure that the intervention will be sustained once Federal funding ends.

E. Dissemination

Provide a clear dissemination plan to include but not limited to, the timely sharing of findings with local partners; and include a plan to work with CDC and other sites to ensure that analysis and production of peer-reviewed papers, and reports give priority to findings that can be used to develop national prevention recommendations for young people in alternative educational settings to prevent HIV and STDs.

F. Budget with Justification

Provide a detailed budget request and complete line-item justification that is consistent with the proposed activities.

G. Human Subjects

Describe any risks to human subjects and the procedures that will be used to protect human subjects both through local institutional review boards. Involvement by the CDC in the design, analysis, and dissemination of research involving human subjects also requires the study to be cleared through the CDC human subjects review process. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Typing and Mailing

Applicants are required to submit an original and two copies of the application. The application may not exceed 60 single-spaced pages in length, excluding appendixes. Provide a one-page abstract of the proposal. Number all pages clearly and sequentially and include a complete Table of Contents to the application and its appendixes. The original and each copy of the application must be submitted unstapled and unbound. Print all material, single-spaced, in a 12-point or larger font on 8.5″ by 11″ paper, with at least 1″ margins and printed on one side only.

Evaluation Criteria (Total 100 Points)

Objective Review panels evaluate the scientific and technical merit of applications and their responsiveness to the information requested in the ''Application Content'' section above. Applications will be reviewed and evaluated according to the following criteria:

A. Intervention Plan (20 Points)

1. The extent to which the research proposed will advance efforts to reduce the risk of HIV and other STDs among

young people in alternative educational settings. The extent to which the intervention represents a careful application of a theoretically, empirically, and programmatically justified prevention approach; can be expected to produce the intended effect; and can be evaluated by using a scientifically rigorous evaluation design and methods.

2. The extent to which the intervention is promising, and has the potential for use with young people in alternative educational settings or with populations served in alternative educational settings (such as interventions designed for adjudicated young people).

B. Research Plan (30 Points)

1. The clarity and testability of the research questions and hypotheses, and the extent to which the questions are responsive to the intended purposes of the research sought under this cooperative agreement.

2. The extent to which the study and evaluation design and methods are scientifically sound and capable of producing the intended results, and will result in the adequate recruitment of participants.

3. The adequacy with which study participants will be tracked, and the extent to which strategies presented are likely to produce adequate retention of participants.

4. The extent to which the intervention implementation process can be measured and findings used to replicate the intervention in other settings, including cost-benefit estimates.

5. The extent to which the plans for data management, analysis, and interpretation are clear, appropriate and are adequately monitored for quality.

6. The extent to which dissemination products will result in the generation of peer-reviewed papers and presentations.

7. The extent to which the evaluation will provide results that are scientifically sound, generalizable, and useful for developing national recommendations for reducing unprotected sexual intercourse among young people in alternative educational settings.

8. The extent to which the applicant has met the CDC Policy requirements regarding the inclusion of women and ethnic and racial groups in the proposed research. This includes:

(a) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

(b) The proposed justification when representation is limited or absent.

(c) A statement as to whether the design of the study is adequate to measure differences when warranted.

(d) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits will be documented.

C. Research and Intervention Capacity (25 Points)

1. The feasibility of the proposed research plan and the adequacy of the timeline with specific products.

2. The extent to which the proposed research staff for the project represent an interdisciplinary team of behavioral and social scientists with the scientific training and the previous scientific and practical experience needed to conduct and complete high quality research within the specified timeline, as evidenced by the successful completion of past research in the areas proposed in this application. The extent of the applicant's familiarity with, access to, and good working relationships with young people in this setting, as evidenced by previous service or research with proposed population.

3. The adequacy of the proposed staff to conduct all proposed activities (i.e., sufficient in number, percentage of time commitments, behavioral scientists in key project positions, and qualifications).

4. The adequacy of facilities, data processing and analysis capacity, and systems for management of data security and participant confidentiality.

D. Collaboration and Sustainability (15 Points)

The extent to which the applicant includes academic, program, and community partners in developing, conducting, and evaluating the proposed research, and to sustain the intervention after completion of the research as evidenced by inclusion of appropriate key organizations, members of the targeted population, and selected collaborators; defined responsibilities for organizations and individuals; and planned efforts to ensure that the intervention will be sustained once Federal funding ends.

E. Dissemination (10 Points)

The extent to which the dissemination plan is clearly articulated and includes the timely sharing of findings with local partners and a plan to work with appropriate others to ensure production of papers and presentations.

F. Budget (Not Weighted)

Extent to which the budget is reasonable, itemized, clearly justified, and consistent with the intended use of the funds.

G. Human Subjects (Not Weighted)

Whether or not exempt from the Department of Health and Human Services regulations, procedures must be adequate for the protection of human subjects. Recommendations on the adequacy of protections include: (1) protections appear adequate and there are no comments to make or concerns to raise, or (2) protections appear adequate, but there are comments regarding the protocol, or (3) protections appear inadequate and the Objective Review Group (ORG) has concerns related to human subjects, or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Content of Noncompeting Continuation Applications

In compliance with 45 CFR 74.51(b)(d), 45 CFR 92.10(b)(4) and 92.40(b), annual noncompeting continuation applications submitted within the project period need only include:

A. A brief progress report that describes the accomplishments of the previous budget period.

B. Any new or significantly revised items or information (objectives, scope of activities, operational methods, evaluation, etc.) not included in the year 01 application.

C. An annual budget and justification. Existing budget items that are unchanged from the previous budget period do not need rejustification. Simply list the items in the budget and indicate that they are continuation items. Supporting justification should be provided where appropriate.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372, which sets up a system for State and local government review of proposed Federal assistance applications. Applicants should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. A current list of

SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Sharon P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Atlanta, GA 30305, no later than 30 days after the application deadline date. The Program Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' State process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements. Under these requirements, all community-based nongovernmental applicants must prepare and submit the items identified below to the head of the appropriate State and/or local health agency(s) in the program area(s) that may be impacted by the proposed project no later than the receipt date of the Federal application. The appropriate State and/or local health agency is determined by the applicant. The following information must be provided:

a. A copy of the face page of the application (SF 424).

b. A summary of the project that should be titled ''Public Health System Impact Statement'' (PHSIS), not to exceed one page, and include the following:

(1) A description of the population to be served;

(2) A summary of the services to be provided; and,

(3) A description of the coordination plans with the appropriate State and/or local health agencies.

If the State and/or local health official should desire a copy of the entire application, it may be obtained from the State Single Point of Contact (SPOC) or directly from the applicant.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.938.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Women and Racial and Ethnic Minority Groups

It is the policy of the CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Pacific Islander, and White. There will be two categories for data on ethnicity: ''Hispanic or Latino'' and ''Not Hispanic or Latino.'' Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. In conducting review for scientific merit, review groups will evaluate proposed plans for inclusion of minorities and both sexes as part of the scientific assessment of scoring.

This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects. Further guidance to this policy is contained in the **Federal Register**, Vol. 60, No. 179, pages 47947-47951, dated Friday, September 15, 1995.

HIV/AIDS Requirements

Recipients must comply with the document entitled Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions (June 1992) (a copy is in the application kit). To meet the requirements for a program review panel, recipients are encouraged to use an existing program review panel, such as the one created by the State health department's HIV/AIDS prevention program. If the recipient forms its own program review panel, at least one member must be an employee (or designated representative) of a State or local health department. The names of the review panel members must be listed on the Assurance of Compliance for CDC 0.1113, which is also included in the application kit. The recipient must submit the program review panel's report that indicates all materials have been reviewed and approved.

Application Submission and Deadline

An original and two copies of the application PHS Form 5161-1 (Revised 5/96, OMB Number 0937–0189) must be submitted to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mail Stop E–18, Atlanta, GA 30305, on or before August 3, 1998.

1. Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Applications: Applications which do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

To receive additional written information and to request an application kit, call 1–888-GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement Number of interest. You will receive a complete program description and information on application procedures and application forms. If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Glynnis Taylor, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East

Paces Ferry Road, NE., Room 300, Mail Stop E–18, Atlanta, GA 30305, telephone (404) 842–6593, by fax (404) 842–6513, or by the Internet address: gld1@cdc.gov.

Programmatic technical assistance and information about studies cited in this announcement may be obtained from Leah Robin, Ph.D., Division of Adolescent and School Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), 4700 Buford Highway, NE., Mail Stop K–33, Atlanta, GA 30341-3717; telephone (770) 488–3210, or by the Internet address: ler7@cdc.gov.

You may obtain this announcement, and other CDC announcements, from one of two Internet sites on the actual publication date: CDC's homepage at http://www.cdc.gov or at the Government Printing Office homepage (including free on-line access to the **Federal Register** at http://www.access.gpo.gov).

Please refer to Announcement Number 98085 when requesting information and submitting an application.

Potential applicants may obtain a copy of:

1. ''Healthy People 2000'' (Full Report, Stock No. 017–001-00474–0), or ''Healthy People 2000'' (Summary Report, Stock No. 017–001–00473–1), referenced in the ''Introduction'' through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

2. ''Reaching Out to Youth Out of the Education Mainstream'' (NCJ 163920), referenced in the section entitled ''Background,'' through the Office of Juvenile Justice and Delinquency Prevention's Juvenile Justice Clearinghouse, P.O. Box 6000, Rockville, MD 20849–6000; telephone (800) 638–8736; E-mail: aksncirs@ncirs.org.

Dated: June 18, 1998.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

Attachment 1

Youth in High-Risk Situations

The following is the Centers for Disease Control and Prevention's definition of youth in high-risk situations. (From CDC, ''Report of the Fourth Meeting of the CDC Advisory Committee on the Prevention of HIV Infection,'' November 7–8, 1990.)

Young people between the ages of 10 and 24 who fit at least one of the following categories are considered at high risk for HIV infection:

1. Homeless youth
2. Runaway youth
3. Youth not in school and unemployed
4. Youth requiring drug or alcohol rehabilitation
5. Youth who interface with the juvenile corrections system
6. Medically indigent youth
7. Youth requiring mental health services
8. Youth in foster homes
9. Migrant farm worker youth
10. Gay or lesbian youth
11. Youth with STDs, especially genital ulcer disease
12. Sexually abused youth
13. Sexually active youth
14. Pregnant youth
15. Youth seeking counseling and testing for HIV infection
16. Youth with signs and symptoms of HIV infection or AIDS without alternative diagnosis
17. Youth who barter or sell sex
18. Youth who use illegal injected drugs (including crack cocaine)

Some characteristics of youth who fit the definition of youth at high risk for HIV infection pose barriers to effective intervention. Those characteristics include:

1. feeling invulnerable to disease;
2. having little adult supervision, whether at home, having run away from home, or having been asked to leave home;
3. a history of emotional, sexual, and/or physical abuse;
4. distrust of adults;
5. serious emotional and personal problems;
6. disenfranchised from institutions that normally provide structure and support; and
7. difficulty filling basic human needs for food, shelter, money, and safety—consequently placing prevention of HIV infection a low priority.

[FR Doc. 98–16766 Filed 6–23–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98D–0376]

Guidance on FDA's Expectations of Medical Device Manufacturers Concerning the Year 2000 Date Problem

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Guidance on FDA's Expectations of Medical Device Manufacturers Concerning the Year 2000 Date Problem.'' The guidance, which is included in this notice, is a Level 1 guidance that is immediately effective in accordance with FDA's good guidance practices (GGP's) criteria, which allow immediate implementation of guidance that is necessary for public health reasons. FDA will receive comments on the guidance at any time and consider them in determining whether to amend the current guidance.

DATES: This guidance is effective June 24, 1998. Submit written comments by September 22, 1998. After the close of the comment period, written comments may be submitted at any time to Thomas B. Shope (address below).

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance in this notice.

Submit comments during the comment period to: Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Such comments will be considered when determining whether to amend the current guidance. Comments should be identified with the docket number found in brackets in the heading of this document.

Submit comments at any time after the close of the comment period to: Thomas B. Shope (address below). Comments may not be acted upon by the agency until the document is next revised or updated.

FOR FURTHER INFORMATION CONTACT: Thomas B. Shope, Center for Devices and Radiological Health (HFZ–140), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–3314, ext. 32.

SUPPLEMENTARY INFORMATION:

I. Background

The guidance entitled ''Guidance on FDA's Expectations of Medical Device Manufacturers Concerning the Year 2000 Date Problem'' reviews the legal responsibilities of device manufacturers under the Federal Food, Drug, and Cosmetic Act in ensuring the uninterrupted functioning of any medical device that might be impacted by the Year 2000 date problem. It also reviews legislative and regulatory requirements applicable to device manufacturers with regard to correcting potential Year 2000 problems, to indicate when corrective action is or is not required, to present recommendations for device assessment, and to encourage reporting on the status of devices that are adversely affected by the Year 2000 date problem.

II. Significance of Guidance

This guidance document represents the agency's current thinking on FDA's

expectations of medical device manufacturers concerning the Year 2000 date problem. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted GGP's that set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (62 FR 8961, February 27, 1997). This guidance document is issued as a Level 1 guidance consistent with GGP's.

III. Electronic Access

In order to receive the guidance entitled ''Guidance on FDA's Expectations of Medical Device Manufacturers Concerning the Year 2000 Date Problem'' via your fax machine, call the CDRH Facts-On-Demand (FOD) system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. At the first voice prompt press 1 to access DSMA Facts, at the second voice prompt press 2, and then enter the document number 2000 followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also use the World Wide Web (WWW). CDRH maintains an entry on the WWW for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Web. Updated on a regular basis, the CDRH home page includes guidances, device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh. The guidance entitled ''Guidance on FDA's Expectations of Medical Device Manufacturers Concerning the Year 2000 Date Problem'' will be available at http://www.fda.gov/cdrh/yr2000/y2kguide.html.

A text-only version of the CDRH web site is also available from a computer or VT–100 compatible terminal by dialing 800–222–0185 (terminal settings are 8/1/N). Once the modem answers, press Enter several times and then select menu choice 1: FDA BULLETIN BOARD SERVICE. From there follow instructions for logging in, and at the BBS TOPICS PAGE, arrow down to the FDA home page (do not select the first CDRH entry). Then select Medical Devices and Radiological Health. From there select CENTER FOR DEVICES AND RADIOLOGICAL HEALTH for general information, or arrow down for specific topics.

IV. Comments

Interested persons may, on or before September 22, 1998, submit to the Dockets Management Branch (address above) written comments regarding the guidance for medical devices. After the close of the comment period, comments may be submitted at any time to Thomas B. Shope (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the guidance and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 11, 1998.

Linda S. Kahan,

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

The text of the guidance is set forth below:

BILLING CODE 4160–01–P

Guidance for Industry

Guidance on FDA's Expectations of Medical Devices Manufacturers Concerning the Year 2000 Date Problem

U.S. Department of Health and Human Services
Food and Drug Administration
Center for Devices and Radiological Health
Division of Electronics and Computer Science
Office of Science and Technology

June 1998

Guidance on FDA's Expectations of Medical Device Manufacturers Concerning the Year 2000 Date Problem

I. Background

Many medical devices employ or incorporate computer systems or microprocessor controls as aspects of their design. Some of these computer systems and software applications, including embedded microprocessors, may experience problems processing dates or date-related data due to their use of two digits to represent the year. This is becoming known as the ''Year 2000 date problem'' or the ''Year 2000 problem'' and is not unique to medical devices. These problems may be manifested on or after January 1, 2000, when the year 2000 is represented as ''00'' and the computer system or software cannot differentiate 1900 from 2000. Other date-related problems may occur, such as the failure to accurately address leap years (e.g., there will be a February 29, 2000) or the use of certain dates (e.g., September 9, 1999 [9/9/99]) as ''flags'' for specific computer actions. In addition to adversely affecting the functioning of some medical devices, the two-digit year format could also affect computer-controlled processes in device design, production or quality control activities, or studies to evaluate device performance.

During 1996, FDA reviewed the types of devices for which problems or potential risks to patients might arise due to the Year 2000 date problem. This review, based on FDA's knowledge of the function and design of all types of devices, did not identify many devices for which the use of a date is critical to the function of the device or for which incorrect date representation could have an adverse impact on patient safety. FDA experts are generally knowledgeable about the function and design of various devices; however, only the manufacturer has the detailed knowledge of the design of specific devices that is required to effectively evaluate the potential for risk to patients.

II. FDA's Goal Regarding Year 2000 Problems With Medical Devices

FDA is providing information regarding how manufacturers may meet regulatory requirements of FDA in addressing computer date representation problems. FDA's primary concern is focused on date-related problems that could pose a risk to health. While all manufacturers are responsible for ensuring the proper functioning of medical devices that they have manufactured, FDA is primarily concerned that manufacturers

correct date-related problems for those devices that, if unable to correctly process dates, could pose a risk to health.

As an example, little if any risk may be posed by devices whose only use of the date is to mark a record or record a date and where an error in date recording results only in an incorrect representation of the year. Records generated by a computerized device marked with a year of ''00'' to represent 2000 will not be confused with similar records from 1900 if the records are only intended for reading by humans. Human operators will know that there were no such computer-generated records in 1900. Of course, the risk would be different if the date record is intended for processing by another computerized device which might not correctly process a two-digit year representation. Similarly, if the date problem results in the Year 2000 being represented as some year other than 1900, say a base year for a computer, such as 1980, or represented in some other fashion, then the potential for confusion cannot be dismissed and such risks must be addressed.

Incorrect date representation or usage could present a risk when the date is used in a calculation or when records generated by a device are sorted automatically to present a patient's condition over a period of time to a physician for diagnosis and treatment. Specifically, when the records are sorted by the date of recording, with the oldest record presented first in the presentation queue, the failure of the sorting device could place a record made on January 1, 2000, in the queue before another record made on December 31, 1999, because the sorting device could mistake the Year ''00'' as occurring before the Year ''99.'' Although the information contained in the records in the latter situation would be correct, the physician expects the records to be in chronological order, and this expectation could lead to a misdiagnosis or incorrect treatment. This potential patient risk must be addressed to eliminate any possibility of adverse health consequences.

Under the Quality Systems Regulation, device manufacturers must evaluate their entire line of medical equipment and software, not just currently produced or supported products, to identify and assess problems that could result from inaccurate date representation. This assessment should take into account date errors that might lead to device failure, such as failure to provide diagnosis or patient treatment, date

misrepresentation leading to incorrect records which might impact future treatment, or any process affected by the Year 2000 date problem that, if not corrected, has the potential to present a risk to health. Should the assessment indicate a risk to patient or public health by medical equipment unable to correctly process dates, device manufacturers must report corrective action taken in accordance with part 806 (21 CFR part 806), the regulation requiring reporting of device corrections and removals. Should the date-related failure present an unreasonable risk of substantial harm to the public health and the manufacturer fails to take corrective actions, section 518 of the Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360h) provides the authority for FDA to require the manufacturer to undertake corrective action at no charge to the device purchasers or owners. If the manufacturer's assessment reveals a date-related failure to conform to specifications or design, and the risk presented by the failure does not meet the threshold specified in section 518 of the act for a mandatory recall (i.e., the device presents an unreasonable risk of substantial harm to the public health), then FDA will not require a recall.

The agency has received inquiries as to the manufacturers' responsibilities under the act, with regard to actions they must take to correct or remedy products from past production that have a Year 2000 date problem and fail to function as designed. Section 518 of the act provides the agency with authority to require the mandatory notification of purchasers and recall of devices that, among other criteria, present an unreasonable risk of substantial harm to the public health. The agency notes that this authority has not been used often because manufacturers typically voluntarily correct problems that present risks which meet the criteria outlined in section 518 of the act. FDA anticipates that manufacturers will act responsibly to eliminate any risks to health posed by Year 2000 date problems.

For Year 2000 or other date-related problems that result in failure to meet specifications or to function as intended, but that do not present the risk to health contemplated in section 518 of the act, FDA has no mechanism to require correction of previously marketed devices. The agency encourages manufacturers to provide solutions where possible and economically feasible.

III. Earlier FDA Letter to Device Manufacturers

As a result of the review of the possible impact of date problems on medical devices, FDA issued a letter on June 25, 1997, to all medical device manufacturers. The letter defined the Year 2000 date problem, reminded manufacturers of requirements under existing regulations, made recommendations for assessing the safety and effectiveness of medical devices, and provided guidance for future premarket submissions. It also notified manufacturers that they must assess the function of all of their devices (both currently and previously manufactured) and identify those that could pose a risk to patients by the processing of date information. The letter is posted in its entirety on the World Wide Web (WWW) at the FDA web site, http://www.fda.gov/cdrh/yr2000.html.

This letter recommended that manufacturers take the following actions:

— For future medical device premarket submissions, manufacturers should assure that the products can perform date operations correctly and that computations will be unaffected by the Year 2000 date change.

— For currently and previously manufactured medical devices, manufacturers should conduct hazard and safety analyses to determine whether device performance could be affected by the Year 2000 date problem. If these analyses show that device safety or effectiveness is affected, then appropriate steps should be taken to correct current and past production and to assist customers who have purchased such devices.

— For computer-controlled design, production, and quality control processes, manufacturers should assure that two-digit year formats or computations do not cause problems.

The letter also provided the following advice regarding premarket submissions for changes to existing devices:

— Manufacturers need not submit premarket approval application supplements for class III devices to document that they have addressed Year 2000 date problems, provided that the modifications made in the device do not change other aspects of its performance.

— Manufacturers need not submit a new 510(k) (premarket notification) for Year 2000 date changes to an existing device, provided that the changes do not affect safety and effectiveness. This is in keeping

with the information provided in the Office of Device Evaluation guidance document entitled ''Deciding When to Submit a 510(k) for a Change to an Existing Device,'' available from the Division of Small Manufacturers Assistance and the FDA web site. (Note that changes to correct Year 2000 date problems should be included in any future 510(k) submission for a significant change to the device.)

Manufacturers were also reminded of the current Quality System Regulation, under which they must investigate and correct problems with medical devices. This includes devices that do not meet specifications because of inaccurate date recording and/or calculations. The authority for requirements conveyed in the letter is found in section 518 of the act, which requires notification of users or purchasers when a device presents an unreasonable risk of substantial harm to public health.

IV. Regulatory Responsibilities

1. Quality System Regulation

Under the Quality System Regulation (21 CFR part 820), device manufacturers must ensure and document the quality of their design and manufacturing processes. This regulation places a continuing responsibility on manufacturers to investigate device malfunctions and to prevent potential malfunctions, including those that could be caused by incorrect processing or recording of dates.

2. Reports of Corrections and Removals Regulation

The Reports of Corrections and Removals regulation (part 806), which recently became effective, requires manufacturers and importers to report promptly to FDA any corrections or removals undertaken to reduce a risk to health posed by the device or to remedy a violation of the act caused by the device which may present a risk to health. This regulation requires the reporting of corrections and removals related to the Year 2000 date problem designed to avert or correct a potential risk to health.

3. Medical Device Reporting Requirements

In situations requiring remedial action to prevent an unreasonable risk of substantial harm to the public health, the manufacturer is required to submit a 5-day report under part 803 (21 CFR part 803), the Medical Device Reporting (MDR) regulation. Information concerning a correction or removal submitted in a 5-day MDR need not be resubmitted under part 806.

4. Classification of Recalls

A manufacturer's action to correct a Year 2000 date problem, which is undertaken and completed before January 1, 2000, will not be considered a recall for purposes of FDA's Voluntary Recall regulation (21 CFR part 7). The agency will not classify such actions as recalls, provided the action addresses only correction of a date-related problem and is completed prior to any actual device failure as a result of the problem. However, manufacturers must still report or maintain records of such corrections and removals under § 806.20.

V. Department of Health and Human Services' Letter to Device Manufacturers

The Department of Health and Human Services issued a letter to biomedical equipment manufacturers, dated January 21, 1998, requesting information on the products affected by the Year 2000 date problem. It stated concerns for the continued functioning of biomedical and laboratory equipment into the next century. The letter provided an opportunity for manufacturers to identify specific products that will be affected and to share this information with interested parties through a Government-operated WWW site. Further information concerning this web site and reporting product status with regard to date problems may be found on the WWW at the FDA web site, http://www.fda.gov/cdrh/yr2000/year2000.html. FDA urges manufacturers to use this mechanism to communicate the status of their products that are affected by the Year 2000 date problem to public and Government purchasers and users of these products. This information will assist healthcare facilities to identify any impacted products and assist them in planning and taking remedial actions.

VI. Reporting Under the MedWatch Program

Under the Medical Device Reporting Regulation (part 803), medical device user facilities and manufacturers must report deaths and serious injuries to which a device has or may have caused or contributed. Manufacturers are also required to report certain device malfunctions. In addition, medical device users and health professionals are encouraged to voluntarily report malfunctions or problems with devices under FDA's MedWatch Program. The program was established as a method of reporting adverse events by health professionals or other appropriate parties, and can be used to report devices that are

suspected or determined to fail and thereby present a risk to health due to the Year 2000 or other date problems.

Information on the MedWatch program, including procedures for reporting problems with medical devices, may be received by calling the MedWatch Office, 1–800–FDA–1088, or can be found on the WWW at the FDA web site, http://www.fda.gov/medwatch.

[FR Doc. 98–16736 Filed 6–23–98; 8:45 am]

BILLING CODE 4160–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–320]

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, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Corrective Action Plan (Medicaid Eligibility Quality Control) and Supporting Regulations 42 CFR 431.; *Form No.:* HCFA–320; *Use:* Medicaid eligibility quality control (MEQC) is a State-administered system designed to improve the management of the Medicaid program. States are required to submit a corrective action plan annually. The plan must detail the initiatives the State will implement in order to reduce the type of errors occurring in the Medicaid eligibility determination process. *Frequency:* Annually; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 21; *Total Annual Responses:* 21; *Total Annual Hours:* 8,400.

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, DC 20503.

Dated: June 16, 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. 98–16794 Filed 6–23–98; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 4352–N–03]

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:* August 24, 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: Comprehensive Grant Program (CGP) Reporting Requirements.

OMB Control Number if applicable: 2577–0157.

Description of the need for the information and proposed use: Public Housing Agencies (PHAs) with 250

units or more of public housing will submit information to HUD to approve the PHAs annual Comprehensive Plan submission, to reserve its formula share of the national allocation for the CCP, certify resident consultation by the local government, to certify PHA's compliance with statutory and regulatory requirements by the governing body of the PHA, and to monitor performance of the projected activities of the CGP funds. PHAs submit this information to obtain a benefit for the Federal Government.

Agency forms, if applicable: Forms HUD–52832, HUD–52833, HUD–52834, HUD–52835, HUD–52836, HUD–52837, HUD–52840.

Members of affected public: State, Local Government.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 832 respondents, average 68 hours (7 forms one-time a year), total reporting burden 56,576 hours.

Status of the proposed information collection: Extension.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 16, 1998.

Deborah Vincent,

General Deputy Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

Executive Summary of Preliminary Estimated Costs

Physical and Management Needs
Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (exp. 7/31/98)

HA Name	Federal Fiscal Year

Development Number/ Name	Total Current Units	Total Preliminary Estimated Hard Cost	Per Unit Hard Cost	Long-Term Viability (Y/N)	Percentage of Vacant Units

Total Preliminary Estimated Hard Cost for Physical Needs	$
Total Preliminary Estimated Cost for HA -Wide Management Needs	$
Total Preliminary Estimated Cost for HA-Wide Nondwelling Structures and Equipment	$
Total Preliminary Estimated Cost for HA-Wide Administration	$
Total Preliminary Estimated Cost for HA-Wide Other	$
Grand Total of HA Needs	$
Signature of Executive Director	Date

Page ___ of ___

form **HUD-52831** (10/96)
ref Handbook 7485.3

Public reporting burden for this collection of information is estimated to average 10 hours 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This collection of information requires that each eligible applicant submit comprehensive plan information to HUD every six years in order to receive its annual formula grant. This information will be used by HUD to determine whether the comprehensive plan/annual submission meets statutory and regulatory requirements for the annual formula grant. Responses to the collection are required by Section 14(e)(1) of the U.S. Housing Act of 1937, as amended. The information requested does not lend itself to confidentiality.

Instructions for Preparation of Form HUD-52831, Executive Summary of Preliminary Estimated Costs for Physical and Management Needs

Report Submission: Prepare one form HUD-52831 for the entire Housing Authority (HA) and submit to HUD as part of the submission of the original Comprehensive Plan in the first year of participation in the CGP and every sixth year when a complete revision of the Comprehensive Plan is required. Use as many pages of this form as necessary to cover all developments within the HA's inventory.

Heading Instructions:

HA Name. Enter the HA name.

Federal Fiscal Year. Enter the FFY in which the Comprehensive Plan is being submitted.

Column Instructions:

Development Number/Name. Enter the State abbreviation, the HA number and the development number, which may be abbreviated as VA 36-1. Also enter the development name, if any.

Total Current Units. For each development, enter the total number of current units as identified in the ACC.

Total Preliminary Estimated Hard Cost. For each development, enter the Total Preliminary Estimated Hard Cost for Needed Physical Improvements from form HUD-52832, Physical Needs Assessment.

Per Unit Hard Cost. For each development, enter the Per Unit Hard Cost from form HUD-52832, Physical Needs Assessment.

Long-Term Viability. For each development, enter Yes or No as to whether the development has long-term physical and social viability from form HUD-52832, Physical Needs Assessment.

Percentage of Vacant Units. For each development, enter the percentage of vacant units from form HUD-52832, Physical Needs Assessment.

Total Preliminary Estimated Hard Cost for Physical Needs. Enter the total for all amounts entered in the column, Total Preminary Estimated Hard Cost.

Total Preliminary Estimated Cost for HA-Wide Management Needs. Enter the total preliminary estimated HA-wide cost from form HUD-52833, Management Needs Assessment.

Total Preliminary Estimated Cost for HA-Wide Nondwelling Structures and Equipment. Enter the total preliminary estimated cost for HA-wide nondwelling structures and equipment that are currently needed and will be needed within the next five years from form HUD-52832, Physical Needs Assessment.

Total Preminary Estimated Cost for HA-Wide Administration. Enter the total preminary estimated cost for HA-wide administration (Development Account 1410) that is currently needed and will be needed within the next five years.

Total Preminary Estimated Cost for HA-Wide Other. Enter the total preliminary estimated cost for HA-wide other costs (Development Accounts 1411, 1415, 1430, 1440, 1490, 1495) that are currently needed and will be needed within the next five years.

Grand Total of HA Needs. Enter the sum of preliminary estimated costs for Physical Needs, HA-Wide Management Needs, HA-Wide Nondwelling Structures and Equipment, HA-Wide Administration and HA-Wide Other.

Physical Needs Assessment

Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577--0157 (exp. 7/31/98)

HA Name		☐ Original ☐ Revision Number _____
Development Number	Development Name	DOFA Date or Construction Date _____

Development Type:		Occupancy Type:		Structure Type:		Number of Buildings	Number of Vacant Units
Rental	☐	Family	☐	Detached/Semi-Detached	☐		
Turnkey III - Vacant	☐	Elderly	☐	Row	☐	Current Bedroom Distribution 0 ____ 1 ____ 2 ____	%
Turnkey III - Occupied	☐	Mixed	☐	Walk-Up	☐	3 ____ 4 ____ 5 ____	Total Current Units
Mutual Help	☐			Elevator	☐	5+____	
Section 23, Bond Financed	☐						

General Description of Needed Physical Improvements	Urgency of Need (1-5)

Total Preliminary Estimated Hard Cost for Needed Physical Improvements	$	
Per Unit Hard Cost	$	
Physical Improvements Will Result in Structural/System Soundness at a Reasonable Cost	Yes ☐	No ☐
Development Has Long-Term Physical and Social Viability	Yes ☐	No ☐
Date Assessment Prepared		

Source(s) of Information:

Page ___ of ___

form **HUD-52832** (10/96)
ref Handbook 7485.3

Public reporting burden for this collection of information is estimated to average 252 hours 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This collection of information requires that each eligible applicant submit comprehensive plan information to HUD every six years in order to receive its annual formula grant. This information will be used by HUD to determine whether the comprehensive plan/annual submission meets statutory and regulatory requirements for the annual formula grant. Responses to the collection are required by Section 14(e)(1)(A) and (C) of the U.S. Housing Act of 1937, as amended. The information requested does not lend itself to confidentiality.

Instructions for Preparation of Form HUD-52832—Physical Needs Assessment

Report Submission: Prepare a separate form HUD-52832 for each development in the HA's inventory, which is eligible for Comprehensive Grant Program (CGP) funding, for all HA-wide nondwelling needs, e.g., maintenance equipment, and for any development needs. Submit these forms to HUD as part of the submission of the original Comprehensive Plan in the first year of participation in the CGP and every sixth year when a complete revision of the physical needs assessment is required. On an as-needed basis, submit a revised form where physical needs have significantly changed since the last needs assessment and the HA wishes to include these needs in the Five-Year Action Plan. Developments which are contiguous and treated as one development for management purposes may be grouped together on a single form.

Heading Instructions:

HA Name. Enter the HA name.

Original or Revision Number. Self Explanatory. Every sixth year a new original is prepared.

Development Number. Enter an 11-digit alpha numeric code as follows: two-digit State code (alpha); two-digit Field Office code (numeric); P for Public Housing or B for Indian Housing; three-digit HA number (numeric); and three-digit development number (numeric). For example, VA05PO36001. In lieu of a development number, enter "HA-wide" for physical needs that are HA-wide in nature.

DOFA Date. Enter the Date of Full Availability (DOFA).

Construction Date. For acquired developments enter the actual date of construction or for scattered sites, the average date of construction of all buildings. **Note:** When the construction date is provided, this date will be used in lieu of the DOFA, subject to a 50-year cap.

General Characteristics. Check the appropriate box that describes the type of development, the type of occupancy, and the type of structure. CGP funds may be used to provide for modernization activities in Turnkey III units that are vacant or non-homebuyer occupied, or to provide for limited activities in homeowner-occupied units as long as the work is completed prior to conveyance.

If Turnkey III - Vacant is checked, indicate the number of vacant or non-homebuyer-occupied units planned for substantial rehabilitation next to the box and circle "V". By so doing, the HA indicates that: (1) the proposed modernization will result in bringing the identified units into full compliance with the homeownership objectives under the Turnkey III Program; and (2) the HA has homebuyers who both are eligible for homeownership, in accordance with the requirements of 24 CFR Part 904 for PHAs or 24 CFR Part 950, Subpart G, for IHAs, and have demonstrated their intent to be placed into the Turnkey III units proposed to be substantially rehabilitated.

If Turnkey III - Occupied is checked, indicate the number of Turnkey III units which are paid off, where work will be performed to meet statutory or regulatory requirements next to the box and circle "O".

Number of Buildings. Enter the number of buildings containing dwelling units.

Current Bedroom Distribution. Enter the current number of units for each bedroom size.

Vacant Units. Enter the number of vacant units as of the date this form is prepared and the percentage of vacant units to the total number of units in the development.

Total Current Units. Enter the number of units in this development under ACC.

Column Instructions:

General Description of Needed Physical Improvements. Enter a general description of all unfunded physical improvements that must be undertaken to bring the development (dwelling and nondwelling structures, dwelling and nondwelling equipment, and site) up to a level at least equal to the modernization and energy conservation standards and to comply with other program requirements. Also, include any replacements of equipment, systems and structural elements that will be needed, assuming routine and timely maintenance, within the next five years. Enter only physical improvements that are eligible for CGP funding. Do not enter any physical improvements already funded by CIAP or other sources which the HA plans to complete. However, enter physical improvements currently funded under CIAP where the HA plans to reprogram CIAP funds for other work under the CGP.

On a separate form, include any unfunded physical improvement needs for HA-wide nondwelling structures and equipment. Also, include any replacements/rehabilitation of nondwelling structures and equipment that will be needed, assuming routine and timely maintenance, within the next five years.

Describe the proposed improvements in broad categories, such as kitchens, bathrooms, roofs, electrical systems, heating systems, landscaping, nondwelling structures, lead-based paint abatement, physical accessibility, maintenance facility, computer hardware, etc. Include all broad categories of needed work without regard to the availability and/or source of funds.

If there are no current needs and the HA does not anticipate any replacement needs within the next five years, enter a statement to that effect in this section. Such a statement does not preclude the HA from amending the needs assessment at any time within the five-year period if unforeseen needs arise or from identifying new needs which have occurred when the needs assessment is revised every sixth year.

Urgency of Need. For each broad category of work identified under the General Description of Needed Physical Improvements, enter a number that corresponds to the urgency of the need on a HA-wide basis, with "1" reflecting the most urgent need and "5" reflecting the least urgent need. Assign a "1" to activities required to correct emergency conditions and to meet statutory or other legally mandated requirements, such as physical accessibility.

Total Preliminary Estimated Hard Cost for Needed Physical Improvements. Enter the total preliminary estimated hard cost for the broad work categories listed in the General Description of Needed Physical Improvements; excluding any management improvements, administration, architectural/engineering fees, relocation or other soft costs.

Per Unit Hard Cost. Divide the Total Preliminary Estimated Hard Cost for Needed Physical Improvements by the total number of current units in the development and enter the per unit hard cost.

Physical Improvements Will Result in Structural/System Soundness at a Reasonable Cost. Check Yes or No. For cost reasonableness, the preliminary estimate of hard costs for work proposed at the development shall be 90 percent or less of Total Development Cost (TDC).

Development Has Long-Term Physical and Social Viability. Check Yes or No as to whether the HA has determined that the development has long-term physical and social viability. **Note:** If No is checked, attach the viability analysis and an explanation of what actions are proposed regarding the nonviable development.

Date Assessment Prepared. Self-explanatory.

Source(s) of Information. Identify the source(s) of information used to develop the General Description of Needed Physical Improvements. Retain such information in HA files (1) as supporting documentation for the needs assessment, (2) for post-review by HUD, or (3) for submission to HUD upon request.

Management Needs Assessment

Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577--0157 (exp. 7/31/98)

HA Name	☐ Original ☐ Revision Number _____	
General Description of Management Needs	Urgency of Need (1- 5)	Preliminary Estimated HA-Wide Cost
Total Preliminary Estimated HA-Wide Cost		$
Date Assessment Prepared		

Source(s) of Information

form **HUD-52833** (10/96)
ref Handbook 7485.3

Public reporting burden for this collection of information is estimated to average 110 hours 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This collection of information requires that each eligible applicant submit comprehensive plan information to HUD every six years in order to receive its annual formula grant. This information will be used by HUD to determine whether the comprehensive plan/annual submission meets statutory and regulatory requirements for the annual formula grant. Responses to the collection are required by Section 14(e)(1)(B) of the U.S. Housing Act of 1937, as amended. The information requested does not lend itself to confidentiality.

Instructions for Preparation of Form HUD-52833, Management Needs Assessment

Report Submission: Prepare one form HUD-52833 for the entire HA and submit to HUD as part of the submission of the original Comprehensive Plan in the first year of participation in the Comprehensive Grant Program (CGP) and every sixth year when a complete revision of the management needs assessment is required. On an as-needed basis, submit a revised form whenever management needs have significantly changed since the last needs assessment and the HA wishes to include those needs in the Five-Year Action Plan.

Heading Instructions:

HA Name. Enter the HA Name.

Original or Revision Number. Self-explanatory. Every sixth year a new original is prepared.

Column Instructions:

General Description of Management Needs. Enter a general description of all unfunded and no cost improvements needed to upgrade the management and operation of the HA and of each viable development so that decent, safe and sanitary living conditions will be provided. Enter only management improvements that are eligible for CGP funding, including any management needs anticipated over the next five years.

Do not enter any management improvements already funded by CIAP or other sources which the HA plans to complete. However, enter management improvements currently funded under CIAP where the HA plans to reprogram CIAP funds for other work under the CGP.

Identify all current needs related to the mandatory areas set forth in the CGP Guidebook 7485.3, as revised. To the extent that any of these needs are addressed in an existing document, cross-reference that document. For PHAs, an existing document includes a Memorandum of Agreement (MOA) developed in accordance with the provisions of the Public Housing Management Assessment Program (PHMAP) or an Improvement Plan (IP). For example, "improve rent collection, see MOA." If a particular work category is targeted to a specific development, enter the development number in parentheses.

In addition, at the HA's option, include other management and operations needs identified through a self-assessment or identified under the PHMAP for PHAs, but not set forth in an MOA or IP.

Describe the needs in broad categories, such as rent collection, preventive maintenance, security, etc. Enter all broad categories of needs without regard to the availability and/or source of funds.

If there are no current needs and the HA does not anticipate any management needs within the next five years, enter a statement to that effect in this section. Such a statement does not preclude the HA from amending the needs assessment at any time within the five-year period if unforeseen needs arise or from identifying new needs which have occurred when the needs assessment is revised every sixth year.

Urgency of Need. For each broad category of need identified under the General Description of Management Needs, enter a number that corresponds to the relative urgency of the need, with "1" reflecting the most urgent need and "5" reflecting the least urgent need.

Preliminary Estimated HA-Wide Cost. Enter the preliminary estimated HA-wide cost for each broad category of need described in the General Description of Management Needs.

Total Preliminary Estimated HA-Wide Cost. Enter the total preliminary estimated cost for the broad categories listed in the General Description on Management Needs.

Date Assessment Prepared. Self-explanatory.

Source(s) of Information. Identify the source(s) of information used to develop the General Description of Management Needs. Retain such information in HA files (1) as supporting documentation for the needs assessment, (2) for post-review by HUD, or (3) for submission to HUD upon request.

Five-Year Action Plan
Part I: Summary
Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577--0157 (exp. 7/31/98)

HA Name:

Locality: (City/County & State)

☐ Original ☐ Revision No: _____

A. Development Number/Name	Work Stmt. for Year 1 FFY:_____	Work Statement for Year 2 FFY:_____	Work Statement for Year 3 FFY:_____	Work Statement for Year 4 FFY:_____	Work Statement for Year 5 FFY:_____
	See Annual Statement				
B. Physical Improvements Subtotal					
C. Management Improvements					
D. HA-Wide Nondwelling Structures and Equipment					
E. Administration					
F. Other					
G. Operations					
H. Demolition					
I. Replacement Reserve					
J. Mod Used for Development					
K. Total CGP Funds					
L. Total Non-CGP Funds					
M. Grand Total					

Signature of Executive Director & Date:

Signature of Public Housing Director & Date:

Page ___ of ___

form **HUD-52834** (10/96)
ref Handbook 7485.3

Five-Year Action Plan
Part I: Summary (Continuation)
Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577--0157 (exp. 7/31/98)

A. Development Number/Name	Work Stmt. for Year 1 FFY:_____	Work Statement for Year 2 FFY:_____	Work Statement for Year 3 FFY:_____	Work Statement for Year 4 FFY:_____	Work Statement for Year 5 FFY:_____
	See Annual Statement				

Page ___ of ___

form **HUD-52834** (10/96)
ref Handbook 7485.3

Five-Year Action Plan
Part II: Supporting Pages
Physical Needs Work Statement(s)
Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577--0157 (exp. 7/31/98)

Work Statement for Year 1 FFY:____	Work Statement for Year ____ FFY:_____			Work Statement for Year ____ FFY:_____		
	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name/General Description of Major Work Categories	Quantity	Estimated Cost
See Annual Statement						
	Subtotal of Estimated Cost			Subtotal of Estimated Cost		

Page ___ of ___

form **HUD-52834** (10/96)
ref Handbook 7485.3

Five-Year Action Plan
Part III: Supporting Pages
Management Needs Work Statement(s)
Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577--0157 (exp. 7/31/98)

Work Statement for Year 1 FFY:_____	Work Statement for Year ____ FFY:_____			Work Statement for Year ____ FFY:_____		
	General Description of Major Work Categories	Quantity	Estimated Cost	General Description of Major Work Categories	Quantity	Estimated Cost
See Annual Statement						
	Subtotal of Estimated Cost			Subtotal of Estimated Cost		

Page ___ of ___

form **HUD-52834** (10/96)
ref Handbook 7485.3

Public reporting burden for this collection of information is estimated to average 40 hours 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This collection of information requires that each eligible applicant submit information to HUD in order to receive its annual formula grant. This information will be used by HUD to determine whether the annual submission meets statutory and regulatory requirements for the annual formula grant. Responses to the collection are required by Section 14(e)(1)(D) of the U.S. Housing Act of 1937, as amended. The information requested does not lend itself to confidentiality.

Instructions for Preparation of Form HUD-52834, Five-Year Action Plan

Report Submission: Prepare one form HUD-52834 for the entire HA and submit to HUD as part of the submission of the original Comprehensive Plan in the first year of participation in the Comprehensive Grant Program (CGP). Thereafter, submit annually an updated form to eliminate the previous year and to add a new fifth year so that the form always covers the present five-year period beginning with the current year. Use as many pages of this form as necessary to cover all proposed work.

Part I: Summary

Heading Instructions:

HA Name. Enter the HA name.

Locality (City/County & State). Enter the City/County and State where the HA Central Office is located.

Original/Revision No. Self-explanatory.

Year 1. Enter the current FFY.

Years 2 through 5. Enter each successive FFY.

A. Development Number/Name. Enter the abbreviated number (e.g. VA 36-1) and name, if any, of each development that will be allocated funding for physical improvements during the five-year period covered by this Action Plan.

Work Statement(s) Years 2 through 5

For each development entered in A., enter the estimated amount of CGP funds to be allocated for physical improvements (development accounts 1450 through 1475) during each year of years 2 through 5.

B. Physical Improvements Subtotal. Enter the estimated subtotal amount of CGP funds to be allocated for physical improvements during each year of years 2 through 5.

C. Management Improvements. Enter the estimated amount of CGP funds to be allocated for management improvements, including those that are HA-wide and/or development-specific, (development account 1408) during each year of years 2 through 5. **Note:** The estimated amount may not exceed 20% of the annual grant, except where approved by HUD or the PHA is both an overall high performer and a Mod-high performer under the PHMAP.

D. HA-Wide Nondwelling Structures and Equipment. Enter the estimated amount of CGP funds to be allocated for HA-wide nondwelling structures and equipment during each year of years 2 through 5.

E. Administration. Enter the estimated amount of CGP funds to be allocated for administration costs (development account 1410) during each year of years 2 through 5. **Note**: The estimated amount may not exceed 10% of the annual grant, excluding certain costs, except where approved by HUD.

F. Other. Enter the estimated amount of CGP funds to be allocated for other costs (development accounts 1411, 1415, 1430, 1440, 1495,) and for contingencies (development account 1502) for each year of years 2 through 5.

G. Operations. Enter the estimated amount of CGP Funds to be allocated to operations (may not exceed 10% of line K) for each year of years 2 through 5.

H. Demolition. Enter the estimated amount of CGP funds to be used for demolition activities (development account 1485) for each year of years 2 through 5.

I. Replacement Reserve. Enter the estimated amount of CGP funds to be allocated to the replacement reserve (development account 1490) in accordance with the requirements of Handbook 7485.3, for each year of years 2 through 5.

J. Mod Used for Development. Enter the estimated amount of CGP funds to be used for development activities (development account 1498) for each year of years 2 through 5.

K. Total CGP Funds. Enter the total amount of CGP funds that is estimated for each year of years 2 through 5. This is the sum of B through J and should equal the amount of the current year annual grant.

L. Total Non-CGP Funds. Enter the estimated amount of non-CGP funds (e.g., Community Development Block Grant funds, CIAP funds being reprogrammed for use under the CGP, etc.) to be allocated in support of the CGP for each year of years 2 through 5.

M. Grand Total. Enter the total of K and L.

Note: Enter all estimates as current cost; not trended for inflation.

Part II: Supporting Pages—Physical Needs Work Statement(s)

FFY:

Work Statement for Year 1. Enter the current FFY.

Work Statements for Years 2 through 5. Enter each successive FFY.

Development Number/Name.

Enter the abbreviated development number (e.g., VA 36-1) and name, if any, of each development which will be funded in each year of years 2 through 5 or enter "HA-wide."

General Description of Major Work Categories. For each development entered, list the major work categories for which CGP funding, including non-CGP funds, will be allocated in each year of years 2 through 5. The work categories should be described in broad terms, such as kitchens, bathrooms, electrical, site, etc. A work category may encompass various components; e.g., the major work category of kitchens may include ranges, refrigerators, cabinets, floors, range hoods, etc.

For "HA-Wide," list HA-wide non-dwelling structures and equipment that will be funded.

Quantity. Enter the quantity of the major work category to be undertaken as a percentage or whole number, e.g., 50 percent of the units, 125 units, etc.

Estimated Cost. For each major work category or HA-wide nondwelling structures and equipment listed, enter the estimated hard cost that will be allocated in each year of years 2 through 5. Mark with an asterisk the estimated cost of each work item that will be funded with non-CGP funds, including reprogrammed CIAP funds. Enter the subtotal of estimated costs for each year of years 2 through 5 that will be funded with CGP funds, excluding asterisked items. This subtotal should be reflected on line B in Part 1: Summary for each year of years 2 through 5.

Part III: Supporting Pages—Management Needs Work Statement(s)

FFY:

Work Statement for Year 1. Enter the current FFY.

Work Statements for Years 2 through 5. Enter each successive FFY.

General Description of Major Work Categories. In each year of years 2 through 5, enter the major work categories for which CGP funding, including non-CGP funds, will be allocated as well as those work categories that are no cost items. This includes work identified through the Public Housing Management Assessment Program (PHMAP) for PHAs, or through audits, HUD monitoring reviews, or HA self-assessments. The work categories should be described in sufficient detail for HUD to make a determination of eligibility. For example, training activities must describe how they relate to identified physical or management improvements, e.g., staff training to improve PHMAP scores on rent collection. If a particular work category is targeted to a specific development, e.g., conduct study to determine the feasibility of resident management, enter the development number in parenthesis.

Quantity. Where appropriate, enter the quantity of the major work category to be undertaken as a percentage or whole number, e.g., train 50 residents, train 10 percent of the staff, etc.

Estimated Cost. For each major work category entered, enter the estimated cost that will be allocated in each year of years 2 through 5 Mark with an asterisk the estimated cost of each work item that will be funded with non-CGP funds, including reprogrammed CIAP funds. Enter the subtotal for each year of years 2 through 5 that will be funded with CGP funds, excluding asterisked items. This subtotal should be reflected on line C in Part I: Summary for each year of Years 2 through 5.

Local Government Statement
Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577--0157 (exp. 7/31/98)

Public reporting burden for this collection of information is estimated to average 5 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This collection of information requires that each eligible applicant submit information to HUD in order to receive its annual formula grant. This information will be used by HUD to determine whether the annual submission meets statutory and regulatory requirements for the annual formula grant. Responses to the collection are required by Section 14(e)(1)(E) of the U.S. Housing Act of 1937, as amended. The information requested does not lend itself to confidentiality.

As Chief Executive Officer of the unit of general local government known as _____,

_____

in which the (name of Public Housing Agency (PHA)) _____

_____ operates,

I certify to the following:

1. The HA developed the Comprehensive Plan/Annual Statement in consultation with local government officials/Indian tribal officials and with residents of the developments covered by the Comprehensive Plan/Annual Statement, in accordance with the requirements of the Comprehensive Grant Program;

2. For PHAs, the Comprehensive Plan/Annual Statement is consistent with the unit of general local government's assessment of its low-income housing needs (as evidenced by its Consolidated Plan under 24 CFR Part 91, if applicable), and that the unit of general local government will cooperate in providing resident programs and services; and

3. The HA's proposed drug and crime elimination activities are coordinated with and supportive of local strategies and neighborhood improvement programs, if applicable. Under the Cooperation Agreement, the local government is providing public services and facilities of the same character and to the same extent to Public housing as are furnished to other dwellings and residents of the locality. Where additional on-duty police are being funded under the Comprehensive Grant Program, such police will only provide additional security and protective services over and above those for which the local government is contractually obligated to provide under the Cooperation Agreement.

Note: The Comprehensive Plan includes the Action Plan.

Name of Chief Executive Officer:	Signature of Chief Executive Officer and Date:

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

form **HUD-52835** (10/96)
ref Handbook 7485.3

HA Board Resolution Approving Comprehensive Plan or Annual Statement

Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577--0157 (exp. 7/31/98)

Public reporting burden for this collection of information is estimated to average 5 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This collection of information requires that, as a condition to receive a CGP grant, each Housing Authority (HA) certify that it has complied or will comply with statutory, regulatory and other HUD requirements. This information is essential to determine HA compliance, or intent to comply, with CGP requirements. Responses to the collection are required by regulation. The information requested does not lend itself to confidentiality.

Acting on behalf of the Board of Commissioners of the below-named Housing Authority (HA), as its Chairman, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the Board's approval of (check one or more as applicable):

☐ Comprehensive Plan Submitted on _____

☐ Action Plan / Annual Statement Submitted on _____

☐ Amendments to Comprehensive Plan Submitted on _____

☐ Amendments to Action Plan / Annual Statement Submitted on _____

I certify on behalf of the: (HA Name) _____ that:

1. The HA will comply with all policies, procedures, and requirements prescribed by HUD for modernization, including implementation of the modernization in a timely, efficient, and economical manner;

2. The HA has established controls to ensure that any activity funded by the CGP is not also funded by any other HUD program, thereby preventing duplicate funding of any activity;

3. The HA will not provide to any development more assistance under the CGP than is necessary to provide affordable housing, after taking into account other government assistance provided;

4. The proposed physical work will meet the modernization and energy conservation standards under 24 CFR 968.115 or 24 CFR 950.610;

5. The proposed activities, obligations and expenditures in the Annual Statement are consistent with the proposed or approved Comprehensive Plan of the HA;

6. The HA will comply with applicable nondiscrimination and equal opportunity requirements under 24 CFR 5.105(a) or 24 CFR 950.115;

7. The HA will take approbriate affirmative action to award modernization contracts to minority and women's business enterprises under 24 CFR 5.105(a) or 24 CFR 950.115(e); or the IHA will, to the greatest extent feasible, give preference to the award of modernization contracts to Indian organizations and Indian-owned economic enterprises under 24 CFR 950.175;

8. The HA has provided HUD or the responsible entity with any documentation that the Department needs to carry out its review under the National Environmental Policy Act (NEPA) and other related authorities in accordance with 24 CFR 968.110(c), (d) and (m) or 24 CFR 950.120(a), (b), and (h), and will not obligate, in any manner, the expenditure of CGP funds, or otherwise undertake the activities identified in its Comprehensive Plan/Annual Statement, until the HA receives written notification from HUD indicating that the Department has complied with its responsibilities under NEPA and other related authorities;

9. The HA will comply with the wage rate requirements under 24 CFR 968.110(e) and (f) or 24 CFR 950.120(c) and (d);

10. The HA will comply with the relocation assistance and real property acquisition requirements under 24 CFR 968.108 or 24 CFR 950.117;

11. The HA will comply with the requirements for physical accessibility under 24 CFR 968.110(a) or 24 CFR 950.115(d);

12. The HA will comply with the requirements for access to records and audits under 24 CFR 968.145 or 24 CFR 950.120(e);

13. The HA will comply with the uniform administrative requirements under 24 CFR 968.135 or 24 CFR 950.120(f);

14. The HA will comply with lead-based paint testing and abatement requirements under 24 CFR 968.110(k) or 24 CFR 950.120(g);

15. The HA has complied with the requirements governing local/tribal government and resident participation in accordance with 24 CFR 968.315(b) and (c), 968.325(d) and 968.330 or 24 CFR 950.652(b) and (c), 950.656(d) and 950.658, and has given full consideration to the priorities and concerns of local/tribal government and residents, including any comments which were ultimately not adopted, in preparing the Comprehensive Plan/Annual Statement and any amendments thereto;

16. The HA will comply with the special requirements of 24 CFR 968.102 or 24 CFR 950.602 with respect to a Turnkey III development; and

17. The PHA will comply with the special requirements of 24 CFR 968.101(b)(3) with respect to a Section 23 leased housing bond-financed development.

18. The modernization work will promote housing that is modest in design and cost, but still blends in with the surrounding community.

Attested By: Board Chairman's Name:	(Seal)
Board Chairman's Signature & Date: X	

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

form **HUD-52836** (10/96)
ref Handbook 7485.3

Annual Statement / Performance and Evaluation Report
Comprehensive Grant Program (CGP) **Part I: Summary**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (exp. 7/31/98)

HA Name:	Comprehensive Grant Number:	FFY of Grant Approval:

☐ Original Annual Statement ☐ Reserve for Disasters/Emergencies ☐ Revised Annual Statement/Revision Number _____
☐ Performance and Evaluation Report for Program Year Ending _____ ☐ Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost [2]	
		Original	Revised [1]	Obligated	Expended
1	Total Non-CGP Funds				
2	1406 Operations (May not exceed 10% of line 19)				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1495.1 Relocation Costs				
17	1498 Mod Used for Development				
18	1502 Contingency (may not exceed 8% of line 19)				
19	**Amount of Annual Grant (Sum of lines 2-18)**				
20	Amount of line 19 Related to LBP Activities				
21	Amount of line 19 Related to Section 504 Compliance				
22	Amount of line 19 Related to Security				
23	Amount of line 19 Related to Energy Conservation Measures				

Signature of Executive Director & Date:	Signature of Public Housing Director & Date:
X	X

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report .

Page ___ of ___

form **HUD-52837** (10/96)
ref Handbook 7485.3

Annual Statement / Performance and Evaluation Report
Comprehensive Grant Program (CGP) **Part II: Supporting Pages**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (exp..7/31/98).

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Quantity	Total Estimated Cost		Total Actual Cost		Status of Proposed Work [2]
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	

Signature of Executive Director & Date:

X

Signature of Public Housing Director & Date:

X

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report .

Page ___ of ___

form **HUD-52837** (10/96)
ref Handbook 7485.3

Annual Statement / Performance and Evaluation Report
Comprehensive Grant Program (CGP) **Part III: Implementation Schedule**

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (exp. 7/31/98)

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates [2]
	Original	Revised [1]	Actual [2]	Original	Revised [1]	Actual [2]	

Signature of Executive Director & Date:

X

Signature of Public Housing Director & Date:

X

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report .

Page ___ of ___

form **HUD-52837** (10/96)
ref Handbook 7485.3

Public reporting burden for this collection of information is estimated to average 75 hours 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collecton displays a valid OMB control number.

This collection of information requires that each eligible applicant submit information to HUD in order to receive its annual formula grant. This information will be used by HUD to determine whether the annual submission meets statutory and regulatory requirements for the annual formula grant and during implementation. Responses to the collection are required by Section 14(e)(3) and (4) of the U.S. Housing Act of 1937, as amended. The information requested does not lend itself to confidentiality.

Instructions for Preparation of Form HUD-52837, Annual Statement/Performance and Evaluation Report

Report Submission For the Annual Statement

Prepare a separate Form HUD-52837 (Parts I, II and III) for each annual formula grant, describing the activities which are planned to be undertaken with the current year's Comprehensive Grant Program (CGP) funds. Submit this form to HUD as part of each annual submission. On an as-needed basis, submit a revised form when prior HUD approval is required to amend the Annual Statement. When submitting a complete Form HUD-52837 (Parts I, II and III), only Part I shall be signed and dated. For revisions affecting individual pages, only the pages affected shall be signed, dated and submitted to HUD.

Prepare a separate Form HUD-52837 (Parts I, II and III) for each funding request from the $75 million reserve for natural and other disasters and emergencies.

Prepare a separate Form HUD-52837 (Parts I, II and III) for each emergency funding request under the annual formula grant where there is no approved Comprehensive Plan.

Report Submission For the Performance and Evaluation Report

At the end of the program year (6/30), complete the sections of Parts I, II and III as noted in footnotes 1 and 2 on a copy of the original or revised Annual Statement and mark the box, Performance and Evaluation Report for Program Year Ending _____. Submit the form(s) to HUD, together with the narrative report on resident and local/tribal government participation and other required items, by 9/30. Continue reporting at the end of each program year, until the program is completed or all funds are expended.

Revisions to the Annual Statement which do not require prior HUD approval, (e.g. expenditures for emergency work, revisions resulting from the HA's application of fungibility) shall be reported in the Performance and Evaluation Report. Revisions requiring prior HUD approval shall be submitted in a revised Annual Statement, on an as-needed basis, prior to submission of the Performance and Evaluation Report.

Upon completion or termination of the activities funded in a specific grant year, complete the sections of Parts I, II and III as noted in footnotes 1 and 2 on a copy of the original or revised Annual Statement and mark the box, Final Performance and Evaluation Report. Submit a Final Performance and Evaluation Report as soon as the program is completed or all funds are expended.

Part I: Summary

Heading Instructions

HA Name. Enter the HA name.

Comprehensive Grant Number. Enter the unique Comprehensive Grant number designated for the annual grant. This number is a 13-digit alpha numeric code as follows: two-digit State code (alpha); two-digit Field Office code (numeric); P for Public Housing; three-digit HA number; three-digit Grant number; and two-digit Federal Fiscal Year identifier. The first Comprehensive Grant approved under the CGP shall be 701; e.g., VA05P03670193. The second Comprehensive Grant approved under the CGP shall be 702; e.g., VA05P03670294. Any funding from the $75 million reserve for natural and other disasters and emergencies shall be given a separate Comprehensive Grant number. Grant Numbers shall be sequential, e.g., the annual formula grant is funded first and numbered VA05P03670395; a grant from the $75 million reserve is funded next in the same FFY and numbered VA05P03670495.

FFY of Grant Approval. Enter the FFY in which the grant is being approved/was approved.

Type of Submission. Check the appropriate box and indicate whether the submission is the Original Annual Statement for the annual formula grant, the $75 million Reserve for Disasters and Emergencies, the Revised Annual Statement (and revision number), the Performance and Evaluation Report for Program Year Ending (enter date, e.g., 6/30/96), or the Final Performance and Evaluation Report.

Original Total Estimated Cost

Line 1. Enter the Original Total Estimated Cost for all work that will be undertaken from non-CGP funds, including CIAP funds being reprogrammed for CGP purposes. Enter zero if no work will be undertaken from non-CGP funds.

Lines 2 through 18. For each line, enter the Original Total Estimated Cost, for all work that will be undertaken from the annual formula grant or the $75 million reserve. Enter zero if no work will be undertaken in a particular development account. The sum total of lines 2 through 18 must equal the amount of the annual grant on line 19.

Note: Line 2 may not exceed 10 percent of line 19.
Line 3 may not exceed 20 percent of line 19 except where approved by HUD or the PHA is both an overall high performer and a Mod-high performer under the PHMAP.
Line 4 may not exceed 10 percent of line 19, excluding certain costs, except where approved by HUD.

Line 19. Amount of Annual Grant. Enter the sum of lines 2 through 18 in the Original Total Estimated Cost column.

Line 20. Amount of line 19 Related to Lead-Based Paint (LBP) Activities. Enter the amount of line 19 related to LBP activities (hard and soft costs) in the Original Total Estimated Cost column, as applicable. For example, if windows are being replaced, estimate the portion of the funding which is directly related to LBP abatement.

Line 21. Amount of line 19 Related to Section 504 Compliance. Enter the amount of line 19 related to Section 504 compliance (hard and soft costs) in the Original Total Estimated Cost column, as applicable.

Line 22. Amount of line 19 Related to Security. Enter the amount of line 19 related to Security (hard and soft costs) in the Original Total Estimated Cost column, as applicable.

Line 23. Amount of line 19 Related to Energy Conservation Measures. Enter the amount of line 19 related to Energy Conservation Measures (hard and soft costs) in the Original Total Estimated Cost column, as applicable.

Revised Total Estimated Cost

Lines 1 through 18. After initial approval by HUD, the HA shall track cost increases and decreases in lines 1 through 17 and cost decreases in line 18 of the Original Total Estimated Cost and report these revisions in the Revised Total Estimated Cost column at the end of each program year on the Performance and Evaluation Report. If revisions are reported in the Revised Total Estimated Cost column when a Performance and Evaluation Report is submitted, the revisions shall be reflected in the Original Total Estimated Cost column when the next Performance and Evaluation Report is submitted.

Where prior HUD approval is required to revise the Annual Statement (i.e., where a major work category is being added to the Annual Statement which was not included in the latest HUD-approved Five-Year Action Plan or a prior approved budget), enter the revisions to development accounts that are affected by the change in the Revised Total Estimated Cost column and submit only the pages of the form affected by the revision to HUD. Each page submitted for prior HUD approval of a revision shall be signed and dated by the HA and, where approved by HUD, a signed copy shall be returned to the HA.

Line 19. After initial approval by HUD, the sum of lines 2 through 18 in the Revised Total Estimated Cost column may not exceed the annual grant amount (line 19 in the Original Total Estimated Cost column).

Lines 20 through 23. After initial approval by HUD, the HA shall track cost increases and decreases in lines 20 through 23 of the Original Total Estimated Cost and report these revisions in the Revised Total Estimated Cost column when the Performance and Evaluation Report is submitted. If revisions are reported in the Revised Total Estimated Cost column when a Performance and Evaluation Report is submitted, the revisions shall be reflected in the Original Total Estimated Cost column when the next Performance and Evaluation Report is submitted.

Total Actual Cost

At the end of the CGP program year (6/30) for each grant with a separate Comprehensive Grant Number for which funds are still being expended, complete the section on Actual Cost on a copy of the original or revised Annual Statement, mark the box Performance and Evaluation Report for Program Year Ending _____ and submit to HUD by 9/30.

Upon completion or termination of the activities funded for each grant with a separate Comprehensive Grant Number, complete the section on Actual Cost as part of the submission of the Final Performance and Evaluation Report.

Lines 1 through 23. For each line, enter the Actual Cost of Funds Obligated and Expended at the end of the CGP program year (6/30) or upon completion or termination of the activities funded for each grant with a separate Comprehensive Grant Number. **Note:** Do not enter a dollar amount for obligated and expended for line 18 (Contingency). Funds from this account shall be shown as obligated and expended in another development account when funds from this account are used for cost overruns, contract modifications, or other work.

Line 19. Enter the sum of lines 2 through 17 for obligated and expended. The sum of lines 2 through 17 may not exceed line 19 in the Original Total Estimated Cost column.

Part II: Supporting Pages

Development Number/Name. Enter the abbreviated number (e.g., VA-36-1) and the name, if any, of each development where a major work category will be undertaken. Enter "HA-wide" for a major work category that relates to a HA-wide activity (e.g., management improvements; administration; physical improvements that are unpredictable, such as lead-based paint abatement, asbestos abatement, modernization of vacant units).

General Description of Major Work Categories. For each development listed, enter a general description of the major work categories, including those that will be funded with non-CGP funds and no cost items. Work categories should be described in broad terms, such as kitchens, bathrooms, electrical, site, etc. A work category may encompass various components; e.g., the major work category of kitchens may include ranges, refrigerators, cabinets, floors, etc. Do not specify the per unit cost or the quality of materials. Identify major work categories that will be accomplished by Force Account labor by entering (FA) in parenthesis next to the major work category. PHAs that are designated as both overall high performers and Mod-high performers under the PHMAP and IHAs do not have to identify major work categories that will be accomplished by FA. After listing all major work categories for all developments being funded, enter a general description of HA-wide activities such as; management improvements; administrative costs; nondwelling equipment; physical improvements that are unpredictable such as lead-based paint abatement, asbestos abatement, modernization of vacant units. When major work categories are subsequently deleted, draw a line through the General Description of Major Work Categories, Development Account Number, Quantity, and Estimated Cost. When major work categories are subsequently added, enter the General Description of Major Work Categories, Development Account Number, Quantity and Estimated Cost under the appropriate development number/name. **Note:** Describe administrative and management improvement costs in sufficient detail for HUD to make a determination of eligibility. Identify items excluded from the 10 percent limitation on administrative cost, such as in-house LBP testing; identify management improvements and how they relate to identified physical or management improvement needs.

Development Account Number. For each major work category and HA-wide activity, enter the appropriate development account which corresponds to the major work categories described under the General Description of Major Work Categories column. For appropriate development accounts, refer to the CGP Handbook 7485.3. Where funding will be provided from non-CGP sources, or the work is a no-cost item, enter "N/A" for not applicable.

Quantity. Enter the quantity of each major work category, and HA-wide activity, to be undertaken as a percentage or whole number; e.g., 50 percent of the units, 125 units, train 25 residents, etc.

Total Estimated Cost

Original. For each major work category and HA-wide activity, enter the Original Estimated Cost. Asterisk the estimated cost of each major work category that will be funded with non-CGP funds, including reprogrammed CIAP funds. **After listing the estimated cost for all major work categories at a particular development, enter a subtotal of the estimated cost of only the major work categories that will be funded from the current year's CGP grant.** (**Note**: Do not count costs that have been asterisked in this subtotal). **Enter a subtotal for each HA-wide activity.** Enter a grand total for Part II of only the major work categories and HA-wide activities that will be funded with the current year's CGP grant. The Grand Total may not exceed line 19 of the Original Total Estimated Cost column in Part I.

Revised. After initial approval by HUD, the HA shall track cost decreases or increases in the Original Total Estimated Cost and report these revisions in the Revised Total Estimated Cost column at the end of each program year on the Performance and Evaluation Report. If revisions are reported in the Revised Total Estimated Cost column when a Performance and Evaluation Report is submitted, the revisions shall be reflected in the Original Total Estimated Cost column when the next Performance and Evaluation Report is submitted. Where prior HUD approval is required to revise the Annual Statement (i.e., where a major work category is being added to the Annual Statement which was not included in the latest HUD-approved Five-Year Action Plan or a prior approved budget), enter the revisions to development accounts that are affected by the change in the Revised Total Estimated Cost column and submit only the pages of the form affected by the revision to HUD.

Total Actual Cost. At the end of the CGP program year for each grant with a separate Comprehensive Grant Number for which funds are still being expended, complete the section on Actual Cost for the Performance and Evaluation Report. Upon completion or termination of the activities funded for each grant with a separate Comprehensive Grant Number, complete the section on Actual Cost for the Final Performance and Evaluation Report.

Funds Obligated. In this column, for each development listed, enter the cumulative dollar amount of all funds obligated for that development opposite the Original Estimated Cost subtotal. For each HA-wide activity listed, enter the cumulative dollar amount of all funds obligated opposite the Original Estimated Cost subtotal. Enter the cumulative dollar amount of all funds obligated opposite the Grand Total. The Grand Total may not exceed line 19 in the Original Total Estimated Cost column in Part I. This includes funds obligated by the HA for work to be performed by contract labor (i.e., contract award) and force account labor (i.e., work actually started). Funds that are recorded as being obligated shall remain obligated so that total funds obligated are always greater than or equal to total funds expended. Total funds obligated shall not exceed the amount of the annual grant. **Note:** Do not enter a dollar amount for obligated for line 18 (Contingency). Funds from this account will be shown as obligated in the appropriate development account when funds from this account are used for cost overruns, contract modifications or other work.

Funds Expended. In this column, for each development listed, enter the cumulative dollar amount of all funds expended for that development opposite the Original Estimated Cost subtotal. For each HA-wide activity listed, enter the cumulative dollar amount of all funds expended opposite the Original Estimated Cost subtotal. Enter the cumulative dollar amount of all funds expended opposite the Grand Total. The Grand Total may not exceed line 19 in the Original Total Estimated Cost column in Part I. Total funds expended means cash actually disbursed and does not include retainage. **Note:** Do not enter a dollar amount for expended for line 18 (Contingency). Funds from this account will be shown as expended in the appropriate development account when funds from this account are used for cost overruns, contract modifications or other work.

Status of Proposed Work. At the end of the CGP program year, complete this section for the Performance and Evaluation Report. For each major work category and HA-wide physical improvement listed, prepare a brief description of the status of the item, e.g., work completed or contract awarded on May 5, 1996. Explain the addition, deletion or modification of any major work category, such as the addition of any emergency work, or changes to the Annual Statement, by substituting major work categories from the Five-Year Action Plan or other approved modernization budgets. Where funds were budgeted for HA-wide physical improvements, indicate the actual developments/number of units where the funds were expended.

Part III: Implementation Schedule

Development Number/Name. Enter the abbreviated number (e.g., VA 36-1) and the name, if any, of each development listed on Part II. Enter "HA-wide" for major work categories that relate to HA-wide physical or management improvements.

Original - All Funds Obligated. Opposite each development and for each HA-wide physical or management activity, enter the estimated quarter ending date for obligation of all funds under the Original column. **Note:** Provide an implementation schedule only for HA-wide physical or management improvements, not for other HA-wide activities (e.g, administration).

Revised - All Funds Obligated. The HA may revise the target dates for fund obligation for delays outside of the HA's control. The revised dates shall be reported in this column at the end of the program year on the Performance and Evaluation Report. If revisions are reported in the Revised - All Funds Obligated column, the revised dates shall be reflected in the Original - All Funds Obligated column when the next Performance and Evaluation Report is submitted. When it is necessary for the HA to revise a target date for reasons within its control, the HA shall immediately submit a written request to the Field Office requesting approval of the new date. If the Field Office approves the revision, the revised dates shall be reflected in the Original - All Funds Obligated column when the next Performance and Evaluation Report is submitted.

Actual - All Funds Obligated. When all funds are obligated for a development or HA-wide activity, enter the quarter ending date that this occured in the Actual column.

Original - All Funds Expended. Opposite each development and for each HA-wide physical or management activity, enter the estimated quarter ending date for expenditure of all funds under the Original column. **Note:** Provide an implementation schedule only for HA-wide physical or management improvements, not for other HA-wide activities, (e.g., administration).

Revised - All Funds Expended. The HA may revise the target dates for funds expenditure for delays outside of the HA's control. The revised dates shall be reported in this column at the end of the program year on the Performance and Evaluation Report. If revisions are reported in the Revised - All Funds Expended column, the revised dates shall be reflected in the Original - All Funds Expended column when the next Performance and Evaluation Report is submitted. When it is necessary for the HA to revise a target date for reasons within its control, the HA shall immediately submit a written request to the Field Office requesting approval of the new date. If the Field Offices approves the revision, the revised dates shall be reflected in the Original - All Funds Obligated column when the next Performance and Evaluation Report is submitted.

Actual - All Funds Expended. When all funds are expended for a development or HA-wide activity, enter the quarter ending date that this occured in the Actual column. When all funds have been expended for a specific grant, the HA shall complete Parts I, II, and III, mark the box, Final Performance and Evaluation Report, and submit to the Field Office.

Reasons for Revised Target Dates. Explain any revisions to the target dates for fund obligation or expenditure by specifying the delay outside of the HA's control, where the HA has self-issued a time extension, or the date on which HUD approved a revised target due to delays within the HA's control.

Actual Comprehensive Grant Cost Certificate

Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (Exp. 7/31/98)

PHA/IHA Name	Comprehensive Grant Number
	FFY of Grant Approval

The PHA/IHA hereby certifies to the Department of Housing and Urban Development as follows:

1. That the total amount of Modernization Cost (herein called the "Actual Modernization Cost") of the Comprehensive Grant, is as shown below:

A. Original Funds Approved	$
B. Revised Funds Approved	$
C. Funds Advanced	$
D. Funds Expended (Actual Modernization Cost)	$
E. Amount to be Recaptured (A–D)	$
F. Excess of Funds Advanced (C–D)	$

2. That all modernization work in connection with the Comprehensive Grant has been completed;
3. That the entire Actual Modernization Cost or liabilities therefor incurred by the PHA have been fully paid;
4. That there are no undischarged mechanics', laborers', contractors', or material-men's liens against such modernization work on file in any public office where the same should be filed in order to be valid against such modernization work; and
5. That the time in which such liens could be filed has expired.

Signature of Executive Director	Date
X	

For HUD Use Only

The Cost Certificate is approved for audit.

Approved for Audit (Director, Public Housing Division)	Date
X	

The audited costs agree with the costs shown above.

Verified (Director, Public Housing Division)	Date
X	
Approved (Field Office Manager)	Date
X	

form **HUD-52839** (2/92)
ref Handbook 7485.3

Public reporting burden for this collection of information is estimated to average 5 hours 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collecton displays a valid OMB control number.

This collection of information requires that each eligible applicant submit information to HUD in order to receive its annual formula grant. This information will be used by HUD to determine whether the annual submission meets statutory and regulatory requirements for the annual formula grant and during implementation. Responses to the collection are required by Section 14(e)(3) and (4) of the U.S. Housing Act of 1937, as amended. The information requested does not lend itself to confidentiality.

Instructions for Preparation of Form HUD-52839—Actual Comprehensive Grant Cost Certificate

General Instructions:

Prepare and submit to the HUD Field Office an original and one copy of Form HUD-52839 for each terminated or completed annual grant under the Comprehensive Grant Program (CGP).

Heading Instructions:

PHA Name—Enter the Public Housing Agency (PHA) name.

Comprehensive Grant Number—Enter the unique Comprehensive Grant Number for the grant for which this form is being submitted. This number is the same number as on Form HUD-52837, Annual Statement, for the same grant.

Federal Fiscal Year of Grant Approval—Enter the FFY in which the annual grant was originally approved.

Line Instructions:

Line 1A, Original Funds Approved—For the identified grant, enter the total CGP funds originally approved by HUD through a CGP Amendment to the Consolidated Annual Contributions Contract(s).

Line 1B, Revised Funds Approved—For the identified grant, enter the total revised CGP funds approved by HUD. This amount will generally be the same as the amount on Line 1A. This amount will be less than the amount on Line 1A where HUD is terminating the grant or otherwise recapturing grant funds.

Line 1C, Funds Advanced—For the identified grant, enter the total funds advanced by HUD. This amount may never exceed the amount on Line 1A and should be the same amount as on Line 1B.

Line 1D, Funds Expended—For the identified grant, enter the total funds expended (total cash disbursed) by the PHA. This amount may never exceed the amount on Line 1A and should be the same amount as on Line 1B.

Line 1E, Amount To Be Recaptured (A minus D)—For the identified grant, enter the amount to be recaptured by subtracting Line 1D from Line 1A.

Line 1F, Excess of Funds Advanced (C minus D)—For the identified grant, enter the excess of funds advanced by subtracting Line 1D from Line 1C; this is the amount to be remitted by the PHA to HUD. If Line 1D is greater than Line 1C, enter the figure in brackets; this is the amount of funds owed by HUD to the PHA.

AnnualStatement/Performance and Evaluation Report on Replacement Reserve

Comprehensive Grant Program (CGP)

U. S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (exp.7/31/98)

Public reporting burden for this collection of information is estimated to average 5 hours 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. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This collection of information requires that each eligible grantee submit information to HUD regarding use of all or a portion of its annual formula grant for a replacement reserve. This information will be used by HUD to determine whether the replacement reserve established with CGP funds meets HUD requirements. Responses to the collection are required by Section 14(e)(3) and (4) of the U.S. Housing Act of 1937, as amended. The information requested does not lend itself to confidentiality.

Part I: Summary

HA Name:

Submission: (mark one)
- ☐ Original Annual Statement
- ☐ Revised Annual Statement / Revision No. _____
- ☐ Performance & Evaluation for Program Year Ending: _____

Section 1: Replacement Reserve Status Must be completed each year there is a balance in the replacement reserve.	Estimated	Actual
1. Replacement Reserve Interest Earned (account 6200/1420.7; equals line 17 of section 2, below)		
2. Replacement Reserve Withdrawal (equals line 16 of section 2, below)		
3. Net Impact on Replacement Reserve (line 1 minus line 2; equals line 18 of section 2, below)		
4. Current FFY Funding for Replacement Reserve (line 15 of form HUD-52837)		
5. Replacement Reserve Balance at End of Previous Program Year (account 2830)		
6. Replacement Reserve Balance at End of Current Program Year (line 4 + line 5 + (or -) line 3) (account 2830)		

Section 2: Replacement Reserve Withdrawal Report Complete this section if there is withdrawal/expenditure activity.	Estimated Cost		Actual Cost
Summary by Account (6200 subaccount)	Column 1 Original	Column 2 Revised	Column 3 Expended
1. Reserved			
2. 1406 Operations			
3. 1408 Management Improvements			
4. 1410 Administration			
5. 1415 Liquidated Damages			
6. 1430 Fees and Costs			
7. 1440 Site Acquisition			
8. 1450 Sites Improvement			
9. 1460 Dwelling Structures			
10. 1465 Dwelling Equipment -Nonexpendaable			
11. 1470 Nondwelling Structures			
12. 1475 Nondwelling Equipment			
13. 1485 Demolition			
14. 1495 Relocation Costs			
15. 1498 Mod Used for Development			
16. Replacement Reserve Withdrawal (sum of lines 2 thru 15)			
17. 1420.7 Replacement Reserve Interest Income	( )	( )	( )
18. Net Withdrawal from Replacement Reserve (line 16 minus line 17)			
19. Amount of line 16 related to LBP Activities			
20. Amount of line 16 related to Section 504 Compliance			
21. Amount of line 16 related to Emergencies			

Signature of the Executive Director & Date: -	Signature of the Field Office Manager & Date:
X	X

form **HUD-52842** (10/96)
ref. Handbook 7485.3

Annual Statement / Performance and Evaluation Report on Replacement Reserve
Part II: Supporting Pages
Comprehensive Grant Program (CGP)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost		Total Actual Cost		Status of Proposed Work 1/
			Original	Revised 1/	Funds Obligated 1/	Funds Expended 1/	

1/ To be completed at the end of the program year.

Page ___ of ___

form **HUD-52842** (10/96)
ref. Handbook 7485.3

Instructions for completing form HUD-52842, Annual Statement/ Performance and Evaluation Report on Replacement Reserve

For the Performance and Evaluation Report:

The first report after a replacement reserve has been established is due by 9/30 of the FFY following approval of the Annual Statement establishing the reserve. Mark the box, Performance and Evaluation Report for Program Year Ending _____. Submit one form HUD-52842 annually with form HUD-52837, Annual Statement/ Performance and Evaluation Report, as long as the HA maintains a balance in the replacement reserve or has withdrawal/expenditure activity from the replacement reserve. At the end of each program year (6/30), complete Part I, Section 1; also, complete Part I, Section 2, and Part II if there has been withdrawal/expenditure activity. Where the replacement reserve has been funded from more than one grant, submit one combined form HUD-52842.

For the Annual Statement:

Submit form HUD-52482 with Section 2 of Part I and Part II completed, for prior HUD approval where the HA plans to withdraw/ expend funds from the replacement reserve.

Part I: Summary

HA Name - Enter the HA's name.

Type of Submission - Check the appropriate box to indicate whether the submission is the Original Annual Statement, the Revised Annual Statement (and revision number), or the Performance and Evaluation Report for Program Year Ending (enter date; e.g., 6/30/97).

Section 1 - Replacement Reserve Status:

Line 1 - Replacement Reserve Interest Earned (Account 6200/ 1420.7) - Enter the estimated amount of interest that the HA should have earned on the replacement reserve during the reporting period in the "Estimated" column. This amount should, at a minimum, equal interest at or above the operating budget TII rate (average 91-day Treasury Bill rate) for the reporting period (July 1 through June 30). If Section 2 is completed, this amount must equal Line 17, Column 1 (or 2, if applicable) of Section 2. Enter the actual interest earned during the reporting period in the "Actual" column. If Section 2 is completed, this amount must equal Line 17, Column 3 of Section 2.

Line 2 - Replacement Reserve Withdrawal - Enter the amount that was estimated to be withdrawn from the replacement reserve during the reporting period in the "Estimated" column. If Section 2 is completed, this amount must equal Line 16, Column 1 (or 2, if applicable) of Section 2. Enter the actual withdrawal amount in the "Actual" column. If Section 2 is completed, this amount must equal Line 16, Column 3 of Section 2.

Line 3 - Net Impact on Replacement Reserve - Enter the amount of Line 1 minus Line 2. If Section 2 is completed, this amount must equal Line 18, Column 3 of Section 2.

Line 4 - Current FFY Funding for Replacement Reserve - Enter the amount of the increase to the replacement reserve in the appropriate column. This amount must equal Line 15 of Part I of form HUD-52837 for the current FFY.

Line 5 - Replacement Reserve Balance at End of Previous Program Year - Enter the replacement reserve balance from the previous program year (Account 2830). This amount will be the same for the "Estimated" and "Actual" columns.

Line 6 - Replacement Reserve Balance at End of Current Program Year - Enter the sum of Lines 4 and 5, plus or minus Line 3. For the "Actual" column, the number entered must agree with the program year end closing balance of the replacement reserve.

Section 2 - Replacement Reserve Withdrawal Report

Once the replacement reserve has been established, prepare form HUD-52842 when the HA plans to withdraw funds from the reserve. Complete Section 2 of Part I and Part II and submit to HUD for approval. Complete this section for the annual Performance and Evaluation Report when the HA has withdrawn/expended funds from the reserve.

Line 1 - Reserved - Do not use at this time.

Lines 2 - 15 - Summary by Account

Column 1 - Original Estimated Cost -

For each line, enter the original current program year estimated cost for all work to be undertaken in a particular development account as a result of the withdrawal of funds from the replacement reserve.

Column 2 - Revised Estimated Cost -

For each line, enter any cost decrease or increase after initial approval by HUD. When the HA wishes to draw down additional funds from the reserve for expenditure activities, the HA shall reflect the cumulative dollar amount estimated to be expended and submit the form to HUD for approval. After HUD approves the revisions, the dollars in the revised column shall be reflected in the original column when the next Performance and Evaluation Report is submitted.

Column 3 - Expended Actual Cost -

For each line, enter the actual amount of funds expended as of the end of the program year (6/30). Mark the box Performance and Evaluation Report for Program Year Ending _____ and submit to HUD by 9/30. **Note**: If the amount expended in Column 3 is less than the budgeted amount in Column 1 (or 2, if applicable), then the HA shall include the unexpended amount in the subsequent years estimate or provide an explanation of the change from the estimate.

Line 16 - Replacement Reserve Withdrawal - Enter the sum of lines 2 through 15. The amount in Column 1 (or 2, if applicable) must equal the estimated amount entered on Line 2 of Section 1. The amount entered in Column 3 must equal the actual amount entered on Line 2 of Section 1.

Line 17 - Replacement Reserve Interest Income - Enter the interest income earned on the replacement reserve (bracketed). The amount entered in Column 1 (or 2, if applicable) must equal the estimated amount entered on Line 1 of Section 1. The amount entered in Column 3 must equal the actual amount entered on Line 1 of Section 1.

Line 18 - Net Withdrawal from Replacement Reserve - Subtract from Line 16, the amount inside the brackets on Line 17 and enter on Line 18. The amount in Column 1 (or 2, if applicable) must equal the estimated amount of Line 3 of Section 1. The amount entered in Column 3 must equal the actual amount entered on Line 3 of Section 1.

Sample:

Line 16 - Replacement Reserve Withdrawal. $10,000

Line 17 - Replacement Reserve Interest Income ..... (500)

Line 18 - Net Withdrawal from Replacement Reserve.$ 9,500

Line 19 - Amount of Line 16 Related to Lead-Based Paint (LBP) Activities. - Enter the amount of line 16 related to LBP activities in Column 1 (or 2, if applicable). At the end of the program year, enter the actual amount in Column 3.

Line 20 - Amount of Line 16 Related to Section 504 Compliance - Enter the amount of line 16 related to Section 504 compliance in Column 1 (or 2, if applicable). At the end of the program year, enter the actual amount in Column 3.

Line 21 - Amount of Line 16 Related to Emergencies - The HA shall exhaust its replacement reserve before being eligible to apply for funding for emergencies from the $75 million reserve. Where applicable, enter the amount of the replacement reserve to be used for emergencies in Column 1 (or 2, if applicable). At the end of the program year, enter the actual amount in Column 3.

Part II: Supporting Pages

Development Number/Name - Enter the abbreviated number (e.g., VA-36-1) and the name, if any, of each development where a major work category will be undertaken. Enter "HA-wide" for work categories that relate to a HA-wide activity (e.g., management improvements, administration, nondwelling equipment, operations).

General Description of Major Work Categories - For each development listed, enter a general description of the major work categories (physical or management, as applicable) that will be undertaken at that development, with replacement reserve funds, before listing major work categories to be undertaken at other developments. After listing all major work categories for all developments being funded from the replacement reserve, enter a general description of HA-wide activities, such as management improvements, administrative costs, equipment, etc. When a work category is subsequently deleted, draw a line through the General Description, Development Account Number, and Estimated Cost. When a major work category is subsequently added, enter the new work category under the appropriate development number. Enter the quantity of the work as a percentage or whole number. Do not specify the per unit cost or the quality of materials.

Development Account Number - For each major work category and HA-wide activity that will be funded from replacement reserve funds, enter the appropriate development account which corresponds to the major work categories described under the General Description of Major Work Categories column. For appropriate development accounts, refer to CGP Handbook 7485.3.

Total Estimated Cost - For each major work category and HA-wide activity, enter the Original Estimated Cost. Then enter a subtotal for each development and a grand total. Where the estimated cost is revised, enter a Revised Estimated Cost as appropriate.

Total Actual Cost - For each major work category and HA-wide activity, enter the cumulative dollar amount of all funds obligated and all funds expended opposite the Original Estimated Cost. Then enter subtotals for each development and a grand total.

Status of Proposed Work - At the end of each program year, complete this section and submit to HUD for the Performance and Evaluation Report. For each work category listed, prepare a brief description of the status of the item, e.g., work completed, contract awarded on 5/2/96, etc. Explain the addition, deletion or modification of any work categories, such as the addition of any emergency work.

form **HUD-52842** (10/96)
ref. Handbook 7485.3

[FR Doc. 98–16689 Filed 6–23–98; 8:45 am]
BILLING CODE 4210–33–C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4356–N–11]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, 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: August 24, 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: Oliver Walker, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW, Room 9116, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Oliver Walker, (202) 708–1694 X2144 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Default Status Report on Multifamily Housing Projects.

OMB Control Number, if applicable: 2502–0041.

Description of the need for the information and proposed use: This notice requests an amendment to HUD–92426, Default Status Report on Multifamily Housing Projects'' hereinafter called the Default Notice) which will be completed and submitted electronically. HUD field and headquarters staff use this data to: (a) monitor mortgage compliance with HUD loan servicing procedures and assignments; and (b) avoid mortgage assignments.

Agency form numbers, if applicable: Form HUD–92426.

Estimate of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents are 2,000, 10 minutes per response, and the frequency of responses is 1.

Status of the proposed information collection: Revision of previously approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 11, 1998.

Ira G. Peppercorn,

General Deputy Assistant, Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 98–16690 Filed 6–23–98; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary—Water and Science

Central Utah Project Completion Act

AGENCY: Office of the Assistant Secretary—Water and Science, Department of the Interior.

ACTION: Notice of intent to negotiate an agreement among the Central Utah Water Conservancy District (CUWCD), Sanpete County Water Conservancy District, Sanpete County, and the Department of the Interior for implementation of the Sevier River Canals Improvement Projects, Sanpete County, Utah.

SUMMARY: Pub. L. 102–575, Section 206(a)(1) provides: ''After two years from the date of enactment of this Act, the District shall, at the option of an eligible county as provided in paragraph (2), rebate to such county all of the ad valorem tax contributions paid by such county to the District, with interest but less the value of any benefits received by such county and less the administrative expenses incurred by the District to that date.'' Sanpete County desires to pursue local water development through the Sevier River Canals Improvement Projects (Improvement Projects), and is requesting a rebate of a portion of the ad valorem taxes it has paid to CUWCD, plus interest, to provide the required 35 percent local funding for such projects and a Federal grant of up to 65 percent of the total costs as authorized by Section 206(b)(1) of CUPCA.

In a letter dated October 7, 1996, Sanpete County requested federal funding, as set forth in Section 206(b)(1), to implement the Improvement Projects. Section 206(b)(1) states: ''Upon the request of any eligible county that elects not to participate in the project as provided in subsection (a), the Secretary shall provide as a grant to such county an amount that, when matched with the rebate received by such county, shall constitute 65 percent of the cost of implementation of measures identified in paragraph (2).''

Sanpete County is located within the Sevier River Basin in Central Utah. The main stem of the Sevier River passes through Sanpete County west of the towns of Centerfield and Gunnison. Four major canals divert water from the Sevier River and serve lands in Sanpete County—Piute, Gunnison-Fayette, Dover, and Westview. The Project consists of improving diversion dams on Westview, Gunnison-Fayette, and Dover Canals, and gates, culverts, and overchutes on Piute Canal. A detailed description of the project is contained in the ''Sevier River Canals Improvement Project Feasibility Study'' dated January 1998 and the associated Categorical Exclusion checklist No. I.B.20.051 dated March 12, 1998.

DATES: Dates for public negotiation sessions will be announced in local newspapers.

FOR FURTHER INFORMATION CONTACT: Additional information on matters related to this **Federal Register** notice can be obtained at the address and telephone number set forth below:

Mr. Reed Murray, Program Coordinator, CUP Completion Act Office, Department of the Interior, 302 East 1860 South, Provo UT 84606–6154, Telephone: (801) 379–1237, Internet: rmurray@uc.usbr.gov.

Dated: June 18, 1998.

Ronald Johnston,

CUP Program Director, Department of the Interior.

[FR Doc. 98–16735 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Federal Geographic Data Committee (FGDC); Public Review of the Spatial Data Transfer Standard (SDTS) Computer Aided Design and Drafting (CADD) Profile

ACTION: Notice; Request for comments.

SUMMARY: The FGDC is conducting a public review of the SDTS CADD Profile. The purpose of this public review is to provide software vendors, data users and producers with an opportunity to comment on this standard in order to ensure that it meets their needs. Specifically, the FGDC requests responses in identifying issues concerning: (1) The general and transfer module specifications; (2) the sample mapping to software vendor's data structures (Appendix A); and (3) the implementation of the standard by software vendors.

Participants in the public review are encouraged to provide comments that address specific issues/changes/ additions that may result in revisions to the draft SDTS CADD Profile. All participants who make comments during the public review period will receive an acknowledgment of the receipt of their comment. After comments have been considered, participants will receive notification of how their comments were addressed.

After the formal adoption of the standard by the FGDC, the revised standard and a summary analysis of the changes will be made available.

DATES: Comments must be received on or before September 30, 1998.

CONTACT AND ADDRESSES: The complete proposal is included in this notice. It is also posted at Internet address: http://www.fgdc.gov/Standards/Documents/Standards/SDTS__CADD/.

Requests for written copies of the standard should be addressed to ''SDTS CADD Profile,'' FGDC Secretariat (attn: Jennifer Fox), U.S. Geological Survey, 590 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192; or telephone 703–648–5514; facsimile 703–648–5755; or Internet at gdc@usgs.gov.

Reviewer's comments may be sent to the FGDC via Internet mail to: gdc-cadd@www.fgdc.gov. Reviewer comments may also be sent to the FGDC Secretariat at the above address. Please send one hardcopy version of the comments and a soft copy version, preferably on a 3.5×3.5 diskette in WordPerfect 5.0 or 6.0/6.1 format.

For answers to general questions related to this standard, please contact the Federal Geographic Data Committee (FGDC) Facilities Working Group, U.S. Army Corps of Engineers, General Engineering Branch 20 Massachusetts Avenue, NW, Washington, DC 20314–1000; voice telephone number: Nancy Blyler (202) 761–8893; facsimile telephone number: (202) 761–4002.

For answers to questions related to the content of this standard, please contact David Horner, Tri-Service CADD/GIS Technology, ATTN: CEWES-ID-C(Horner) Center 3909 Halls Ferry Road, Vicksburg, Mississippi 39180–6199 voice telephone number: (601) 634–3106 Internet address: David.H.Horner@usace.army.mil.

SUPPLEMENTARY INFORMATION: Following is the complete proposal for the ''SDTS CADD Profile.''

Project Title: Development of a Computer-Aided Design and Drafting (CADD) Profile for the Federal Information Processing Standard/Spatial Data Tansfer Standard (SDTS).

Submitting Organization: Federal Geographic Data Committee (FGDC) Facilities Working Group (FWG).

Objectives: To develop a profile for the SDTS to support the exchange and transfer of CADD spatial data.

Scope: This activity included identifying the common CADD elements and there equivalent SDTS elements. This activity also include identifying unique CADD elements not currently support within SDTS (e.g., curves, cells rays, 3D objects). This activity may require the development of additional SDTS modules or changes to existing modules.

Justification/Benefits: There are no non-proprietary standards that provide the capability to transfer and exchange spatial CADD data between dissimilar CADD systems and also with GIS. The SDTS currently does not support several of the common CADD spatial data elements (e.g., curves, cells, etc.) and common CADD data attributes (e.g., level, weight, color, style, etc.).

There is considerable interest from CADD system users that build spatial databases to have a standard that supports the ability to exchange this data in a non-proprietary format with other CADD systems and also export this data into GIS.

This CADD profile will benefit users of CADD spatial databases and the SDTS.

Approach: An SDTS CADD Profile project team will be established to guide and provide other support for the research and development of this profile. The USACE and Tri-Service CADD/GIS Technology Center has initiated several studies to analyze the translation of spatial data from common CADD formats into SDTS. This activity included identifying the common CADD elements and there equivalent SDTS elements. This activity also included identifying unique CADD elements not currently supported within SDTS (e.g., curves, cells, rays, 3D objects that may require additional SDTS modules or changes to existing modules. The CADD profile team will review the results of these studies (report due out by the end of FY 96) and also provided input to the Statement of Work a new task(s) to develop a CADD profile.

The project may require some technical support from the U.S. Geological Survey (USGS) SDTS Task Force. This project may use the services of several contractors to support this activity.

Related Standards: The primary related standard is the SDTS and its Topological Vector Profile. The SDTS Points Profile being developed by the FGDC Geodetic Control Subcommittee may also be related to this CADD profile.

Schedule: A CADD profile project team will be established and begin formal work on the development of this standard as soon as this project is approved by the FGDC Standards Working Group (SWG). The schedule to develop a working draft for a CADD profile will be completed once a formal task order is established with a support contractor(s). The development of this CADD profile should take between one year and eighteen months to complete.

Resources: The FWG has adequate resources to perform the research on what it will take to develop a CADD profile. Additional resources may be necessary to actually develop this standard profile and Tri-Service Center contractors are an option for completing this work.

Potential Participants: The primary participants will be the members of the FWG which includes representatives from federal agencies, municipalities, and private industry. Support from the USGS SDTS Task Force may also be required to develop this profile.

Target Authorization Body: The FWG proposes pursuing the development of this CADD profile as an FGDC standard activity. The FWG and the FGDC may consider pursuing (at a later date) the development of this CADD profiles to SDTS as an ANSI (American National Standards Institute) Profile. FGDC would serve as the Target Authorization Body until this CADD profile becomes an ANSI profile.

Dated: June 12, 1998.

Richard E. Witmer,

Chief, National Mapping Division, U.S. Geological Survey.

[FR Doc. 98–16742 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–350–4210–01]

Extension of Approved Information Collection, OMB Number 1004–0060

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) announces its intention to request an extension of its existing approval to collect certain information from entities desiring a right-of-way across public lands. These entities are required to use a consolidated form, which BLM and several other agencies use for several purposes, including to determine whether or not applicants are qualified to hold right-of-way grants across Federal lands.

DATES: Comments on the proposed information collection must be received by August 24, 1998, to be assured of consideration.

ADDRESSES: Comments may be mailed to: Director (420), Bureau of Land Management, 1849 C Street NW, Room 401LS, Washington, D.C. 20240.

Comments may be sent via Internet to: WoComment@WOblm.gov. Please include ATTN: 1004–0060 and your name and return address in your Internet message.

Comments may be hand-delivered to the Bureau of Land Management Administrative Record; Room 401, 1620 L Street, NW, Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Carl C. Gammon, (202) 452–7777.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a), BLM is required to provide 60-day notice in the **Federal Register** concerning a collection of information contained in a published current rule to solicit comments on (a) 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; (b) 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; (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 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. BLM will receive and analyze any comments sent in response to this notice and include them with its request for approval from the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Title XI of the Alaska National Interest Lands Conservation Act of December 2, 1980, requires the use of a consolidated form by the Department of Agriculture, Interior and Transportation in connection with applications for rights-of-way (R/W's) for transportation and utility systems. This form is called SF–299, ''Application for Transportation and Utility System and Facility.'' BLM uses the same form for R/W's under the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act. The National Park Service requested that it be able to use the form for R/W applications across lands that it administers. The information collection package being sent to OMB will reflect this request.

The Federal agencies using this form use it to identify and communicate with applicants, to evaluate the applicant's qualifications, and to identify the project location. The project's location is needed to determine impacts, the project's compatibility with other existing and proposed land uses, and alternative routes and modes considered by the applicant. If the agencies do not have this information, they cannot determine if the applicant is qualified to hold a R/W authorization. Lack of information would also affect the Government's ability to determine cost reimbursement and rental amounts due. The result would be the loss of revenue due to the Government or excessive payments from private sector businesses and individuals.

Based on BLM's experience processing R/W applications and information from the other agencies using this form, there are an estimated 4,900 applications annually. The respondents are individuals, companies, and State and local government agencies, seeking a R/W across land administered by the federal government. The public reporting burden for the information collection is estimated to average 2 hours per response. The frequency of response is once. The estimated total annual burden on new respondents is about 9,800 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 12, 1998.

Carole J. Smith,

Bureau of Land Management Clearance Officer.

[FR Doc. 98–16739 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–260–1030–2–24–1A]

Request for Approval of a New Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) announces its intention to seek approval from the Office of Management and Budget (OMB) to collect certain information from visitors to the Wild Horse and Burro Internet Adoption Site. The information, which will be supplied on a voluntary basis, will be used to improve the website and the overall management of the wild horse and burro program.

DATES: Comments on the proposed information collection must be received by August 24, 1998 to be considered.

ADDRESSES: Comments may be mailed to: Regulatory Affairs Group, Bureau of Land Management, 1849 C St., NW, Mail Stop 401 LS, Washington, DC 20240. Comments may be sent via Internet to: WOComment@blm.wo.gov. Please include ''Attn.: 1004–NEW'' and your name and address in your Internet message.

Comments may be hand-delivered to the Bureau of Land Management Administrative Record, Room 401, 1620 L St., NW, Washington, DC.

Comments will be available for public review and inspection at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Harry Moritz, (703) 440–1677, e-mail address: h35morit@es.blm.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, BLM is required to provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on: (a) whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information will have practical utility; (b) 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; (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 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. BLM will analyze any comments sent in response to this notice and include them with its request for approval from OMB under 44 U.S.C. 3501 et seq.

On December 5, 1971, the Wild, Free-Roaming Horse and Burro Act, commonly referred to as the Wild Horse and Burro Act, became a Federal law. In 1998, the twenty-seventh anniversary of the Act, the public plays a major role in preserving wild horses and burros as a cultural icon. Since 1973, over 140,000 wild horses and burros have been adopted throughout the United States. Each year as many as 9,000 wild horses and burros are adopted. More than half of these animals are placed through the efforts of BLM's Eastern States Office.

The Act requires the protection, management, and control of wild, free-roaming horses and burros on public lands at population levels that assure a thriving ecological balance and multiple-use relationship. BLM developed a Strategic Plan for the Management of Wild Horses and Burros on Public Lands that established long-term goals and objectives for the wild horse and burro program. The plan, approved in 1992, is a product of BLM's commitment to manage wild horses and burros as part of the natural ecosystem and recognizes the biological, social, and cultural attributes that these animals possess.

To address management goals and requirements, BLM's Eastern States Office conceived and implemented the Internet Wild Horse and Burro Adoption Pilot Project. Through the Pilot Project, BLM hopes to reach out and contact new potential adopters—people who have and use home computers and often have children living at home. These additions to our adopter base could potentially increase BLM's ability to place additional animals in safe, secure, and happy adoptive homes.

The Internet adoption site will contain a series of questions designed to solicit customer comments, feedback, and information. BLM will use these responses to determine whether or not to continue the pilot program, and, if the program is continued, what improvements to make.

The questions asked are: What state are you from? What city? How did you learn about this site? Will you be participating in the Internet adoption? What more could we do to make you want to adopt using the Internet? Have you adopted any BLM wild horses or burros before? Would you be more willing to adopt if you could pick up the horses closer to your home? How could we improve this site? Any other comments or suggestions? To respond to these questions, participants would use ''Yes'' or ''No'' radio buttons, drop down selection menus, or blank screens, depending upon the question.

The Wild Horse and Burro Internet Adoption Program could potentially be implemented with a general request for comments and suggestions, but a specific set of questions is more likely to generate responses useful to BLM's Eastern States Office in improving the website and the overall management of the adoption program.

BLM estimates that it will take an average of 3 minutes for each electronic response, and that the number of respondents will be 600 annually. The estimated annual burden hours is 30. Each response is voluntary. The respondents are potential adopters of wild horses and burros.

Anyone interested in the HTML code for the questions and format may obtain a copy from the individual named in the **FOR FURTHER INFORMATION CONTACT** section.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 15, 1998.

Carole J. Smith,

Bureau of Land Management Clearance Officer.

[FR Doc. 98–16740 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–962–1410–00–P; AA–8096–03]

Notice for Publication; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(e), will be issued to Chugach Alaska Corporation for approximately 11,572 acres. The lands involved are in the vicinity of Icy Bay, Alaska.

Copper River Meridian, Alaska

T. 21 S., R. 24 E.,
T. 21 S., R. 25 E.,
T. 22 S., R. 25 E.,
T. 23 S., R. 25 E.,
T. 21 S., R. 26 E.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until July 24, 1998 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Chris Sitbon,

Land Law Examiner, ANCSA Team, Branch of 962 Adjudication.

[FR Doc. 98–16732 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020–00; GP8–0233]

Cancellation of Eastern Washington Resource Advisory Council Tour and Meeting

AGENCY: Bureau of Land Management, Spokane District.

ACTION: The tour and meeting of the Eastern Washington Resource Advisory Council scheduled June 25, 1998, in Spokane, Washington has been canceled.

FOR FURTHER INFORMATION CONTACT: Richard Hubbard, Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington, 99212; or call 509–536–1200.

Dated: June 19, 1998.

Joseph K. Buesing,

District Manager.

[FR Doc. 98–16901 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–08–1430–01; AZA–30391]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following public lands in Maricopa County, Arizona have been examined and found suitable for classification for lease or conveyance to Maricopa County Board of Supervisors under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Maricopa County Board of Supervisors proposes to use the lands for equestrian facilities.

Gila and Salt River Meridian, Arizona

T. 1 N., R. 7 E.,
Sec. 12, N½SE¼SE¼.
Containing 20 acres more or less.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. Those rights for a switching station granted to the Bureau of Reclamation by Right-of-way PHX–086777.

5. Those rights for a flood control project granted to the Flood Control District by Right-of-way A–3959.

6. Those rights for the Salt River Project granted to the Bureau of Reclamation by Right-of-way A–12965.

7. Those rights for a power transmission line granted to the Salt River Project by Right-of-way A–23884.

Detailed information concerning this action is available for review at the Office of the Bureau of Land Management, Phoenix Field Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Upon publication of this notice in the **Federal Register,** the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register,** interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the Field Office Manager, Phoenix Field Office, at the above address.

Classification Comments

Interested parties may submit comments involving the suitability of the land for equestrian facilities. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for equestrian facilities.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: June 18, 1998.

Michael A. Taylor,

Field Office Manager.

[FR Doc. 98–16751 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget Review; Comment Request

Title: Production Accounting and Auditing System Oil and Gas Reports, OMB Control Number: 1010–0040.

Comments: This collection of information has been submitted to the Office of Management and Budget (OMB) for approval. In compliance with the Paperwork Reduction Act of 1995, Section 3506(c)(2)(A), we are notifying you, members of the public and affected agencies, of this collection of information, and are inviting your comments. Is this information collection necessary for us to properly do our job? Have we accurately estimated the public's burden for responding to this collection? Can we enhance the quality, utility, and clarity of the information we collect? Can we lessen the burden of this information collection on the respondents by using automated collection techniques or other forms of information technology?

Comments should be made directly to the Attention: Desk Officer for the Interior Department, Office of Information and Regulatory Affairs (OMB Control Number: 1010–0040), Office of Management and Budget, Washington, DC 20503; telephone (202) 395–7340. Copies of these comments should also be sent to us. The U.S. Postal Service address is Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, Colorado 80225–0165; the courier address is Building 85, Room A–613, Denver Federal Center, Denver, Colorado 80225; and the e-Mail address is RMP.comments@mms.gov. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration.

Copies of the proposed information collection and related explanatory material may be obtained by contacting Dennis C. Jones, Rules and Publications Staff, telephone (303) 231–3046, FAX (303) 231–3385, e-Mail Dennis.C.Jones@mms.gov.

Dates: Written comments should be received on or before July 24, 1998.

Summary: The Secretary of the Interior is responsible for the collection of royalties from lessees who produce minerals from leased Federal and Indian

lands. The Secretary is authorized to manage lands, to collect royalties due, and to distribute royalty funds. The Minerals Management Service (MMS) is responsible for the royalty management functions assigned to the Secretary and has developed the Production Accounting and Auditing System (PAAS) as a part of an overall effort to improve management of the Nation's resources.

PAAS is an integrated computer system based on production and processing reports submitted by lease operators and is designed to track minerals produced from Federal and Indian lands from the point of production to the point of disposition, or royalty determination, and/or point of sale. It is used in conjunction with MMS Auditing and Financial System (AFS), which provides payment and sales volumes and values as reported by payors. These data are compared to production and processing volumes reported on PAAS. The comparison enables MMS to verify that proper royalties are being received for the minerals produced.

MMS uses six forms for gathering oil and gas production data from industry. The production and disposition reports provide MMS with ongoing information on lease and facility production, sales volumes, and inventories. The reports summarize all operations on a lease or facility during a reporting period. They identify production by well number and sales by product. Data collected by PAAS are used as a method of cross-checking reported production with sales reported to the AFS. Failure to collect all of this information will prevent MMS from ensuring that all royalties owed on lease production are paid. Additionally, the data are shared electronically with the Bureau of Land Management and MMS's Offshore Minerals Management so they can perform their lease management responsibilities.

Description of Respondents: Companies or individuals (operators) that operate leases to develop, produce, and dispose of minerals from Federal or Indian lands.

Forms Numbers: Form MMS–4051, Facility and Measurement Information Form; Form MMS–4054, Oil and Gas Operations Report; Form MMS–4055, Gas Analysis report, Form MMS–4056, Gas Plant Operations Report, Form MMS–3160, Monthly Report of Operations, and Form MMS–4058, Production Allocation Schedule Report.

Frequency of Response: Monthly.

Estimated Reporting Burden: 15 to 30 minutes per manually completed report, 7 to 15 minutes per electronically completed report.

Recordkeeping Burden: 12 hours annually for recordkeeping.

Annual Responses: 356,668.

Annual Burden Hours: 81,938 hours.

Bureau Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: May 29, 1998.

R. Dale Fazio,

Acting Associate Director for Royalty Management.

[FR Doc. 98–16723 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection requests for the titles described below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection requests describe the nature of the information collections and the expected burden and cost for 30 CFR Parts 764 and 822.

DATES: OMB has up to 60 days to approve or disapprove the information collections but may respond after 30 days. Therefore, public comments should be submitted to OMB by July 24, 1998, in order to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of either information collection request, explanatory information and related forms, contact John A. Trelease at (202) 208–2783, or electronically to jtreleas@osmre.gov.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted two requests to OMB to renew its approval of the collections of information contained in: State processes for designating areas unsuitable for surface coal mining operations, 30 CFR Part 764; and Special permanent program performance standards—operations in alluvial valley floors, 30 CFR Part 822. OSM is requesting a 3-year term of approval for each information collection activity.

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 these collections of information are 1029–0030 for Part 764, and 1029–0049 for Part 822.

As required under 5 CFR 1320.8(d), **Federal Register** notices soliciting comments on these collections of information was published on April 6, 1998 (63 FR 16825). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activities:

Title: State processes for designating areas unsuitable for surface coal mining operations, 30 CFR Part 764.

OMB Control Number: 1029–0030.

Summary: This part implements the requirement of section 522 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), P.L. 95–87, which provides authority for citizens to petition States to designate lands unsuitable for surface coal mining operations, or to terminate such designation. The regulatory authority uses the information to identify, locate, compare and evaluate the area requested to be designated as unsuitable, or terminate the designation, for surface coal mining operations.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: The 5 individuals, groups or businesses who petition the States, and the 4 State regulatory authorities who must process the petitions.

Total Annual Responses: 5.

Total Annual Burden Hours: 7,324.

Title: Special permanent program performance standards—operations in alluvial valley floors, 30 CFR Part 822.

OMB Control Number: 1029–0049.

Summary: Sections 510(b)(5) and 515(b)(10)(F) of the Surface Coal Mining and Reclamation Act of 1977 (the Act) protect alluvial valley floors from the adverse effects of surface coal mining operations west of the 100th meridian. Part 822 requires the permittee to install, maintain, and operate a monitoring system in order to provide specific protection for alluvial valley floors. This information is necessary to determine whether the unique

hydrologic conditions of alluvial valley floors are protected according to the Act.

Bureau Form Number: None.

Frequency of Collection: Annually.

Description of Respondents: 10 surface coal mining operators who operate on alluvial valley floors.

Total Annual Responses: 10.

Total Annual Burden Hours: 1,000.

Send comments on the need for the collections of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collections; and ways to minimize the information collection burdens on respondents, such as use of automated means of collections of the information, to the following addresses. Please refer to the appropriate OMB control numbers in all correspondence.

ADDRESSES: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer,725 17th Street, NW, Washington, DC 20503. Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 210–SIB, Washington, DC 20240, or electronically to jtreleas@osmre.gov.

Dated June 19, 1998.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 98–16810 Filed 6–23–98; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting Notice No. 12–98]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

DATE AND TIME: Friday, July 31, 1998, 10:00 a.m.

SUBJECT MATTER:

A. Oral Hearings on Objections to Proposed Decisions on claims against Albania, as follows:

10:00 a.m. Claim No. ALB–247 Stephen J. Pantos

11:00 a.m. Claim No. ALB–117 James Elias

B. Hearings on the Record on Objections to Proposed Decisions on claims against Albania, as follows:

1. Claim No. ALB–042 Xhani Femera, et al.
2. Claim No. ALB–072 Thomas M. Toma
3. Claim No. ALB–092 Thanas A. Laske
4. Claim Nos. ALB–137 Klementina Sevo ALB–138 Marianthi Fili
5. Claim No. ALB–153 Bibi Xhemal Bejleri
6. Claim No. ALB–173 Marigo Vasiliades,et al.
7. Claim No. ALB–187 Helena Liolin
8. Claim No. ALB–203 Stavri G. Buri
9. Claim No. ALB–220 Gjergji Gjeli

C. Issuance of Proposed Decisions on claims against Albania.

STATUS: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, N.W., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6988.

Dated at Washington, DC June 19, 1998.

Judith H. Lock,

Administrative Officer.

[FR Doc. 98–16940 Filed 6–22–98; 11:37 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Employment and Training Administration

Grants and Cooperative Agreements; Availability, etc.: Postsecondary Education and School-to-Work Systems

ACTION: Notice inviting proposals to identify and develop intermediary entities that would serve as agents to connect schools, employers and other stakeholders involved in building School-to-Work (STW) systems.

SUMMARY: This notice contains all of the necessary information and forms to apply for grant funding. The Departments of Labor and Education jointly invite proposals for a new award in FY 98, as authorized under section 403 of the School-to-Work Opportunities Act of 1994 (the Act). The Departments believe that the long term effectiveness of STW partnerships is enhanced when there are convenient and effective mechanisms for connecting school based learning and work based learning, as well as mechanisms for connecting the various STW stakeholders, particularly schools and employers. Further, the Departments believe that the capability of STW systems to be sustained beyond the life of the Act will be influenced by the identification, evaluation, and replication of intermediary entities that would serve as agents to connect schools, employers and other community stakeholders.

DATES: Applications will be accepted commencing June 24, 1998. The closing date for receipt of applications is August 10, 1998, at 4 P.M., (Eastern Time) at the address below.

ADDRESSES: Applications shall be mailed to Ms. Laura Cesario, U.S. Department of Labor, Employment and Training Administration, Division of Acquisition and Assistance, 200 Constitution Avenue, N.W., Room S–4203, Washington, D.C. 20210, Reference: SGA/DAA 98–013.

FOR FURTHER INFORMATION CONTACT: Questions should be faxed to Ms. Laura Cesario, Division of Acquisition and Assistance, Fax (202) 219–8739. This is not a toll-free number. All inquiries should include the SGA number (DAA 98–013) and a contact name and phone number. This solicitation will also be published on the Internet, on the Employment and Training Administration's Home Page at http://www.doleta.gov. Award notifications will also be published on this Home Page.

SUPPLEMENTARY INFORMATION:

I. Definition of Intermediary

Any entity or organization which brokers and supports relationships between schools and employers for the purpose of providing students with real work experiences. Intermediary organizations may recruit employers for schools, match students with work-based learning opportunities, provide technical assistance to teachers, employers, parents or other stakeholders, and help students connect what they are learning on the job with their classroom activities. Intermediary organizations may include, but are not limited to nonprofit organizations, Chambers of Commerce, workforce development or employment entities, or schools.

II. Background

Status of Investments in STW Systems

Building the capacity of key stakeholders to participate in STW systems at the community level is critical for STW sustainability. The strength of the STW framework is the

foundation of voluntary partnerships comprising key stakeholders that cross traditional boundaries of association. By statute, most of the Federal funds that a State receives in its implementation grant go to local partnerships. The law also provides direct federal funding for local partnerships that are ready to implement STW but are located in States that have not received implementation funds or are in their first year of implementation. To date, 105 communities have received either Local Partnership grants or Urban/Rural Opportunities Grants (UROG) and more than 900 additional local partnerships have been formed and funded through State implementation grant roll-out strategies.

UROGs provide direct federal funding in high poverty communities for the purpose of addressing the specific challenges of implementing STW systems in urban and rural locales. These initiatives are funded for 5 years. In the first round of competition in FY 1994, $10 million was distributed to 21 partnerships. In FY 1995, $7.5 million was awarded for continuation grants and an additional $17 million was invested in 32 new partnerships. FY 1996 funds are being used to invest $35 million in 30–40 new partnerships and in continued funding to grantees from rounds one and two.

It is evident, however, that the broad range of work-based learning opportunities that are an essential component of STW are dependent on wide ranging participation of employers. A recent study indicates that employers are participating in greater numbers and that as many as 25% of the nation's employers are involved in some small way in STW. However, the same study indicates that most employers are participating in narrow areas of work-based learning such as job shadowing and mentoring. Employers can learn about and take advantage of STW initiatives. Schools, with dedicated personnel, can take better advantage of the employer resources necessary for the range of work-based learning opportunities appropriate for an effective STW system characterized by strong community partnerships.

Two other circumstances reinforce the urgency of investments in the formation and the long term effectiveness of community STW partnerships. First, early surveys of STW partnerships conducted through the National School-to-Work Evaluation revealed that only a small percentage of local STW partnerships were engaged in all three primary STW components: school-based learning, work-based learning, and connecting activities. Difficulties connecting these components was cited as a common theme, as was logistical problems associated with linking partners with diverse agendas and constrained available time to devote to establishing and nurturing these linkages. Second, the National School-to-Work Advisory Council, in its most recent meetings, strongly recommended that a greater emphasis needs to be placed on these connecting activities if sustainability is to be achieved in STW systems. The Council specifically recommended future investments in the identification, evaluation and replication of intermediary entities that would serve as agents to connect schools, employers and other community stakeholders.

Therefore, one new comprehensive, targeted investment for FY 97 is being funded that promotes, identifies, strengthens and informs STW partnership formation and sustainability through the use of intermediary entities.

III. Statement of Work

Required Areas of Effort

The successful applicant will assume the lead responsibility for coordination and technical support designed to build the capacity of local communities to: (1) identify intermediary connecting activities, and (2) identify the appropriate community resources to serve as intermediary connections to STW stakeholders. The applicant must provide evidence that the needs of all youth, as defined in the Act, are addressed. The Departments are particularly interested in intermediary relationships through which students participate in STW systems and are not limited by educational or categorical labels. Based on lessons learned from previous national investments, the status of STW systems development, and the urgency of sustaining STW systems, the Departments believe it is necessary to approach the enhancement of intermediary entities that connect STW community partners by requiring the successful applicant to demonstrate concerted effort in the following five activities:

1. *Identify, catalogue, and assess at least 50 examples of STW intermediary activities in established local partnerships.* The nature of intermediary connectors is potentially as varied as each of the communities in which STW systems have been implemented. The Departments are aware that these connectors include a range of diverse entities, including business driven organizations such as, chambers of commerce, existing nonprofit community based organizations, workforce development agencies, central labor councils, and specially created entities to address STW connecting activities. Thus, the Departments are interested in learning more about the nature of these entities: who governs them, how they relate to the community of STW stakeholders, how they gauge their own effectiveness, and what populations are served. Applicants should describe how they will organize the task of identifying and selecting effective STW intermediary activities, how effectiveness will be assessed, and how the critical common features of each will be identified to inform the development of a replicable intermediary framework (see Activity 2). In addition, the applicant should describe how the information will be categorized.

2. *Develop a replicable design of key components of intermediary operation.* Based on identified effective practices gleaned from the sample local partnerships described above, and the relevant literature in the field, the Departments are interested in the development of a replicable design framework from which communities can develop a plan for sustainable intermediary connecting activities in their STW systems. At minimum, this framework should include a description of participating intermediary connectors, a categorization of the qualities of effective intermediary entities, how they are administered, how STW stakeholders contribute to and interact with these entities, how they measure their effectiveness, and how the needs of diverse populations are addressed. The successful applicant will also be expected to actively disseminate the design framework including targeted training sessions, technical assistance institutes, electronic media, publications, conferences and other related means.

3. *Provide intensive Technical Assistance (T.A.) to established STW partnerships to develop effective intermediaries.* Through a well defined process, the successful applicant will be expected to select no fewer than 25 local partnerships that will receive targeted and concentrated technical assistance on intermediary establishment or enhancement. When selecting a local partnership the following factors need to be considered: (1) Are key STW stakeholders represented at the partnership level? (2) Are the needs of all students being addressed? (3) Are intermediaries present in the community and if so, do they offer the potential of connecting school and work? (4) If the intermediary is well established, clear delineations of the

enhancement activities also should be presented.

4. *Establish a framework to assist intermediaries in serving all students.* Based on information obtained and detailed through TASK #1, and the field at large, identify gaps in services to students not typically served by the intermediary. This could include populations such as students with disabilities, academically talented students, or youth who are out of school. The framework should reflect needed supports and accommodations, curricula modifications and other assistance as appropriate. This information should be packaged to assist those currently providing intermediary assistance, built into the TA activities with the 25 local partnerships identified in TASK #3 and be included in the development of a replicable design in TASK #2.

5. *Identify and convene community leaders/Community Based Organizations.* The Departments recognize that replicable and sustained intermediary connecting activities will require knowledgeable community leaders and respected, effective Community Based Organizations (CBOs). The successful applicant will therefore be expected to hold at least two national forums for the purposes of convening CBOs and other organizations in the community representing key STW stakeholders, such as local chambers of commerce, central labor councils, and boards of education. These forums should include an interactive format that uses key features of effective intermediaries identified in Activity 2 as an organizing framework. Opportunities should be provided for attendees to learn about communities where exemplary intermediary sites have been identified by the applicant. Key components to their success will be shared and barriers will be identified.

IV. Eligible Applicants

National non-profit organizations, business organizations, or associations experienced in building the capacity of STW systems nationally who can demonstrate the ability to enlist the support and active participation of key STW stakeholders such as education, business, organized labor, parents, and community based organizations. Potential applicants, however, should note the Departments' priority in seeking applications supported by a consortium of organizations. In preparing the proposal, please use the following headings and respond to the information in each of the following categories.

1. Project Description

Summarize the scope of the project, outline how its activities will relate to the five required areas of activity described in the previous section, and provide succinct and measurable project objectives.

2. Operational Plan

Provide a detailed workplan that includes a description of the proposed activities matched to the objectives presented in the Project Description, with accompanying time lines and individuals responsible. Provide an organizational structure and clear management plan detailing the staff and organizational resources to be devoted to the project. The applicant should clearly, and in detail, show how the proposed work will address each of the activities that are described in the section Required Effort. The time lines should indicate what activities and related results are anticipated for the 18 month funding period and, if continued, what activities and results would be anticipated for future optional funding.

3. Results

The applicant should provide specific and quantifiable outcomes that are anticipated from the proposed plan of activities. In identifying outcomes, the offeror should also explain how it will collect data, document results and use these results to inform its ongoing operating plan.

4. Capability

The applicant should demonstrate the capability of the organization or consortium and the key staff assigned to undertake the workplan, including examples of prior related efforts that demonstrate accomplishment in developing, implementing, managing and/or researching, and evaluating intermediary relationships in STW. The offeror should also show knowledge of integrating categorical systems in the intermediary process, as well as, knowledge and experience with business/education partnership development and management.

V. Funding Availability and Period of Performance

The Departments expect to make one award for approximately $1,500,000. The period of performance will be for 18 months from the date the grant is awarded. The Departments may, at their option, provide additional funds beyond the 18 months, depending on funding availability and performance of the offeror.

VI. Application Submittal

Applicants must submit four (4) copies of their proposal, with original signatures. The applications shall be divided into two distinct parts: Part I—which contains Standard Form (SF) 424, ''Application for Federal Assistance, (Appendix A) and Budget Information Sheet,'' (Appendix B). All copies of the SF 424 MUST have original signatures of the legal entity applying for grant funds. Applicants shall indicate on the SF–424 the organization's IRS status, if applicable. According to the Lobbying Disclosure Act of 1995, Section 18, an organization described in Section 501(c) 4 of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of federal funds constituting an award, grant, or loan. The Catalog of Federal Domestic Assistance number is 17.249. In addition, the budget shall include—on a separate page(s)—a detailed cost break-out of each line item on the Budget Information Sheet. Part II shall contain the program narrative that demonstrates the applicant's plan and capabilities in accordance with the evaluation criteria contained in this notice. Applicants must describe their plan in light of each of the Evaluation Criteria. Applicants MUST limit the program narrative section to no more than 30 double-spaced pages, on one side only. This includes any attachments. Applications that fail to meet the page limitation requirement will not be considered.

VII. Late Applications

Any application received after the exact date and time specified for receipt at the office designated in this notice will not be considered, unless it is received before awards are made and it—(a) was sent by registered or certified mail not later than the fifth calender day before the date specified for receipt of applications (e.g., an application submitted in response to a solicitation requiring receipt of applications by the 20th of the month must have been mailed/post marked by the 15th of that month); or (b) was sent by the U.S. Postal Service Express Mail next Day Service to addresses not later than 5:00 P.M. at the place of mailing two working days prior to the date specified for receipt of applications. The term ''working days'' excludes weekends and federal holidays. The term ''post marked'' means a printed, stamped or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable, without further action, as having been supplied

or affixed on the date of mailing by an employee of the U.S. Postal Service.

VIII. Hand Delivered Proposals

It is preferred that applications be mailed at least five days prior to the closing date. To be considered for funding, hand-delivered applications must be received by 4:00 P.M., (Eastern Time), on the closing date at the specified address. TELEGRAPHED AND/FAXED APPLICATIONS WILL NOT BE HONORED. Failure to adhere to the above instructions will be a basis for a determination of nonresponsiveness. Overnight express mail from carriers other than the U.S. Postal Service will be considered hand-delivered applications and MUST BE RECEIVED by the above specified date and time.

IX. Review Process

A careful evaluation of applications will be made by a technical review panel who will evaluate the applications against the criteria listed below. The panel results are advisory in nature and not binding on the Grant Officer. The Government may elect to award the grant with or without discussions with the offeror. In situations without discussions, an award will be based on the offeror's signature on the SF–424, which constitutes a binding offer. Awards will be those in the best interest of the Government.

1. The extent to which the applicant outlines a clear and detailed plan of operation. (40 points)

- Does the plan provide clear strategies for addressing the tasks specified under required efforts?
- Is the plan likely to result in the identification of effective intermediary practices; result in the development and enhancement of intermediary activities in 25 STW communities; and establish a framework for serving all youth; and likely to engage key STW stakeholders?
- Are the outcomes proposed specific and replicable?
- Does the proposal provide an organizational structure and clear management plan detailing staff and organizational resources to be devoted to this project?
- Does the plan include a comprehensive dissemination strategy that reaches all key stakeholders.

2. The extent to which the applicant demonstrates the capability and capacity to meet the requirements of this solicitation. (30 points)

- Does the organization provide examples and documentation of prior related accomplishments in developing, implementing, managing, researching and evaluating intermediary relationships in STW?
- Do the organizations participating reflect a broad range of school-to-work stakeholders?
- Are the roles and activities of stakeholder organizations clearly defined?
- Does the organization possess the capability to develop and disseminate technical assistance?
- Does the organization demonstrate knowledge of integrating categorical systems in the intermediary process?

3. The extent to which the applicant demonstrates the willingness and ability to engage and convene other organizations that are critical to the success of engaging and developing intermediaries in School-to-Work system building efforts. (20 points)

- Does the applicant propose specific activities that are likely to result in strategic alliances with key STW stakeholders, including but not limited to business, organized labor, public and private sector entities and community based organizations?
- Does the applicant show relevant past experience in collaborating with national, state and local groups involved with education and workforce development efforts?
- Does the applicant possess a wide range of experience in convening conferences that bring together disparate groups?
- Does the organization demonstrate extensive knowledge with business/education partnership development and management?

4. The overall ability of the applicant's plan to evaluate its activities and use its results to inform the ongoing plan. (10 points)

- Is the plan for evaluation clearly tied to clear objectives and specific outcomes?
- Is there a clear mechanism for adjusting the work plan based on results?
- Are there clear descriptions of the type of data to be collected and a clear data collection plan?

The grants will be awarded based on the applicant response to the above mentioned criteria and that which is otherwise advantageous to the Departments.

XI. Reporting Requirements

Once a grant is awarded, the awardee will be required to submit reports on a quarterly basis; a Standard Form 269 (financial status report), and a narrative report (in a format to be determined). A final report will be required at the conclusion of the project. Location of model sites and sites to receive technical assistance are to be submitted to the Grant Officer's Technical Representative (GOTR), identified in the grant award document, for approval before commencing any activities. Conference plans and all products including publications shall be submitted for review to the National S–T–W Office to ensure alignment and collaboration with ongoing national activities.

Signed in Washington D.C., this 18th day of June, 1998.

Janice E. Perry,

Grant Officer.

Appendix A: SF Form 424—Application Form

Appendix B: Budget Information Form

BILLING CODE 4510–30–P

APPENDIX A

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, State and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code):

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐-☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION: ☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 1 7 - 2 4 9

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, States, etc.):

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:	
a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which ave established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable)

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake this assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided.

   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is required.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of the project.

12. List only the largest political entities affected (e.g., State, counties, cities.

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

APPENDIX B

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel	$		
2. Fringe Benefits(Rate %)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)	$		
9. Indirect Cost(Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)	$		

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution	$		
3. TOTAL Cost Sharing / Match (Rate %)	$		

NOTE: *Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).*

(INSTRUCTIONS ON BACK OF FORM)

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. ***Personnel:*** *Show salaries to be paid for project personnel.*

2. ***Fringe Benefits:*** *Indicate the rate and amount of fringe benefits.*

3. ***Travel:*** *Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.*

4. ***Equipment:*** *Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more.*

5. ***Supplies:*** *Include the cost of consumable supplies and materials to be used during the project period.*

6. ***Contractual:*** *Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.*

7. ***Other:*** *Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.*

8. ***Total, Direct Costs:*** *Add lines 1 through 7.*

9. ***Indirect Costs:*** *Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.*

10. ***Training /Stipend Cost:*** *(If allowable)*

11. ***Total Federal funds Requested:*** *Show total of lines 8 through 10.*

SECTION B - Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

NOTE:

PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.

[FR Doc. 98–16761 Filed 6–23–98; 8:45 am]
BILLING CODE 4510–30–C

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Mine Ventilation System Plan

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Mine Ventilation System Plan. MSHA is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the For Better Information Contact section of this notice.

DATES: Submit comments on or before August 24, 1998.

ADDRESSES: Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to psilvey@msha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT: Theresa M. O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mrs. O'Malley can be reached at tomalley@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Underground mines present harsh and hostile working environments. The ventilation system is the most vital life support system in underground mining and a properly operating ventilation system is essential for maintaining a safe and healthful working environment. Lack of adequate ventilation in underground mines has resulted in fatalities from asphyxiation and explosions.

II. Current Actions

A well planned mine ventilation system is necessary to ensure a fresh air supply to miners at all working places, to control the amounts of harmful airborne contaminants in the mine atmosphere, and to dilute possible accumulation of explosive gases.

The standard requires mine operators to prepare a written plan of the mine's ventilation system and to update the plan annually. The purposes are to insure that each operator routinely plans, reviews, and updates the plan; to insure the availability of accurate and correct information; and to provide MSHA with the opportunity to alert the mine operator to potential hazards.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Mine Ventilation System Plan.

OMB Number: 1219–0016.

Agency Number: MSHA 401.

Recordkeeping: 1 year.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR 57.8520.

Total Respondents: 240.

Frequency: Annually.

Total Responses: 240.

Average Time per Response: 24 hours.

Estimated Total Burden Hours: 5,760.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): $46,080.00.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 17, 1998.

Theresa M. O'Malley,

Acting Director, Program Evaluation and Information Resources.

[FR Doc. 98–16758 Filed 6–23–98; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Operations Under Water

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to Operations Under Water. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the For Further Information Contact section of this notice.

DATES: Submit comments on or before August 24, 1998.

ADDRESSES: Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to psilvey@msha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT: Theresa M. O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mrs. O'Malley can be reached at tomalley@msha.gov (Internet E-Mail), (703) 235–8378 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Title 30, CFR 75.1716, 75.1716–1 and 75.1716–3 require operators of underground coal mines to notify MSHA of proposed mining under bodies of water and to obtain a permit to mine under a body of water if, in the judgment of the Secretary, it is sufficiently large to constitute a hazard to miners. This is a statutory provision contained in Section 317(r) of the Federal Mine Safety and Health Act of 1977. The regulation is necessary to prevent the inundation of underground coal mines with water, which has the potential of drowning miners.

The coal mine operator submits an application for the permit to the District Manager in whose district the mine is located. Applications contain the name and address of the mine; projected mining and ground support plans; a mine map showing the location of the river, stream, lake or other body of water and its relation to the location of all working places; a profile map showing the type of strata and the distance in evaluation between the coal bed and the water involved.

II. Current Actions

Section 317(r) of the Federal Mine Safety and Health Act of 1977 requires that when a mine operator mines coal from a mine that requires construction, operation, and maintenance of tunnels under any river, stream, lake or other body of water that could potentially pose a hazard to miners, such operator is required to obtain a permit from the Secretary, which shall include such terms and conditions as deemed appropriate to protect the safety of miners working or passing through such tunnels from cave-ins and other hazards. This section of the Act is enforced through application 30 CFR 75.1716, which requires the underground mine operators to notify MSHA prior to mining under any body of water (30 CFR 75.1716–1) and to submit a permit application to mine under a body of water (30 CFR 75.1716–3), for the MSHA District Manager's approval prior to mining under the body of water. MSHA is obligated to respond in writing to the notice (30 CFR 75.1716–2) and to the permit application (30 CFR 75.1716–4). MSHA routinely receives the notice and the permit application as a single correspondence due to the annual review of the mine ventilation plan map one year mining projections [30 CFR 75.317(b)(14)] and the annual submittal of a certified mine map, which is required to show the locations of mines above and below and bodies of water above the active mine [30 CFR 75.1200–(I and j) and 30 CFR 75.1203). The annual review of these maps provide early detection of potential inundation hazards and as a result reduce or eliminate the need for a separate notice under 30 CFR 75.1716-1.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Operations Under Water.

OMB Number: 1219–0020.

Agency Number: MSHA 207.

Recordkeeping: The CFR does not mention whether or not a record of the permit should be kept and for how long. However, MSHA maintains a copy of the permit application and the correspondence granting the permit in the mine file through the active life of the mine. In addition, both the permitted mine workings and the location and extent of the body of water are a permanent part of the information required on the certified mine map. MSHA occasionally will require the conditions under which a permit application is approved to be included in the mine roof control plan (30 CFR 75.220) where the District Manager determines such information is necessary to adequately protect miners.

Affected Public: Business or other for-profit.

Cite/reference	Total respondents	Frequency	Total responses	Average time per response	Burden
75.1716	Included in 75.1716–3	Occasional	Included in 75.1716–3	5 hours	Included in 75.1716–3.
75.1716.1		Included in 75.1716–3.	Included in 75.1716–3	5 hours	Included in 75.1716–3.
75.1716–3	14 new or revised notices/permit appls.	On occasion	14	5 hours	70 hours.
Totals	14	On occasion	14	5 hours	70 hours.

Estimated Total Burden Cost: $3,010.00.

Total Burden Cost (capital/startup): Certified Mail $210.

Total Burden Cost (operating/maintaining): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 18, 1998.

Theresa M. O'Malley,

Acting Director, Program Evaluation and Information Resources.

[FR Doc. 98–16759 Filed 6–23–98; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Slope and Shaft Sinking Plans

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts and preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Slope and Shaft Sinking Plans. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

DATES: Submit comments on or before August 24, 1998.

ADDRESSES: Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to psilvey@msha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT: Theresa M. O'Malley, Program Analysis Officer, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mrs. O'Malley can be reached at tomalley@msha.gov (Internet E-mail), (703) 235–8378 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

The standard 77.1900 was enacted in 1971 and was amended in 1982 and again in 1995. The standard requires coal mine operators to develop a prudent engineered design plan to develop a slope or shaft whenever an operator decides to open such a coal mine. The plan is required by the standard and is to be reviewed and approved by MSHA before the actual hazardous work begins.

II. Current Actions

The average 25 slope or shaft development plans that MSHA receives on an annual basis, are reviewed to ensure that the required work is performed in a safe manner, and it protects those miners performing the work. Prudent engineering design does evolve along with improved machinery to perform the work, but there has not been any revision to the requirements for such a plan.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Slope and Shaft Sinking Plans.

OMB Number: 1219–0019.

Agency Number: MSHA–208.

Recordkeeping: 3 years.

Agency Number: MSHA–208.

Recordkeeping: Records are normally required to be kept for 3 years.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc.: 30 CFR 77.1900.

Total Respondents: 1,700.

Frequency: Whenever an operator decides to develop a slope or shaft.

Total Responses: 25.

Average Time per Response: 40 hours.

Estimated Total Burden Hours: 1,000.

Total Burden Cost (capital/startup): $43,000.

Total Burden Cost (operating/maintaining): $11,250.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 17, 1998.

Theresa M. O'Malley,

Acting Director, Program Evaluation and Information Resources.

[FR Doc. 98–16760 Filed 6–23–98; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Records of Results of Examinations of Self-Rescuers

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension. MSHA is particularly interested in comments which:

*evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

*evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

*enhance the quality, utility, and clarity of the information to be collected; and

*minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

DATES: Submit comments on or before August 24, 1998.

ADDRESSES: Send comments to Patricia W. Silvery, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to psilvey@msha.gov, along with an original printed copy. Ms. Silvey can be reached at (703) 235–1910 (voice) or (703) 235–5551 (facsimile).

FOR FURTHER INFORMATION CONTACT

Theresa M. O'Malley, Program Analysis Officer, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203–1948. Mrs. O'Malley can be reached at tomalley@msha.vog (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION

I. Background

The Self-Rescue devices are subjected to harsh in-mine conditions that may result in damage to the device which could cause the device to malfunction or provide less than adequate protection. The 90-day examination of the device is necessary in order to provide for early detection of potential problems that would otherwise go undetected. Requiring the mine operator to certify the examination was made and to record any identified defects gives credibility to the program and decreases the likelihood of a person being required to use a device that may not function as designed. In addition, this information is useful in determining how durable a device may be when subjected to the harsh conditions that are encountered during in-mine use. This allows for early detection of design problems that may require the manufacturer to make changes to a device in order to assure the device will continue to function as designed and provide adequate protection in the event of an emergency.

II. Current Actions

In 1997, a large number of problems were identified with self-rescue devices that indicated either the 90-day examinations were not being conducted, or defective devices were not being removed from service. As a result of these problems, MSHA issued a Program Information Bulletin reminding the industry of the standard requiring the 90-day examination and certification of the self-rescue devices, and requiring devices that fail the 90-day examination to be removed from service. In addition, MSHA increased the inspection effort to include quarterly evaluation of the mine operators records as well as a physical examination of a representative number of self-rescue devices. However, due to the large number of devices in use in the mining industry (approximately 50,000 devices), it is essential that mine operators continue to certify that the 90-day examination was conducted on each device, and record the results for devices that failed the 90-day examination. Although MSHA has increased the enforcement effort, the large number of devices in use in the mining industry make it impractical for MSHA to be able to examine each of the devices quarterly.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Records of Results of Examinations of Self-Rescuers.

OMB Number: 1219–0044.

Agency Number: MSHA 243.

Affected Public: Business or other for-profit.

Cite/Reference/Form/Etc: 30 CFR 75.1714–3.

Total Respondents: 1,284.

Frequency: Quarterly.

Total Responses: 4,000.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 2,000 hours.

Estimated Total Burden Cost:

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): $86,000).

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 19, 1998.

Theresa M. O'Malley,

Acting Director, Program Evaluation and Information Resources.

[FR Doc. 98–16805 Filed 6–23–98; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Pension Benefit Guaranty Corporation; Proposed Extension/Reinstatement of Information Collection Request Submitted for Public Comment and Recommendations

ACTION: Notice.

SUMMARY: The Department of Labor, the Internal Revenue Service, and the Pension Benefit Guaranty Corporation (the Agencies), as part of their continuing efforts to reduce paperwork and respondent burden, conduct a preclearance consultation program to provide the general public and other federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data is provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. By this notice, the Agencies are soliciting comments concerning the proposed extension/reinstatement of approval of this collection of information—the Form 5500 Series, Annual Return/Report of Employee Benefit Plan—for the 1998 plan year. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice. Although the 1998 Form 5500 Series is not yet available, it is not expected at this time to differ materially from the 1997 Form 5500 Series.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before August 24, 1998. The Agencies are particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agencies, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected;
- Comment on estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

ADDRESSES: Interested parties are invited to submit written comments regarding the collection of information. Send comments to Mr. Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N–5647, Washington, DC 20210. Telephone: (202) 219–4782 (this is not a toll-free number). All comments will be shared among the Agencies.

SUPPLEMENTARY INFORMATION:

I. Background

On September 3, 1997, the Agencies published a Notice of Proposed Revision of Annual Information Return/Reports (September 3 Notice) in the **Federal Register** (62 FR 46556) to streamline and simplify the annual return/report forms filed for pension, welfare and fringe benefit plans under the Employee Retirement Income Security Act of 1974, as amended (ERISA), and the Internal Revenue Code of 1986, as amended (the Code).

The Agencies anticipate that the revision of the annual return/report form (Form 5500 Series) will be finalized and available for use for plan years which begin in 1999 (see the Agencies' notice concerning their submission of the revised Form 5500 Series to OMB for review and approval, also published in today's **Federal Register**). OMB approval for the existing Form 5500 Series will expire prior to implementation of the proposal to revise the Form 5500 Series. As a result, the Agencies are requesting an extension/reinstatement of the current ICR through the filing period for the 1998 Form 5500 Series.

The Form 5500 Series is the primary source of information concerning the operation, funding, assets and investments of pension and other employee benefit plans. In addition to being an important disclosure document for plan participants and beneficiaries, the Form 5500 is a compliance and research tool for the Agencies, and a source of information for use by other federal agencies, Congress, and the private sector in assessing employee benefit, tax, and economic trends and policies.

The Agencies solicited comments on the ICR included in the September 3 Notice, and specifically requested comments on the Agencies' estimates of burden hours and burden estimation methodologies. The Agencies received comments indicating that estimates of the time required to collect the information and prepare the forms and related schedules were unrealistically low. In an effort to respond to those comments, the Agencies are currently in the process of evaluating the existing burden estimation methodologies to develop a revised and uniform burden estimation methodology. However, the burden hour estimates in this Notice are based on the methodologies described in the September 3 Notice, pending the availability of revised burden estimates.

To avoid unnecessary duplication of public comments, the supplementary Paperwork Reduction Act information published in the September 3 Notice is incorporated herein by this reference in its entirety, and comments submitted thereon addressing the Agencies' burden estimates will be treated as comments on this Notice of Proposed Extension/Reinstatement of Information Collection Request.

II. Current Actions

The Agencies intend to request an extension/reinstatement of the currently approved ICR through the filing period for the 1998 Form 5500 Series because the new forms are not scheduled to be implemented until 1999 plan years.

Although the 1998 Form 5500 Series is not yet available, it is not expected at this time to differ materially from the 1997 Form 5500 Series. However, the following limited changes have been made to the 1997 Form 5500 Series as of the date of this notice.

Schedule B: Technical revisions to reflect requirements for 1998 plan years (e.g., elimination of the box for ''condition code'' on line 12a in Part II of Schedule B, resulting from an amendment to the Code).

Schedule F: The Taxpayer Relief Act of 1997 amended Code section 6039D to include adoption assistance programs. As a result, a checkbox was added to line 2 of Schedule F to indicate that the fringe benefit plan is an adoption assistance program.

Agencies: Department of Labor, Pension and Welfare Benefits Administration (DOL, PWBA); Department of the Treasury, Internal Revenue Service (IRS); Pension Benefit Guaranty Corporation (PBGC).

Title: Form 5500, Form 5500–C/R and Schedules.

Type of Review: Extension of a currently approved collection for Pension and Welfare Benefits Administration and Internal Revenue Service; reinstatement without change of an expired collection for Pension Benefit Guaranty Corporation.

OMB Numbers: 1210–0016 (Pension and Welfare Benefits Administration); 1545–0710 (Internal Revenue Service); 1212–0026 (Pension Benefit Guaranty Corporation).

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Form Number: Form 5500, Form 5500–C/R and Schedules.

Total Respondents: 801,934 for PWBA and PBGC; 901,400 for IRS.

Total Responses: 801,934 for PWBA and PBGC; 901,400 for IRS.

Frequency of Response: Annually.

Estimated Burden Hours, Total Annual Burden: 1.68 million burden hours (using the PWBA methodology) to 56.4 million burden hours (using the IRS methodology) for preparing the Form 5500 Series and filing it with the government. This total burden is shared among the Agencies. See the September 3 Notice for detailed information on the burden estimation methodology.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 18, 1998.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

Garrick R. Shear,

IRS Reports Clearance Officer.

Stuart A. Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 98–16790 Filed 6–23–98; 8:45 am]

BILLING CODE 4510–29–P

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

SUMMARY: The Compact Commission will hold its monthly meeting to consider matters relating to administration, the price regulation and a proposed interim procedural rule.

DATES: The meeting is scheduled for Wednesday, July 1, 1998 to commence at the close of the Proposed Rulemaking Public Hearing beginning at 9:00 a.m. as previously noticed at 63 FR 31943–31945.

ADDRESSES: The meeting will be held at the Capitol Center for the Arts, Governor's Hall, 44 South Main Street, Concord, NH.

FOR FURTHER INFORMATION CONTACT: Kenneth Becker, Executive Director, Northeast Dairy Compact Commission, 43 State Street, PO Box 1058, Montpelier, VT 05601. Telephone (802) 229–1941.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Northeast Dairy Compact Commission will hold its regularly scheduled monthly meeting. The Commission will consider matters relating to administration and the price regulation, including the reports and recommendations of the Commission's standing Committees. The Commission will also consider a proposed interim procedural rule regarding rulemaking procedures and procedures for conducting producer referenda.

Authority: (a) Article V, Section 11 of the Northeast Interstate Dairy Compact, and all other applicable Articles and Sections, as approved by Section 147, of the Federal Agriculture Improvement and Reform Act (FAIR ACT), Pub. L. 104–127, and as thereby set forth in S.J. Res. 28(1)(b) of the 104th Congress; Finding of Compelling Public Interest by United States Department of Agriculture Secretary Dan Glickman, August 8, 1996 and March 20, 1997. (b) Bylaws of the Northeast Dairy Compact Commission, adopted November 21, 1996.

Kenneth Becker,

Executive Director.

[FR Doc. 98–16615 Filed 6–23–98; 8:45 am]

BILLING CODE 1650–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: 10 CFR Part 21, ''Reporting of Defects and Noncompliance.''

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: All directors and responsible officers of firms and organizations building, operating, or owning NRC licensed facilities as well as directors and responsible officers of firms and organizations supplying basic components and safety related design, analysis, testing, inspection, and consulting services to NRC licensed facilities or activities.

6. An estimate of the number of responses: 230 responses.

7. The estimated number of annual respondents: 100 respondents.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 17,093 (13,480 reporting hours and 3,613 recordkeeping hours).

9. An indication of whether Section 3507(d), Pub. L. 104–13 applies: Not applicable.

10. Abstract: 10 CFR Part 21 implements Section 206 of the Energy Reorganization Act of 1974, as amended. It requires directors and responsible officers of firms and organizations building, operating, owning, or supplying basic components to NRC licensed facilities or activities to report defects and noncompliances that could create a substantial safety hazard at NRC licensed facilities or activities. Organizations subject to 10 CFR Part 21 are also required to maintain such records as may be required to assure compliance with this regulation.

The NRC staff reviews 10 CFR Part 21 reports to determine whether the reported defects in basic components and related services and failures to comply at NRC licensed facilities or activities are potentially generic safety problems.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov) under the FedWorld collection link on the home page tool bar. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer by July 24, 1998.

Erik Godwin, Office of Information and Regulatory Affairs (3150–0035), NEOB–10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 17th day of June 1998.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–16744 Filed 6–23–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–325 and 50–324]

Carolina Power & Light Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its May 23, 1997, application for proposed amendment to Facility Operating License Nos. DPR–71 and DPR–62 for the Brunswick Steam Electric Plant, Unit Nos. 1 and 2, located in Brunswick County, North Carolina.

The proposed amendment would have reduced the short-term limit for Dose Equivalent I-131 activity in the reactor coolant from 4.0 microcuries/gram to 3.0 microcuries/gram.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on July 30, 1997 (62 FR 40847). However, by letter dated April 17, 1998, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 23, 1997, and the licensee's letter dated April 17, 1998, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College

Road, Wilmington, North Carolina 28403–3297.

Dated at Rockville, Maryland, this 17th day of June 1998.

For the Nuclear Regulatory Commission.

David C. Trimble,

Project Manager, Project Directorate II–1, Division of Reactor Projects—I/II , Office of Nuclear Reactor Regulation.

[FR Doc. 98–16743 Filed 6–23–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–327 and 50–328]

Tennessee Valley Authority (Sequoyah Nuclear Plant, Units 1 and 2); Confirmatory Order Modifying License Effective Immediately

I

Tennessee Valley Authority (TVA, or the Licensee) is the holder of Facility Operating License Nos. DPR–77 and DPR–79, which authorizes operation of Sequoyah Nuclear Plant, Units 1 and 2 located in Hamilton County, Tennessee.

II

The staff of the U.S. Nuclear Regulatory Commission (NRC) has been concerned that Thermo-Lag 330–1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees that use Thermo-Lag 330–1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter (GL) 92–08, ''Thermo-Lag 330–1 Fire Barriers'' and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC staff that their completion dates had slipped by 6 months to as much as 3 years. For plants that have completion action scheduled beyond 1997, including Sequoyah Nuclear Plant, Units 1 and 2, the NRC staff has met with the licensees to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

TVA was one of the licensees with which the NRC staff held meetings. At the May 30, 1997, meeting, the NRC staff reviewed with TVA the schedule of Thermo-Lag corrective actions for the Sequoyah units described in the handout presented to the NRC during that meeting. Based on the information provided during the meeting, as well as a subsequent letter dated June 25, 1997, the NRC staff has concluded that the schedules presented by TVA are reasonable. This conclusion is based on (1) the amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant, but unrelated issues that TVA is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by TVA must be completed in accordance with current schedules. By letter dated April 29, 1998, the NRC staff notified TVA of its plan to incorporate TVA's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated May 13, 1998, TVA provided its consent to issuance of a Confirmatory Order.

III

The Licensee's commitment as set forth in its letter of May 13, 1998, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured.

To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in its May 13, 1998, letter be confirmed by this Order. The Licensee has agreed to this action. Based on the above, and the Licensee's consent, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, It Is Hereby Ordered, effective immediately, that:

The Tennessee Valley Authority (TVA) shall complete final implementation of Thermo-Lag 330–1 fire barrier corrective actions at the Sequoyah Nuclear Plant, Units 1 and 2 as described in the TVA submittal dated June 25, 1997. Walkdowns, evaluations, and upgrades will be completed by June 30, 1999.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Rulemaking and Adjudications Staff, Washington, D.C. 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Deputy Assistant General Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region II at the Atlanta Federal Center, 23 T85, 61 Forsyth Street, SW., Atlanta, Georgia 30303–3415, and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

Dated at Rockville, Maryland this 18th day of June 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director Office of Nuclear Reactor Regulation.

[FR Doc. 98–16745 Filed 6–23–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–424 and 50–425]

Southern Nuclear Operating Company, Inc., et al.; Vogtle Electric Generating Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–68 and NPF–81 issued to Southern Nuclear Operating Company, Inc., et al. (the licensee), for operation of the Vogtle Electric Generating Plant (VEGP), Units 1 and 2, respectively, located in Burke County, Georgia.

Environmental Assessment

Identification of the Proposed Action

The proposed action would change the common VEGP Technical Specifications to allow an increase in the Unit 1 spent fuel storage capacity from 288 to 1476 fuel assemblies. The increase in spent fuel storage capacity is achieved by replacing the existing spent fuel storage racks, a process referred to herein as ''reracking.'' The proposed action is in accordance with the licensee's application for license amendments dated September 4, 1997, as supplemented by letters dated November 20, 1997, May 19 and June 12, 1998.

The Need for the Proposed Action

The VEGP spent fuel pools (SFPs) are operated as a single facility and accept spent fuel from both Units 1 and 2. The VEGP Unit 2 spent fuel pool has a storage capacity of 2098 fuel assemblies. Under current conditions, the SFPs will lose the capacity for a full-core off-load (193 fuel assemblies) in the year 2005. There are no independent commercial spent fuel storage facilities operating in the U.S., nor are there any domestic reprocessing facilities; therefore, the projected loss of storage capacity in the VEGP SFPs would affect the licensee's ability to operate VEGP. The proposed amendments are needed to ensure the capability of full-core off-load until the year 2015.

Environmental Impacts of the Proposed Action

Radiological Impacts

VEGP has waste treatment systems designed to collect and process waste that may contain radioactive material. The radioactive waste treatment systems were evaluated in the ''Final Environmental Statement Related to the Operation of Vogtle Electric Generating Plant,'' NUREG–1087, March 1985. The SFP cooling and purification system is designed to remove the decay heat generated by stored spent fuel assemblies and to clarify and purify the water to permit unencumbered access to the plant fuel storage area and maintain optical clarity of the SFP water.

Liquid Radioactive Waste

It is not expected that there will be a significant increase in the liquid release of radionuclides from the plant as a result of the SFP reracking modifications. The SFP cooling and purification system operates as a closed system. The SFP demineralizer resin removes soluble radioactive materials from the SFP water. A small increase in activity on the filters and demineralizers may occur during the installation of the new racks because of the more frequent fuel shuffling and underwater pressure washing of the old racks during removal. However, the amount of radioactivity released to the environment as a result of the proposed reracking is expected to be negligible.

Solid Radioactive Waste

The existing spent fuel racks in the VEGP Unit 1 SFP will be removed from the site by a salvage company. After usable material has been salvaged, the remainder will be volume reduced and disposed of at the Barnwell, South Carolina, facility. In a worst-case scenario, with no salvageable material and no volume reduction, the resulting material would represent 44 percent of the expected solid waste volume associated with VEGP Units 1 and 2 for 1998; however, this volume is not significant when viewed over the 40-year operational lifetime of the VEGP facility.

In addition to the spent fuel assemblies themselves, the only other solid radioactive waste generated by the SFP is the SFP polisher resin, which is used for water clarity. As indicated in the licensee's submittal of September 4, 1997, these resins are replaced approximately once per refueling cycle. No additional spent resins are expected to be generated by the pool cleanup system as a result of the expanded spent fuel storage capability; therefore, no significant increase in the volume of solid radioactive waste associated with these resins is expected with the proposed amendments.

Radioactive Material Released to the Atmosphere

The only radioactive gas of significance that could be attributable to storing additional spent fuel assemblies for a longer period of time, made possible as a result of the proposed reracking, would be the noble gas radionuclide krypton-85 (Kr-85). Experience has demonstrated that after spent fuel has decayed 4 to 6 months, there is no longer a significant release of fission products, including Kr-85, from stored spent fuel containing cladding defects. The licensee has stated that in the past 2 years, the Kr-85 concentrations measured from the fuel storage area ventilation release point have been negligible and the licensee expects that enlarging the storage capacity of the SFP will have no effect on the average annual quantities of Kr-85 released to the atmosphere.

Iodine-131 released from spent fuel assemblies to the SFP water will not be significantly increased as a result of the expansion of the fuel storage capacity since the iodine-131 inventory in the fuel will decay to negligible levels between refuelings.

Most of the tritium in the SFP water results from activation of boron and lithium in the primary coolant during power operation. A relatively small amount of tritium is produced during reactor operation by the fission process within the reactor fuel. The subsequent diffusion of the tritium through the fuel and cladding represents a small contribution to the total amount of tritium in the SFP water. Tritium releases from the fuel assemblies occur mainly during reactor operation and, to a limited extent, shortly after shutdown. Thus, expanding the SFP capacity will not increase the tritium concentration in the SFP.

Most airborne releases of tritium and iodine from nuclear power plants result during refuelings from evaporation of reactor coolant, which contains tritium and iodine in higher concentrations than in the SFP. The storage of additional spent fuel assemblies in the SFP is not expected to significantly increase the SFP bulk water temperature, and, therefore, evaporation rates from the SFP are not expected to significantly increase. Consequently, it is not expected that there will be any significant change in the annual release of tritium or iodine as a result of the proposed modifications from that previously evaluated in NUREG–1087.

Occupational Doses

The licensee estimates that the increased number of fuel assemblies stored in the Unit 1 SFP may result in a small increase in doses in the areas adjacent to the sides of the SFP, although it will not be enough to change any existing radiation zone designations. To minimize any potential dose rate increases from the increased storage of spent fuel, the licensee plans to control the placement of freshly discharged fuel so that it is not placed in SFP rack positions adjacent to the sides of the SFP. Dose rates on the fuel pool level are primarily due to radionuclides in the pool water. During normal operations, dose rates in this area are generally 2.5 mrem/hr or less. The staff finds these dose rates to be acceptable and in accordance with SFP dose rates at other plants.

The licensee will constantly monitor the doses to the workers during the reracking operation using electronic personnel dosimetry. Each diver will be monitored using multiple teledosimetry devices. These teledosimetry devices will transmit diver dose and dose rate data that will be continuously monitored adjacent to the SFP. Cameras will be used to monitor the movements of the divers. The licensee will use continuous air samplers when there is a potential for airborne activity in the SFP area during the modifications. In addition, the plant effluent radiation monitoring system will monitor any gaseous releases.

The total occupational dose to plant workers as a result of the reracking operation is estimated to be approximately 4.3 person-rem. This dose estimate is based on the licensee's detailed review of the anticipated work activities, their duration, and expected dose rates associated with each of the activities related to the SFP reracking. The upcoming reracking operation at Vogtle Unit 1 will follow detailed procedures prepared with full consideration of as low as is reasonably achievable (ALARA) principles. On the basis of its review of the proposed action, the staff concludes that the Vogtle Unit 1 SFP rerack modification can be performed in a manner that will ensure that doses to workers will be maintained ALARA. The estimated dose of 4.3 person-rem to perform the proposed SFP rerack is a small fraction of the annual collective dose accrued at Vogtle and, therefore, the staff finds this dose to be acceptable.

Uranium Fuel Cycle and Transportation

The environmental impacts on the uranium fuel cycle and transportation resulting from the use of higher enrichment fuel and extended irradiation were published in NUREG/CR–5009, ''Assessment of the Use of Extended Burnup Fuels in Light Water Power Reactors,'' February 1988, and discussed in the staff's Environmental Assessment and Finding of No Significant Impact published in the **Federal Register** on February 29, 1988 (53 FR 6040). The staff concluded that no significant adverse effects will be generated by increasing the burnup levels as long as the maximum rod-average burnup level of any fuel rod is no greater than 60 Gwd/MtU. The staff also stated that the environmental impacts summarized in Tables S–3 and S–4 for a burnup level of 33 Gwd/MtU are conservative and bound the corresponding impacts for burnup levels up to 60 Gwd/MtU and uranium-235 enrichments up to 5 weight percent. Since the proposed amendment does not involve an increase in the enrichment or burnup of fuel utilized at VEGP, the staff concludes that there is no significant radiological environmental impact associated with the proposed expansion of the spent fuel storage capacity at VEGP Unit 1 or with the uranium fuel cycle or transportation.

Accident Considerations

In the Vogtle Final Safety Analysis Report, the licensee evaluated the possible consequences of the following three hypothetical accidents involving fuel in the SFP: a fuel-handling accident in the fuel-handling building; a fuel-handling accident in the containment with the airlock closed; and a fuel-handling accident in the containment with the airlock open. The licensee reevaluated these hypothetical accidents to determine the thyroid and whole-body doses at the exclusion area boundary, in the low-population zone, and in the control room.

On the basis of the review of the licensee's reevaluation, the NRC staff concludes that the proposed reracking of the Vogtle Unit 1 SFP will not result in an increase in the doses from any of these hypothetical accidents.

Nonradiological Impact

The proposed amendments do not modify land use at the site; no new facilities or laydown areas are needed to support the rerack or operation after rerack; therefore, the proposed amendments do not affect land use or land with historical or archeological sites.

The increased spent fuel inventory results in a minor bulk pool temperature increase. This minor increase in temperature results in a minor increase in the pool water evaporation rate. The licensee's submittal of September 4, 1997, indicates that the effects of the increased temperature and evaporation rates are within the capacity of the existing fuel-handling building heating, ventilation, and air conditioning system. The total heat load from spent fuel cooling dissipated to the environment represents 2.5 percent of the total rejected plant heat.

The proposed action does not affect nonradiological plant effluents, and no changes to the National Pollution Discharge Elimination System permit are needed. The proposed action does not result in any significant changes to land use or water use, or result in any significant changes to the quantity or quality of effluents; no effects on endangered or threatened species or on their habitat are expected.

The proposed action will not change the method of generating electricity or the method of handling any influents from the environment or nonradiological effluents to the environment. Therefore, no changes or different types of nonradiological environmental impacts are expected as a result of the amendments.

Summary

The Commission has completed its evaluation of the proposed action. The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in the allowable individual or cumulative occupational or offsite 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 are no significant environmental impacts 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

The proposed action does not involve the use of any resources not previously considered in NUREG–1087.

Agencies and Persons Consulted

In accordance with its stated policy, on May 26, 1998, the staff consulted with the Georgia State official, Mr. J. Setzer of the Georgia 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 September 4, 1997, as supplemented by letters dated November 20, 1997, May 19 and June 12, 1998, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Burke County Library, 412 Fourth Street, Waynesboro, Georgia.

Dated at Rockville, Maryland, this 19th day of June 1998.

For the Nuclear Regulatory Commission.

Jacob I. Zimmerman,

Acting Director, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–16746 Filed 6–23–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of June 22, 29, July 6, and 13, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of June 22

Thursday, June 25

11:30 a.m.—Affirmation Session (Public Meeting) (if needed).

2:00 p.m.—Briefing on EEO Program (Public Meeting).

Week of June 29—Tentative

Tuesday, June 30

10:00 a.m.—Meeting with Commonwealth Edison (Public Meeting) (Contact: Stewart Richards, 301–415–1395).

11:30 a.m.—Affirmation Session (Public Meeting) (if needed).

2:00 p.m.—Briefing on Performance Assessment Progress in HLW, LLW, and ADMP (Public Meeting) (Contact: Norman Eisenberg, 301–415–7285).

Week of July 6—Tentative

Thursday, July 9

11:30 a.m.—Affirmation Session (Public Meeting) (if needed).

Week of July 13—Tentative

There are no meetings scheduled for the week of July 13.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at:

http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: June 19, 1998.

William M. Hill, Jr.,

Secy Tracking Officer, Office of the Secretary.

[FR Doc. 98–16827 Filed 6–19–98; 4:06 pm]

BILLING CODE 7590–01–M

DEPARTMENT OF LABOR

Office of the Secretary

DEPARTMENT OF THE TREASURY

Pension Benefit Guaranty Corporation; Submission for OMB Review; Comment Request

The Department of Labor (DOL), the Department of the Treasury, and the Pension Benefit Guaranty Corporation (PBGC) have submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of the ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor, Departmental Clearance Officer, Todd R. Owen at (202)219–5096, ext. 143 or by E-Mail at Owen-Todd@dol.gov. Individuals who use a telecommunication device for the deaf (TTY/TDD) may call (202)219–4720 between 1:00 p.m. and 4:00 p.m. Eastern Time, Monday–Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: Desk Officer for Pension and Welfare Benefits Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202)395–7316) within 30 days of the date of this publication in the **Federal Register**.

OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected;
- Comment on estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Description: Under part 1 of Title I of the Employee Retirement Income Security Act of 1974 (ERISA), Title IV of ERISA, and the Internal Revenue Code of 1986, as amended, administrators of pension and welfare benefit plans (collectively employee benefit plans) subject to those provisions, and employers sponsoring certain fringe benefit plans and other plans of deferred compensation, are required to file returns/reports annually concerning the financial condition and operations of the plans. These reporting requirements are satisfied generally by filing the Form 5500 Series in accordance with its instructions and the related regulations. This ICR is for the revised Form 5500 Series as proposed by the Department of Labor, Pension and Welfare Benefits Administration (PWBA), Department of the Treasury, Internal Revenue Service (IRS), and PBGC (collectively the Agencies) in a Notice of Proposed Forms Revision on September 3, 1997 (62 FR 46556) and as subsequently revised in response to public comment. The Agencies anticipate that the revised Form 5500 Series will be finalized and available for use for plan years which begin in 1999.

Also published in today's **Federal Register** is the Agencies' notice concerning the proposed extension/reinstatement of the ICR for the 1998 Form 5500 Series. The ICR for the existing Form 5500 Series is approved under OMB Numbers 1210–0016 (PWBA) and 1545–0710 (IRS). PBGC's ICR for the Form 5500 Series was previously approved under OMB Number 1212–0026.

Agencies: Department of Labor, Pension and Welfare Benefits Administration; Department of the Treasury, Internal Revenue Service; Pension Benefit Guaranty Corporation.

Title: Form 5500 Series.

Form Number: Form 5500 and Schedules.

OMB Numbers: 1210–NEW; 1545–NEW; 1212–NEW.

Frequency: Annually.

Affected Public: Individuals or households; business or other for-profit; Not-for-profit institutions.

Total Respondents: 801,934 for PWBA and PBGC; 901,400 for IRS.

Total Responses: 801,934 for PWBA and PBGC; 901,400 for IRS.

Estimated Burden Hours, Total Annual Burden: 1.7 million burden hours (using the PWBA methodology) to 48.7 million burden hours (using the IRS methodology) for preparing the revised Form 5500 Series and filing it with the government. This total burden is shared among the Agencies. See the September 3 Notice for detailed information on the burden estimation methodologies. In the September 3 Notice, the Agencies requested comments on the burden hour estimates and the methodologies used to estimate burden for preparing and filing the Form 5500, and received comments generally indicating that the estimates were too low. In an effort to respond to those comments, the Agencies have undertaken an evaluation of the burden estimation methodologies for the purpose of developing a revised and uniform methodology. The Agencies will modify these burden estimates based on a revised methodology prior to the date the revised Form 5500 Series comes into use.

A computerized processing system (the ERISA Filing and Acceptance System, or EFAST) is being developed to simplify and expedite the processing of the revised Form 5500 Series by relying on computer scannable forms and electronic filing technologies. The Agencies intend to publish a **Federal Register** notice announcing the opportunity to comment on the electronic filing options and computer scannable version of the revised Form 5500 Series, which will be designed as part of the EFAST project. The EFAST project is described in detail in the Request for Proposal issued in final form on January 6, 1998. The final computer scannable version of the forms, which will be required to be used for 1999 plan years, will be published in the **Federal Register** following the Agencies' evaluation of public comments.

Total annualized capital/start-up costs: $1,266,905 (PWBA estimate).

Total annual cost (operating and maintenance): $20,843,860 (PWBA's estimate of its allocated share); $2,600,000 (PBGC's estimate of its allocated share).

Dated: June 18, 1998.

Todd R. Owen,

Departmental Clearance Officer, Department of Labor.

Dated: June 18, 1998.

Lois K. Holland,

Departmental Reports Management Officer, Department of the Treasury.

Dated: June 18, 1998.

Stuart A. Sirkin,

Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.

[FR Doc. 98–16791 Filed 6–23–98; 8:45 am]

BILLING CODE 4510–29–P

SECURITIES AND EXCHANGE COMMISSION

Extension; Comment Request

Upon written request, copy available from: Securities and Exchange Commission, Office of Filings and Information Services, 450 Fifth Street, N.W., Washington, D.C. 20549.

Extension:

Form N–2, SEC File No. 270–21, OMB Control No. 3235–0026

Form N–5, SEC File No. 270–172, OMB Control No. 3235–0169

Form N–8A, SEC File No. 270–135, OMB Control No. 3235–0175

Rule 17f–5, SEC File No. 270–259, OMB Control No. 3235–0269

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office Management and Budget for extension and approval.

Form N–2—Registration Statement of Closed-end Management Investment Companies

Form N–2 is the form used by closed-end management investment companies (''closed-end funds'') to register as investment companies under the Investment Company Act of 1940 [15 U.S.C. 80a–1 *et seq.*] (''Investment Company Act'') and to register their securities under the Securities Act of 1933 [15 U.S.C. 77a *et seq.*] (''Securities Act''). Section 5 of the Securities Act [15 U.S.C. 77e] requires the filing of a registration statement prior to the offer of securities to the public and that the statement be effective before any securities are sold. The primary purpose of the registration process is to provide disclosure of financial and other information to investors and potential investors for the purpose of evaluating an investment in a security. Section 5(b) of the Securities Act requires that investors be provided with a prospectus containing the information required in a registration statement prior to the sale or at the time of confirmation or delivery of the securities.

A closed-end fund is required to register as an investment company under Section 8(a) of the Investment Company Act [15 U.S.C. 80a–8(a)]. Form N–2 permits a closed-end fund to provide investors with a prospectus covering essential information about the fund when the fund makes an initial or additional offering of its securities. More detailed information is provided

to interested investors in the Statement of Additional Information (''SAI''). The SIA is provided to investors upon request and without charge.

The Commission uses the information provided in Form N–2 registration statements to determine whether closed-end funds have complied with the requirements of the Investment Company Act.

The Commission estimates that closed-end funds file 44 initial registration statements and 39 amendments to registration statements—a total of 83 filings—on Form N–2 each year. Based on consultations with a sample of recent filers, it is estimated that the hour burden to prepare and file an initial Form N–2 filing is 500 hours and the hour burden to prepare an amendment is 100 hours. The total hour burden for all closed-end funds filing Form N–2 is 25,900 hours per year.

Form N–5—Registration Statement of Small Business Investment Companies

Form N–5 is the integrated registration statement form adopted by the Commission for use by a small business investment company which has been licensed as such under the Small Business Administration and has been notified by the Administration that the company may submit a license application, to register its securities under the Securities Act and to register as an investment company under section 8 of the Investment Company Act. The purpose of registration under the Securities Act is to ensure that investors are provided with material information concerning securities offered for public sale that will permit investors to make informed decisions regarding such securities. The Commission reviews the registration statements for the adequacy of the disclosure contained therein. Without Form N–5, the Commission would be unable to carry out the requirements of the Securities Act and the Investment Company Act for registration of small business investment companies. The respondents to the collection of information are small business investment companies seeking to register under the Investment Company Act and to register their securities for sale to the public under the Securities Act. The estimated number of respondents is two and the proposed frequency of response is annually. The estimate of the total annual reporting burden of the collection of information is approximately 352 hours per respondent, for a total of 704 hours.

Form N–8A—Notification of Registration of Investment Companies

Form N–8A is the form that investment companies file to notify the Commission of the existence of active investment companies. After an investment company has filed its notification of registration under section 8(a) of the Investment Company Act, the company is then subject to the provisions of the Act which govern certain aspects of its organization and activities, such as the composition of its board of directors and the issuance of senior securities. Form N–8A requires an investment company to provide its name, state or organization, form of organization, classification, if it is a management company, the name and address of each investment adviser of the investment company, the current value of its total assets and certain other information readily available to the investment company. If the investment company is filing simultaneously its notification of registration and registration statement, Form N–8A requires only that the registrant file the cover page (giving its name, address and agent for service of process) and sign the form in order to effect registration.

The Commission uses the information provided in the notification on Form N–8A to determine the existence of active investment companies and to enable the Commission to administer the provisions of the Investment Company Act with respect to those companies. Each year approximately 266 investment companies file a notification on Form N–8A. The Commission estimates that preparing Form N–8A requires an investment company to spend approximately one hour so that the total burden of preparing Form N–8A for all affected investment companies is 266 hours.

Rule 17f–5—Custody of Investment Company Assets Outside the United States

Rule 17f–5 under the Investment Company Act permits registered management investment companies (''funds'') to maintain their assets in custody arrangements outside the United States. The Commission adopted comprehensive amendments to rule 17f–5 on May 12, 1997.[1] The amendments became effective on June 16, 1997, but funds are not yet required to comply with most of the amendments.[2] Funds may comply with either prior rule 17f–5 or with the rule as amended in 1997 until February 1, 1999.[3]

Before rule 17f–5 was amended in 1997, the rule permitted funds to maintain their assets with certain foreign banks and securities depositories subject to certain conditions. The funds's board of directors had to approve (i) each country where fund assets were maintained, (ii) each foreign bank or depository that held the assets, and (iii) a written contract that had to contain specified provisions governing each foreign custody arrangement. Notes to the rule listed factors that the board was required to consider when investing assets in foreign countries and placing them with foreign custodian. The rule also required the fund board to monitor each foreign custody arrangement and to approve it at least annually.

As amended in 1997, rule 17f–5 permits a fund's board of directors to play a more traditional oversight role by delegating its responsibilities for foreign custody arrangements to a U.S. or foreign bank custodian or the fund's investment adviser or officers (collectively with the board, the ''foreign custody manager''). The board can delegate different responsibilities to different persons. The board must find that it is reasonably to rely on each delegate it selects. The delegate must agree to exercise reasonably care, prudence, and diligence or to adhere to a higher standard of care in performing the delegated responsibilities. The board must require the delegate to provide, at times that the board deems reasonable and appropriate, written reports that notify the board when the fund's assets are placed with a particular foreign custodian and when any material change occurs in the fund's foreign custody arrangements.

When the foreign custody manager selects a particular ''eligible foreign custodian,''[4] the foreign custody manager must determine that, based on its consideration of specified factors, the

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

[2] The original compliance date for the 1997 amendments was June 16, 1998. The Commission has extended this compliance date for most of the amendments to February 1, 1999. The extension does not apply to the amended definitions of ''eligible foreign custodian,'' ''qualified foreign bank,'' and ''U.S. bank,'' for which the compliance date remains June 16, 1998.

[3] Certain amended definitions would apply under either version of the rule. See supra note 2.

[4] ''Eligible foreign custodians'' under the rule generally include foreign banks and trust companies, national or transnational securities depositories, and majority-owned subsidiaries of U.S. banks or bank holding companies. The compliance date for this amended definition of eligible foreign custodian remains June 16, 1998.

fund's assets will be subject to reasonable care if maintained with that custodian. The foreign custody manager also must determine that, based on the same factors, the written contract that governs each custody arrangement with the foreign custodian (or the set of depository rules or practices or the combination of a contract and rules or practices) will provide reasonable care for fund assets. The written contract (or equivalent rules or practices) must contain either certain specified provisions, or other provisions that provide the same or a greater level of care for fund assets. In addition, the foreign custody manager must establish a system to monitor the contract that governs each custody arrangement and the appropriateness of maintaining the fund's assets with a particular foreign custodian.

The collections of information required under rule 17f–5 are intended to further the protection of fund assets held in foreign custody arrangements permitted under the rule, which are more flexible than the foreign custody arrangements permitted under the Act. The requirements that the fund board determine that it is reasonable to rely on each delegate is intended to ensure that the board considers carefully each delegate's qualifications to perform its responsibilities. The requirement that the delegate provide written reports to the board is intended to ensure that the delegate notifies the board of important developments concerning custody arrangements so that the board may exercise effective oversight.

The requirement that each custody arrangement by governed by a written contract (or equivalent rules or practices) that contains specified provisions or other provisions that provide an equivalent level of care is intended to ensure that each arrangement is subject to certain minimal contractual safeguards.[5] The requirement that the foreign custody manager establish a monitoring system is intended to ensure that the foreign custody manager periodically reviews each custody arrangement and takes any action necessary or appropriate when changes in circumstances could threaten fund assets.

The Commission estimates that during the first year when funds are required to comply with the 1997 amendments to rule 17f–5, the boards of directors of approximately 3,690 portfolios that use foreign custody arrangements will delegate responsibility for their arrangements to approximately 15 U.S. bank custodians and approximately 650 investment advisers.[6]

The Commission estimates that the board of each portfolio will expend approximately 2 burden hours during the first year in determining that the board may reasonably rely on each of two delegates to evaluate the portfolio's foreign custody arrangements, for a total 7,380 burden hours for all, 3,690 portfolios. The Commission estimates that each U.S. custodian bank will expend approximately (i) 400 burden hours in determining for some 250 portfolios that a written contract containing required terms governs each foreign custody arrangement and that each contract will provide reasonable care for fund assets; (ii) 96 burden hours in establishing a system for monitoring custody arrangement and contracts; and (iii) 400 burden hours in providing periodic reports to fund boards; for a total of 13,440 burden hours for all 15 U.S. bank custodians. The Commission estimates that each investment adviser will expend approximately (i) 10 burden hours in determining for some 6 portfolios that a written contract containing required terms governs each foreign custody arrangement and that each contract will provide reasonable care for fund assets; (ii) 24 burden hours in establishing a system for monitoring certain arrangements and contracts; and (iii) 10 burden hours in providing periodic reports to fund boards; for a total of 28,600 burden hours for all 650 investment advisers.

The total annual burden of the rule's paperwork requirements for all portfolios, U.S. bank custodians, and investment advisers therefore is estimated to be 49,420 hours. This estimate represents an increase of 40,680 hours from the prior estimate of 8,740 hours. Approximately 30,680 hours of the increase are attributable to updated information about the number of affected portfolios and other entities, and to a more accurate calculation of the component parts of some information burdens. Approximately 10,000 hours of the increase are attributable to the adoption of rule amendments not fully addressed in the prior estimate.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549.

Dated: June 17, 1998.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–16754 Filed 6–23–98; 8:45 am]

BILLING CODE 8010–01–M

[5] The requirement that the foreign custody manager determine that the custody contract (or equivalent rules or practices) will provide reasonable care for fund assets is intended to ensure that the foreign custody manager weighs the adequacy of contractual obligations when it determines whether the foreign custodian will maintain the fund's assets with reasonable care.

[6] The Commission estimates that these 3,690 portfolios are divided among approximately 1,327 registered funds within approximately 650 fund complexes that may share the same board of directors, U.S. bank custodian, investment adviser, or all of thee entities. The board of directors and its foreign custody delegates for a fund complex could therefore meet rule 17f–5's requirements by making similar arrangements for an average of 6 portfolios at the same time. The Commission also estimates that each portfolio has foreign custody arrangements with an average of 10 foreign custodians (*i.e.,* 1 bank and 1 security depository in each of 5 countries).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23262; 812–10336]

SEI Liquid Asset Trust, et al.; Notice of Application

June 18, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under section 17(d) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit SEI Liquid Asset Trust (''SLAT''), SEI Tax Exempt Trust (''STET''), SEI Daily Income Trust (''SDIT''), SEI Institutional Managed Trust (''SIMT''), SEI International Trust (''SIT''), SEI Asset Allocation Trust (''SAAT''), and SEI Institutional Investments Trust (''SIIT'') (each a ''Trust,'' and together, the ''Trusts'') and certain other existing or future registered open-end management investment companies to deposit their daily uninvested cash balances in joint

accounts investing in short-term repurchase agreements with maturities of no more than seven days.

APPLICANTS: Trusts, SEI Investments Management Corporation (''SIMC''), SEI Fund Management (''SEI Management''), SEI Fund Resources (''Fund Resources''), SEI Investments Distribution Co. (''SIDCo.''), and Wellington Management Company, LLP (''Wellington Management'').

FILING DATES: The application was filed on September 17, 1996, and amended on February 12, 1997, July 18, 1997, and June 1, 1998.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 13, 1998, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants, One Freedom Valley Drive, Oaks, Pennsylvania 19456.

FOR FURTHER INFORMATION CONTACT: Michael W. Mundt, Staff Attorney, at (202) 942–0578, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee by writing the SEC's Public Reference Branch at 450 Fifth Street, N.W., Washington, D.C. 20549, or by telephone at (202) 942–8090.

Applicants' Representations

1. The Trusts are open-end management investment companies registered under the Act. Each Trust offers multiple portfolios (the ''Portfolios''), each of which has its own investment adviser and its own investment objectives and policies. Wellington Management, an investment adviser registered under the Investment Advisers Act of 1940 (''Advisers Act''), serves as investment adviser for each of the existing Portfolios of SLAT and SDIT. SIMC, an investment adviser registered under the Advisers Act, serves as investment adviser for certain Portfolios of SIT, SIMT, SAAT, SIIT, and STET. For the purposes of this application, Wellington Management and SIMC are collectively the ''Advisers,'' and each individually is an ''Adviser.'' SIDCo., a broker-dealer registered under the Securities Exchange Act of 1934, serves as principal underwriter and distributor for the Trusts.

2. Applicants request that any relief granted on the application apply to each Trust, each Portfolio, and any other existing or future registered open-end management investment company (or series of such investment company) which is or in the future becomes part of the Trusts' ''ground of investment companies'' as defined in rule 11a–3 under the Act and for which an Adviser, or a person directly or indirectly controlling, controlled by, or under common control with an Adviser, serves as investment adviser (each such investment company, Trust, and Portfolio, a ''Fund,'' and collectively, the ''Funds'').[1]

3. Each Fund has, or may have, uninvested cash balances at the end of each trading day. In order to earn additional income, an Adviser ordinarily would invest such cash balances in short-term investments authorized by that Fund's investment policies. Such short-term instruments may include repurchase agreements with an overnight, over-the-weekend, or over a holiday maturity, and in no event a term of more than seven days (''Overnight Investments''). The investment policies of each Fund permit investments in Overnight Investments.

4. Applicants propose that the Funds establish one or more joint trading accounts or subaccounts (''Joint Accounts'') with one or more custodians (''Custodians'') to deposit some or all of their uninvested cash balances for the purpose of investing in Overnight Investments. It currently is expected that each Trust will establish a single Joint Account with The Bank of New York as Custodian.

5. All investments in Overnight Investments through the Joint Accounts will be effected only compliance with (a) standards and procedures established by the board of trustees or directors (''Board'') of each Fund with respect to Overnight Investments, and (b) guidelines set forth in Investment Company Act Release No. 13005 (February 2, 1983) and any other existing and future positions taken by the SEC or its staff by rule, release, letter, or otherwise, relating to joint Overnight Investment transactions.

6. Each list of approved repurchase agreement counterparites (''Approved Counterparties'') for a Fund is monitored by its Adviser on an ongoing basis and reviewed by the relevant Board on a quarterly basis. Each of the Custodians may be an Approved Counterparty, but a Fund will only enter into ''hold-in-custody'' repurchase agreement with that Custodian if cash is received late in the day and would otherwise be unavailable for investment.

7. The Advisers will be responsible for investing amounts in the Joint Accounts, establishing accounting and control procedures, and ensuring the equal treatment of each participating Fund. While the Advisers will be entitled to their advisory fees on assets invested by the Funds in the Joint Accounts, they will have no monetary participation in the Joint Accounts and will receive no additional fee for administering the Joint Accounts.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 under the Act make it unlawful for a affiliated person of a registered investment company, acting as principal, to participate in, or effect any transaction in connection with, any joint arrangement in which the registered investment company is a joint or a joint and several participant unless an application regarding the joint arrangement has been filed with an approved by the SEC. In passing on such applications, the SEC must consider whether the participation of the registered investment company in the joint arrangement, as proposed, is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

2. Under section 2(a)(3) of the Act, any two or more Funds may be deemed ''affiliated persons'' from time to time under a variety of circumstances. Funds with a common Adviser may be deemed to be ''affiliated persons'' of one another because they may be deemed to be under the common control of the Adviser. Each Fund, by participating in a Joint Account, and the Adviser, by managing the Joint Account, could be deemed to be a ''joint or a joint and several participant'' in a transaction within the meaning of section 17(d). In addition, the proposed Joint Accounts could be deemed to be a ''[j]oint

[1] Each Fund that currently intends to rely on the requested relief is named as an applicant. Any existing Funds and future Funds that rely on the requested relief in the future will do so only in accordance with the terms and conditions of the application.

enterprise or other joint arrangement'' within the meaning of rule 17d–1.

3. Applicants believe that no participating Fund will receive fewer relative benefits from effecting its transaction through the proposed Joint Accounts than any other participating Fund. Applicants also believe that the proposed method of operating the Joint Accounts will not result in any conflicts of interest between any of the Funds or between any Fund and an Adviser. Each Fund's liability on any Overnight Investment invested in by the Joint Accounts will be limited to its own interest in such Overnight Investment.

4. Applicants believe the Joint Accounts could result in certain benefits to the Funds. The Funds may earn a higher return on Overnight Investments through the Joint Accounts relative to the returns they could earn individually. Under normal market conditions, it is possible to negotiate a higher rate of return on larger Overnight Investments than can be negotiated for small Overnight Investments. In addition, the Funds would collectively save significant transactions fees and expenses by reducing the number of transactions that would be engaged in, as contrasted with the number engaged in through separate accounts for each Fund individually.

5. Under the circumstances and for the reasons set forth above applicants submit that the proposed Joint Accounts meet the criteria of rule 17d–1 for issuance of an order.

Applicants' Conditions

Applicants will comply with the following procedures as express conditions to any order granting the requested relief:

1. The Joint Accounts will be established as one or more separate cash accounts on behalf of the Funds at a custodian bank. Each Fund may deposit daily all or a portion of its uninvested cash balances into the Joint Accounts. Each Fund whose regular Custodian is a custodian other than the bank at which a proposed Joint Account would be maintained, and that wishes to participate in the Joint Account, would appoint the latter bank as a sub-custodian for the limited purposes of: (1) receiving and disbursing cash; (2) holding any Overnight Investments; and (3) holding any collateral received from a transaction effected through the Joint Account. All Funds that appoint such sub-custodians will have taken all necessary actions to authorize such bank as their legal custodian, including all actions required under the Act.

2. Cash in the Joint Accounts will be invested solely in Overnight Investments that are ''collateralized fully,'' as defined in rule 2a–7 under the Act, and that comply with the investment policies of all Funds participating in that Overnight Investment.

3. All Overnight Investments invested in through the Joint Accounts would be valued on an amortized costs basis to the extent permitted by applicable SEC releases, rules, letters, or orders. Each Fund that relies on 2a–7 under the Act would use the dollar-weighted average maturity of a Joint Account's Overnight Investments for the purpose of computing that Fund's average portfolio maturity with respect to the portion of its assets held in that Joint Account on that day.

4. To assure that there will be no opportunity for one Fund to use any part of a balance of any Joint Account credited to another Fund, no Fund will be allowed to create a negative balance in any Joint Account for any reason, although each Fund will be permitted to draw down its pro rata share of the entire balance at any time. Each Fund's decision to invest through the Joint Accounts shall be solely at the option of that Fund and its Adviser, and no Fund will, in any way, be obligated to invest through, or to maintain any minimum balance in, the Joint Accounts. In addition, each Fund will retain the sole rights of ownership of any of its assets, including interest payable on such assets, invested through the Joint Accounts. Each Fund's investments effected through the Joint Accounts will be documented daily on the books of that Fund as well as on the books of the Custodian. Each Fund, through the Adviser and/or Custodian, will maintain records (in conformity with section 31 of the Act and the rules thereunder) documenting for any given day, the Fund's aggregate investment in a Joint Account and its pro rata share of each Overnight Investment made through such Joint Account.

5. Each Fund will participate in and own its proportionate share of an Overnight Investment, and receive the income earned on or accrued in such Overnight Investment, based upon the percentage of such investment purchased with amounts contributed by such Fund, and each Fund will participate in a Joint Account on the same basis as every other Fund in conformity with its respective fundamental investment objectives, policies, restrictions. Any future Funds that participate in a Joint Account would do so on the same terms and conditions as the existing Funds.

6. The Advisers will administer, manage, and invest the cash balances in the Joint Accounts in accordance with the terms of their management contracts with the Funds, and will not collect any additional or separate fee for the administration of the Joint Accounts.

7. The administration of the Joint Account will be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g–1 thereunder.

8. The Board for each Fund investing in Overnight Investments through the Joint Accounts will adopt procedures pursuant to which the Joint Accounts will operate, which procedures will be reasonably designed to provide that the requirements of the applications will be met. The Board will make and approve such changes that they deem necessary to ensure that such procedures are followed. In addition, not less frequently than annually, the Boards will evaluate the Joint Account arrangements, determine whether the Joint Accounts have been operated in accordance with the adopted procedures, and authorize a Fund's continued participation in the Joint Accounts only if there is a reasonable likelihood that such continued participation would benefit that Fund and its shareholders.

9. The Joint Accounts will not be distinguishable from any other accounts maintained by a Fund with a custodian bank, except that monies from various Funds will be deposited in the Joint Accounts on a commingled basis. The Joint Accounts will not have a separate existence with indicia of a separate legal entity. The sole function of the Joint Accounts will be to provide a convenient way to aggregating individual transactions that would otherwise require daily management and investment by each Fund of its uninvested cash balances.

10. Investments held in a Joint Account generally will not be sold prior to maturity except: (a) if the Adviser believes that the investment no longer presents minimal credit risk; (b) if, as a result of a credit downgrading of otherwise, the investment no longer satisfies the investment criteria of all Funds participating in the investment; or (c) if the counterparty defaults. A Fund may, however, sell its fractional portion of an investment in a Joint Account prior to the maturity of the investment in such Joint Account if the cost of such transaction will be borne solely by the selling Fund and the transaction would not adversely affect the other Funds participating in that Joint Account. In no case would an early termination by less than all participating Funds be permitted if it would reduce the principal amount or yield received by other Funds

participating in a particular Joint Account or otherwise adversely affect the other participating Funds. Each Fund participating in such Joint Account will be deemed to have consented to such sale and partition of the investment in such Joint Account.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–16753 Filed 6–23–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Golden Eagle International, Inc.; Order of Suspension of Trading

June 19, 1998.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Golden Eagle International, Inc. (''Golden Eagle'') because of questions regarding the accuracy and adequacy of assertions by Golden Eagle and by others concerning, among other things, the basis for its claims of proven gold reserves on its Bolivian mineral concessions.

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, June 22, 1998, through 11:59 p.m. EST, on July 6, 1998.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–16950 Filed 6–22–98; 1:09 pm]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3089]

Commonwealth of Pennsylvania

As a result of the President's major disaster declaration on June 8, 1998, I find that Allegheny, Berks, Somerset, and Wyoming Counties in the Commonwealth of Pennsylvania constitute a disaster area due to damages caused by severe storms, tornadoes, and flooding that occurred May 31, 1998 through June 2, 1998. Applications for loans for physical damages as a result of this disaster may be filed until the close of business on August 7, 1998, and for loans for economic injury until the close of business on March 8, 1999 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd., South, 3rd Floor, Niagara Falls, NY 14303.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Armstrong, Beaver, Bedford, Bradford, Butler Cambria, Chester, Fayette, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Montgomery, Schuylkill, Sullivan, Susquehanna, Washington, and Westmoreland Counties in Pennsylvania, and Allegany and Garrett Counties in Maryland.

The interest rates are:

	Percent
Physical damage:	
Homeowners with credit available elsewhere	7.000
Homeowners without credit available elsewhere	3.500
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 308911. For economic injury the numbers are 988600 for Pennsylvania, and 988700 for Maryland.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 12, 1998.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 98–16738 Filed 6–23–98; 8:45 am]

BILLING CODE 8025–01–U

SOCIAL SECURITY ADMINISTRATION

Information Collection Activities: Proposed Collection Requests and Comment Requests

This notice lists information collection packages that will require submission to the Office of Management and Budget (OMB), as well as information collection packages submitted to OMB for clearance, in compliance with PL. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995.

I. The information collection(s) listed below require(s) extension(s) of the current OMB approval(s) or are proposed new collection(s):

1. Disability Determination and Transmittal—0960–0437. The information collected on form SSA–831 is used by the Social Security Administration (SSA) to document the State Disability Determination Services (SDDS) decision about whether an individual who applies for disability benefits is eligible for those benefits based on his or her alleged disability. SSA also uses this form for program management and evaluation. The respondents are SDDS employees who make disability determinations for SSA.

Number of Respondents: 3,578,210.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 894,553.

2. Cessation or Continuance of Disability or Blindness Determination and Transmittal—Title XVI—0960–0443. The information collected on form SSA–832 is used by the SDDS to document for SSA whether an individual's disability benefits should be terminated or continued based on the recipient's impairment. SSA also uses this form for program management and evaluation. The respondents are SDDS employees adjudicating Title XVI disability claims.

Number of Respondents: 656,567.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 328,284.

3. Cessation or Continuance of Disability or Blindness Determination and Transmittal—Title II—0960–0442. The information collected on form SSA–833 is used by the SDDS to prepare for SSA determinations of whether individuals receiving Title II disability or blindness benefits continue to be unable to engage in substantial gainful work due to their impairments and are still eligible for benefit payments. SSA also uses this form for program management and evaluation. The respondents are SDDS employees.

Number of Respondents: 627,973.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 313,987.

Written comments and recommendations regarding the

information collection(s) should be sent within 60 days from the date of this publication, directly to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

In addition to your comments on the accuracy of the agency's burden estimate, we are soliciting comments on the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

II. The information collection(s) listed below have been submitted to OMB:

1. Certificate of Coverage Request—0960–0554. The information collected is used by the Social Security Administration (SSA) to provide to an individual working in a foreign country, a certificate of coverage from the United States Social Security system. This certification exempts the individual from paying taxes into a foreign Social Security system. The respondents are workers and employers whose work is performed in a foreign country. The hour burden may vary, because the information may be collected in writing, by telephone or electronically.

	Telephone/mail	Electronic
Number of Respondents	33,500	500.
Frequency of Response	1	1.
Average Burden Per Response	30 minutes	20 minutes.
Estimated Annual Burden	16,750 hours	167 hours.

Written comments and recommendations regarding the information collection(s) should be directed within 30 days to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses:

(OMB)

Office of Management and Budget, OIRA, Attn: Laura Oliven, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503.

(SSA)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965–4145 or write to him at the address listed above.

Dated: June 18, 1998.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 98–16815 Filed 6–23–98; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1998–3350]

Public Workshops for Response Plan Equipment Caps: Scheduled Increases in Mechanical Recovery and Potential Changes to Dispersant Planning Requirements

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Coast Guard is holding three public workshops to solicit comments on potential changes to the equipment requirements within the response plan regulations (33 CFR 154 and 155) for mechanical recovery, dispersants, and other oil spill removal technologies. These workshops are intended to serve as forums for the discussion of issues relevant to establishing new integrated equipment requirements, which address all necessary spill removal technologies. The Coast Guard specifically wishes to solicit comments on how to cost effectively incorporate high-rate removal technologies, such as the use of dispersants, into the resource requirements contained within the vessel response plan regulations. Federal, state, and local agencies, industry, oil spill removal organizations, environmental groups and the public are encouraged to participate and provide oral or written comments. This notice announces the dates, times, locations, and format for the workshops.

DATES: The public workshops are scheduled for the following times and locations. The workshops will convene at the times indicated below; however, they may be concluded early if their business is finished: (1) Friday, July 24, 1998, from 9:30 a.m. to 3 p.m., at the Oakland Airport Hilton, One Hegenberger Road, Oakland, California 94621. (2) Wednesday, August 19, 1998, from 9:30 a.m. to 3 p.m. at the Houston Marriott West Loop—by the Galleria, 1750 West Look South, Houston, Texas 77027. (3) Wednesday, September 16, 1998, from 9:30 a.m. to 3 p.m. at the U.S. Department of Transportation, Nassif Building, Room 2230, 400 Seventh Street S.W., Washington, DC 20590.

ADDRESSES: You may mail comments to the Docket Management Facility (USCG–98–3350), U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street S.W., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. The Docket Management Facility maintains the public docket for this notice. Comments, and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the above address between 10 a.m. and 5 p.m., Monday through Friday, except for Federal holidays. You may also access the public docket on the internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT:

For questions on this **Federal Register** notice, or persons interested in presenting information at the workshop, please contact Lieutenant Commander John Caplis, Plans and Preparedness Division, Office of Response, telephone 202–267–6922, fax 202–267–4065, or at e-mail address jcapliscomdt.uscg.mil. A conceptual document has been developed by the Coast Guard in order to facilitate discussion during the workshop. The document identifies key issues and elements relating to dispersant planning, and can be obtained prior to the workshops through the Vessel Response Plan Status-line or the Vessel Response Plan Program Internet site (http://www.uscg.mil/vrp). Document requests can be placed on the VRP Status-line (voice mail system) at 202–267–0434, or by accessing the VRP

Internet site, which will have the document posted.

Summaries will be prepared at the conclusion of each workshop by the Coast Guard which will be made available to interested parties upon their request. Summaries may be obtained by calling VRP Status-line at 202–267–0434 or may be accessed through the Vessel Response Plan Program Internet site (http://www.uscg.mil/vrp).

For questions on this docket, contact Carol Kelly, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–9329.

SUPPLEMENTARY INFORMATION: The Oil Pollution Act of 1990 (OPA 90) contained provisions that were intended to increase the preparedness of tank vessel owners or operators to respond to a spill, as well as increase the oil spill response capability in the United States. To achieve these goals, minimum on-water oil-removal capability requirements (often referred to as ''caps'') were set out in 33 CFR 154.1045(m) and 33 CFR 155.1050(o). These equipment caps were established in 1993 based on available equipment and technology levels.

These caps were scheduled to increase by 25% in 1998 as a planning target for increasing response capabilities within the United States. 33 CFR 154.1045(n) and 33 CFR 155.1050(p) requires the Coast Guard to review the proposed increases to determine if they are practicable prior to implementing any new requirements. The Coast Guard is charged with evaluating other spill removal technologies as part of that review. The Coast Guard intends to review the proposed increases with a holistic approach to oil spill removal, evaluating our national response capability in light of all available technologies.

The Coast Guard published a ''Request for Comment'' with regard to the cap review in the **Federal Register** on January 27, 1998. The Coast Guard received 21 written comments which were entered into the public docket, as well as numerous verbal comments from interested stakeholders at various public forums.

Raising the equipment requirements for mechanical recovery systems appears to be a controversial item, with numerous comments received both for and against such as increase. Many comments suggested that the increase was not necessary because the equipment already exists. Other comments agreed that the equipment already exists, but argued that it was obtained in anticipation of the scheduled increase, and that a failure to implement the new requirements will result in equipment being sold off or put out of service.

In order to ascertain whether existing equipment stocks are able to meet the scheduled 25% increase, the Coast Guard National Strike Force Coordination Center (NSFCC) reviewed the availability of mechanical recovery systems throughout the United States. The NSFCC looked at the private sector resources available to respond to a spill in each Captain of the Port (COTP) zone using the data compiled in the Regional Response Inventory (RRI). The NSFCC review indicates that mechanical recovery systems are available in quantities sufficient to meet the proposed increase. The Coast Guard will present a summary of this report at the public workshops. While the NSFCC report establishes that mechanical recovery equipment is available to meet the scheduled increases, the Coast Guard must still determine whether implementing such as increase is practicable, which must include an examination of the expected benefits in comparison to the associated costs.

Most of the comments received strongly supported developing new requirements for other removal technologies as part of any cap increase. Many comments suggested that high-rate removal technologies are a more cost-effective or capacity-enhancing method of increasing overall response preparedness than mechanical recovery. Other comments suggested that the use of these technologies offers positive net environmental benefits for many response situations, and are a necessary tool for today's response infrastructure. The use of dispersants was the most widely supported means for increasing the existing requirements, and was generally preferred to increases in mechanical recovery [in the comments that were received].

The Coast Guard is reviewing dispersants and other oil spill removal technologies with regard to their potential for inclusion in a proposed cap increase. The Coast Guard is evaluating a range of alternatives, including mandatory requirements /and/ or credits for dispersants, in situ burning, and oil spill tracking resources. The Coast Guard will present these alternatives for discussion and comment during these workshops. The Coast Guard solicits public comment regarding appropriate performance dimensions for these technologies, including: areas of applicability, response times, ensured levels of capability, application equipment, application rates, monitoring, anticipated costs and other applicable planning requirements. Interested persons are encouraged to submit any pertinent written views, data, or arguments, either prior to or during the workshops, to the Coast Guard.

Agenda for the Workshops

Equipment Cap and Dispersant Planning Public Workshop

The agenda includes the following short information presentations, each followed by an open discussion period:

(1) Introduction and presentation on concept of Integrated Equipment Cap Review.

(2) Presentation of National Strike Force Coordination Center Report on OSRO Resource Information.

(3) Presentation of summary of comments received in response to Request for Comment, Review of Cap Increases, 63 FR 3861, January 27, 1998.

(4) Presentation and discussion of potential changes to regulations as part of integrated cap increase:

(a) Increases to Mechanical Recovery

(b) Required Dispersant Capabilities

Note: The Coast Guard will present a concept position to facilitate discussion during the workshop. The document identifies key elements and issues for dispersant planning. The concepts contained within are mainly for discussion purposes and are likely to change as a result of public involvement and further regulatory analysis to be performed at a later date. Participants may obtain a copy of this document prior to the workshop [see **FOR FURTHER INFORMATION**].

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact LCDR John Caplis at the address or phone number listed under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Dated: June 17, 1998.

Robert North,

Rear Admiral, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 98–16780 Filed 6–23–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 8, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995,

Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before July 24, 1998 to be assured of consideration.

Special Request: In order to conduct the surveys described below at the end of May 1998, the Department of the Treasury is requesting that the Office of Management and Budget (OMB) review and approve this information collection by May 20, 1998. To obtain a copy of this study, please contact the Internal Revenue Service Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1432.

Project Number: M:SP:V 98–009–G.

Type of Review: Revision.

Title: 1999 Filing Season TeleFile Customer Satisfaction Survey.

Description: The IRS is planning to conduct a three question automated TeleFile customer satisfaction survey in 1999 administered to a sample of taxpayers who successfully use TeleFile. This survey will build on the 1998 data. In 1998 a six question automated customer satisfaction survey of taxpayers who had successfully used TeleFile was developed with the Bureau of Labor Statistics Behavioral Science Research Center (BLS BSRC) to gather data on the taxpayers' satisfaction and use of TeleFile.

Respondents: Individuals or households.

Estimated Number of Respondents: 5,746.

Estimated Burden Hours Per Respondent: 2 minutes.

Frequency of Response: Other (one-time only).

Estimated Total Reporting Burden: 192 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 98–16765 Filed 6–23–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 98–57]

Revocation of Marine Chemist Service Inc. Customs Gauger Approval and Laboratory Accreditations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Revocation of Customs Gauger Approval and Laboratory Accreditations.

SUMMARY: Marine Chemist Service, Inc. of Newport News, Virginia, a Customs approved gauger and accredited laboratory under Section 151.13 of the Customs Regulations (19 CFR 151.13), has requested that the U.S. Customs Service revoke its gauger approval and laboratory accreditations. Accordingly, pursuant to 151.13(f) of the Customs Regulations, notice is hereby given that the Customs commercial gauger approval and laboratory accreditations of Marine Chemist Service, Inc. has been revoked without prejudice.

EFFECTIVE DATE: June 9, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Parker, Science Officer, Laboratories and Scientific Services, U.S. Customs Service, 1300 Pennsylvania Ave., NW, Suite 5.5–B, Washington, DC 20229 at (202) 927–1060.

Dated: June 11, 1998.

George D. Heavey,

Director, Laboratories and Scientific Services.

[FR Doc. 98–16757 Filed 6–23–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 98–58]

Revocation of I.N.C. Surveys Customs Gauger Approval

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Revocation of Customs Gauger Approval.

SUMMARY: I.N.C. Surveys of Houston, Texas, a Customs approved gauger under Section 151.13 of the Customs Regulations (19 CFR 151.13), has requested that the U.S. Customs Service revokes its gauger approval. Accordingly, pursuant to 151.13(f) of the Customs Regulations, notice is hereby given that the Customs commercial gauger approval of I.N.C. Surveys has been revoked without prejudice.

EFFECTIVE DATE: June 4, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Parker, Science Officer, Laboratories and Scientific Services, U.S. Customs Service, 1300 Pennsylvania Ave., NW, Suite 5.5–B, Washington, DC 20229 at (202) 927–1060.

Dated: June 9, 1998.

George D. Heavey,

Director, Laboratories and Scientific Services.

[FR Doc. 98–16756 Filed 6–23–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0179]

Proposed Information Collection Activity: Proposed Collection; Comment Request; Extension

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information on the insured's eligibility to change his/her insurance plan.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 24, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0179'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5038.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is

being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Numbers: Application for Change of Permanent Plan (Medical), VA Form 29–1549.

OMB Control Number: 2900–0179.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by the insured to establish his/her eligibility to change insurance plans from a higher reserve to a lower reserve value. The information on the form is required by law, 38 CFR, Sections 6.48 and 8.36.

Affected Public: Individuals or households.

Estimated Annual Burden: 14 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 28.

Dated: April 30, 1998.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98–16692 Filed 6–23–98; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0507]

Proposed Information Collection Activity: Proposed Collection; Comment Request; Extension

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal Register agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed from the veteran for reinstatement of insurance and/or Total Disability Income Provision.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 24, 1998.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to ''OMB Control No. 2900–0507'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5146.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title and Form Number: Medical Information for Reinstatement, VA Form Letter 29–762.

OMB Control Number: 2900–0507.

Abstract: The form letter is used by the veteran's attending physician to supply medical information that is required to determine eligibility for reinstatement of insurance and/or Total Disability Income Provision. The information on the form is required by 38 CFR Section 8.12.

Affected Public: Individuals or households.

Estimated Annual Burden: 240 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 480.

Dated: April 30, 1998.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 98–16693 Filed 6–23–98; 8:45 am]

BILLING CODE 8320–01–P

federal register

Wednesday
June 24, 1998

Part II

Department of Transportation

Federal Transit Administration

FTA Transit Program Changes and Final Funding Levels for Fiscal Year 1998 Under the Transportation Equity Act for the 21st Century; Notice

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FTA Transit Program Changes and Final Funding Levels for Fiscal Year 1998 Under the Transportation Equity Act for the 21st Century

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This Notice announces the availability of the remaining fiscal year 1998 funding for the Federal transit programs that was not available previously due to the lack of a full year authorization of the transit program. The Transportation Equity Act for the 21st Century (TEA–21), signed into law by President Clinton on June 9, 1998, provides a six-year reauthorization of the Federal transit program and the necessary contract authority needed to fully fund the fiscal year 1998 obligation limitations contained in the fiscal year 1998 Department of Transportation Appropriations Act. In addition to announcing the remaining fiscal year funding, this Notice also revises the apportionment of funding for the Section 5307 Urbanized Area Formula Program in compliance with new provisions which require a one percent set-aside for transit enhancements, and $4,849,950 to be set aside for financing the Alaska Railroad. Additionally, this Notice revises the apportionment of funds for the Section 5309 Fixed Guideway Modernization Program to reflect the new allocation formula established in TEA–21. It also revises the Section 5309 Bus Allocations to comply with new provisions in TEA–21 to fund a Bus Test Facility in the amount of $3,000,000 and a Fuel Cell Bus Program in the amount of $4,850,000 in fiscal year 1998. These two programs were not provided for in the original Bus Allocations.

This Notice updates and expands on the December 5, 1997, Federal Register Notice entitled ''FTA Fiscal Year 1998 Apportionments, Allocations and Program Information.'' It also contains information regarding the changes made by TEA–21 to the various Federal transit programs, as well as the FTA policy on pre-award authority and other new program information.

The new programs are the Clean Fuels Formula Program, the Job Access and Reverse Commute Program, the Over-the-Road Bus Accessibility program, the Single State Pilot Program for Intercity Rail Infrastructure Investment, and the State Infrastructure Banks Pilot Program. The funding level for the Over-the-Road Bus Accessibility Program is subject to a pending technical correction bill which would decrease the $6.8 million a year for operators of other over-the-road service to a total of $6.8 million for the four years, 2000–2003.

FOR FURTHER INFORMATION CONTACT: The appropriate FTA Regional Administrator for grant-specific information and issues; Patricia Levine, Director, Office of Resource Management and State Programs, (202) 366–2053, for general information about the Urbanized Area Formula Program, the Nonurbanized Area Formula Program, the Elderly and Persons with Disabilities Program, the Rural Transit Assistance Program, or the Capital Program; or Robert Stout, Director, Office of Planning Operations, (202) 366–6385, for general information concerning the Metropolitan Planning Program and the State Planning and Research Program.

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I. Background

The fiscal year 1998 apportionments and allocations for the formula, capital, and transit planning and research programs were published in a Federal Register Notice on December 5, 1997, entitled ''FTA Fiscal Year 1998 Apportionments, Allocations and Program Information.'' That Notice contained apportioned funds based on the 1998 Appropriations Act and Federal transit laws, as well as funds available under the Surface Transportation Extension Act of 1997. Because the Surface Transportation Extension Act of 1997 only provided contract authority through March 31, 1998, FTA published (1) a listing of the full amount of the fiscal year 1998 apportionments and allocations for the formula, capital, and transit planning and research programs, based on the 1998 Appropriations Act and Federal transit laws; and (2) a listing of the partial amount of the apportionments and allocations, based on the fiscal year 1998 available funds for these programs, in accordance with the 1998 DOT Appropriations Act and the Surface Transportation Extension Act of 1997. Now that full year contract authority is provided under TEA–21, the full amount of the fiscal year 1998 apportionments and allocations is available for obligation.

II. FTA Fiscal Year 1998 Funds Available for Obligation

The total fiscal year 1998 apportionments and allocations for the formula, capital investment, and transit planning and research programs in the amount of $4,547,737,724 were

published in the Federal Register Notice of December 5, 1997. Full obligational authority for each of the amounts listed in the December 5, 1997, Notice is now provided for the following programs:

Section 5307 Urbanized Area Formula Program;

Section 5311 Nonurbanized Area Formula Program;

Section 5310 Elderly and Persons with Disabilities Program;

Section 5309 Capital Investment Program: Fixed-Guideway Modernization Program, and the Bus Capital Program.

Obligational authority for the following programs is not affected by this Notice because they received the full year's funding pursuant to the December 5, 1997, Federal Register Notice:

Section 5311(b) Rural Transit Assistance Program Funds;

Section 5309 New Starts Program;

Section 5303 Metropolitan Planning Program;

Section 5313(b) State Planning and Research Program.

Table 1 displays the amount of appropriations and funds available for each of the programs listed in this Notice.

III. Fiscal Year 1998 Revised Section 5307 Urbanized Area Formula Apportionments

The new law provides that, of the funds apportioned each fiscal year under the Urbanized Area Formula Program to urbanized areas of 200,000 or more in population, at least one percent shall be used for transit enhancement activities. It also requires that $4,849,950 shall be available annually to the Alaska Railroad for improvements to its passenger operations. Accordingly, the fiscal year 1998 Urbanized Area Formula apportionment has been revised to accommodate these two provisions.

The fiscal year 1998 funds appropriated and made available for Urbanized Area Formula grants total $2,303,702,677. After a deduction of .32343056 of one percent for Project Management Oversight ($7,450,879), $2,296,251,798 is available for apportionment to the urbanized areas and states. Of this amount, $4,834,264 ($4,849,950 less $15,6896 for PMO) is set aside for the Alaska Railroad. In addition to the balance of $2,291,417,534 of the appropriated funds, the revised apportionment also includes $7,162,381 in deobligated funds which have become available for reapportionment for the Urbanized Area Formula Program, leaving a balance of $2,298,579,915 to be apportioned to urbanized areas and states. Table 2 shows a revised apportionment of $2,303,414,179, which includes the Alaska Railroad.

There is no longer an operating assistance limitation for areas under 200,000 in population. TEA–21 eliminates Federal financing of operating expenses for areas 200,000 and above effective immediately.

Also indicated on Table 2 is the amount set aside for transit enhancements as provided in TEA–21. See Section VII.D of this Notice for a further discussion of transit enhancement funds. This transit enhancement provision is effective immediately.

IV. Fiscal Year 1998 Revised Section 5309 Fixed Guideway Modernization Apportionments

TEA–21 modifies the formula for allocating the Fixed Guideway Modernization funds. The new formula contains seven tiers rather than four. The allocation of funding under the first four tiers has been modified slightly and, through fiscal year 2003, will be allocated based on data used to apportion the funding in fiscal year 1997. Funding in the three new tiers will be apportioned based on the latest available route miles and revenue vehicle miles on segments at least seven years old as reported to the National Transit Database, rather than on route miles and revenue vehicle miles on entire systems which are seven years old.

TEA–21 specifically required the FTA to revise the fiscal year 1998 Fixed Guideway Modernization funds using the new formula. This has resulted in generally minor changes in the amounts available. However, one area, Worcester, Massachusetts, is no longer eligible, because the fixed guideway segment attributable to that urbanized area was not in place as of October 1, 1990. For the fiscal year 1998 revised apportionments, sufficient funds were available to allocate only to the first five tiers. The revised apportionments are contained in Table 3. For the reapportionment of fiscal year 1998 funds, Tier 5 uses Urbanized Area Formula Program fixed guideway tier formula factors that were used to apportion the fiscal year 1998 Fixed Guideway allocations in the December 5, 1997, Federal Register Notice. Any fixed guideway segment that is less than seven years old has been deleted from this data base.

For fiscal year 1998, there is an $800,000,000 obligation limitation for fixed guideway modernization. After a deduction of .32343056 of one percent for Project Management Oversight ($2,587,445), $797,412,555 is available for apportionment to the specified urbanized areas.

Each year, the new fixed guideway modernization formula will allocate funds by seven tiers as follows:

Tier 1

The first $497,700,000 shall be apportioned to the following urbanized areas as follows: Baltimore $8,372,000; Boston $38,948,000; Chicago/Northwestern Indiana $78,169,000; Cleveland $9,509,500; New Orleans $1,730,588; New York $176,034,461; Northeastern New Jersey $50,604,653; Philadelphia/Southern New Jersey $58,924,764; Pittsburgh $13,662,463; San Francisco $33,989,571; Southwestern Connecticut $27,755,000.

Tier 2

The next $70,000,000 shall be apportioned as follows: Tier 2B: 50 percent to areas identified in Tier 1; and Tier 2B: 50 percent to other urbanized areas with fixed guideway in operation at least seven years. Funds for both Tiers 2A and 2B are apportioned using the Urbanized Area Formula Program fixed guideway tier formula factors that were used to apportion funds for the Fixed Guideway Modernization Program in fiscal year 1997.

Tier 3

The next $5,700,000 shall be apportioned to the following urbanized areas as follows: Pittsburgh, 61.76 percent; Cleveland, 10.73 percent; New Orleans, 5.79 percent; the remaining 21.72 percent is apportioned to areas in Tier 2B using the fixed guideway tier formula factors used in fiscal year 1997.

Tier 4

The next $186,600,000 shall be apportioned to all eligible areas using the fixed guideway tier formula factors used in fiscal year 1997.

Tier 5

The next $70,000,000 shall be apportioned as follows: 65 percent to the eleven areas specified in Tier I, and 35 percent to all other urbanized areas using the most current urbanized area formula program fixed guideway tier formula factors. Any segment this is less than seven years old has been deleted from this data base.

Tier 6

The next $50,000,000 shall be apportioned as follows: 60 percent to the eleven areas specified in Tier I, and 30 percent to the other urbanized areas with fixed guideway system segments in

revenue service for at least seven years. Allocations will be based on the latest available route miles and revenue vehicle miles for fixed guideway segments at least seven years old as reported to the National Transit Database.

Tier 7

Any remaining amounts shall be apportioned as follows: 50 percent to the eleven urbanized areas specified in Tier I, and 50 percent to the other urbanized areas with fixed guideway system segments in revenue service for at least seven years. Allocations will be based on the latest available route miles and revenue vehicle miles for fixed guideway segments at least seven years old as reported to the National Transit Database.

V. Fiscal Year 1998 Revised Section 5309 Bus Allocations

TEA–21 provides funding for a Bus Testing Facility in the amount of $3,000,000 and a Fuel Cell Bus Program in the amount of $4,850,000 in fiscal year 1998. These two programs were not provided for in the original allocations; therefore, all bus allocations have been reduced on a prorated basis to accommodate these two additional activities. Table 4 displays the revised allocations.

VI. Transit Authorization Levels Under TEA–21

TEA–21 provides a combination of trust and general fund authorizations that total $42.0 billion over the six year period, fiscal years 1998—2003. However, $36 billion is guaranteed funds included under the discretionary spending cap. TEA–21 includes $6 billion above the guaranteed level. See Table 5 for the guaranteed funding levels by program, and Table 5A for the guaranteed and nonguaranteed levels by program.

TEA–21 authorizes 191 New Starts projects. Of this number, 108 projects are authorized for final design and construction funding and 68 projects are authorized for alternatives analysis and preliminary engineering funding. Of these, 34 projects have specific dollar amounts associated with them. An additional 15 projects have specific dollar amounts but are not included in the first two lists. All earmarks are listed in Table 6 by area and project, including the dollar amount if specified. Projects authorized for alternatives analysis and preliminary engineering also become authorized for final design and construction as of October 1, 2000.

TEA–21 contains a provision that makes $10,400,000 available from Section 5309 New Starts funds in fiscal years 1999—2003 for ferry boat capital projects in Alaska or Hawaii. These projects may be ferry boats or ferry terminal facilities or approaches to ferry terminal facilities. TEA–21 also authorizes an additional $3,600,000 from Section 5309 New Start nonguaranteed funds in fiscal years 1999—2003 for ferry projects as defined above.

It should be noted that projects earmarked in TEA–21 are subject to Congressional actions in later appropriations bills.

Also authorized are project specific allocations in fiscal years 1999 and 2000 for 158 Capital Investment Bus projects totaling $539,637,000. These projects by amount and area are displayed on Table 7.

Information regarding estimates of funding levels for 1999—2003 by state and urbanized area is available on the FTA home page at www.fta.dot.gov. These numbers are for planning purposes only as they will be revised in the future but may be used for programming metropolitan transportation improvement programs and statewide transportation improvement programs.

VII. Changes Affecting FTA Formula, Capital Investment, and Planning Programs

A. Capital Project Definitions

TEA–21 amends the definition of a capital project placing several new items in the general definition and formally codifying in the FTA authorizing statute several items that had been modified in the past through appropriations acts.

Following is the definition of a capital project contained in TEA–21. The term 'capital project' means a project for:

1. Acquiring, constructing, supervising or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights of way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;
2. Rehabilitating a bus;
3. Remanufacturing a bus;
4. Overhauling rail rolling stock;
5. Preventive maintenance;
6. Leasing equipment or a facility for use in mass transportation subject to regulations the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than acquisition or construction;
7. Joint development: a mass transportation improvement that enhances economic development or incorporates private investment, including commercial and residential development, pedestrian and bicycle access to a mass transportation facility, and the renovation and improvement of historic transportation facilities, because the improvement enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project or establishes new or enhanced coordination between mass transportation and other transportation, and provides a fair share of revenue for mass transportation that will be used for mass transportation—

(a) Including property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, safety and security equipment and facilities (including lighting, surveillance, and related intelligent transportation system applications), facilities that incorporate community services such as daycare and health care, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall, except that a person making an agreement to occupy space in a facility under this subparagraph shall pay a reasonable share of the costs of the facility through rental payments and other means; and

(b) Excluding construction of a commercial revenue-producing facility or a part of a public facility not related to mass transportation;

8. The introduction of new technology, through innovative and improved products, into mass transportation; or
9. The provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311.''

B. Operating Assistance

Operating assistance for urbanized areas with populations under 200,000 continues to be available, at the Federal/local share ratio of 50/50, with no limitation on the amount of a grantee's

apportionment that may be used for operating assistance. Operating assistance funds for urbanized areas with populations of 200,000 and above are no longer available as of effective date of TEA–21.

For fiscal year 1999 and thereafter, operating assistance is available only to nonurbanized and urbanized areas with populations under 200,000. For these smaller areas, there is no limitation on the amount of the apportionment that may be used for operating assistance, and the Federal/local share ratio is 50/50. However, for both categories of urbanized areas, many of the activities formerly funded by FTA with operating assistance are now eligible capital items under the category of preventive maintenance. Operating assistance as a capital project with an 80 percent federal match ratio will continue for fiscal year 1998 for areas under 200,000. Operating assistance at the 80/20 match will not be available in fiscal year 1999 or thereafter.

C. Preventive Maintenance

Preventive maintenance, an expense that became eligible for FTA capital assistance with the DOT 1998 Appropriations Act, is now eligible for FTA capital assistance under TEA–21, so that fiscal year 1998 funds and subsequent fiscal year appropriations may be used for preventive maintenance. Preventive maintenance costs, as in fiscal year 1998, are defined as all maintenance costs. For general guidance as to the definition of eligible maintenance costs, the grantee should refer to the definition of maintenance in the most recent National Transit Database reporting manual. A grantee may continue to request assistance for capital expenses under the FTA policies governing associated capital maintenance items (spare parts), maintenance of vehicles leased under contract, and vehicle overhauls; or a grantee may choose to capture all maintenance under preventive maintenance. If a grantee purchases service instead of operating service directly, and maintenance is included in the contract for that purchased service, then the grantee may apply for preventive maintenance capital assistance for the actual maintenance costs of the purchased service.

For accounting purposes, the grantee is cautioned not to confuse the fact that an item generally considered to be an operating expense is now eligible for FTA capital assistance. Generally accepted accounting principles and the grantee's accounting system determine those costs that are to be accounted for as operating costs. The National Transit Database Reporting System (NTD) follows generally accepted accounting principles, and so a grantee reporting to the NTD must report the operating costs the grantee has incurred as operating costs regardless of grant eligibility as capital. Nevertheless, under provisions of the fiscal year 1998 Appropriations Act, and now under provisions of TEA–21, some of those operating costs, while continuing to be accounted for as operating costs in the grantee's accounting records, are now eligible for FTA capital assistance. Grantees may not count the same costs twice.

D. Transit Enhancements

TEA–21 establishes a one percent set-aside for transit enhancements under the Urbanized Area Formula Program for areas 200,000 and above in population. The term ''transit enhancement'' includes projects that are designed to enhance mass transportation service or use and are physically or functionally related to transit facilities. Eligible projects are: (1) historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities); (2) bus shelters; (3) landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights; (4) public art; (5) pedestrian access and walkways; (6) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles; (7) transit connections to parks within the recipient's transit service area; (8) signage; and (9) enhanced access for persons with disabilities to mass transportation.

One percent of the urbanized area formula apportionment in urbanized areas with a population of 200,000 and above shall be available only for transit enhancements. Table 2 indicates the amount set aside for enhancements in urbanized areas of 200,000 and above. If these funds are not obligated for transit enhancement projects by three years following the fiscal year in which the funds are apportioned, the funds shall be reapportioned under the urbanized area formula program.

The project budget for each urbanized area formula grant application which includes enhancement funds shall include a scope code for transit enhancements and specific budget line activity items for transit enhancements. Transit enhancements may exceed the one percent set-aside. However, items that are only eligible as enhancements such as operating costs for historic facilities may only be funded with the enhancement funds.

Recipients of the one percent set-aside enhancement funds shall submit a report to the appropriate FTA regional office listing the projects carried out during the fiscal year with those funds. This report shall be part of the recipient's annual certification to the FTA. If at all possible, the report should be submitted electronically and should utilize the budget line item codes used in the approved project budget.

Under a related provision, projects providing bicycle access to mass transportation funded with the enhancement set-aside shall be funded at a 95 percent Federal share.

E. Proceeds From Sale of Assets

TEA–21 provides an additional option for handling proceeds from the sale of federally-funded assets. This new provision allows the recipient, with FTA approval, to sell, transfer, or lease real property, equipment, or supplies acquired with FTA assistance and no longer needed for transit purposes. The net proceeds of the transaction may then be used to reduce the gross project cost of other Federally-assisted capital transit projects.

If the asset is identified as no longer needed by the grantee for public transportation purposes, and determined by FTA as eligible for disposition, then the new requirements would apply. That is, the proceeds could be retained by the grantee and used to reduce the gross project costs of another Federally-assisted capital transit project prior to applying for Federal financial assistance.

If the asset is to be retained in transit use after being transferred, sold, or leased, such as by another transit provider or in a joint development project, then existing requirements would apply.

Previous provisions continue to allow the recipient of assistance to transfer assets to another public agency to be used for a public purpose. Additional information is available from the appropriate FTA Regional Office.

F. Revenue Bond Proceeds as Local Share

Beginning with fiscal year 1999, and permissible thereafter, a recipient of assistance under the Urbanized Area Formula Program (Section 5307) and the Capital Program (Section 5309), may use as the local share for capital projects the proceeds from the issuance of bonds that are backed by future revenue from the farebox. This provision of TEA–21 is expected to help reduce borrowing costs for transit authorities. Under this

provision, using the proceeds of the revenue bonds as matching share will be approved only if the aggregate amount of financial support from the State and affected local governmental authorities in the urbanized area during the next three fiscal years is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding three fiscal years (as is made evident in the State Transportation Improvement Program).

G. Notice of Pre-Award Authority To Incur Project Costs

Since fiscal year 1994, FTA has provided pre-award authority to cover certain planning and capital costs prior to grant award. This automatic pre-award spending authority permits a grantee to incur costs on an eligible transit capital or planning project without prejudice to possible future Federal participation in the cost of the project or projects. Prior to exercising pre-award authority, grantees are strongly encouraged to consult with the appropriate regional office where there could be any question regarding the eligibility of the project for future FTA funds.

Authority to incur costs for fiscal year 1998 Fixed Guideway Modernization, Metropolitan Planning, Urbanized Area Formula, Elderly and Persons with Disabilities, Nonurbanized Area Formula, and State Planning and Research Programs in advance of possible future Federal participation was provided in the December 5, 1997, Federal Register Notice. This pre-award authority now also extends to future formula funds that will be apportioned during the authorization period of TEA–21, 1998–2003. Pre-award authority also applies to Capital Bus funds identified in the December 5, 1997, notice. This pre-award authority also applies to projects intended to be funded with STP or CMAQ funds transferred to FTA in fiscal year 1998. This pre-award authority for STP or CMAQ funds is now extended for the 1998–2003 authorization period of TEA–21. Pre-award authority applies to FTA funds and flexible funds provided the conditions in paragraphs (1) and (2) below are met. The pre-award authority does not apply to Capital New Start funds, or to Capital Bus projects not specified in this or previous notices. Pre-award authority also applies to preventive maintenance costs incurred within a local fiscal year ending during calendar year 1997, or thereafter, under the formula programs cited above.

1. Conditions

Similar to the FTA Letter of No Prejudice (LONP) authority, the conditions under which this authority may be utilized are specified below:

a. This pre-award authority is not a legal or moral commitment that the project(s) will be approved for FTA assistance or that FTA will obligate Federal funds. Furthermore, it is not a legal or moral commitment that all items undertaken by the applicant will be eligible for inclusion in the project(s).

b. All FTA statutory, procedural, and contractual requirements must be met.

c. No action will be taken by the grantee that prejudices the legal and administrative findings which the Federal Transit Administrator must make in order to approve a project.

d. Local funds expended by the grantee pursuant to and after the date of this authority will be eligible for credit toward local match or reimbursement if FTA later makes a grant for the project(s) or project amendment(s).

e. The Federal amount of any future FTA assistance to the grantee for the project will be determined on the basis of the overall scope of activities and the prevailing statutory provisions with respect to the Federal/local match ratio at the time the funds are obligated.

f. For funds to which this authority applies, the authority expires with the lapsing of the fiscal year funds.

2. Environmental, Planning, and Other Federal Requirements

FTA emphasizes that all of the Federal grant requirements must be met for the project to remain eligible for Federal funding. Some of these requirements must be met before pre-award costs are incurred, notably the requirements of the National Environmental Policy Act (NEPA), and the planning requirements. Compliance with NEPA and other environmental laws or executive orders (e.g., protection of parklands, wetlands, historic properties) must be completed before state or local funds are advanced for a project expected to be subsequently funded with FTA funds. Depending on which class the project is included under in FTA's environmental regulations (23 CFR part 771), the grantee may not advance the project beyond planning and preliminary engineering before FTA has approved either a categorical exclusion (refer to 23 CFR part 771.117(d)), a finding of no significant impact, or a final environmental impact statement. The conformity requirements of the Clean Air Act (40 CFR part 51) also must be fully met before the project may be advanced with non-Federal funds.

Similarly, the requirement that a project be included in a locally adopted metropolitan transportation improvement program and federally approved statewide transportation improvement program must be followed before the project may be advanced with non-Federal funds. In addition, Federal procurement procedures, as well as the whole range of Federal requirements, must be followed for projects in which Federal funding will be sought in the future. Failure to follow any such requirements could make the project ineligible for Federal funding. In short, this increased administrative flexibility requires a grantee to make certain that no Federal requirements are circumvented through the use of pre-award authority. If a grantee has questions or concerns regarding the environmental requirements, or any other Federal requirements that must be met before incurring costs, it should contact the appropriate regional office.

Before an applicant may incur costs either for activities expected to be funded by New Start funds, or for Bus Capital projects not listed in the December 5, 1997, Federal Register Notice, it must first obtain a written LONP from FTA. To obtain an LONP, a grantee must submit a written request accompanied by adequate information and justification to the appropriate FTA regional office.

H. Metropolitan Planning

TEA–21 retains much of the basic structure of the metropolitan and statewide planning process, as established by ISTEA, with a few significant changes. The set of sixteen metropolitan planning factors has been reduced to seven factors: economic vitality; safety and security; accessibility and mobility; environment, energy conservation and quality of life; integration and connectivity; efficient operation and management; and preservation of existing transportation resources. Freight shippers and users of public transit are added to the explicit set of stakeholders to be given opportunities to comment on metropolitan plans and transportation improvement programs (TIPs).

Metropolitan planning organizations (MPOs) may include in their TIPs an ''illustrative'' list of projects that could be implemented if additional resources were made available. MPOs will also be encouraged to coordinate the planning for Federally-funded non-emergency transportation services as part of the metropolitan planning process. FTA and FHWA will be revising the Joint Planning Regulations (23 CFR part 450 and 49 CFR part 613) to formally

incorporate changes to the planning program.

I. New Starts Evaluation and Criteria

TEA–21 includes several changes to the evaluation process and criteria for New Starts fixed guideway projects. The Secretary shall consider several additional factors in the Department's review and evaluation of candidate New Starts projects. FTA will be required to evaluate each project authorized for New Starts funding by each criterion, as well as provide an overall project rating of ''highly recommended,'' ''recommended,'' and ''not recommended.'' In addition to its annual report to Congress on Funding Levels and Allocations of Funds for Transit Major Capital Investments, FTA will be required to issue a supplemental report in August of each year which rates all projects that have completed alternatives analysis and preliminary engineering since the date of the last report. FTA must also approve candidate New Starts project's entry into final design. FTA also continues its prior approval authority for entrance into preliminary engineering.

TEA–21 requires that no less than 92 percent of the annual New Starts program must be used for final design and construction.

FTA will issue regulations implementing the New Starts provision of TEA–21.

VIII. New Programs Authorized by TEA–21

A. Clean Fuels Formula Program

1. Definition and Eligible Projects

The Clean Fuels Formula Program will finance the purchase or lease of clean fuel buses and facilities and the improvement of existing facilities to accommodate clean fuel buses. Clean fuel buses include those powered by compressed natural gas, liquefied natural gas, biodiesel fuels, batteries, alchohol-based fuels, hybrid electric, fuel cell and certain clean diesel, and other low or zero emissions technology, and which the Environmental Protection Agency (EPA) has certified sufficiently reduces harmful emissions. Eligible projects include:

a. purchasing or leasing clean fuel buses, including buses that employ a lightweight composite primary structure;

b. constructing or leasing clean fuel buses or electrical recharging facilities and related equipment;

c. improving existing mass transportation facilities to accommodate clean fuel buses;

d. repowering pre-1993 engines with clean fuel technology that meets the current urban bus emission standards;

e. retrofitting or rebuilding pre-1993 engines if before half life to rebuild; and may,

f. at the discretion of the FTA, projects relating to clean fuel, biodiesel, hybrid electric or zero emissions technology vehicles that exhibit equivalent or superior emissions reductions to existing clean fuel or hybrid electric technologies.

2. Application and Apportionment Deadlines

Any designated recipient seeking to apply for a grant under this section shall submit an application to FTA no later than January 1 of each fiscal year. No later than February 1 of each fiscal year FTA shall apportion funds to designated recipients who submitted applications. FTA is required to issue regulations to implement this program.

3. Formula for Apportioning Funds

a. Areas 1,000,000 and above. Two thirds of the funds available shall be apportioned to designated recipients with eligible projects in urban areas with a population of 1,000,000 and above. Of this, 50 percent shall be apportioned so that each designated recipient receives a grant in an amount equal to the ratio between:

(1) the number of vehicles in the bus fleet of the eligible project, weighted by the severity of nonattainment for the area in which the eligible project is located; and

(2) the total number of vehicles in the bus fleets of all eligible projects in areas with a population of 1,000,000 and above funded, weighted by the severity of nonattainment for all areas in which those eligible projects are located as provided in c. below. The remaining 50 percent shall be apportioned such that each designated recipient receives a grant in an amount equal to the ratio between:

(a) the number of bus passenger miles of the eligible project of the designated recipient, weighted by the severity of nonattainment of the area in which the eligible project is located as provided in c. below.

(b) the total number of bus passenger miles of all eligible projects in areas with a population of 1,000,000 and above funded, weighted by the severity of nonattainment of all areas in which those eligible projects are located as provided in c. below.

b. Areas under 1,000,000 Population. The formula for areas under 1,000,000 is the same as for areas 1,000,000 and above, except that in areas 1,000,000 and above the formula uses a pool of all eligible projects in areas with a population of 1,000,000 and above and the formula for areas under 1,000,000 uses a pool of all eligible project for areas under 1,000,000.

c. Weighting Factors. The number of clean fuel vehicles in the fleet or the number of passenger miles shall be multiplied by a factor of:

(1) 1.0 if, at the time of the apportionment, the area is a maintenance area for ozone or carbon monoxide;

(2) 1.1 if, at the time of the apportionment, the area is classified as a marginal ozone nonattainment area or a marginal carbon monoxide nonattainment area;

(3) 1.2 if, at the time of the apportionment, the area is classified as a moderate ozone nonattainment area or a moderate carbon monoxide nonattainment area;

(4) 1.3 if, at the time of the apportionment, the area is classified as a serious ozone nonattainment area or a serious carbon monoxide nonattainment area;

(5) 1.4 if, at the time of the apportionment, the area is classified as a severe ozone nonattainment area or a severe carbon monoxide nonattainment area;

(6) 1.5 if, at the time of the apportionment, the area is classified as an extreme ozone nonattainment area or an extreme carbon monoxide nonattainment area;

(7) The fleet and passenger miles for an eligible project shall also be multiplied by a factor of 1.2 in those areas that are both nonattainment for carbon monoxide and are also classified as nonattainment or maintenance for ozone.

Note: Certain of the carbon monoxide categories are inconsistent with the categories established by the Clean Air Act, as amended.

d. Limitation on Use of Funds and Maximum Grant Amounts. The amount of a grant to a designated recipient shall not exceed the lesser of $15,000,000 in areas under 1,000,000 population, or $25,000,000 in areas with a population of 1,000,000 and above, or 80 percent of the total project cost.

No more than $50,000,000 of the amount made available each year may be available to fund clean diesel buses.

No more than five percent of the amount made available may be available to fund retrofitting or replacement of the engines of buses that do not meet the clean air standards of the EPA.

At least five percent of the total program funding must be used for the

purchase or construction of hybrid electric or battery-powered buses or facilities designed to service those buses.

4. Availability of Funds

TEA–21 authorizes $200,000,000 each year for the Clean Fuels Formula Program. However, only $100,000,000 each year is within the guaranteed funding level. Any amount made available shall remain available to a project for one year after the fiscal year for which the amount is made available and any funds that remain unobligated at the end of the second fiscal year shall be added to the amount made available in the following fiscal year.

FTA will issue guidance and application instructions for this program.

B. Job Access and Reverse Commute Program

1. Definition and Eligible Projects

The Job Access and Reverse Commute Program, to develop additional transportation services needed to connect welfare recipients and other low income persons to jobs and needed support services, is authorized at $150 million annually. However, the amounts under the guaranteed funding level start at $50 million in fiscal year 1999 and increases to $150 million in fiscal year 2003.

A Job Access project is a project designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment. The grants may finance capital projects and operating cost of equipment, facilities, and associated capital maintenance items related to providing access to jobs; promote the use of transit by workers with nontraditional work schedules; promote the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals; and promote the use of employer provided transportation, including the transit pass benefit program under section 132 of the Internal Revenue Code of 1986.

A Reverse Commute project is a project related to the development of transportation services designed to transport residents from urban areas, urbanized areas and nonurbanized areas to suburban employment opportunities. Eligible projects include projects which subsidize the costs associated with adding reverse commute bus, train, carpool, van routes or service from urbanized and nonurbanized areas to suburban work places; subsidize the purchase or lease by a nonprofit organization or public agency of a bus or bus dedicated to shuttling employees from their residences to a suburban work place; or otherwise facilitate the provision of mass transportation services to suburban employment opportunities. Planning and coordination are not eligible activities under this program.

2. Factors for Consideration

There will be a competitive grant selection process and TEA–21 contains specific factors for consideration in awarding grants under this program. Factors include:

a. The percentage of the population in the area to be served by the applicant that are welfare recipients;

b. The need for additional transportation services in the area to be served;

c. The extent to which the applicant demonstrates:

(1) Coordination with and the financial commitment of existing transportation service providers; and

(2) Coordination with the State agency that administers the State program funded under part A of Title IV of the Social Security Act;

d. Maximum utilization of existing transportation service providers and expanded transit networks or hours of service,

e. Innovative approach that is responsive to identified service needs;

f. The extent to which the applicant for a Job Access project:

(1) Presents a regional transportation plan for addressing the transportation needs of welfare recipients and eligible low income individuals, and

(2) Identifies long-term financing strategies to support the services;

g. The extent to which the applicant demonstrates that the community to be served has been consulted in the planning process; and

h. For Reverse Commute projects, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities and the extent to which the proposed services will address these needs.

3. Availability of Funds and Grant Requirements

Of the funds made available under this program, 60 percent shall be allocated for eligible projects in urbanized areas with populations of 200,000 and above. Twenty percent shall be allocated for eligible projects in urbanized areas with populations under 200,000. Twenty percent shall be allocated for eligible projects in nonurbanized areas.

The program has a 50 percent federal share. Certain other Federal funds may be used to meet the 50 percent local match requirement. The requirements of Section 5307, the Urbanized Area Formula Program, apply to these grants. All planning requirements apply to these grants.

FTA will issue further guidance and application instructions for this program.

C. Over-the-Road Bus Accessibility Program

TEA–21 establishes the Rural Transportation Accessibility Incentive Program, hereinafter referred to as the Over-the-Road Bus Accessibility Program. This program is designed to assist operators of over-the-road buses to finance the incremental capital and training costs of complying with the Department of Transportation's anticipated final rule regarding accessibility of over-the-road buses required by the Americans with Disabilities Act.

Beginning in fiscal year 1999, funding will be available for operators of over-the-road buses in intercity fixed route service, starting with $2 million in fiscal year 1999 and increasing to $5.25 million in fiscal year 2003. In addition, beginning in fiscal year 2000, an additional $6.8 million each year will also be available for operators of other over-the-road bus service, including local commuter service and charter or tour service. Total funding authorized through fiscal year 2003 is $17,500,000 for fixed route over-the-road bus operators and $27,200,000 for operators of other over-the road bus services. (Note: The pending technical correction bill decreases the $6.8 million a year for operators of other over-the-road service to a total of $6.8 million for the four years, fiscal years 2000–2003.)

TEA–21 directs FTA to conduct a national solicitation for applications. FTA must select the recipients of grants on a competitive basis, considering the following criteria:

1. The identified need for over-the-road bus accessibility for persons with disabilities in the areas served by the operator;

2. The extent to which the applicant demonstrates innovative strategies and financial commitment to providing access to over-the-road buses to persons with disabilities;

3. The extent to which the over-the-road bus operator acquires equipment required by the final rule prior to any required timeframe in the final rule;

4. The extent to which financing the costs of complying with the DOT's final rule regarding accessibility of over-the-

road buses presents a financial hardship for the applicant; and

5. The impact of accessibility requirements on the continuation of over-the-road bus service, with particular consideration of the impact of the requirements on service to rural areas and for low-income individuals.

The Federal share shall not exceed 50 percent of the project cost. The grants under this new program will be subject to all of the terms and conditions applicable to intercity bus operators assisted under the nonurbanized formula program and any other terms and conditions FTA prescribes.

FTA will issue implementing guidance.

D. Single State Pilot Program for Intercity Rail Infrastructure Investment

TEA–21 establishes a pilot program to determine the benefits of using transit funds to support intercity passenger rail service in the State of Oklahoma. Any assistance provided to the State of Oklahoma under Sections 5307 and 5311 during fiscal years 1998–2003 may be used for capital improvements to, and operating assistance for, intercity passenger rail service. The Secretary must submit to the House Transportation and Infrastructure Committee and Senate Banking, Housing and Urban Affairs Committee by October 1, 2002, a report which evaluates the pilot program. The evaluation must address the effect of the pilot program on alternative forms of transportation within the State, the effects on operators of mass transportation and their passengers; a calculation of the amount of Federal assistance provided for intercity passenger rail service; and an estimate of the benefits to intercity passenger rail service.

E. State Infrastructure Banks Pilot Program

The State Infrastructure Bank program was first authorized as a pilot program under the National Highway System Designation Act of 1995. TEA–21 provides for a revised pilot program in four states, California, Florida, Missouri and Rhode Island. These four states may enter into new or revised cooperative agreements that specify procedures and guidelines for establishing, operating and providing assistance from the infrastructure bank. These four states may capitalize the infrastructure bank with funds from Section 5307, 5310 and 5311 as well as with Federal highway funds. There is no limitation on the amount of Federal funds that may be used to capitalize the bank as there was under the original pilot program.

TEA–21 specifies that the requirements of Titles 23 and 49, United States Code, shall apply to repayments from non-Federal sources to an infrastructure bank from projects assisted by the bank. Such repayment shall be considered to be Federal funds. Repayments from Federal sources will also be subject to the requirements of Titles 23 and 49. In addition, for transit projects, the requirements for Sections 5307 and 5309 projects will apply.

IX. General Information

For technical assistance purposes, the Fiscal Years 1998–2003 Apportionment Formula for Sections 5307 and 5311 are contained in Table 8. Table 9 displays the FTA Fiscal Years 1998–2003 Apportionment Formula for the Section 5309 Fixed Guideway Modernization Funding. The FTA Fiscal Years 1999–2003 Apportionment Formula for the Section 5308 Clean Fuels Formula Program is shown on Table 10. Displayed on Table 11 are the dollar unit values of data derived from the computations of the fiscal year 1998 revised Urbanized Area Formula Apportionment and the Fixed Guideway Modernization Apportionment.

This Notice is included on the FTA Home Page and may be accessed at www.fta.dot.gov.

Issued on: June 18, 1998.

Gordon J. Linton,

Administrator.

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TABLE 1

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED APPROPRIATIONS AND FUNDS AVAILABLE FOR GRANT PROGRAMS

SOURCES OF FUNDS	FY 1998 APPROPRIATIONS/ FUNDS AVAILABLE
SECTION 5307 URBANIZED AREA FORMULA PROGRAM AND SECTION 5311 NONURBANIZED AREA FORMULA PROGRAM	$2,437,780,611
SECTION 5307 URBANIZED AREA FORMULA PROGRAM	$2,303,702,677
94.5% of Total Available for Urbanized Area Formula and Nonurbanized Area Formula Programs	
Less Oversight (.32343056 of 1 percent of total)	(7,450,879)
Set-Aside for Alaska Railroad ($4,849,950 less $15,686 for Oversight)	(4,834,264)
Reapportioned Funds Added	*7,162,381*
Total Apportioned	$2,298,579,915
Alaska Railroad	4,834,264
Total Section 5307	$2,303,414,179
SECTION 5311 NONURBANIZED AREA FORMULA PROGRAM	$134,077,934
5.5% of Total Available for Urbanized Area Formula and Nonurbanized Area Formula Programs	
Less Oversight (.32343056 of 1 percent)	(433,649)
Reapportioned Funds Added	*1,174,760*
Total Apportioned	$134,819,045
SECTION 5311(b) RTAP PROGRAM	$4,500,000
Reapportioned Funds Added	178,778
Total Apportioned	$4,678,778
SECTION 5310 ELDERLY AND PERSONS WITH DISABILITIES PROGRAM	$62,219,389
Reapportioned Funds Added	2,272
Total Apportioned	$62,221,661
SECTION 5309 CAPITAL PROGRAM	$2,000,000,000
SECTION 5309 FIXED GUIDEWAY MODERNIZATION	$800,000,000
Less Oversight (.32343056 of 1 percent)	(2,587,445)
Total Apportioned	$797,412,555
SECTION 5309 NEW STARTS	$800,000,000
Less Oversight (.32343056 of 1 percent)	(2,587,445)
Total Allocated	$797,412,555
SECTION 5309 BUS	$400,000,000
Less Oversight (.32343056 of 1 percent)	(1,293,722)
Reprogrammed Funds	975,000
Total Allocated	$399,681,278
SECTION 5303 METROPOLITAN PLANNING PROGRAM	$39,500,000
Reapportioned Funds Added	125,587
Total Apportioned	$39,625,587
SECTION 5313(b) STATE PLANNING AND RESEARCH PROGRAM	$8,250,000
Reapportioned Funds Added	222,086
Total Apportioned	$8,472,086
TOTAL APPROPRIATIONS (Above Grant Programs)	$4,552,250,000

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TABLE 2

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 ONE PERCENT TRANSIT ENHANCEMENT	FY 1998 REVISED APPORTIONMENT
OVER 1,000,000 IN POPULATION	16,915,485	$1,691,548,492
200,000-1,000,000 IN POPULATION	3,860,366	386,036,619
50,000-200,000 IN POPULATION		225,829,068
NATIONAL TOTAL	$20,775,851	$2,303,414,179

URBANIZED AREA/STATE	FY 1998 ONE PERCENT TRANSIT ENHANCEMENT	FY 1998 REVISED APPORTIONMENT
Amounts Apportioned to Urbanized Areas Over 1,000,000 in Population:		
Atlanta, GA	$334,930	$33,493,001
Baltimore, MD	279,074	27,907,447
Boston, MA	638,661	63,866,105
Chicago, IL-Northwestern IN	1,522,302	152,230,242
Cincinnati, OH-KY	114,004	11,400,403
Cleveland, OH	198,520	19,852,012
Dallas-Fort Worth, TX	309,500	30,949,974
Denver, CO	205,394	20,539,442
Detroit, MI	275,688	27,568,753
Ft Lauderdale-Hollywood-Pompano Beach, FL.	156,565	15,656,545
Houston, TX	340,340	34,033,956
Kansas City, MO-KS	78,320	7,831,983
Los Angeles, CA	1,551,560	155,155,958
Miami-Hialeah, FL	300,216	30,021,632
Milwaukee, WI	144,271	14,427,089
Minneapolis-St. Paul, MN	206,959	20,695,944
New Orleans, LA	129,044	12,904,375
New York, NY-Northeastern NJ	4,919,344	491,934,425
Norfolk-Virginia Beach-Newport News, VA	100,956	10,095,642
Philadelphia, PA-NJ	874,764	87,476,360
Phoenix, AZ	182,638	18,263,751
Pittsburgh, PA	249,265	24,926,498
Portland-Vancouver, OR-WA	186,261	18,626,103
Riverside-San Bernardino, CA	138,401	13,840,060
Sacramento, CA	106,213	10,621,336
San Antonio, TX	150,993	15,099,333
San Diego, CA	317,163	31,716,311
San Francisco-Oakland, CA	896,465	89,646,535
San Jose, CA	236,699	23,669,888
San Juan, PR	251,421	25,142,051
Seattle, WA	427,397	42,739,668
St. Louis, MO-IL	196,932	19,693,219
Tampa-St. Petersburg-Clearwater, FL	134,799	13,479,853
Washington, DC-MD-VA	760,426	76,042,598
TOTAL.....	$16,915,483	$1,691,548,492

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 ONE PERCENT TRANSIT ENHANCEMENT	FY 1998 REVISED APPORTIONMENT
Amounts Apportioned to Urbanized Areas 200,000 to 1,000,000 in Population:		
Akron, OH	$48,310	$4,831,036
Albany-Schenectady-Troy, NY	54,098	5,409,805
Albuquerque, NM	43,406	4,340,612
Allentown-Bethlehem-Easton, PA-NJ	37,264	3,726,366
Anchorage, AK	18,901	1,890,085
Ann Arbor, MI	28,692	2,869,196
Augusta, GA-SC	14,473	1,447,316
Austin, TX	97,953	9,795,312
Bakersfield, CA	28,448	2,844,765
Baton Rouge, LA	24,070	2,407,003
Birmingham, AL	33,480	3,347,977
Bridgeport-Milford, CT	50,003	5,000,337
Buffalo-Niagara Falls, NY	97,728	9,772,805
Canton, OH	14,564	1,456,355
Charleston, SC	23,320	2,332,023
Charlotte, NC	47,032	4,703,240
Chattanooga, TN-GA	19,683	1,968,330
Colorado Springs, CO	32,522	3,252,161
Columbia, SC	21,932	2,193,173
Columbus, GA-AL	13,589	1,358,890
Columbus, OH	88,768	8,876,807
Corpus Christi, TX	30,765	3,076,548
Davenport-Rock Island-Moline, IA-IL	23,180	2,317,969
Dayton, OH	92,374	9,237,379
Daytona Beach, FL	26,650	2,664,984
Des Moines, IA	20,577	2,057,734
Durham, NC	26,063	2,606,340
El Paso, TX-NM	70,024	7,002,439
Fayetteville, NC	13,406	1,340,597
Flint, MI	30,546	3,054,570
Fort Myers-Cape Coral, FL	17,619	1,761,935
Fort Wayne, IN	15,683	1,568,287
Fresno, CA	42,501	4,250,142
Grand Rapids, MI	32,146	3,214,573
Greenville, SC	14,590	1,458,960
Harrisburg, PA	17,894	1,789,394
Hartford-Middletown, CT	69,489	6,948,867
Honolulu, HI	166,775	16,677,525
Indianapolis, IN	73,957	7,395,703
Jackson, MS	15,974	1,597,449
Jacksonville, FL	63,246	6,324,563
Knoxville, TN	19,323	1,932,290
Lansing-East Lansing, MI	25,969	2,596,937
Las Vegas, NV	113,267	11,326,725
Lawrence-Haverhill, MA-NH	26,329	2,632,923
Lexington-Fayette, KY	15,536	1,553,575
Little Rock-North Little Rock, AR	23,106	2,310,607
Lorain-Elyria, OH	$10,789	$1,078,858
Louisville, KY-IN	82,663	8,266,281
Madison, WI	37,283	3,728,264

TABLE 2

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 ONE PERCENT TRANSIT ENHANCEMENT	FY 1998 REVISED APPORTIONMENT
Amounts Apportioned to Urbanized Areas 200,000 to 1,000,000 in Population (Continued):		
McAllen-Edinburg-Mission, TX	11,176	1,117,649
Melbourne-Palm Bay, FL	27,953	2,795,295
Memphis, TN-AR-MS	73,959	7,395,899
Mobile, AL	17,011	1,701,090
Modesto, CA	23,295	2,329,490
Montgomery, AL	10,780	1,077,956
Nashville, TN	43,568	4,356,814
New Haven-Meriden, CT	79,668	7,966,809
Ogden, UT	24,829	2,482,937
Oklahoma City, OK	40,171	4,017,053
Omaha, NE-IA	45,872	4,587,183
Orlando, FL	112,780	11,277,956
Oxnard-Ventura, CA	57,422	5,742,242
Pensacola, FL	15,572	1,557,185
Peoria, IL	15,601	1,560,098
Providence-Pawtucket, RI-MA	129,256	12,925,564
Provo-Orem, UT	23,995	2,399,506
Raleigh, NC	24,305	2,430,500
Reno, NV	28,311	2,831,102
Richmond, VA	47,851	4,785,067
Rochester, NY	57,639	5,763,858
Rockford, IL	14,842	1,484,223
Salt Lake City, UT	102,074	10,207,372
Sarasota-Bradenton, FL	31,709	3,170,934
Scranton-Wilkes-Barre, PA	26,562	2,656,153
Shreveport, LA	21,860	2,186,047
South Bend-Mishawaka, IN-MI	17,952	1,795,191
Spokane, WA	48,177	4,817,707
Springfield, MA-CT	49,911	4,991,120
Stockton, CA	29,179	2,917,921
Syracuse, NY	37,772	3,777,219
Tacoma, WA	81,548	8,154,822
Toledo, OH-MI	40,518	4,051,783
Trenton, NJ-PA	40,383	4,038,250
Tucson, AZ	68,177	6,817,668
Tulsa, OK	36,881	3,688,140
West Palm Beach-Boca Raton-Delray Bch, FL	114,610	11,460,999
Wichita, KS	25,638	2,563,834
Wilmington, DE-NJ-MD-PA	49,733	4,973,257
Worcester, MA-CT	35,695	3,569,542
Youngstown-Warren, OH	20,172	2,017,172
TOTAL	$3,860,367	$386,036,619

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 REVISED APPORTIONMENT
Amounts Apportioned to State Governors for Urbanized Areas 50,000 to 200,000 in Population:	
ALABAMA:	$4,146,301
Anniston, AL	399,939
Auburn-Opelika, AL	320,871
Decatur, AL	366,213
Dothan, AL	307,590
Florence, AL	428,521
Gadsden, AL	378,741
Huntsville	1,202,290
Tuscaloosa, AL	742,136
ALASKA:	$4,834,264
Alaska Railroad	4,834,264
ARIZONA:	$1,085,318
Flagstaff, AZ	426,966
Yuma, AZ-CA (AZ)	658,352
ARKANSAS:	$1,584,185
Fayetteville-Springdale, AR	437,207
Fort Smith, AR-OK (AR)	595,158
Pine Bluff, AR	402,196
Texarkana, TX-AR (AR)	149,624
CALIFORNIA:	$24,266,106
Antioch-Pittsburg, CA	1,372,307
Chico, CA	599,177
Davis, CA	727,363
Fairfield, CA	883,409
Hemet-San Jacinto, CA	737,024
Hesperia-Apple Valley-Victorville, CA	940,228
Indio-Coachella, CA	445,659
Lancaster-Palmdale, CA	1,581,489
Lodi, CA	619,145
Lompoc, CA	380,251
Merced, CA	676,012
Napa, CA	706,359
Palm Springs, CA	880,005
Redding, CA	508,833
Salinas, CA	1,339,007
San Luis Obispo, CA	634,106
Santa Barbara, CA	2,071,506
Santa Cruz, CA	1,071,152
Santa Maria, CA	974,545
Santa Rosa, CA	1,889,534
Seaside-Monterey, CA	1,269,728
Simi Valley, CA	1,201,888
Vacaville, CA	729,634
Visalia	833,402
Watsonville, CA	459,136

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 REVISED APPORTIONMENT
CALIFORNIA (Continued):	
Yuba City, CA	732,599
Yuma, AZ-CA (CA)	2,608
COLORADO:	$4,471,268
Boulder, CO	994,924
Fort Collins, C0	828,677
Grand Junction, CO	471,816
Greeley, CO	662,789
Longmont, CO	603,993
Pueblo, CO	909,069
CONNECTICUT:	$14,671,901
Bristol, CT	704,740
Danbury, CT-NY (CT)	2,455,481
New Britain, CT	1,319,620
New London-Norwich, CT	1,061,907
Norwalk, CT	2,602,463
Stamford, CT-NY (CT)	3,311,389
Waterbury, CT	3,216,301
DELAWARE:	$337,324
Dover, DE	337,324
FLORIDA:	$10,280,902
Deltona, FL	341,836
Fort Pierce, F	818,861
Fort Walton Beach, FL	793,779
Gainesville, FL	1,017,278
Kissimmee, FL	473,817
Lakeland, FL	1,039,968
Naples, FL	684,440
Ocala, FL	459,770
Panama City, FL	689,989
Punta Gorda, FL	451,211
Spring Hill, FL	344,927
Stuart, FL	601,839
Tallahassee, FL	1,159,646
Titusville, FL.	331,958
Vero Beach, FL	420,412
Winter Haven, FL.	651,171
GEORGIA:	$4,501,240
Albany, GA.	557,535
Athens, GA.	534,548
Brunswick, GA	307,614
Macon, GA.	999,295
Rome, GA.	313,596
Savannah, GA	1,307,471
Warner Robins, GA	481,181

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 REVISED APPORTIONMENT
HAWAII:	$1,196,310
Kailua, HI	1,196,310
IDAHO:	$2,367,713
Boise City, ID	1,448,837
Idaho Falls, ID	519,380
Pocatello, ID	399,496
ILLINOIS:	$10,845,318
Alton, IL	586,114
Aurora, IL	1,641,532
Beloit, WI-IL (IL)	74,910
Bloomington-Normal, IL	944,231
Champaign-Urbana, IL	1,332,493
Crystal Lake, IL	535,011
Decatur, IL	750,065
Dubuque, IA-IL (IL)	17,472
Elgin, IL	1,184,121
Joliet, IL	1,369,188
Kankakee, IL.	537,367
Round Lake Beach-McHenry, IL-WI (IL)	779,770
Springfield, IL.	1,093,044
INDIANA:	$6,325,458
Anderson, IN	511,277
Bloomington, IN	762,951
Elkhart-GosheN, IN	764,670
Evansville, IN-KY (IN)	1,416,545
Kokomo, IN	514,874
Lafayette-West Lafayette, IN	1,023,600
Muncie, IN	752,475
Terre Haute, IN	579,066
IOWA:	$3,443,507
Cedar Rapids, IA	1,070,127
Dubuque, IA-IL (IA)	520,871
Iowa City, IA	616,580
Sioux City, IA-NE-SD (IA)	569,473
Waterloo-Cedar Falls, IA	666,456
KANSAS:	$1,671,930
Lawrence, KS	633,125
St. Joseph, MO-KS (KS)	5,226
Topeka, KS	1,033,579
KENTUCKY:	$1,317,754
Clarksville, TN-KY (KY)	160,793
Evansville, IN-KY (KY)	197,450
Huntington-Ashland, WV-KY-OH ((KY)	393,748
Owensboro, KY	565,763

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 REVISED APPORTIONMENT
LOUISIANA:	$3,902,650
Alexandria, LA	569,508
Houma, LA	400,591
Lafayette, LA	985,386
Lake Charles, LA	791,544
Monroe, LA	752,638
Slidell, LA	402,983
MAINE:	$1,698,504
Bangor, ME	349,014
Lewiston-Auburn, ME	405,549
Portland, ME	867,157
Portsmouth-Dover-Rochester, NH-ME (ME)	76,784
MARYLAND:	$1,888,818
Annapolis, MD	615,191
Cumberland, MD-WV (MD)	327,192
Frederick, MD	443,891
Hagerstown, MD-PA-WV (MD)	502,544
MASSACHUSETTS:	$7,480,587
Brockton, MA	1,366,481
Fall River, MA-RI (MA)	1,332,763
Fitchburg-Leominster, MA	540,095
Hyannis, MA	385,685
Lowell, MA-NH (MA)	1,691,488
New Bedford, MA	1,465,758
Pittsfield, MA	349,135
Taunton, MA	349,182
MICHIGAN:	$6,383,634
Battle Creek, MI	533,154
Bay City, MI	595,618
Benton Harbor, MI	430,826
Holland, MI	483,524
Jackson, MI	595,291
Kalamazoo, MI	1,285,504
Muskegon, MI	784,104
Port Huron, MI	516,035
Saginaw, MI	1,159,578
MINNESOTA:	$2,274,940
Duluth, MN-WI (MN)	553,591
Fargo-Moorhead, ND-MN (MN)	320,091
Grand Forks, ND-MN (MN)	70,153
La Crosse, WI-MN (MN)	34,365
Rochester, MN	624,395
St. Cloud, MN	672,345
MISSISSIPPI:	$1,953,082
Biloxi-Gulfport, MS	1,209,209
Hattiesburg, MS	376,875

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 REVISED APPORTIONMENT
MISSISSIPPI (Continued):	
Pascagoula, MS	366,998
MISSOURI:	$2,691,374
Columbia, MO	531,346
Joplin, MO	373,152
Springfield, MO	1,253,505
St. Joseph, MO-KS (MO)	533,371
MONTANA:	$1,791,651
Billings, MT	690,968
Great Falls, MT	644,341
Missoula, MT	456,342
NEBRASKA:	$1,991,766
Lincoln, NE	1,905,605
Sioux City, IA-NE-SD (NE)	86,161
NEVADA:	$0
NEW HAMPSHIRE:	$2,418,722
Lowell, MA-NH (NH)	4,951
Manchester, NH	1,013,966
Nashua, NH	810,836
Portsmouth-Dover-Rochester, NH-ME (NH)	588,969
NEW JERSEY:	$1,832,628
Atlantic City, NJ	1,320,904
Vineland-Millville, NJ	511,724
NEW MEXICO:	$997,966
Las Cruces, NM	554,374
Santa Fe, NM	443,592
NEW YORK:	$5,537,029
Binghamton, NY	1,389,815
Danbury, CT-NY (NY)	18,838
Elmira, NY	570,703
Glens Falls, NY	392,463
Ithaca, NY	396,104
Newburgh, NY	514,354
Poughkeepsie, NY	1,080,468
Stamford, CT-NY (NY)	128
Utica-Rome, NY	1,174,156
NORTH CAROLINA:	$8,988,841
Asheville, NC	693,824
Burlington, NC	503,310
Gastonia, NC	736,967
Goldsboro, NC	382,725
Greensboro, NC	1,585,070
Greenville, NC	440,666

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 REVISED APPORTIONMENT
NORTH CAROLINA (Continued):	
Hickory, NC	420,274
High Point, NC	708,738
Jacksonville, NC	684,259
Kannapolis, NC	493,976
Rocky Mount, NC	394,874
Wilmington, NC	645,870
Winston-Salem, NC	1,298,288
NORTH DAKOTA:	$1,746,517
Bismarck, ND	503,622
Fargo-Moorhead, ND-MN (ND)	728,366
Grand Forks, ND-MN (ND)	514,529
OHIO:	$4,802,112
Hamilton, OH	992,554
Huntington-Ashland, WV-KY-OH (OH)	252,757
Lima, OH	542,463
Mansfield, OH	523,726
Middletown, OH	682,435
Newark, OH	415,800
Parkersburg, WV-OH (OH)	61,570
Sharon, PA-OH (OH)	40,601
Springfield, OH	789,393
Steubenville-Weirton, OH-WV-PA (OH)	283,994
Wheeling, WV-OH (OH)	216,819
OKLAHOMA:	$747,423
Fort Smith, AR-OK (OK)	13,112
Lawton, OK	734,311
OREGON:	$3,897,790
Eugene-Springfield, OR	1,834,775
Longview, WA-OR (OR)	12,202
Medford, OR	567,030
Salem, OR	1,483,783
PENNSYLVANIA:	$10,189,517
Altoona, PA	696,086
Erie, PA	1,790,665
Hagerstown, MD-PA-WV (PA)	6,134
Johnstown, PA	641,900
Lancaster, PA	1,618,993
Monessen, PA	440,592
Pottstown, PA	418,098
Reading, PA	1,889,891
Sharon, PA-OH (PA)	292,708
State College, PA	609,195
Steubenville-Weirton, OH-WV-PA (PA)	2,128
Williamsport, PA	510,669
York, PA	1,272,458

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 REVISED APPORTIONMENT
PUERTO RICO:	$9,412,961
Aguadilla, PR	823,507
Arecibo, PR	769,464
Caguas, PR	2,015,118
Cayey, PR	595,796
Humacao, PR	515,649
Mayaguez, PR	1,107,872
Ponce, PR	2,465,353
Vega Baja-Manati, PR	1,120,202
RHODE ISLAND:	$599,161
Fall River, MA-RI (RI)	137,353
Newport, RI	461,808
SOUTH CAROLINA:	$2,537,384
Anderson, SC	341,258
Florence, SC	351,010
Myrtle Beach, SC	368,100
Rock Hill, SC	390,843
Spartanburg, SC	681,326
Sumter, SC	404,847
SOUTH DAKOTA:	$1,259,884
Rapid City, SD	401,254
Sioux City, IA-NE-SD (SD)	11,250
Sioux Falls, SD	847,380
TENNESSEE:	$1,949,898
Bristol, TN-Bristol, VA (TN)	182,257
Clarksville, TN-KY (TN)	444,373
Jackson, TN	336,348
Johnson City, TN	512,704
Kingsport, TN-VA (TN)	474,216
TEXAS:	$18,054,256
Abilene, TX	640,536
Amarillo, TX	1,188,051
Beaumont, TX	$817,120
Brownsville, TX	1,187,656
Bryan-College Station, TX	795,538
Denton, TX	429,728
Galveston, TX	455,843
Harlingen, TX	583,701
Killeen, TX	1,116,459
Laredo, TX	1,410,048
Lewisville, TX	496,084
Longview, TX	488,084
Lubbock, TX	1,390,037
Midland, TX	609,045
Odessa, TX	675,652
Port Arthur, TX	737,034

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 REVISED APPORTIONMENT
TEXAS (Continued):	
San Angelo, TX	633,331
Sherman-Denison, TX	317,023
Temple, TX	359,909
Texarkana, TX-AR (TX)	290,418
Texas City, TX	771,986
Tyler, TX	603,672
Victoria, TX	418,479
Waco, TX	911,669
Wichita Falls, TX	727,153
UTAH:	$360,848
Logan, UT	360,848
VERMONT:	$633,181
Burlington, VT	633,181
VIRGINIA:	$4,203,025
Bristol, TN-Bristol, VA (VA)	129,754
Charlottesville, VA	604,352
Danville, VA	343,200
Fredericksburg, VA	402,925
Kingsport, TN-VA (VA)	24,497
Lynchburg, VA	574,951
Petersburg, VA	728,880
Roanoke, VA	1,394,466
WASHINGTON:	$3,971,930
Bellingham, WA	467,971
Bremerton, WA	906,548
Longview, WA-OR (WA)	395,979
Olympia, WA	705,301
Richland-Kennewick-Pasco, WA	735,786
Yakima, WA	760,345
WEST VIRGINIA	$3,052,631
Charleston, WV	1,228,023
Cumberland, MD-WV (WV)	14,687
Hagerstown, MD-PA-WV (WV)	3,709
Huntington-Ashland, WV-KY-OH (WV)	689,460
Parkersburg, WV-OH (WV)	443,412
Steubenville-Weirton, OH-WV-PA (WV)	190,775
Wheeling, WV-OH (WV)	482,565
WISCONSIN:	$8,356,695
Appleton-Neenah, WI	1,530,258
Beloit, WI-IL (WI)	328,014
Duluth, MN-WI (WI)	143,679
Eau Claire, WI	599,382
Green Bay, WI	1,162,241
Janesville, WI	441,111
Kenosha, WI	803,178

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5307 URBANIZED AREA FORMULA APPORTIONMENTS

URBANIZED AREA/STATE	FY 1998 REVISED APPORTIONMENT
WISCONSIN (Continued):	
La Crosse, WI-MN (WI)	637,630
Oshkosh, WI	556,472
Racine, WI	1,240,509
Round Lake Beach-McHenry, IL-WI (WI)	465
Sheboygan, WI	524,297
Wausau, WI	389,459
WYOMING:	$874,864
Casper, WY	401,322
Cheyenne, WY	473,542
TOTAL	$225,829,068

TABLE 3

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5309 FIXED GUIDEWAY MODERNIZATION APPORTIONMENTS

AREA	FY 1998 REVISED APPORTIONMENT
AZ Phoenix	$887,899
CA Los Angeles	11,547,934
CA Sacramento	1,243,297
CA San Diego	3,611,481
CA San Francisco	51,503,932
CA San Jose	4,930,084
CO Denver	869,435
CT Hartford	596,259
CT Southwestern Connecticut	32,379,650
DE Wilmington	420,810
DC Washington	22,127,637
FL Ft. Lauderdale	1,481,500
FL Jacksonville	48,569
FL Miami	4,331,551
FL Tampa	36,644
FL West Palm Beach	1,159,570
GA Atlanta	9,555,673
HI Honolulu	337,024
IL Chicago/Northwestern Indiana	107,422,925
LA New Orleans	2,181,084
MD Baltimore	3,348,633
MD Baltimore Commuter Rail	13,587,812
MA Boston	53,922,300
MA Lawrence-Haverhill	641,111
MI Detroit	190,384
MN Minneapolis	2,025,018
MO St. Louis	1,395,477
NJ Northeastern New Jersey	67,917,222
NJ Trenton	679,377
NY Buffalo	544,733
NY New York	271,981,250
OH Cleveland	11,432,982
OH Dayton	2,013,320
PA Philadelphia/Southern New Jersey	76,425,562
PA Pittsburgh	18,804,966
PR San Juan	812,274
OR Portland	1,462,315
RI-MA- Providence	1,173,919
TN Chattanooga	36,803
TX Dallas	357,512
TX Houston	2,825,004
VA Norfolk	464,097
WA Seattle	7,909,822
WA Tacoma	464,764
WI Madison	322,940
TOTAL	$797,412,555

TABLE 4

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5309 BUS ALLOCATIONS

STATE/AREA	PROJECT	FY 1998 REVISED ALLOCATIONS
ALABAMA		
Birmingham/Jefferson County	Buses	$2,931,588
Birmingham	Downtown intermodal transportation facility, phase 2	5,863,178
Gadsden	Buses and vans	97,745
Huntsville	Intermodal center, phase 1	4,885,981
Mobile	Southern market historic intermodal center	977,196
Mobile	Municipal pier intermodal waterfront access rehabilitation project	977,196
Mobile	Bus replacement	1,465,794
Mobile	Intermodal facility	5,374,579
Montgomery	Bus replacement	1,465,794
Tuscaloosa	Bus replacement	977,196
ARIZONA		
Phoenix	Buses and bus facilities	4,397,383
Tuscon	Intermodal center	977,196
CALIFORNIA		
Folsom	Multimodal facility	1,465,794
Foothill	Transit bus maintenance facility	8,794,766
I-5 Consortium Cities Joint Powers Authority	Facilities	4,885,981
Inglewood	Transit center project	488,598
Lake Tahoe	Intermodal center	977,196
Long Beach	Buses and bus facilities	1,465,794
Marina/Ft. Ord	Buses and multimodal center	977,196
Mendocino County	Buses	781,757
Modesto	Bus maintenance facility	1,710,093
Rialto	Metrolink depot	1,074,916
Riverside County	Buses and bus facility	2,296,411
Riverside County	Transit vehicle ITS communications	977,196
Sacramento	Bus facility	977,196
San Joaquin (Stockton)	Bus facilities	1,954,393
Santa Clara	Buses	2,442,991
Santa Cruz Metropolitan Transit District	Buses and bus facility	977,196
San Ysidro Border	Intermodal center	488,598
Solano County	Buses and bus-related equipment	1,172,636
Sonoma County	Bus facilities	977,196
Unitrans	Maintenance facility	977,196
Woodland	Transfer facility	195,439
Yolo County	Buses and paratransit vehicles	977,196
Yosemite area	Regional transportation solution	488,598
COLORADO	Buses and bus facilities	5,374,579
CONNECTICUT		
Bridgeport	Buses and bus facilities	1,954,393
Bridgeport	Intermodal center	3,664,486
New Haven	Bus facility	1,172,636
DELAWARE	New Castle bus facility	1,465,794
FLORIDA		
Daytona Beach	Intermodal facility	1,954,393
Florida Citrus Connection	Buses	1,465,794
Lakeland	Transit buses	977,196
Lakeworth	Buses and bus facilities	977,196
LYNX	Buses and bus facilities	2,931,589
Metro-Dade County	Buses and bus facilities	4,885,981
Orlando	Intermodal facility	977,196
Palm Beach County	Buses and bus facilities	1,954,393
Tampa (Hillsborough County)	HARTline buses and bus facilities	1,465,794
Volusia County	Buses and bus facilities	1,954,393

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5309 BUS ALLOCATIONS

STATE/AREA	PROJECT	FY 1998 REVISED ALLOCATIONS
GEORGIA		
Chatham	Bus facility	$3,908,785
MARTA	Buses	4,885,981
HAWAII: Honolulu	Buses and bus facilities	4,885,981
ILLINOIS	Buses and bus facilities	4,397,383
INDIANA		
Indianapolis	Buses	1,954,393
South Bend	Intermodal facility	1,954,393
IOWA		
Statewide	Buses and bus facilities	2,687,290
Sioux City	Park and ride facility	1,221,495
KANSAS	Johnson County bus maintenance/operations facility	977,196
LOUISIANA	Statewide buses and bus facilities	
Baton Rouge	Bus related facilities	586,318
Jefferson Parish	Buses	1,172,636
Lafayette	Bus-related facility	732,897
Lake Charles	Buses	146,579
LA DOTD	Vans and equipment	684,037
Monroe	Buses and bus-related equipment	781,757
New Orleans	Buses and bus-related facilities	8,794,766
Shreveport	Buses and bus-related facility	390,879
St. Tammany Parish	Bus and bus-related facility	293,159
MARYLAND	Buses and bus facilities	7,817,570
MASSACHUSETTS		
Franklin RTA	Buses	488,598
Greenfield Montague Transportation Area	Buses	684,037
South Station	Intermodal transportation center	977,196
Springfield	Intermodal center	977,196
Worcester	Union station	2,931,589
MICHIGAN	Buses and bus facilities	7,328,971
MINNESOTA		
Metropolitan Council transit Operations	Buses and bus facilities	8,794,766
St. Paul	Snelling bus garage	1,465,794
MISSISSIPPI	Jackson bus facility	1,954,393
MISSOURI		
Kansas City	Buses and fare box collection system	3,420,187
Kansas City	Union Station intermodal center	4,397,383
State of Missouri	Buses and bus facilities	7,817,570
NEVADA		
Clark County	Buses	7,817,570
Reno, Washoe County Regional Transportation Commission	Buses and bus facilities	1,465,794
NEW JERSEY	NJ Transit alternative fuel buses	5,863,178
NEW MEXICO		
Albuquerque	Uptown transit center	977,196
	Demo of universal electric transportation subsystems (DUETS)	977,196
Las Cruces, Santa Fe and Albuquerque	Park and ride	977,196
Santa Fe	Buses and bus facilities	977,196
Statewide	Buses and bus facilities	3,664,486
NEW YORK		
Nassau County and Long Island	Buses and bus facilities (Goodwill Games)	977,196
Nassau County	Natural gas buses	4,885,981
New Rochelle	Intermodal facility	1,465,794
New York City	Natural gas buses	7,328,971
NFTA	HUBLINK program	977,196
Poughkeepsie	Intermodal facility	1,954,393
Rensselaer County	Intermodal facility	1,832,243
Staten Island/Brooklyn	Mobility project	977,196

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5309 BUS ALLOCATIONS

STATE/AREA	PROJECT	FY 1998 REVISED ALLOCATIONS
NEW YORK (cont'd)		
Suffolk County	Buses	$2,100,972
Syracuse	Buses	4,201,944
Westchester County	Buses	4,885,981
Yonkers	Intermodal facility	1,954,393
NORTH CAROLINA		
Chapel Hill University of North Carolina	Buses	977,196
Statewide	Buses and bus facilities	4,885,981
OHIO	Buses and bus facilities	12,214,953
OREGON		
Eugene-Springfield-Land County	Buses and bus facilities	977,196
Lane Transit District	Bus system	977,196
Salem and Corvallis	Buses and bus facilities	977,196
PENNSYLVANIA		
Allegheny County	Buses	977,196
Armstrong Mid-County	Buses and bus facility	195,439
Berks Area Reading	Transit intermodal facility	488,598
Cambria County	Buses and bus facilities	781,757
Fayette and Somerset	Buses, vans, and bus facilities	586,318
Indiana County	Buses	488,598
Lackawanna County	Paratransit vans	293,159
Lawrence County	Buses	977,196
Lehigh and Northampton	Buses	977,196
Mid Mon Valley transit authority	Buses	732,897
New Castle area transit authority	Buses	732,897
North Philadelphia	Intermodal facility	977,196
Philadelphia Eastwick	Intermodal center	977,196
Schuykill County	Buses	195,439
Scranton	Buses and bus facility	1,465,794
SEPTA	Buses	7,328,972
Towanda Borough	Intermodal bus facility	1,954,393
Wilkes-Barre	Intermodal facility	1,465,794
Williamsport	Buses and bus facility	1,221,495
Statewide	Bus and bus facilities projects	3,908,785
SOUTH CAROLINA		
Columbia	Buses and facility	1,954,393
Pee Dee Regional Planning Authority	Buses and facilities	2,931,588
Virtual Transit Enterprise	Integration of transit information processing systems	977,196
SOUTH DAKOTA	Statewide bus and bus facilities	2,198,692
TENNESSEE	Buses and bus facilities	7,817,570
TEXAS		
Austin	Buses	2,931,588
Brazos Transit Authority	Transit facilities and buses	2,931,588
Corpus Christi	Bus facilities	1,905,533
El Paso	Buses	977,196
Fort Worth	Buses	1,465,794
Galveston	Alternatively fueled vehicles	1,954,393
Rural Texas	Bus replacement program	2,442,991
UTAH		
Utah Transit Authority Olympic	Park and ride lots	1,954,393
Park City Transit	Buses	390,879
Utah Transit Authority	Bus acquisition	1,954,393
Utah Transit Authority Olympic	Intermodal transportation centers	2,442,991
Statewide	Buses and bus facilities	1,954,393

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FEDERAL TRANSIT ADMINISTRATION

FY 1998 REVISED SECTION 5309 BUS ALLOCATIONS

STATE/AREA	PROJECT	FY 1998 REVISED ALLOCATIONS
VERMONT		
Burlington	Multimodal center	$1,465,794
Statewide	Bus and bus facilities	977,196
VIRGINIA		
Clarendon canopy project		244,299
Falls Church	Electric buses	390,879
Dulles corridor	Buses and bus facilities	2,442,991
Richmond	Multimodal center	2,442,991
WASHINGTON		
Bremerton	Buses and transportation center	977,196
Chelan- Douglas	Multimodal center	977,196
Community Transit	Kasch Park facility	1,465,794
Everett	Intermodal center	2,442,991
King County	Multimodal facility	977,196
King County	Metro commuter intermodal connector	1,465,794
King County	Park and ride lots	4,885,981
Olympic Peninsula International Gateway	Transportation Center	977,196
Snohomish County	Buses	2,442,991
Tacoma Dome station project		1,465,794
Thurston County	Intercity buses	977,196
Whatcom Transportation Authority	Facilities	1,465,794
WEST VIRGINIA		
Huntington	Intermodal Facility and buses	6,840,374
Statewide	Buses and bus facilities, communications and computer systems	9,039,066
WISCONSIN		
Milwaukee	Rail station rehabilitation	977,196
Wisconsin Transit System	Buses	12,703,550
	Fuel cell powered transit bus program and Intermodal transportation fuel cell bus maintenance facility	4,850,000
	Bus testing facility	3,000,000
TOTAL		$399,681,278

TABLE 5

FEDERAL TRANSIT ADMINISTRATION

TEA-21 AUTHORIZATION LEVELS (GUARANTEED FUNDING ONLY)

APPROPRIATION / PROGRAM	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	18-Jun-98 Total
Urbanized Area Formula (Section 5307)	2,298,852,727	2,548,190,791	2,768,237,551	2,992,663,351	3,215,948,776	3,441,286,876	17,265,180,070
Nonurbanized Area Formula (Section 5311)	134,077,934	177,923,658	193,288,098	208,958,298	224,548,873	240,282,773	1,179,079,635
Elderly and Persons with Disabilities (Section 5310)	62,219,389	67,035,601	72,824,401	78,728,401	84,602,401	90,530,401	455,940,595
Clean Fuels Formula Program (Section 5308)	0	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	250,000,000
Over the Road Bus Accessibility Program (new)	0	2,000,000	8,800,000	9,800,000	12,050,000	12,050,000	44,700,000
Alaska Railroad (Section 5307)	4,849,950	4,849,950	4,849,950	4,849,950	4,849,950	4,849,950	29,099,700
Bus and Bus Related (Section 5309)	400,000,000	451,400,000	490,200,000	529,200,000	568,200,000	607,200,000	3,046,200,000
Fixed Guideway Modernization (Section 5309)	800,000,000	902,800,000	980,400,000	1,058,400,000	1,136,400,000	1,214,400,000	6,092,400,000
New Starts (Section 5309)	800,000,000	902,800,000	980,400,000	1,058,400,000	1,136,400,000	1,214,400,000	6,092,400,000
Job Access and Reverse Commute Program (new)	0	50,000,000	75,000,000	100,000,000	125,000,000	150,000,000	500,000,000
Metropolitan Planning (Section 5303)	39,498,800	44,668,800	47,977,600	52,940,800	54,595,200	59,558,400	299,239,600
State Planning & Research (Section 5313(b))	8,251,200	9,331,200	10,022,400	11,059,200	11,404,800	12,441,600	62,510,400
National Planning & Research (Section 5314)	32,750,000	27,500,000	29,500,000	29,500,000	31,500,000	31,500,000	182,250,000
Rural Transit Assistance (Section 5311(b)(2))	4,500,000	5,250,000	5,250,000	5,250,000	5,250,000	5,250,000	30,750,000
Transit Cooperative Research (Section 5313(a))	4,000,000	8,250,000	8,250,000	8,250,000	8,250,000	8,250,000	45,250,000
National Transit Institute (Section 5315)	3,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	23,000,000
University Transportation Centers (Section 5317(b))	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	36,000,000
Administrative Expenses	45,738,000	54,000,000	60,000,000	64,000,000	67,000,000	73,000,000	363,738,000
FEDERAL TRANSIT ADMINISTRATION TOTAL:	4,643,738,000	5,316,000,000	5,795,000,000	6,272,000,000	6,746,000,000	7,225,000,000	35,997,738,000

The FY 1998 total excludes $250,000 provided in Section 3032 of TEA-21.
The FY 1999 Clean Fuels Formula Program does not include $50,000,000 from Bus and Bus Related category.

Table 5 - revised

TABLE 5A

FEDERAL TRANSIT ADMINISTRATION

TEA-21 AUTHORIZATION LEVELS (GUARANTEED AND NONGUARANTEED FUNDING)

APPROPRIATION / PROGRAM	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	18-Jun-98 Total
Urbanized Area Formula (Section 5307)	2,298,852,727	2,698,190,791	2,918,237,551	3,142,663,351	3,365,948,776	3,591,286,876	18,015,180,072
Nonurbanized Area Formula (Section 5311)	134,077,934	177,923,658	193,288,098	208,958,298	224,548,873	240,282,773	1,179,079,634
Elderly and Persons with Disabilities (Section 5310)	62,219,389	67,035,601	72,824,401	78,728,401	84,602,401	90,530,401	455,940,594
Clean Fuels Formula Program (Section 5308)	0	150,000,000	150,000,000	150,000,000	150,000,000	150,000,000	750,000,000
Over the Road Bus Accessibility Program (new)	0	2,000,000	8,800,000	9,800,000	12,050,000	12,050,000	44,700,000
Alaska Railroad (Section 5307)	4,849,950	4,849,950	4,849,950	4,849,950	4,849,950	4,849,950	29,099,700
Bus and Bus Related (Section 5309)	400,000,000	551,400,000	590,200,000	629,200,000	668,200,000	707,200,000	3,546,200,000
Fixed Guideway Modernization (Section 5309)	800,000,000	1,002,800,000	1,080,400,000	1,158,400,000	1,236,400,000	1,314,400,000	6,592,400,000
New Starts (Section 5309)	800,000,000	1,502,800,000	1,590,400,000	1,678,400,000	1,766,400,000	1,844,400,000	9,182,400,000
Job Access and Reverse Commute Program (new)	0	150,000,000	150,000,000	150,000,000	150,000,000	150,000,000	750,000,000
Metropolitan Planning (Section 5303)	39,498,800	71,139,200	75,275,200	81,065,600	83,547,200	89,337,600	439,863,600
State Planning & Research (Section 5313(b))	8,251,200	14,860,800	15,724,800	16,934,400	17,452,800	18,662,400	91,886,400
National Planning & Research (Section 5314)	32,750,000	58,500,000	60,500,000	62,500,000	64,500,000	65,500,000	344,250,000
Rural Transit Assistance (Section 5311(b)(2))	4,500,000	5,250,000	5,250,000	5,250,000	5,250,000	5,250,000	30,750,000
Transit Cooperative Research (Section 5313(a))	4,000,000	8,250,000	8,250,000	8,250,000	8,250,000	8,250,000	45,250,000
National Transit Institute (Section 5315)	3,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	23,000,000
University Transportation Centers (Section 5317(b))	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	36,000,000
Administrative Expenses	45,738,000	67,000,000	74,000,000	80,000,000	84,000,000	91,000,000	441,738,000
FEDERAL TRANSIT ADMINISTRATION TOTAL:	4,643,738,000	6,542,000,000	7,008,000,000	7,475,000,000	7,936,000,000	8,393,000,000	41,997,738,000

The FY 1998 total excludes $250,000 provided in Section 3032 of TEA-21.
The FY 1999 Clean Fuels Formula Program does not include $50,000,000 from Bus and Bus Related category.

Table 5A - revised

Table 6

FEDERAL TRANSIT ADMINISTRATION

TEA-21 - NEW START PROJECT AUTHORIZATIONS

TPM-10

I- AUTHORIZED FOR FINAL DESIGN & CONSTRUCTION

	State	Area	Project	Amount
1	AK	Hollis-Ketchikan	Hollis-Ketchikan Ferry	
2	AZ	Phoenix	Fixed Guideway	
3	AR	Little Rock	River Rail	
4	CA	Sacramento	Placer County Corridor	
5	CA	San Jose	Tasman Corridor Light Rail	
6	CA	Los Angeles	Metrolink [Union Station-Fullerton]	
7	CA	Sacramento	Folsom Extension	
8	CA	San Francisco	Bayshore Corridor	
9	CA	Los Angeles	MOS-3	
10	CA	Stockton	Altamont Commuter Rail	
11	CA	Los Angeles	Santa Monica Busway	
12	CA	Monterey County	Monterey County Commuter Rail	
13	CA	San Francisco	BART to San Francisco International Airport Extension	
14	CA	San Diego	Oceanside-Escondido Corridor	
15	CA	Orange County	Fullerton-Irvine Corridor	
16	CA	San Joaquin	Regional Transit Corridor	
17	CA	Sacramento	South Corridor	
18	CA	Los Angeles	Metrolink San Bernardino Line	
19	CA	San Diego	Mission Valley East	325,000,000
20	CA	San Diego	Mid-Coast LRT Corridor	
21	CO	Denver	Southwest LRT	
22	CO	Colorado	Roaring Fork Valley Rail	40,000,000
23	CO	Denver	East Corridor [Airport]	
24	CO	Denver	Southeast LRT [I-25 between 6th & Lincoln]	10,000,000
25	CO	Denver	West Corridor LRT	
26	CT	Hartford	Griffin Line	33,000,000
27	DC/MD	Washington, DC	Largo Extension	
28	FL	Tampa Bay	Regional Rail	2,000,000
29	FL	Miami	Palmetto Metrorail	8,000,000
30	FL	Fort Lauderdale	Fort Lauderdale-West Palm Beach- Miami Tri-County Commuter Rail	20,000,000
31	FL	Orlando	Central Florida Light Rail System	100,000,000
32	FL	Miami	East-West Multimodal Corridor	20,000,000
33	FL	Miami	North 27th Avenue Corridor	
34	FL	Miami	South Busway Extension	
35	GA	Atlanta-Griffin	Atlanta-Griffin Commuter Rail	
36	GA	Atlanta-Athens	Atlanta-Athens Commuter Rail	
37	GA	Atlanta	North Line Extension	
38	IL	Chicago	Douglas Branch	315,000,000
39	IL	Chicago	Navy Pier-McCormick Place Busway	
40	IL	Chicago	North Central Upgrade Commuter Rail	
41	IL	Chicago	Ravenswood Line Extension	

I- AUTHORIZED FOR FINAL DESIGN & CONSTRUCTION *CONTINUED*

	State	Area	Project	Amount
42	IL	Chicago	Southwest Extension	
43	IL	Chicago	West Line Extension	
44	IL	E. St. Louis-St. Clair County	Mid-America Airport Corridor	
45	IN	Northern Indiana	Westlake Commuter Rail Link	
46	KY	Louisville	Jefferson County Corridor	
47	LA	New Orleans	Canal Streetcar	
48	MD	Maryland	Light Rail Double Track	
49	MD	Baltimore/Wash	MARC Commuter Rail Improvements	185,000,000
50	MD	Baltimore	Central LRT Extension to Glen Burnie	
51	MA	Boston	Massport Airport Intermodal Transit Connector	
52	MA	Boston	South Boston Piers Transitway	
53	MA	Boston	North-South Rail Link	
54	MA	Boston	North Shore Corridor & Blue Line Extension to Beverly	50,000,000
55	MN	Twin Cities	Northstar Corridor [Downtown Minneapolis - Anoka County-St. Cloud]	6,000,000
56	MN	Twin Cities	Transitways Corridors	120,000,000
57	MO	St. Louis	Cross County Corridor	
58	MO	Kansas City	Southtown Corridor	
59	MO/KS	Kansas City	I-35 Commuter Rail	30,000,000
60	NV	Las Vegas	Las Vegas Corridor	155,000,000
61	NJ	New Jersey	Urban Core	
62	NJ	New Jersey	New York, Susquehanna & Western Commuter Rail	
63	NJ	West Trenton-Newark	West Trenton Line [West Trenton-Newark]	
64	NJ	Northwest NJ	Northeast Rail Corridor	
65	NM	Albuquerque	High Capacity Corridor	
66	NY	New York	Long Island Railroad East Side Access	353,000,000
67	NY	New York	New York-Staten Island Ferry-Whitehall Intermodal Terminal	40,000,000
68	NY	New York	8th Avenue Subway Connection	
69	NY	New York	New York-Brooklyn-Staten Island Ferry	
70	NH/MA	Nashua,NH/Lowell,MA	Nashua,NH-Lowell, MA Commuter Rail	
71	NC	Southeast North Carolina	Southeastern North Carolina Corridor	
72	NC	Raleigh-Durham	Regional Transit Plan	
73	NC	Charlotte	South Corridor Transitway	
74	OH	Cleveland	Cleveland-Akron-Canton Commuter Rail	
75	OH	Cleveland	Waterfront Line Extension	
76	OH	Cleveland	I-90 Corridor to Ashtabula County	
77	OH	Cleveland	Berea Metroline Extension	
78	OH	Cleveland	Euclid Corridor Extension	
79	OH	Cleveland	Blue Line Extension	
80	OR	Portland	Westside-Hillsboro Corridor	
81	OR	Portland	South-North Corridor	25,000,000
82	PA	Pittsburgh	North Shore-Central Business District	20,000,000
83	PA	Pittsburgh	MLK Busway Extension	
84	PA	Pittsburgh	Airborne Shuttle System	
85	PA	Philadelphia	Schuylkill Valley Metro	75,000,000
86	PA	Pittsburgh	Stage II Light Rail	
87	PR	San Juan	Tren Urbano Extension to Minillas	

I- AUTHORIZED FOR FINAL DESIGN & CONSTRUCTION ***CONTINUED***

	State	Area	Project	Amount
88	PR	San Juan	Tren Urbano	
89	TN	Nashville	Commuter Rail	
90	TN	Memphis	Medical Center Extension	
91	TX	Houston	Regional Bus Plan- Phase I	
92	TX	Austin	NW/North Central/SE - Airport LRT	
93	TX	Dallas/Fort Worth	RAILTRAN [Phase II]	
94	TX	Galveston	Trolley Extension	
95	TX	Dallas	North Central Extension	200,000,000
96	UT	Santa Cruz	Fixed Guideway	
97	UT	Salt Lake City	Light Rail [Airport to University of Utah]	
98	UT	Salt Lake City	Salt Lake City-Ogden-Provo Commuter Rail	
99	UT	Salt Lake City	South LRT	
100	VA	Wash,DC-Richmond,VA	Washington-Richmond Rail Corridor Improvements	
101	VA	Wash,DC/VA	Dulles Corridor Extension	100,000,000
102	VA	Norfolk	Norfolk-Virginia Beach Corridor	
103	WA	Spokane	South Valley Corridor Light Rail	
104	WA	Seattle	Sound Move Corridor [Earmarked funds for Commuter Rail]	40,000,000
105	WA	Seattle	Southworth High Speed Ferry	
106	WV	Morgantown	Personal Rapid Transit	
107	WI	Milwaukee	East-West Corridor	
108	WI	Kenosha-Racine- Milwaukee	Kenosha-Racine-Milwaukee Rail Extension	
		Total- Final Design & Construction		**2,272,000,000**

II- AUTHORIZED FOR ALTERNATIVES ANALYSIS & PRELIMINARY ENGINEERING

	State	Area	Project	Amount
1	AL	Birmingham	Transit Corridor	87,500,000
2	CA	Oakland	Oakland Airport-BART Corridor	
3	CA	Los Angeles	MOS-4 East Side Extension (II)	
4	CA	Los Angeles	MOS-4 San Fernando Valley East-West	
5	CA	Los Angeles	LOSSAN- [Del Mar - San Diego]	
6	CA	Fremont	South Bay Corridor	
7	CA	Marin/Sonoma Counties	North Bay Commuter Rail	
8	CA	Los Angeles Area	Riverside-Perris Rail Passenger Service	
9	CA	Los Angeles Area	Redlands-San Bernardino Transportation Corridor	
10	CA	San Francisco-San Jose	Caltrain Extension to Hollister	
11	CO	Colorado	North Front Range Corridor [Fort Collins-Denver]	
12	DC	Washington, DC	Georgetown-Ft. Lincoln	
13	FL	St. Petersburg	Pinellas County- Mobility Initiative	
14	FL	Miami	Northeast Corridor	
15	FL	Miami	Kendall Corridor	
16	FL	Jacksonville	Fixed Guideway Corridor	
17	GA	Atlanta	MARTA Extension [S. DeKalb - Lindbergh]	
18	GA	Atlanta	Georgia 400 Multimodal Corridor	
19	GA	Atlanta	MARTA I-285 Transit Corridor	
20	GA	Atlanta	MARTA Marietta-Lawrenceville Corridor	
21	GA	Atlanta	MARTA South DeKalb Comprehensive Transit Program	
22	IL	Chicago	Comisky Park Station	
23	IL	Chicago	Inner Circumferential Commuter Rail	
24	IN	Indianapolis	Northeast Indianapolis Corridor	
25	LA	New Orleans	Desire Streetcar	
26	LA	New Orleans	Airport- CBD Commuter Rail	
27	ME	Maine	High Speed Ferry Service	
28	MD	Wash,DC/MD	Maryland Route 5 Corridor	
29	MD	Baltimore	People Mover	
30	MD	Baltimore	Metropolitan Rail Corridor	
31	MA	Boston	Urban Ring	
32	MN	Twin Cities	Washington County Corridor [Hastings-St. Paul]	
33	NJ	Northern NJ	Union Township Station [Raritan Valley Line]	
34	NJ	Bergen County	Bergen County Cross County Light Rail	5,000,000
35	NJ	North. NJ	Trans-Hudson Midtown Corridor	5,000,000
36	NY	New York	St. George's Ferry Intermodal Terminal	20,000,000
37	NY	New York	Queens West Light Rail Link	
38	NY	Philadelphia	Lower Merion Township	
39	NY	Newburgh	LRT System	
40	NY	New York	Midtown West Intermodal [Ferry] Terminal	16,300,000
41	NY	New York	Nassau Hub	10,000,000
42	NY	New York	North Shore Railroad	
43	NY	New York	Manhattan East Side Link [Second Avenue Subway]	5,000,000
44	NY	New York	Lower Manhattan Access	
45	NY	New York	Brooklyn-Manhattan Access	
46	NY	New York	Broadway-Lafayette & Bleeker Street Transfer	
47	NY	New York	Astoria-East Elmhurst Extension	

II- AUTHORIZED FOR ALTERNATIVES ANALYSIS & PRELIMINARY ENG. *CONTINUED*

	State	Area	Project	Amount
48	OH	Cleveland	Northeast Ohio- Commuter Rail	
49	OH	Toledo	CBD to Zoo	
50	OH	Cleveland	Lorain-Cleveland Commuter Rail	
51	OH	Dayton	Regional Riverfront Corridor	
52	OH/KY	Cincinnati	Cincinnati/Northern Kentucky Corridor	65,000,000
53	PA	Philadelphia	Broad Street Line Extension	
54	PA	Philadelphia	Cross County Metro	
55	PA	Scranton	Laurel Line Intermodal Corridor	
56	PA	Harrisburg	Cumberland/Dauphin County Corridor 1 Commuter Rail	20,000,000
57	RI	Providence	Providence-Pawtucket Corridor	
58	SC	Charleston	Monobeam	
59	TN	Knoxville	Electric Transit	
60	TN	Memphis	Regional Rail Plan	
61	TX	Dallas	DART LRT Extensions	
			Southeast Extension	20,000,000
			Northeast Extension	12,000,000
62	TX	Dallas	Las Colinas Corridor	
63	TX	El Paso	International Fixed Guideway [El Paso-Juarez]	
64	TX	Houston	Advanced Transit Program	
65	UT	Salt Lake City	Draper Light Rail Extension	
66	UT	Salt Lake City	West Jordan Light Rail Extension	
67	VA	Tidewater Virginia	Williamsburg-Newport News-Hampton LRT	
68	WA		SEATAC- Personal Rapid Transit	
		Total- Alternatives Analysis & Preliminary Engineering		**265,800,000**

III- AUTHORIZED [*]

	State	Area	Project	Amount
1	CT	Bridgeport	Intermodal Corridor	34,000,000
2	CT	New London	Waterfront Access	15,000,000
3	CT	Hartford	Old Saybrook-Hartford Rail Extension	5,000,000
4	CT	Stamford	Fixed Guideway Connector	18,000,000
5	IN	Indianapolis	Indianapolis Region Commuter Rail	10,000,000
6	IA	Sioux City	Light Rail	10,000,000
7	MD	Baltimore	Light Rail Double Track	120,000,000
9	NM	Santa Fe	Santa Fe-El Dorado Rail Link	10,000,000
10	NM	Albuquerque	Albuquerque Alvarado Intermodal Center	5,000,000
12	PA	Allegheny County	Allegheny County Stage II Light Rail	100,200,000
12	PA	Philadelphia-Pittsburgh	Philadelphia-Pittsburgh High Speed Rail	10,000,000
13	RI	Providence	Providence-Boston Commuter Rail	10,000,000
14	NM	Albuquerque	Albuquerque Light Rail	90,000,000
15	RI	Rhode Island	Integrated Intermodal Transportation	25,000,000

[*] Lists those projects not also included in the (1) Final Design & Construction; and (2) Alternatives Analysis & Preliminary Engineering lists

Total- Authorized	**462,200,000**

Total Specified Amounts Authorized for New Starts Projects	**3,000,000,000**

IV- SPECIFIC AMOUNTS TO BE MADE AVAILABLE- FERRY PROJECTS

	State		Amount
1	AK/HI	New Systems- Ferry Projects [$10.4 million per year- FY 1999 thru FY 2003]- Guaranteed	52,000,000
2	AK/HI	New Systems- Ferry Projects [$3.6 million per year- FY 1999 thru FY 2003] - Non-Guaranteed	18,000,000

Total Specific Amounts to be made Available- Ferry Projects	**70,000,000**

TABLE 7

FEDERAL TRANSIT ADMINISTRATION

TEA 21 AUTHORIZED BUS CAPITAL PROJECTS

	STATE	PROJECT	FY 1999	FY 2000
1	AL	Birmingham-Jefferson County, buses	1,250,000	1,250,000
2	AL	Pritchard, bus transfer facility	500,000	
3	AL	Tuscaloosa, AL Intermodal Center	1,000,000	
4	AR	Arkansas Highway and Transit Department buses	200,000	2,000,000
5	AR	Fayetteville, University of Arkansas Transit System buses	500,000	500,000
6	AR	Hot Springs, Transportation Depot and Plaza	560,000	560,000
7	AR	Little Rock, Central Arkansas Transit buses	300,000	300,000
8	CA	Culver City, CityBus buses	1,250,000	1,250,000
9	CA	Davis, Unitrans transit maintenance facility	625,000	625,000
10	CA	Healdsburg, Intermodal Facility	1,000,000	1,000,000
11	CA	Humboldt, Intermodal Facility	1,000,000	
12	CA	Livermore, automatic vehicle locator	1,000,000	1,000,000
13	CA	Los Angeles County, Foothill Transit buses	1,625,000	1,250,000
14	CA	Los Angeles, San Fernando Valley smart shuttle buses	300,000	
15	CA	Los Angeles, Union Station Gateway Intermodal Transit Center	1,250,000	1,250,000
16	CA	Modesto, bus maintenance facility	625,000	625,000
17	CA	Monterey, Monterey-Salinas buses	625,000	625,000
18	CA	Morango Basin, Transit Authority bus facility	650,000	
20	CA	Perris, bus maintenance facility	1,250,000	1,250,000
21	CA	Sacramento, CNG buses	1,250,000	1,250,000
22	CA	San Francisco, Islais Creek Maintenance Facility	1,250,000	1,250,000
23	CA	Santa Clarita, facilities and buses	1,250,000	1,250,000
24	CA	Santa Cruz, bus facility	625,000	625,000
25	CA	Santa Rosa/Cotati, Intermodal Transportation Facilities	750,000	750,000
26	CA	Ukiah, Transportation Center	500,000	
27	CA	Windsor, Intermodal Facility	750,000	750,000
28	CA	Woodland Hills, Warner Center Transportation Hub	325,000	625,000
29	CO	Boulder/Denver, RTD buses	625,000	625,000
30	CO	Denver, Stapleton Intermodal Center	1,250,000	1,250,000
31	CT	Hartford, Transportation Access Project	800,000	
32	CT	New Haven, bus facility	2,250,000	2,250,000
33	CT	Norwich, buses	2,250,000	2,250,000
34	CT	Waterbury, bus facility	2,250,000	2,250,000
35	DC	Washington, D.C. Intermodal Transportation Center	2,500,000	2,500,000
36	FL	Broward County, buses	1,000,000	
37	FL	Daytona, Intermodal Center	2,500,000	2,500,000
38	FL	Lakeland, Citrus Connection transit vehicles and related equipment	1,250,000	1,250,000
39	FL	Miami Beach, Electric Shuttle Service	750,000	750,000
40	FL	Miami-Dade, buses	2,250,000	2,250,000
41	FL	Orlando, Downtown Intermodal Facility	2,500,000	2,500,000
42	GA	Atlanta, MARTA buses	9,000,000	13,500,000
43	HI	Honolulu, bus facility and buses	2,250,000	2,250,000
44	IA	Fort Dodge, Intermodal Facility (Phase II)	885,000	885,000

TABLE 7

FEDERAL TRANSIT ADMINISTRATION

TEA 21 AUTHORIZED BUS CAPITAL PROJECTS

STATE	PROJECT	FY 1999	FY 2000
45 IA	Iowa/Illinois Transit Consortium bus safety and security	1,000,000	1,000,000
46 IL	Illinois statewide buses and bus-related equipment	6,800,000	8,200,000
47 IN	Gary, Transit Consortium buses	1,250,000	1,250,000
48 IN	Indianapolis, buses	5,000,000	5,000,000
49 IN	South Bend, Urban Intermodal Transportation Facility	1,250,000	1,250,000
50 MA	New Bedford/Fall River Mobile Access to health care	250,000	
51 MA	Springfield, Union Station	1,250,000	1,250,000
52 MA	Worcester, Union Station Intermodal Transportation Center	2,500,000	2,500,000
53 MD	Maryland statewide bus facilities and buses	7,000,000	11,500,000
54 MI	Lansing, CATA bus technology improvements	600,000	
55 MI	Michigan statewide buses	10,000,000	13,500,000
56 MN	Duluth, Transit Authority community circulation vehicles	1,000,000	1,000,000
57 MN	Duluth, Transit Authority intelligent transportation systems	500,000	500,000
58 MN	Duluth, Transit Authority Transit Hub	500,000	500,000
59 MN	Northstar Corridor, Intermodal Facilities and buses	6,000,000	10,000,000
60 MO	St. Louis, Bi-state Intermodal Center	1,250,000	1,250,000
61 NC	Greensboro, Multimodal Center	3,340,000	3,339,000
62 NC	Greensboro, Transit Authority buses	1,500,000	1,500,000
63 NC	Greensboro, Transit Authority small buses and vans	321,000	
64 NJ	New Jersey Transit jitney shuttle buses	1,750,000	1,750,000
65 NJ	Newark, Morris & Essex Station access and buses	1,250,000	1,250,000
66 NJ	South Amboy, Regional Intermodal Transportation Initiative	1,250,000	1,250,000
67 NM	Albuquerque, buses	1,250,000	1,250,000
68 NV	Clark County, Regional Transportation Commission buses	1,250,000	1,250,000
69 NV	Washoe County, transit improvements	2,250,000	2,250,000
70 NY	Babylon, Intermodal Center	1,250,000	1,250,000
71 NY	Brookhaven Town, elderly and disabled buses and vans	225,000	
72 NY	Brooklyn-Staten Island, Mobility Enhancement buses	800,000	
63 NY	Buffalo, Auditorium Intermodal Center	2,000,000	2,000,000
74 NY	Buffalo, Crossroads Intermodal Station	1,000,000	
75 NY	Dutchess County, Loop System buses	521,000	521,000
76 NY	East Hampton, elderly and disabled buses and vans	100,000	
77 NY	Ithaca, TCAT bus technology improvements	1,250,000	1,250,000
78 NY	Long Island, CNG transit vehicles and facilities	1,250,000	1,250,000
79 NY	Mineola/Hicksville, LIRR Intermodal Centers	1,250,000	1,250,000
80 NY	Rensselaer, C108NY Rensslaer Intermodal Bus Facility	1,000,000	6,000,000
81 NY	Riverhead, elderly and disabled buses and vans	125,000	
82 NY	Rome, Intermodal Center	400,000	
83 NY	Shelter Island, elderly and disabled buses and vans	100,000	
84 NY	Smithtown, elderly and disabled buses and vans	125,000	
85 NY	Southampton, elderly and disabled buses and vans	125,000	
86 NY	Southold, elderly and disabled buses and vans	100,000	
87 NY	Suffolk County, elderly and disabled buses and vans	100,000	

TABLE 7

FEDERAL TRANSIT ADMINISTRATION

TEA 21 AUTHORIZED BUS CAPITAL PROJECTS

	STATE	PROJECT	FY 1999	FY 2000
88	NY	Utica and Rome, bus facilities and buses	500,000	
89	NY	Utica, Union Station	2,100,000	2,100,000
90	NY	Westchester County, Bee-Line transit system fareboxes	979,000	979,000
91	NY	Westchester County, Bee-Line transit system shuttle buses	1,000,000	1,000,000
92	NY	Westchester County, DOT articulated buses	1,250,000	1,250,000
93	NY	New York, West 72nd St. Intermodal Station	1,750,000	1,750,000
93	NY	Cleveland, OH Triskett Garage bus maintenance facility	625,000	625,000
94	OH	Dayton, OH Multimodal Transportation Center	625,000	625,000
95	OK	Oklahoma statewide bus facilities and buses	5,000,000	5,000,000
96	OR	Lane County, Bus Rapid Transit	4,400,000	4,400,000
97	OR	Portland, Tri-Met buses	1,750,000	1,750,000
98	PA	Allegheny County, PA buses	0	1,500,000
99	PA	Altoona, Metro Transit Authority buses and transit system improvements	842,000	842,000
100	PA	Altoona, Metro Transit Authority Logan Valley Mall Suburban Transfer Center	80,000	
101	PA	Altoona, Metro Transit Authority Transit Center improvements	424,000	
102	PA	Altoona, Pedestrian Crossover	800,000	
103	PA	Armstrong County-Mid-County, PA bus facilities and buses	150,000	150,000
104	PA	Bradford County, Endless Mountain Transportation Authority buses	1,000,000	
105	PA	Cambria County, bus facilities and buses	575,000	575,000
106	PA	Centre Area, Transportation Authority buses	1,250,000	1,250,000
107	PA	Chambersburg, Transit Authority buses	300,000	
108	PA	Chambersburg, Transit Authority Intermodal Center	1,000,000	
109	PA	Chester County, Paoli Transportation Center	1,000,000	1,000,000
110	PA	Crawford Area, Transportation buses	500,000	
111	PA	Erie, Metropolitan Transit Authority buses	1,000,000	1,000,000
112	PA	Fayette County, Intermodal Facilities and buses	1,270,000	1,270,000
113	PA	Lackawanna County, Transit System buses	600,000	600,000
114	PA	Mercer County, buses	750,000	
115	PA	Monroe County, Transportation Authority buses	1,000,000	
116	PA	Philadelphia, Frankford Transportation Center	5,000,000	5,000,000
117	PA	Philadelphia, Intermodal 30th Street Station	1,250,000	1,250,000
118	PA	Philadelphia, Regional Transportation System for Elderly and Disabled	750,000	
119	PA	Reading, BARTA Intermodal Transportation Facility	1,750,000	1,750,000
120	PA	Red Rose, Transit Bus Terminal	1,000,000	
121	PA	Robinson, Towne Center Intermodal Facility	1,500,000	1,500,000
122	PA	Somerset County, bus facilities and buses	175,000	175,000
123	PA	Towamencin Township, Intermodal Bus Transportation Center	1,500,000	1,500,000
124	PA	Washington County, Intermodal Facilities	630,000	630,000
125	PA	Westmoreland County, Intermodal Facility	200,000	200,000
126	PA	Wilkes-Barre, Intermodal Facility	1,250,000	1,250,000
127	PA	Williamsport, Bus Facility	1,200,000	1,200,000

TABLE 7

FEDERAL TRANSIT ADMINISTRATION

TEA 21 AUTHORIZED BUS CAPITAL PROJECTS

	STATE	PROJECT	FY 1999	FY 2000
128	PR	San Juan, Puerto Rico Intermodal access	600,000	600,000
129	RI	Providence, RI buses and bus maintenance facility	2,250,000	3,294,000
130	SC	South Carolina statewide Virtual Transit Enterprise	1,220,000	1,220,000
131	SD	South Dakota statewide bus facilities and buses	1,500,000	1,500,000
132	TX	Austin, buses	1,250,000	1,250,000
133	TX	Texas statewide small urban and rural buses	4,000,000	4,500,000
134	UT	Ogden, Intermodal Center	800,000	800,000
135	UT	Utah Transit Authority, UT Intermodal Facilities	1,500,000	1,500,000
136	UT	Utah Transit Authority/Park City Transit, UT buses	6,500,000	6,500,000
137	VA	Alexandria, bus maintenance facility	1,000,000	1,000,000
138	VA	Alexandria, King Street Station access	1,100,000	
139	VA	Harrisonburg, buses	200,000	
140	VA	Lynchburg, buses	200,000	
141	VA	Richmond, GRTC bus maintenance facility	1,250,000	1,250,000
142	VA	Roanoke, buses	200,000	
143	WA	Everett, Multimodal Transportation Center	1,950,000	1,950,000
144	WA	Grant County, buses and vans	600,000	
145	WA	Mount Vernon, Multimodal Center	1,750,000	1,750,000
146	WA	Seattle, Intermodal Transportation Terminal	1,250,000	1,250,000
147	WI	Milwaukee County, buses	4,000,000	6,000,000
148	WI	Wisconsin statewide bus facilities and buses	8,000,000	12,000,000
149	WV	Huntington, Intermodal Facility	8,000,000	12,000,000
150	WV	West Virginia statewide Intermodal Facility and buses	5,000,000	5,000,000
151		Fuel cell bus and bus maintenance facility	4,850,000	4,850,000
152		Bus testing facilities program	3,000,000	3,000,000
		SUBTOTAL	**239,247,000**	**256,390,000**
1	NY	Broome County, Buses and Related Equipment	2,700,000	2,700,000
2	NY	Long Beach, Central Bus Facility	750,000	750,000
3	NY	Long Island, Vehicles and Facilities	3,050,000	3,050,000
3	NY	Rennslear, Intermodal Bus Facility	4,000,000	
4	NY	Rochester, Central Bus Facility	12,500,000	12,500,000
6	WA	Everett, Multimodal Transportation Center	1,000,000	1,000,000
		SUBTOTAL	**24,000,000**	**20,000,000**
		TOTAL	**263,247,000**	**276,390,000**

TABLE 8

FEDERAL TRANSIT ADMINISTRATION - Fiscal Years 1998-2003 Apportionment Formula for Sections 5307 and 5311 Formula Programs

Percent of Funds and Weighting Factors

Section 5311 Non-urbanized Areas (Allocated to states based on each state's nonurbanized area population)
5.50%

Section 5307 Urbanized Areas
94.50%

(UZA) Population

50,000-199,000 9.32%
(Apportioned to Governors)
- 50% - population
- 50% - population x density
  - [density = inhabitants / square mile]

>200,000 90.68%
(Apportioned to UZAs)
- 33.29% ("Fixed Guideway" Tier*)
  - 95.61% [at least 0.75% of these funds for each UZA with commuter rail & pop. > 750,000]
    - 60% - fixed guideway revenue vehicle miles
    - 40% - fixed guideway route miles
  - 4.39% ("Incentive" Portion of Tier) [at least 0.75% of these funds for each UZA with commuter rail & pop. > 750,000]
    - -- fixed guideway passenger miles x fixed guideway passenger miles / operating cost
- 66.71% ("Bus" Tier)
  - 90.8%
    - 73.39% for UZAs with pop. >1,000,000
      - 50% - bus revenue vehicle miles
      - 25% - population
      - 25% - population x density
    - 26.61% for UZAs pop. < 1,000,000
      - 50% - bus revenue vehicle miles
      - 25% - population
      - 25% - population x density
  - 9.2% ("Incentive" Portion of Tier)
    - -- bus passenger miles x bus passenger miles / operating cost

(FORMULS9/804A)

*Includes all fixed guideway modes, such as heavy rail, commuter rail, light rail, trolleybus, aerial tramway, inclined plane, cable car, automated guideway transit, ferryboats, exclusive busways, and HOV lanes.

TABLE 9

FEDERAL TRANSIT ADMINISTRATION - Fiscal Years 1998-2003
Apportionment Formula for Section 5309 Fixed Guideway Modernization Program

Tier 1 — First $497,700,000 to the following areas:

Baltimore	$ 8,372,000
Boston	38,948,000
Chicago/N.W. Indiana	78,169,000
Cleveland	9,509,500
New Orleans	1,730,588
New York	176,034,461
N. E. New Jersey	50,604,653
Philadelphia/So. New Jersey	58,924,764
Pittsburgh	13,662,463
San Francisco	33,989,571
SW Connecticut	27,755,000

Tier 2 — Next $70,000,000 as follows: Tier 2(A): 50 percent is allocated to areas identified in Tier 1 and Tier 2(B): 50 percent to other urbanized areas with fixed guideway tiers in operation at least seven years. Funds are allocated by the Urbanized Area Formula Program fixed guideway tier formula factors that were used to apportion funds for the fixed guideway modernization program in FY 1997.

Tier 3 — Next $5,700,00 as follows: Pittsburgh 61.76%; Cleveland 10.73%; New Orleans 5.79% and 21.72% is allocated to all other areas in Tier 2(B) by the same fixed guideway tier formula factors used in fiscal year 1997.

Tier 4 — Next $186,600,000 as follows: All eligible areas using the same year fixed guideway tier formula factors used in fiscal year 1997.

Tier 5 — Next $70,000,000 as follows: 65 % to the 11 areas identified in Tier 1, and 35 % to all other areas using the most current Urbanized Area Formula Program fixed guideway tier formula factors. Any segment that is less than 7 years old in the year of the apportionment will be deleted from the data base.

Tier 6 — Next $50,000,000 as follows: 60 % to the 11 areas identified in Tier 1, and 40 % to all other areas using the most current Urbanized Area Formula Program fixed guideway tier formula factors. Any segment that is less than 7 years old in the year of the apportionment will be deleted from the data base.

Tier 7 — Remaining amounts as follows: 50 % to the 11 areas identified in Tier 1, as and 50 % to all other areas using the most current Urbanized Area Formula Program fixed guideway formula factors. Any segment that is less than 7 years old in the year of the apportionment will be deleted from the data base.

TABLE 10
FEDERAL TRANSIT ADMINSTRATION - Fiscal Years 1999-2003
Apportionment Formula for the Section 5308 Clean Fuels Formula Program

Percent of Funds and Factors:

2/3 to areas ≥ 1,000,000 population

50% apportioned to each eligible applicant based on an amount equal to the ratio between:

Number of vehicles in bus fleet of eligible applicant
(weighted by severity of nonattainment area), and

Total number of vehicles in bus fleets of all eligible projects (weighted by average severity of nonattainment of all areas with eligible projects)

50% apportioned to each eligible applicant in an amount based on the ratio between :

Number of bus passenger miles of eligible applicant
(weighted by severity of nonattainment area), and

Total number of bus passenger miles of all eligible projects (weighted by severity of nonattainment of all areas with eligible projects)

1/3 to areas < 1,000,000 population

50% apportioned to each eligible applicant in an amount equal to the ratio between:

Number of vehicles in bus fleet of eligible applicant
(weighted by severity of nonattainment area), and

The number of vehicles in bus fleets of all eligible projects
(weighted by severity of nonattainment of all areas with eligible projects)

50% apportioned to each eligible applicant in an amount equal to the ratio between:

Number of bus passenger miles of designated recipient
(weighted by severity of nonattainment area), and

Total number of passenger miles of all eligible projects
(weighted by severity of nonattainment of all areas)

Weighting Severity Factors

1.0 maintenance area for ozone or carbon monoxide
1.1 marginal ozone nonattainment area or marginal carbon monoxide nonattainment area
1.2 moderate ozone nonattainment area or moderate carbon monoxide nonattainment area
1.3 serious ozone nonattainment area or serious carbon monoxide nonattainment area
1.4 severe ozone nonattainment area or severe carbon monoxide nonattainment area
1.5 extreme ozone nonattainment area or extreme carbon monoxide nonattainment area

Additional adjustment for carbon monoxide:
1.2 If nonattainment or maintenance for ozone *and* nonattainment for carbon monoxide

Additional formula limitation

Areas ≥ 1,000,000 population, grants cannot exceed $25,000,000
Areas < 1,000,000 population, grants cannot exceed $15,000,000
5% must be apportioned for purchase or construction of hybrid electric or battery-powered buses, or facilities designed to service them.

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TABLE 11

FEDERAL TRANSIT ADMINISTRATION - Unit Values of Data
Fiscal Year 1998 Revised Formula Grant Apportionments

		FY 1998 REVISED APPORTIONMENTS
Section 5307 Urbanized Area Formula Program - Bus Tier		
Urbanized Areas Over 1,000,000:		
Population		$2.43230127
Population x Density		$0.00062384
Bus Revenue Vehicle Mile		$0.34399714
Urbanized Areas Under 1,000,000:		
Population		$2.19812693
Population x Density		$0.00096805
Bus Revenue Vehicle Mile		$0.42187650
Bus Incentive (PM denotes Passenger Mile):		
Bus PM x Bus PM = Operating Cost		$0.00412001
Section 5307 Urbanized Area Formula Program - Fixed Guideway Tier		
Fixed Guideway Revenue Vehicle Mile		$0.46437788
Fixed Guideway Route Mile		$26,371
- Commuter Rail Floor	$4,975,646	
Fixed Guideway Incentive:		
Fixed Guideway PM x Fixed Guideway PM = Operating Cost		$0.00039880
- Commuter Rail Incentive Floor	$228,460	
Section 5307 Urbanized Area Formula Program - Areas Under 200,000		
Population		$3.96867133
Population x Density		$0.00198314
Section 5311 Nonurbanized Area Formula Program		
Areas Under 50,000		
Population		$1.46340428

Section 5309 Capital Program - Fixed Guideway Modernization

	Tier 2	Tier 3	Tier 4	Tier 5
Legislatively Specified Areas:			All Areas:	
Revenue Vehicle Mile	$0.03043443		$1.13683131	$0.02123520
Route Mile	$2,122.43		$7,832.52	$1,511.88
Other Areas:				
Revenue Vehicle Mile	$0.16377360	$0.00579309		$0.08319803
Route Mile	$4,772.78	$168.83		$3,123.10

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/su_docs/. Some laws may not yet be available.

S. 423/P.L. 105–182

To extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason. (June 19, 1998; 112 Stat. 516)

S. 1244/P.L. 105–183

Religious Liberty and Charitable Donation Protection Act of 1998 (June 19, 1998; 112 Stat. 517)

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